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**Unveiling the Rhetoric of Torture:  
Abu Ghraib and American National Identity**

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**Unveiling the Rhetoric of Torture:  
Abu Ghraib and American National Identity**

**by**

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**Dissertation**

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## **Dedication**

For Mom and Dad, who taught me at an early age that being compassionate is more important than being popular.

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**Unveiling the Rhetoric of Torture:  
Abu Ghraib and American National Identity**

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Amanda Jean Davis, Ph.D.

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Supervisor: Dana L. Cloud

This dissertation is guided by three central questions: Why did the Abu Ghraib photographs fail to generate widespread opposition to the Iraq War among U.S. citizens? How did U.S. political leaders, news media, and entertainment media rhetorically manage the impact of the violence at Abu Ghraib? Finally, what can the tortures at Abu Ghraib tell us about commitment to national identity and justifications for violence? I argue that the primary rhetorical, ideological work of national violence against a foreign other is to create and protect national identification that deflects potential critique of national policy and discourages alternative allegiances (e.g., those of race and class). In support of this argument, I analyze four sets of texts surrounding the scandal. First, I analyze the Abu Ghraib photographs. These photographs, revealing torture of Iraqi detainees by U.S. troops, posed a serious challenge to American national identity and the prevailing rationale for war: namely, that the U.S. would liberate Iraqis from a torturous dictator and the threat of terrorism. The remaining types of discourse, then, can be seen as rhetorical attempts at damage control, containing and softening the edges of the visual records of

violence against an enemy Other. For example, the second set of discourses I examine contains the legal memoranda outlining U.S. “coercive interrogation practices” dating back to September 2001. I compare these documents to the political speeches made by public officials during the 2004 presidential campaign. These texts, I argue, provide insight into the Abu Ghraib scandal’s political context and illustrate how the scandal was ultimately managed by the Bush administration as a matter of private authority and prerogative rather than public accountability. Third, I explore mainstream media reports concerning Abu Ghraib in order to come to a better understanding of how violence is framed for public consumption. And finally, I analyze depictions of the torture within the popular television series *24*. Because *24*’s plotline deals with issues of torture and terrorist threat, I argue that it can help us better understand both the social climate in which the Abu Ghraib scandal emerged and our current climate in which torture is still very much an issue.



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## **Introduction: Tortured Identity: Nationalism, Violence, and the Rhetorical Discourses of Abu Ghraib**

A great people has been moved to defend a great nation. Terrorist attacks can shake the foundations of our biggest buildings, but they cannot touch the foundation of America. These acts shattered steel, but they cannot dent the steel of American resolve. (Bush, "Statement by the President" par. 3)

The ultimate reason I joined [the U.S. Army] was to be a part of the effort to make the country a safer place. I wanted to help protect our country so that this people that wanted to come in and attack us wouldn't have that opportunity again. (Specialist Megan Ambuhl)<sup>1</sup>

In 2004, Americans learned that our soldiers don't always come with starched uniforms, shining medals, indubitable intentions, and stories of bravery, but that sometimes they come with zip-ties, dark hoods, leashes, cruel disregard for humanity, and toothy smiles for the camera. Accounts and photographs documenting the torture of Iraqi detainees by U.S. military personnel went public on April 28, 2004. These revelations carried with them the possibility for renewed public controversy over the war in Iraq, but this potential remained latent. The war continued apace, and the Bush administration continued to include various kinds of prisoner abuse in its policy outlining acceptable interrogation tactics. The American people went back to their daily lives.

In this dissertation, I explore why and how so little public questioning occurred after the initial shock of the Abu Ghraib torture photographs. Why was there no large-scale public outcry against torture? How did the Bush administration explain Abu Ghraib in such a way that the incidents never became a major issue during his run for reelection? Where were the media? With hundreds of incriminating photographs being continually leaked to the press, did mainstream media outlets fail to question U.S. motives and

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<sup>1</sup> Specialist Megan Ambuhl was a member of the 372<sup>nd</sup> Military Police Company and was involved in the maltreatment of detainees at Abu Ghraib prison.



methods in Iraq? The answers to these questions, I believe, lie in the rhetorical discourses—in visual images, political rhetoric, news media, and popular culture—that framed public perception of these events in ways that made torture seem reasonable, if not forgivable. This rhetoric naturalizing torture and justifying violence against a terrorist enemy other rests on common-sense assumptions about race, national identity, and violence. As Benedict Anderson, Kenneth Burke, Robert Ivie, and others have all pointed out, collective self-definition occurs against Others, which often results in the objectification and dehumanization of these Others and warrants violence against them. In this way, I argue, violence becomes constitutive of national identity. Of course, U.S. citizens define themselves in terms of democratic values, not torture. However, the process of dehumanizing and objectifying one's enemies makes violence toward them constitutive of a "democratic" subjectivity in contrast to the barbarism of Others. In this way, torture may be reconciled with the identity of democratic citizen.

My research in this dissertation is guided by three central questions: Why did the Abu Ghraib photographs fail to generate widespread opposition to the Iraq War among U.S. citizens? How did U.S. political leaders, members of the mainstream press, and the American public at large manage the violence at Abu Ghraib rhetorically? And, what can popular and political responses to news of the tortures at Abu Ghraib tell us about commitment to national identity and justifications for violence? I argue that the primary rhetorical, ideological work of national violence against a foreign other is to create and protect national identification that deflects critique and discourages alternative allegiance (e.g., those of race and class). In order to get a more complete understanding of how Abu Ghraib came to be known to the American public and how our understandings of Abu Ghraib were ultimately shaped by our understandings of national identity and violence, in the following chapters I analyze four sets of texts surrounding the Abu Ghraib scandal.

First, I analyze the photographs of the incidents at Abu Ghraib because these photographs introduced the problem of torture to the American public in 2004. This set of texts differs from all others analyzed in this project because the Abu Ghraib photographs posed the initial challenge to American national identity and the prevailing rationale for war: that the U.S. would liberate Iraqis from a torturous dictator and the threat of terrorism. The remaining types of discourse, then, can be seen as rhetorical attempts at damage control, containing and softening the edges of the visual records of violence against an enemy Other. For example, the second set of discourses I examine contains the legal memoranda outlining U.S. “coercive interrogation practices” dating back to September 2001. I compare these documents to the public political speeches made by public officials during the 2004 presidential campaign. These texts, I argue, provide insight into the Abu Ghraib scandal’s political context and show how the scandal was ultimately managed by the Bush administration as a matter of private authority and prerogative rather than public accountability. Third, I explore reports concerning Abu Ghraib in the mainstream press in order to come to a better understanding of how violence is framed for public consumption. And finally, I analyze depictions of the torture in popular culture, focusing specifically on the television series *24*. Because *24*’s plotline deals with issues of torture and terrorist threat, I argue that it can help us better understand both the social climate in which the Abu Ghraib incidents emerged and our current climate in which torture is still very much an issue. Taken together, the rhetorical texts that worked to contain the Abu Ghraib photographs managed to initially distance the American people from the horrors of Abu Ghraib and ultimately justify torturous acts in such a way as to make their practice seem forgivable, if not acceptable. Although the process was not seamless or uncontested, the rhetorical work on multiple levels of society neutralized the threat of the torture revelations to American national identity and public support of the Iraq war.

Ironically, democratic national belonging, in times of war, depends on covert practices that are anything but democratic. Violence structures a version of national identity in which democracy and torture can co-exist.

### **STRUCTURING NATIONAL BELONGING**

The consensus among scholars of the nation is that the nation-state, and its attendant ideology (nationalism), is a modern invention used to delineate territory and separate people (Anderson; Barker 64; Edensor; Gellner). Nations are complicated by the ways in which understood national conceptions are used to maintain and control political and social power and by the ways in which national citizens identify with these national conceptions. I understand nationalism, as Chris Barker does, both in terms of its cultural power to unite through common practice *and* in terms of its political function of state legitimacy maintenance and control. Nations are cultural in that citizens of the nation live national belonging through practices of everyday national life (Edensor; Billig). Because I recognize a nation's cultural component, my analysis considers the ways in which national identity often serves as an organic source of pride and belonging for citizens who adhere to it. Nations are political in that ruling classes often maintain legitimacy and loyalty from national citizens in national terms. In recognizing a nation as a political entity, I recognize that political, or official, nationalism often contains conservative, reactionary policies that conceal the political motivations of a nation's governing institutions (Anderson 110; Hobsbawm; Geertz; Gellner; Giddens; Nairn). Most importantly, however, I argue that the work that national citizens and political leaders must do in order to create and maintain national identity is largely rhetorical (see also Stuckey). Through rhetorical appeals to national identity, nations maintain themselves with language, making studies of national identity critically important for rhetorical scholars.

## **RHETORIC, IDEOLOGY, AND NATIONAL STRUCTURE**

Rhetorical theory can help scholars understand how national identity works. When one discusses the concept of national identity and the processes through which common understandings of that identity are maintained and reinforced, one must ultimately consider the power and influence of ideology. My understanding of ideology is greatly influenced by the work of ideology critic John Thompson. For Thompson, ideology is “meaning in the service of power” and, thus, requires the critic to investigate the ways in which meanings are constructed by symbolic forms and evaluate the social contexts within which these forms are used (7). Ideology is a symbolic tool by which relations of power and domination are legitimized, rationalized, and reinforced (Thompson 7; Eagleton). A focus on power and domination is particularly important for this project because of my concern with the relationship between the legitimization of power and the legitimization of violence.

Inevitably, members of any society make sense of their world ideologically, yet their reactions to circumstance are not all prescribed in advance. Antonio Gramsci’s contribution to theories of rhetoric and ideology is the idea that people and cultural groups struggle over the interpretive frames of everyday life in the process he identifies as hegemony. Often, this process encourages some members of society to consent to the existing social relations and frames of interpretation. Certain ideological constructs that determine the potential ways in which members of society come to understand societal relationships are created and perpetuated by the dominant class within that society. However, these constructs are neither fixed nor stable. Those whose interests are not being served by ideological constructs continually challenge power systems. Despite the prominence of ideological challenges, however, the social system remains essentially stable in the extent to which dominant ideology embraces contesting ideas and co-opts

them, making them a part of the very constructs they contest. Hegemony, then, is the dynamic process whereby dominant ideologies and the challenges to them are continually negotiated.

Like theorists of the nation, rhetorical scholars have often been concerned with the ways in which ideological messages circulate in institutions, including the mass media (see Hall; Kumar; Shah and Thorton). However, very few have taken up the inquiry into the rhetorico-ideological workings of nationalism (for exceptions, see McGee “The People”; Charland). In the present work, I explore how dominant ideological constructions of the nation and national identity allow members of a national community to embody certain national ideals, while simultaneously distancing themselves from others. National identification is the product of cultural work that legitimates the activities of the state. In this light, photographic evidence of the events at Abu Ghraib had the potential to challenge dominant ideological assumptions about American character and America’s role in the War on Terror. Subsequent political and mass mediated discourses, however, naturalized torture, partially through definitions of the enemy as a sinister and irrational threat. This characterization inevitably has racial dimensions.

### **RACE, IDENTITY, AND NATIONAL BELONGING**

Racial diversity and the racial divide that occurs both among and within national constructions is a complicated and problematic topic for traditional scholars of the nation. One common assumption among nationalism scholars in regard to race is that, in order for members of a national community to have a sense of national belonging, members define themselves, to some degree, by what they are not, members of different “other” national communities (Hobsbawm; Anderson; Edensor). However, scholars of the nation and nationalism also recognize that dominant assumptions that determine what makes

“us” different from “them” are not equally accessible to or representative of all members of a racially diverse nation. Anthony Marx argues that while national sentiments often promote feelings of inclusion, nations, in reality, have “codified or encouraged nationalism selectively, demarcating by specified categories who is included and who is excluded” (103). This idea that nations exclude members of their own national communities is a common site of inquiry for scholars primarily concerned with how racial categories intersect with national ones. As Paul Spickard explains, one of the most prolific myths about the modern nation-state promotes the ideal that “each political state naturally and ideally controls one people, race, or ethnic group, that ethnicity and national identity naturally reinforce one another” (8-9). National governments, then, often have the difficult task of attempting to forge political unity out of several disparate peoples.

Contemporary critical race scholars have argued that race, like nation, is a cultural construct (Marx; Spickard 11-13; Barker 61-62; Gilroy; hooks; Sollors).<sup>2</sup> For scholars concerned with the relationship between race and nation, racial divisions mark social divisions within nations as well as among them (Spickard; Barker). Times of social crisis, like the September 11 attacks in the United States, can spur significant rhetorical shifts in nation-shaping and racial formation. As Sheila Croucher explains, in the wake of September 11 public invocations of the strength and superiority of the American nation provided a rallying cry for the Bush administration’s war against a terrorist enemy other, while nationalist rhetoric simultaneously attempted to minimize awareness of racial problems within U.S. national borders. Thus, attempts of national governing institutions to portray national citizens as a cohesive group often employ ideological assumptions that

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<sup>2</sup> A central debate in literature concerned with racial construction revolves around whether the term race is appropriate. If one accepts national identity as being created, in part, through participation in national practices, the term ethnicity would seem one fitting to discuss the ways in which people of a nation come to identify themselves with national communities. However, the term ethnicity is problematic in that within discussions of ethnicity, questions of power and racism often go unaddressed (Barker). Therefore, for the purposes of this project I employ the term race (for similar usage see hooks; Gilroy; and Barker 63).

minimize the social and economic problems faced by different racial groups within nation-states. Importantly, and ironically, ideological assumptions that minimize the differences among “us” as we are pitted against “them” are often the same assumptions that solidify and justify “our” violence over “theirs.”

I assume that race and racism are central to American justifications for violence. In particular, I examine whether (and to what extent) the categorization of violent actors, terrorist and state, is influenced by the complicated ways in which American national citizens work rhetorically to negotiate dominant understandings of national identity that simultaneously distance American citizens from other national citizens and promote the American nation as a cohesive, unified space.

#### **SOME POLITICAL AND ECONOMIC MOTIVATIONS BEHIND NATIONAL SENTIMENT**

I am concerned with the ways in which appeals to national identity work rhetorically. I assume that dominant rhetorical assumptions are inextricably tied to power. And, in recognizing that dominant rhetorical assumptions are tied to power, I recognize the nation and the state (a nation’s governing body made up of those who can legitimately command the use of force) as politically and economically motivated. The nationalism literature is saturated with inquiry into the political nature of nation states (Anderson; Edensor; Gellner; Hobsbawm). Within this literature, two dominant themes emerge in regard to the political (and economic) motivations of national constructs. When the nation is considered a political entity, nationalism has two important functions: to convince national citizens that they have economic power through individual consumption (see Edensor; Foster) and to convince national citizens to support the nation in times of national (and international) crisis (see Anderson; Hobsbawm; Cherwitz and Zagacki; Dow). For my purposes, the latter concern is of particular importance. In the aftermath of September 11, America’s role as a global economic and political superpower

was called into question. Since then, the Bush administration has worked tirelessly to convince American citizens that their nation is under threat. It is this perceived threat that warrants the use of violence on the part of a “democratic” nation and its military forces.

#### **NATIONAL IDENTITY, VIOLENCE, AND ABU GHRAIB**

News of the torture at Abu Ghraib occurred in political, economic, and mass mediated contexts. In April 2004, the United States had been in Iraq just over one year. President George W. Bush, whose Presidency had been defined by his strong response to the attacks on September 11 and his promises to protect the American people from the dangers of terrorist threat, was up for reelection. Although the President was actively on the campaign trail in April of 2004, he did not publicly address the scandal until two days after the photographs were released to the public. He insisted that the actions featured in the photographs did not represent American troops or American people; he assured the American public that the incidents would be investigated, and that the U.S. military personnel involved would be brought to justice (see Bush, “Welcome” par. 20). That same day, the U.S. military charged six low-ranking soldiers with violence against Iraqi prisoners at Abu Ghraib. A seventh soldier, Private Lynndie England, was charged days later.

Just a few short weeks after the Abu Ghraib photographs first hit the press, investigative reporters uncovered legal memoranda authored by President Bush, top members of the Bush legal team, and members of the Bush cabinet that authorized and recommended the use of “coercive interrogation” on enemy combatants and terrorists suspects, methods that had striking similarity to the tactics of pain and humiliation featured in the Abu Ghraib photographs. Despite this direct connection between the Bush administration and Iraqi prisoner abuse, Abu Ghraib never became a major issue challenging Bush’s campaign or the legitimacy of the war in Iraq. In November 2004,



President Bush was reelected and, to date, the original seven soldiers charged in the Abu Ghraib incidents remain the only persons held to any account for the violent actions that took place in the prison. It is against this social and political backdrop that I examine the rhetorical discourses that ultimately framed public perception of the torture at Abu Ghraib.

### **Images of Torture**

The Abu Ghraib photographs are at the heart of the Abu Ghraib prison scandal. Therefore, in my first case-study chapter, I examine the importance of the photographic images of Abu Ghraib. In particular, I examine the ways in which the Abu Ghraib photographs can be considered rhetorical interventions into public discourses about American national identity, terrorist threat and the state-sanctioned violence of war. Drawing on the visual rhetoric literature and on Michael Calvin McGee's work on ideographs, I provide an analysis of the Abu Ghraib photographs alongside an analysis of the ways in which these photographs have been re-appropriated in forms of resistance.

### **Politics, Torture and the Interpretation of Law**

The second case-study chapter examines the political discourse surrounding Abu Ghraib. In particular, I compare the so-called torture memos (which began circulating among top Bush officials as early as 2001) to public political statements about Abu Ghraib made during the 2004 Presidential campaign and consider the ways in which these two types of political discourse define torture in terms of American national identity.

### **Torture News: The Framing of Violence at Abu Ghraib**

Because I am interested in how the American public learned about and was encouraged to understand the violent actions at Abu Ghraib, the mainstream mass media

are important sites for textual analysis. In the third case-study chapter of this project, I examine mainstream media coverage of the incidents at Abu Ghraib beginning April 28, 2004 (the day that CBS first broke the story of Abu Ghraib) through December 2, 2004 (one month after President Bush was reelected). Texts for analysis include national newspapers, national newsmagazines, and nationally broadcast television networks. Using Todd Gitlin's conception of media framing, I examine what I have identified as the three most prominent themes in the media coverage of Abu Ghraib: the nature of violence, the victims of violence, and the perpetrators of violence.

### **Popular Torture: 24**

In my final case study, I examine how the popular culture circulates images, explanations, and justifications for U.S. torture techniques. In particular, I analyze three of the six complete seasons of *24*. The seasons I have chosen for analysis are Season 2 (the first full season produced after the September 11 attacks), Season 4 (the first full season produced after the Abu Ghraib prison scandal), and Season 6 (the most recently produced full season). Guided by literature concerned with the role of dominant ideology in popular culture, I explore how dominant messages about violence within the reality of *24* explain and justify torture as a reasonable means of protecting the American public without asking viewers to question their roles as democratic citizens.

## Chapter 1: Snapshots of Torture: The Abu Ghraib Photographs as Icons of Imperial Dominance and Symbols of Invisible Violence Against Women

If there wasn't [sic] no photographs, there would be no Abu Ghraib. There'd of [sic] been no investigation. It'd have been, 'Oh, okay. Whatever. Everybody go home.' (Sergeant Javal Davis)<sup>3</sup>

That we are not totally transformed, that we can turn away, turn the page, switch the channel, does not impugn the ethical value of an assault by images. It is not a defect that we are not seared, that we do not suffer *enough*, when we see these images. Neither is the photograph supposed to repair our ignorance about the history and causes of the suffering it picks out and frames. Such images cannot be more than an invitation to pay attention, to reflect, to learn, to examine the rationalizations for mass suffering offered by established powers. (Susan Sontag 116-117)

On April 28, 2004, photographs depicting the torture of Iraqi prisoners by U.S. military personnel at Abu Ghraib aired in a story documenting the scandal on CBS's *60 Minutes II*. In a postscript, host Dan Rather explained that the network had chosen to sit on the story for several weeks, honoring an appeal from the U.S. Defense Department to delay broadcast due to tension in Iraq ("Court Martial" 8). CBS, credited with scooping the story, came forward with the broadcast only when other journalists began to gain access to the photographs ("Court Martial" 8). Soon after CBS aired its story, the Abu Ghraib photographs flooded Internet sites, littered the front pages of newspapers, and dominated television broadcasts around the globe. Visual documentation of the Abu Ghraib tortures had become readily available for people around the world to see.

The public visibility of the Abu Ghraib scandal and the visual nature of violence captured on film explain the impact, noted in the epigraph by Sergeant Javal Davis, of the Abu Ghraib photographs. Although CBS broke the story of Abu Ghraib when the

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<sup>3</sup> Sergeant Javal Davis was a member of the 372<sup>nd</sup> Military Police Company. He was involved in, and eventually charged with, the maltreatment of detainees at Abu Ghraib prison.

network decided to air the photographs in April of 2004, the violent actions caught on camera had begun much earlier. In May 2003, Amnesty International held a press conference in London, claiming that U.S. and British troops were mistreating Iraqi detainees (Lacey). Similarly, the International Committee of the Red Cross, an organization whose access to military prisons depends on discretion, sent several reports to the Bush administration in the summer of 2003 urging an investigation into the treatment of Iraqi prisoners (Barrett). However, it was not until January 2004, when Specialist Joseph Darby presented military investigators with a disc containing the torture photographs, that the U.S. military began its internal investigation of the situation. An assigned military investigator, Major General Antonio Taguba, completed his report on events at the Abu Ghraib prison in February 2004, but the U.S. military began making criminal charges only after the pictures were exposed to the general public two months later. Two days after CBS's April broadcast, the military charged six U.S. soldiers for their involvement in torture. When one considers this timeline surrounding the public release of the Abu Ghraib photographs, one cannot help but contemplate Sergeant Davis's statement quoted above as it relates to the American public: Without the photographs, would there have been any public attention paid to Abu Ghraib?

Indeed, since the photographs first broke into American national consciousness, they have become a form of visual shorthand representing a complicated array of moral and legal battles since waged in the name of national security. Soon after the initial Abu Ghraib photographs began to circulate, U.S. government officials viewed photographs and video clips that were never officially released to mainstream media (Gilmore par. 8). The Department of Defense justified its decision to prevent the release of these additional photographs by claiming that publication would endanger U.S. troops overseas (Gilmore par. 2). Mainstream media outlets in the United States have also faced legal pressure to

suppress availability of the Abu Ghraib photographs.<sup>4</sup> Despite attempts by U.S. officials to constrain the circulation of the Abu Ghraib photographs, however, it would be fair to estimate that many of these images were widely circulated across multiple publics and demographics; the range of that circulation is impossible to estimate. In addition, re-appropriation of the Abu Ghraib photographs has also become a common strategy for antiwar protestors in the U.S. and abroad (Hesford 31). For example, the International Center for Photography in New York ran a large exhibit, entitled *Inconvenient Evidence: Iraqi Prison Photographs from Abu Ghraib*, which featured prints of the Abu Ghraib photographs and images of citizens in the Middle East reacting to them (Hesford 31). Political cartoonists such as Mike Luckovich have also published cartoons that criticize American policy in Iraq, many of which feature recreated images of Abu Ghraib. However, although the Abu Ghraib torture photographs seem to have saturated American national culture in many ways, to some observers, it seems strange that so much visual evidence generated so little fire by way of public response.

In this chapter I examine the ways in which the Abu Ghraib photographs can be considered rhetorical interventions into public discourses about terrorist threat and the state-sanctioned violence of war. In particular, I explore the complex constitutive rhetorical functions of these images by considering the extent to which they can help win or undermine public alignment with national identity and adherence to the politics of war. Thus, in this chapter, I am asking, “Do these photographs shape public perceptions of U.S. interrogation practices and/or enable opposition to the war in Iraq? If so, how? And, what roles do visual images play in shaping public perceptions of the relationship between national identity and violence?” There are a number of elements of the rhetorical

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<sup>4</sup> I personally contacted CBS in an attempt to purchase a tape of its April 28, 2004 broadcast of *60 Minutes II*. A representative for CBS informed me that due to pending legal matters, CBS could no longer distribute copies of the broadcast. However, CBS did willingly send me transcripts of the broadcast. The legal matters, it seems, extend only to the images.

situation that we must know before we can answer these questions. How and why were the photographs taken? Who comprised the intended audiences for various sources? Were some photographs featured more than others in the mainstream press, in resistance movements? How do these photographs work rhetorically for their original audiences, in mainstream media coverage, and in protest? Answers to these questions are complicated by the fact that many of these photographs were circulated and re-circulated among several audiences for multiple purposes, and it is unlikely that we can determine any single meaning for them.

Starting with an examination of the photographs aired on CBS's *60 Minutes II*, I argue that the Abu Ghraib photographs can be divided into two categories, iconic and veiled, and that these two categories can each be divided into two subcategories, agent absent and agent present. The first category, iconic, contains those photographs that were widely circulated and that became widely recognizable around the globe. The second category, veiled, contains photographs that did not appear in the mainstream press (although, as subsequent chapters will show, they were often mentioned). Because I am concerned with the ways in which these photographs not only depict violent actions, but also represent perpetrators and victims of violence, I have divided both categories according to whether or not a perpetrator of violence, or agent, is present in the photograph. I provide an analysis of these photographs, both iconic and veiled, alongside an analysis of the ways in which these photographs have been re-appropriated in forms of resistance. The fact that some of the Abu Ghraib photographs were widely circulated in the mainstream press and used as a form of resistance while others were kept from public view by the U.S. government and, therefore, remain essentially unseen is of vital importance. The practices of torture depend for their legitimacy on secrecy, and the fact

that some photographs came into public attention while others were veiled means that some forms of violence, particularly violence against women, remain unproblematicized.

### **PHOTOGRAPHS AS IDEOGRAPHS**

Because I am interested in the rhetorical and ideological functions of the Abu Ghraib photographs, I treat them as visual ideographs. Michael Calvin McGee defines an “ideograph” as a culture-bound, high-order abstraction that represents a “collective commitment to a particular but equivocal and ill-defined normative goal” (“The Ideograph” 463). For McGee, an ideograph is comprised of ordinary language, warrants the use of power, and guides behaviors and beliefs (“The Ideograph” 462-463). Although McGee limited his understanding of ideographs to language, his theory has since been expanded to include images. Janis Edwards and Carol Winkler argue that, just like ideographic language, “the image has become a discourse fragment that multiple publics appropriate for diverse purposes” (495). In their examination of Iwo Jima images in political cartoons, Edwards and Winkler make the case for visual ideographs, arguing that parodies of the Iwo Jima image work because the image “represents an essence of cultural beliefs and ideals at a high level of abstraction” (488).<sup>5</sup> Dana Cloud argues that “photographs and other images can enact ideographs visually and index, or point to, the verbal slogans capturing society’s great abstractions” (“To Veil” 288). According to Cloud, photographs not only visually enact the ideographic abstractions that permeate a society, but they also “render the abstraction of the ideograph concrete” (“To Veil” 289). Cloud’s analysis shows how dominant portrayals of the enemy during war “participate in justifications for the war that belie the actual motives for the war” (“To Veil” 287). Dominant depictions of the Afghan people, such as those appearing in *Time*, Cloud

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<sup>5</sup> Rosenthal’s photograph, taken in Iwo Jima in 1945, depicts five Marines and a Navy corpsman raising a large American flag. The picture inspired the design for the U.S. Marine Corps War Memorial.

argues, operate ideographically by “summing up and exhorting conformity to a sense of American-ness established through the negation of the self-governing humanity of the Other,” ultimately warranting “the use of force in Afghanistan on allegedly humanitarian grounds” (“To Veil” 287). The visual ideograph, then, is an image that captures and visually represents a public’s collective understanding of the world. In addition, evaluating visual images in terms of visual ideographs can help critics understand the role of images in creating, perpetuating, and even resisting dominant ideographic abstractions within American national culture.

### **Iconic photography**

In order to function as a visual ideograph, an image does not need to be widely circulated or highly recognizable (though many visual ideographs often are). The photographs at Abu Ghraib, particularly those that became widely circulated, came to exemplify the scandal and came to be the way through which multiple viewing publics understood it. Therefore, this chapter will draw from the visual rhetoric literature and utilize specifically the work of Robert Hariman and John L. Lucaites concerned with the function of what they have termed *iconic photographs*. Lucaites and Hariman argue that iconic photographs are

photographic images produced in print, electronic, or digital media that are (1) recognized by everyone within a public culture, (2) understood to be representations of historically significant events, (3) objects of strong emotional identification or response, and (4) regularly reproduced or copied across a range of media, genres, and topics. (Lucaites and Hariman, “Visual Rhetoric” 37)

Hariman and Lucaites are interested in the role that iconic photographs play in American public and political life, arguing that these types of photographs not only reflect the dominant ideologies and understandings surrounding specific events, but that they also influence political behavior and identity (Lucaites and Hariman “Visual Rhetoric” 37-



38). For Hariman and Lucaites, whose work has focused on images from the Vietnam War and World War II, photographic images become iconic when they provide resolutions to the tensions of citizenship and belonging in modern democratic culture (Hariman and Lucaites “Performing Civic Identity” 368). Because iconic images are widely disseminated, they have the potential to provide the public with shared experience. This feeling of shared experience, in turn, allows members of the public to see themselves as part of a unified collective (Hariman and Lucaites, “Performing Civic Identity” 365). Additionally, some visual texts help members of the public connect to and manage the meaning of complicated events; these are likely to become iconic:

One reason images become iconic is that they coordinate a number of different patterns of identification within the social life of the audience, each of which would suffice to direct audience response, but which together provide a public audience with sufficient means to comprehend potentially unmanageable events. (Hariman and Lucaites, “Performing Civic Identity” 367)

Like the visual ideograph, the iconic image captures and solidifies a public’s dominant understanding of world events. Like the visual ideograph, the iconic image has the potential to shape political identity and motivate political action and gains this potential through the creation of a shared identity in its audiences. Unlike the visual ideograph, the iconic image is a necessarily widespread and highly recognizable image, creating this shared sense of identity and potentially sparking response within larger publics. Because many of the Abu Ghraib photographs graced the front pages of newspapers around the globe, they can rightly be considered iconic. However, unlike the photographs produced for mass distribution by members of the press, the photographs at Abu Ghraib were not originally intended for public audiences, and indeed many never significantly surfaced in the mainstream press. Understanding photographs both in terms of iconic images as well as visual ideographs is important because some images did *not* obtain iconic status. Silences around some of the images may point to deep-seated challenges these

photographs could potentially pose to dominant understandings of the Abu Ghraib scandal.

### **Theorizing the Photographs at Abu Ghraib**

Scholars have already begun to examine the rhetorical function of the Abu Ghraib photographs and, in doing so, have recognized the ability of these photos to create collective identity and induce collective acts of conformity and resistance (Tester). For example, Haim Bresheeth argues that the Abu Ghraib photographs function much like those produced by photojournalists for media outlets in that they have a way of shaping public understanding of difficult, complicated events (62). In fact, Bresheeth argues that the Abu Ghraib torture was disturbing for public audiences, in part, because photographs documenting that torture exist. He explains, “The new ingredient was not the torture itself but that pictures existed of the procedures – hundreds and maybe thousands of them” (65). The horror of the violence at Abu Ghraib for public audiences, then, begins with performance of violent actions and ends with the circulation, or sharing, of that violence:

This wide incidence of *recording* Iraqi prisoners being humiliated and tortured by the use of dogs, electricity, nudity and pornography has been an ingredient missing from all other cases discussed before. New digital technology enabled the US personnel involved in torture to send images to friends and family, seemingly unaware that there might be something wrong with this. (Bresheeth 65)

This initial circulation of the Abu Ghraib photographs among members of their intended audience is a set of actions that Dora Apel compares to the circulation of lynching postcards by white racists in the American South in the 1950s and 1960s. Apel argues that the documentation of the Abu Ghraib tortures by U.S. military personnel, much like the documentation of lynching by lynch mobs, occurred because the perpetrators of violence understood the recorded acts of violence to be sanctioned by the larger American national community. She argues that this belief, in both cases, shows “that the

exercise of such sadism and humiliation is a fundamentally political act. The viewer is meant to identify with the proud torturers in the context of the defense of a political and cultural hierarchy” (Apel 89). So while the sense of collective identity invoked by lynching postcards in the American South helped sanction violence against Black Americans by reinforcing a culture that protected violent white perpetrators from prosecution, similar assumptions about national identity and violence during America’s current War on Terror help the American people justify the actions at Abu Ghraib. Apel explains,

After 9/11, ‘democracy’ became code for America, and defending democracy meant arresting and imprisoning thousands of Middle Easterners in the United States, Guantanamo Bay, and Afghanistan, as well as in Iraq, where the sense of community sanction was fundamental to the torture and atrocities. The community in question was most immediately the military and more broadly the white, conservative, Christian culture represented by the regime of George W. Bush, the commander-in-chief, and reinforced by his cabinet and their chains of command. (90)

Similarly, Nicholas Mirzoeff argues that the initial dissemination of the photographs among their intended audience (members of the U.S. military and their families) exemplifies a power dynamic that determines who has the authorization to see the violence of war and determines how that violence is portrayed (24). Basing his argument largely on the work of Foucault, who argues that torture is no longer public spectacle in an age of penal justice (see Foucault), Mirzoeff argues,

For all the mass proliferation of images, the visibility of war remains profoundly undemocratic. The embedded journalists showed what was permitted to be shown, so that, for example, of the twenty thousand air raids on Iraq, journalists witnessed about one hundred. Here we can begin to see why Abu Ghraib has remained invisible. For even though the photographs that were made public were shocking enough, it is known that there are others, including video, that involved rape and even death and that were shown only to members of Congress. (23)

As Mirzoeff rightly points out, the Abu Ghraib photographs and their eventual exposure to a public audience are complicated by politics and power that determine the ways in

which violence is exposed and eventually understood by a mass audience. Like Apel, Mirzoeff recognizes state silence surrounding Abu Ghraib as community acceptance of the violence represented in the photographs. He argues,

The public interpellation of the racialized subject by the trophies of lynching has been replaced by the invisible visibility of a police culture that claims that there is nothing to see while circulating its pixilated documents of imperial hierarchy around the Internet. (30)

Issues of power, identity, and violence complicate the Abu Ghraib photographs. Although I agree with scholars like Mirzoeff that issues of power are important when considering who has the authorization to see violence, the following analysis is also driven by an understanding that power is equally involved in who has the privilege of turning away from such violence. These processes, the seeing and the turning away, point to the rhetorical functions of images of torture.

### **RHETORICAL FUNCTIONS OF THE ABU GHRAIB PHOTOGRAPHS**

In the following analysis, I describe the rhetorical work of the photographs for those who took them, for the media, for the public at large, for those who chose to use the images in protest, and for those who tried their hardest to make the photographs go away. An article entitled “The Gray Zone” by Seymour Hersh<sup>6</sup> reports that knowledge and sanctions for the actions at Abu Ghraib led up the chain of command to the Pentagon. While this knowledge of and motivation behind the Abu Ghraib tortures will be discussed in more detail in chapter 2, understanding reported motivations for the actions and the photographs at Abu Ghraib provides a starting point for analyzing the photographs themselves. According to Hersh’s military informants, a secret operation, “Copper Green,” was utilized by U.S. military personnel in charge of the prisoners at Abu Ghraib

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<sup>6</sup> Seymour Hersh is credited with providing one of the first in-depth reports of the incidents at Abu Ghraib in print media. It was Hersh’s first article about Abu Ghraib “Torture at Abu Ghraib,” published May 10, 2004 that prompted CBS to air its story on Abu Ghraib on April 28.

as means of obtaining information. Copper Green “encouraged physical coercion and sexual humiliation of Iraqi prisoners in an effort to generate more intelligence about the growing insurgency in Iraq” (par. 2).

As part of these attempts at obtaining information, Hersh reports that military officials relied heavily on a book entitled *The Arab Mind*, a study first published in 1973 by Raphael Patai. According to Hersh, “The book includes a twenty-five-page chapter on “Arabs” and sex, depicting sex as taboo vested with shame and repression” (par. 33). Basing their interrogation technique on what they thought to be Muslim sexual taboos, the perpetrators of violence at Abu Ghraib used the photographs as a form of blackmail, threatening to shame the victims if they did not provide U.S. military intelligence agents with information about the growing insurgency in Iraq. As Hersh explains, “It was thought that some prisoners would do anything – including spying on their associates – to avoid dissemination of the shameful photos to family and friends” (par. 34). While this motivation may have been an original intention, there seems to be much more to the photographs themselves. For example, the sexual taboos used to “soften up” Abu Ghraib prisoners are those that would be specifically humiliating for Muslim males. In *The Arab Mind* Raphael Patai writes,

[T]he performance of the active homosexual act is considered as an assertion of one’s aggressive masculine superiority, while the acceptance of the role of the passive homosexual is considered extremely degrading and shameful because it casts the man or youth into a submissive, feminine role. . . . The same evaluation of the sexual act as the assertion of male dominance comes through in the Arab view that masturbation is far more shameful than visiting prostitutes. With a prostitute a man performs a masculine act. Whoever masturbates, however, evinces his inability to perform the active sex act, and thus exposes himself to contempt. (134-135)

Although prisoners in the Abu Ghraib photographs were made to perform simulated homosexual acts and made to masturbate in front of female prison guards and other male prisoners, Patai’s claims do not account for why prisoners were often hooded (making it

harder to identify them if blackmail was a motivation) or why the photographs were circulated among military personnel and their families. Patai's assertions regarding Arab sexual taboos also do not account for why the iconic Abu Ghraib photographs (the photographs that were circulated in the mainstream press) feature male victims. For, as Patai explains, "the greatest dishonor that can befall a man results from the sexual misconduct of his daughter or sister" (119). So, while the following analysis will take these reported motivations for the photographs into account, it will also consider their additional and alternative rhetorical functions in the public imagination.

I explore the photographic images that depict the violent actions, perpetrators, and victims at Abu Ghraib prison. I have divided the photographs into two categories, iconic and veiled. The first category, iconic, contains those photographs that were widely circulated and the second category, veiled, contains photographs that did not appear in the mainstream press. Because I am concerned with how these photographs not only depict violent actions, but also perpetrators and victims of violence, I have divided both categories according to whether or not a perpetrator of violence, or agent, is present in the photograph (see Table 1.1).

Table 1.1: Categorical Division of the Abu Ghraib Photographs

	Widely-Circulated	Not Circulated
Agent in Photograph	Iconic: Agent Present	Veiled: Agent Present
No Agent in Photograph	Iconic: Agent Absent	Veiled: Agent Absent

My analysis is divided into three parts. First, I examine the photographs that I am labeling iconic. Second, I explore how activists have re-appropriated these iconic photographs in different forms of protest. In this section I analyze four re-appropriated Abu Ghraib texts (two originating in the United States and two originating in the Middle East) and explore the ways in which these photographs have been used to criticize the

dominant narratives present in the original iconic images. Finally, I examine the Abu Ghraib photographs I am labeling veiled.

### **Iconic Photographs: Agent Absent**

In this section of analysis, I examine the photographs that I have labeled iconic. These photographs were aired and published continually in mainstream media outlets. I am interested in how violence is portrayed in the photographs, and I am particularly interested in how violent actions are linked back to identification with either the perpetrators or the victims of violence. I argue that the presence (or absence) of an American violent perpetrator changes the dynamics between the photographs and their American viewing audiences. Therefore, I have divided this first section into two subsections: agent absent and agent present.

The following photograph originally aired on CBS's *60 Minutes II*. It was the first Abu Ghraib photograph released in the press (see figure 1). When it aired Dan Rather proclaimed, "Americans did this to an Iraqi prisoner" ("Court Martial" 2).

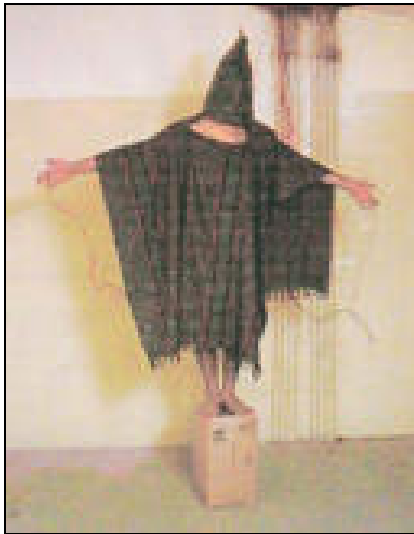


Fig. 1. Man in hood on box, in “Court Martial in Iraq.” *60 Minutes II*. CBS. 28 April 2004. Photograph available online at <http://www.guardian.co.uk/gall/0,8542,1211872,00.html>.

In this photograph a man is standing on a box. His head is covered and there are wires attached to his fingers. According to news accounts, the man was told that if he fell off of the box he would be electrocuted. The prisoner is at the center of the frame. Arms spread and face hooded, the man has become the icon of the Abu Ghraib scandal. There are three central features that seem to exemplify the violence captured in this image: the man is hooded, the man’s body is put in a stressful and potentially painful position (it is not known how long the victim was made to stand, keeping his balance on the box), and the man has been rigged with wires and told that he faces electrocution.

The prisoner’s hood makes him anonymous. In their work on violent images that focuses specifically on the rhetorical power of the photographic images of Emmett Till, Christine Harold and Kevin M. DeLuca argue that bodies in pain have great rhetorical



power.<sup>7</sup> Commenting on the public spectacle of lynching in the American South, Harold and DeLuca argue that as a form of racial terrorism, the public spectacle of lynching served as a warning to black communities, “anchoring white supremacy in a mutilated black body” (269). They also remark that with their indiscriminate practices, lynch mobs would go attack anyone remotely associated with the supposed grievance at hand. In other words, for the purpose of racial terrorism, “any black body would do” (269). This notion that any body would do is interesting when considering the Abu Ghraib photographs. The above photograph of the hooded man could be a photograph of anyone; the power dynamic between the perpetrators and the victim of violence in this instance depends only on the knowledge that *some* Iraqi is beneath the hood. By hooding their victims, the perpetrators of violence seem to suggest that *any* Iraqi will do. Thus, the torture of one Iraqi male implies willingness or desire to torture all.

Harold and DeLuca argue that the photograph of Till’s mutilated corpse was powerful not just because it was a picture of a body in pain, but because it was a picture of a human face, or what once was a human face (274). For Harold and DeLuca, audiences were able to identify with the body of Emmett Till, in part, because focus on his face made Till more human (not just a dead body, but a dead body that was once a live boy). Unlike the body of Till, the faces in the Abu Ghraib photographs are often hidden. The victims are anonymous bodies.

Indeed, anonymous and dehumanized, bodies in pain enduring sexual humiliation become the focus in many of the Abu Ghraib photographs. In a similar photograph to that of the hooded man, the face of the victim is cropped out completely. Instead the viewer’s gaze focuses on the victim’s body and on the object of the victim’s mental suffering and

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<sup>7</sup> Emmett Till was a young African American boy who was brutally murdered because he spoke to a white woman, Carolyn Bryant. An all-white, all-male jury found Till’s murders, Bryant’s husband and brother-in-law, not guilty. Till’s mother, Mamie Till Bradley, made a photograph of her son’s mutilated corpse public.

potential pain, the wires that threaten the victim with electric shock if the victim falls off of the box (see figure 2). Although this photograph did not air on CBS, it was referenced in CBS's initial story and subsequently appeared in several print media and Internet sources. Reports claimed that electrodes were attached to victim's genitals.



Fig. 2. Close-up of electrodes, available online at <http://civilliberty.about.com/od/waronterror/ig/War-on-Terror-101/American-Torture.htm>.

Although in both of these pictures (figures 1 and 2) the threat of electrocution does not seem imminent for those of us who have the privilege of viewing the photograph, one can hypothesize another reason for hooding the victims: hooded, the victim cannot tell whether or not the wires on his fingers are attached to a device that will electrocute him. The hooding of the victims, then, not only makes the victim anonymous, less than human, but also reinforces a dynamic of control between the powerless victim on the one hand and the powerful perpetrators and spectators of violence (viewers at home) on the other. As Mary Ann Tetreault explains, the photographs are taken in such a way so as to make the perpetrators and the spectators powerful: “[P]risoners are stripped and posed so that every part of their bodies is available to handling by their tormenters and inspection by the camera’s eye. But the prisoners are hooded, physically prevented from returning their

captors gaze” (39). This power dynamic and the fact that the prisoners are made anonymous through hooding speaks to the use of a “body rhetoric” that Davin A. Grindstaff and Kevin M. DeLuca argue occurs when a body becomes a site for multiple discourses and meanings. In their work that focuses on the body of journalist and slain Al Qaeda prisoner Daniel Pearl,<sup>8</sup> Grindstaff and DeLuca argue that war and acts of terrorism (they refer to the videotaped and televised execution of Pearl) “share a common persuasive means: the injuring of bodies and the use of those bodies to anchor ideological beliefs” (307). According to Grindstaff and DeLuca, a tortured body performs a unique rhetorical function in that “emptied of its own world, stripped of its own agency,” the tortured body can be made into a rhetorical space for competing identities and multiple discourses (308). Pearl’s body comes to represent an enemy, en masse, for his captors. As Grindstaff and DeLuca explain, “The Pearl body functions as a rhetorical condensation of America, of Jewishness, of Zionism; the Pearl body is, metaphorically speaking, America” (310). Similarly, for their captors, the hooding of the prisoners at Abu Ghraib solidifies their rhetorical condensation as a “terrorist enemy.” The bodies of anonymous, hooded prisoners thus become a condensation of Iraq, of Islam, and more generally the militant, Arab male that threatens an American way of life. The power dynamic that is reinforced through the hooding and posing of these bodies, in turn, solidifies America’s place as a global superpower, one that triumphs over and controls this threatening enemy. The torture photographs are a kind of national allegory consonant with—not in violation of—common sense demonization of an enemy in war. In photographs without an agent of violence in the scene, the viewer becomes the primary subject; his or her gaze is that of the colonizer.

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<sup>8</sup> Daniel Pearl was kidnapped and murdered by a militant group called the National Movement for the Restoration of Pakistan Sovereignty in Karachi, Pakistan. The NMRPS broadcast a videotape of Pearl’s execution in which Pearl was forced to confess to being American and Jewish.

Attention to the pain of the victim continues in many variations of the torture photographs. In one photograph (see figure 3), a prisoner is photographed bending out of the fatigue from standing on a box.



Fig. 3. Fatigued hooded man on box, available online at <http://www.guardian.co.uk/gall/0,8542,1211872,00.html>.

This photograph did not air on CBS, but was subsequently published in mainstream news sources. In this photograph, the man seems to be giving up. He is doubled over, clasping his legs in pain. The focus on this action in the photograph reinforces the power of the person taking the photograph even when s/he is invisible: The camera records the fear and the power that keep the man on the box.

The following photograph was not mentioned in the CBS story, nor was it aired. It was published in subsequent mainstream media outlets, including the *Washington Post*. In this photograph a man is handcuffed to what appears to be the metal frame of a bunk bed (see figure 4). The man's arms are pinned behind him and his back is arched and contorted with strain. Like many other photographs that document the torture of Abu Ghraib prisoners, this man's face is covered, making him anonymous and disguising any humanity in the expression of pain that might appear on his face. However, there is a

difference between this photograph and other photographs in which hoods are used to cover the prisoner's face.



Fig. 4. Man hooded with underwear, available online at <http://www.guardian.co.uk/gall/0,8542,1211872,00.html>.

In this photograph the man's face is covered with underwear, linking hooding to sexual violation, a characteristic of a number of the Abu Ghraib photographs. In many of the photographs documenting torture, male prisoners appear naked and are forced to touch each other's nude bodies. In one photograph, which originally aired on CBS's *60 Minutes II*, four male soldiers are naked except for the hoods that hide their faces (see figure 5). In this photograph two men are forced to sit naked on top of two other naked men that are sitting on the ground. The hands of the two men on top are behind their heads, preventing them from covering their naked bodies and preventing them from protecting themselves against a physical attack from their captors.

The sexual nature of the photographs can be associated with both pornography and Orientalism, a term first formulated by Edward Said (for examples please see Mirzoeff and Tetreault). Said claims that the "Orient" is a European invention. From the beginning of the nineteenth century through World War II the construction and maintenance of the Orient was dominated by France and Britain. With that distinction currently reserved for the United States, the Orient, according to Said, has become one of

the most complex and recurring images of the “Other,” by which Western Imperial powers have defined and reified their distinct national identities. For Said, it is this understanding of Orientalism that best illustrates the ways in which European and American cultures have produced and managed hegemonic understandings of the East.



Fig. 5. Four hooded men, in “Court Martial in Iraq.” *60 Minutes II*. CBS. 28 April 2004.  
Photograph available online at  
<http://www.guardian.co.uk/gall/0,8542,1211872,00.html>.

Mary Ann Tetreault argues that the sexual nature of the torture at Abu Ghraib can be understood in a tradition of Orientalist practice

that fetishizes and feminizes the sexuality of subject peoples as part of a strategy of domination. The photographs record rituals of violence affirming power relations between occupier and occupied . . . . Sexuality, coded according to complex cultural norms of feminine subjection to masculine power, infuses the language and acts of members of dominant groups against those they seek to subjugate. The pornography of Abu Ghraib constitutes a field report on the production and reproduction of U.S. global dominance. (34-35)

The use of sexual humiliation in the Abu Ghraib photographs links the acts of torture to a larger context in which conquered people have been traditionally humiliated by imperial power. For example, as Nira Yuval-Davis explains, “Sexualized demonologies which combine fear and envy towards racialized objects have existed not only in relation to blacks [both in Europe and the U.S.] but also in most other racialized images of the

‘other’” (51). According to Yuval-Davis, sexuality is often at the center of racialized imagery which projects “dreams of forbidden pleasures and fears of impotency onto the ‘other’” (51). Although assumptions about the sexual threat of a racialized enemy other is not always heterosexual, Yuval-Davis argues that they are often structured around “the common stereotype of the male stranger harassing, threatening or actually raping ‘our women,’ whose honor has to be defended” (51). In this sense, I argue that the forcing of male prisoners to pose nude and to simulate homosexual acts (see below) can be read as an expression of sexual dominance of the perpetrators of violence over their male victims. It is in this sense that these photographs can be considered pornographic. More than the presence of sex acts themselves, it is the fantasy of sexualized control (MacKinnon) that characterizes these images as pornographic. In claiming that these photographs are pornographic, I do not deny or condone the sexualized violence these images portray. Rather, I suggest that like much porn, the sexualized violence enacted within the Abu Ghraib prison, was enacted, in part, to be recorded and shared, allowing outside viewers to participate in the fantasy of sexual domination over a dehumanized victim.

In another photograph originally aired on *60 Minutes II*, four naked male prisoners are made to perform sexually explicit acts (see figure 6).



Fig. 6. Four hooded men oral sex and masturbation, in “Court Martial in Iraq.” *60 Minutes II*. CBS. 28 April 2004. Photograph available online at <http://www.guardian.co.uk/gall/0,8542,1211872,00.html>.

In this photo two male prisoners in the foreground are made to perform oral sex. In the background, the figure on the left is made to masturbate, while the figure on the right simply holds his head in his hands. Beyond the circulation of such graphic sexual images in the mainstream media, what is interesting about this image is its implicit positioning of the viewer in a relationship of power over these men. Just like many of the other photographs documenting torture and sexual humiliation, the men in this photograph are hooded. They are anonymous and the only thing we, as viewers of the photographs, see is the sexual nature of the acts these male bodies are forced to perform. These actions illustrate a feminizing of male prisoners who are made to perform for the gaze of the camera, making this shot both pornographic and an expression of imperial power.

The power over the tortured bodies and the sexual humiliation they are made to perform is only part of the story of the torture at Abu Ghraib. The extent of the Abu Ghraib violence comes to fruition in a photograph showing the end of violence: death. The photograph below is one of the few iconic Abu Ghraib photographs that clearly show



the victim's face (see figure 7). In this photograph, the male victim, who has not been officially identified by the CIA or the U.S. military, is dead, having been violently beaten and then packed in ice. Just like the face of Emmett Till, this photograph shows what used to be a face of one of the prisoners. However, refusal by U.S. officials to release the man's name renders him as anonymous as the hooded victim subjects that dominate the agent-absent iconic photographs. These photographs feature only bodies, bodies in pain, bodies forced to perform humiliating and sexually explicit acts. However, in all of the above photographs there is no agent of pain, no perpetrator of violence. In this way to the violence, just like the victims themselves, is anonymous. The perpetrators of violence could be anyone.



Fig. 7. Dead prisoner packed in ice, in “Court Martial in Iraq.” *60 Minutes II*. CBS. 28 April 2004. Photograph available online at [http://www.zonaeuropa.com/20040501\\_1.htm](http://www.zonaeuropa.com/20040501_1.htm).

### **Iconic Photographs: Agent Present**

However, this violence was not performed by just anyone. American soldiers, the men and women charged, ironically, with liberating Iraq performed them in the public hallways of a military prison, and they recorded their actions with gestures of victory and smiles on their faces. In this next section of analysis, I explore the iconic photographs that have an agent of violence present in the image. Neither of the following two

photographs aired or was referenced on CBS's *60 Minutes II* (instead, a similar photograph with the agent absent was featured [see figure 7]). These photographs provide an emblematic example of how the composition and the effect of the Abu Ghraib photographs change with the presence of a violent agent (see figure 8). In these photographs the focus is on the perpetrator rather than the victim.



Fig. 8. Spc. Charles Graner, Jr. and Spc. Sabrina Harman with dead prisoner packed in ice, available online at <http://www.guardian.co.uk/gall/0,8542,1211872,00.html>.

The dead man packed in ice is at the bottom of the frame. In the picture on the left, the male perpetrator of violence, Specialist Charles Graner, Jr. (currently serving ten years in prison for his participation in the Abu Ghraib tortures) crouches above the dead man, smiles for the camera, and gives a jubilant “thumbs up.” In the picture on the right, Sabrina Harman, who was sentenced to six months in prison for her part in the Abu Ghraib tortures, also crouches above the dead man, smiles for the camera and gives a thumbs up. Unlike the agent-absent photograph that focuses on the dead man’s face, these pictures not only focus on a performance of pride and victory by the perpetrators of violence, but also show the sanitized ways in which that violence is performed. In both

photographs, the perpetrators are wearing gloves. The gloves quite literally keep the blood off of the perpetrators' hands.

When the agent is present in the photograph, the power dynamic between the perpetrator and the victim of violence becomes much clearer. In some instances, like in the photographs above, the agent is quite purposefully at the center. In other instances, like the picture of the hooded man (figure 1), it seems as though the agent's presence is accidental. In most published versions the agent is cropped out (see figure 9).



Fig. 9. Hooded man on box, cropped and full frame, available online at [http://ddunleavy.typepad.com/the\\_big\\_picture/2006/week20/index.html](http://ddunleavy.typepad.com/the_big_picture/2006/week20/index.html)

Unlike the pictures in which the agent is the center of attention, this perpetrator of violence seems ambivalent as he checks what appears to be a camera (perhaps he is taking pictures of the man on the box, too) at the side of the frame. The tragic structure of this ambivalence is similar to that which Hariman and Lucaites are concerned in their work on the image of the “accidental napalm,” an iconic photograph from the Vietnam War. Hariman and Lucaites argue that atrocity of the image, which shows a small girl running naked towards the camera in an attempt to get away from the napalm that burns her skin, is solidified by the ambivalence of the soldiers in the photograph. As the girl at the center of the photograph runs toward the camera screaming in pain, soldiers in the

background seem nonchalant, taking no notice of the girl's pain or her horror. As Hariman and Lucaites explain,

Their [the soldiers'] attitude of business as usual contrasts vividly with the girl's sudden, unexpected, excessive experience of pain and terror. The message is clear: what seems, from looking at the girl, to be a rare experience sure to evoke a compassionate response, is in fact, as evidenced by the soldiers, something that happens again and again, so much so that the adults involved (whether soldiers there or civilians in the U.S.) can become indifferent, morally diminished, capable of routinely doing awful things to other people. ("Accidental Napalm" 43)

Similarly, I argue that ambivalence toward violence in the Abu Ghraib photographs solidifies the atrocity of the images. The fact that the soldier on the right of the frame is not compelled to look at the violence occurring just beside him suggests that the violence is routine. And, if the soldier is, in fact, looking at an image in a digital camera, this would also suggest that it is the image of violence, a violent souvenir, which is important to him. Seeing an agent of violence in this photograph of the hooded man cements the power dynamic that is implicit in the cropped version: the perpetrators of violence have the power to look, but they do not have to.



Fig. 10. Spc. Charles Graner, Jr. and Spc. Sabrina Harman with pyramid of hooded prisoners, in "Court Martial in Iraq." *60 Minutes II*. CBS. 28 April 2004. Photograph available online at [http://www.newyorker.com/archive/2004/05/03/slideshow\\_040503?slide=2](http://www.newyorker.com/archive/2004/05/03/slideshow_040503?slide=2).

In another photograph that originally aired on CBS's *60 Minutes II*, Graner and Harman are again at the center of the frame (see figure 10). They pose for the camera behind a pyramid comprised of naked, hooded human bodies. The bodies are smashed together, a sea of limbs piled on top of one another. In the background, Harman leans close to the prisoners with a smile on her face as Graner, behind her, crosses his arms in triumph. In the distant background, clothing, possibly belonging to the prisoners, is piled along the wall.

This piling of tortured bodies, similar in composition to the piling of their clothes, is another way in which the perpetrators of violence seem to reinforce their dominance. Two distinct, clothed Americans, one man and one woman, stand above a pile of naked limbs, creating a hierarchy of gender and ethnicity (Tetreault 38). This piling of bodies is also something, as Haim Bresheeth points out, that has been used to signify dominance throughout history.



Fig. 11. Spc. Charles Graner, Jr. beating clothed prisoners, available online at <http://www.guardian.co.uk/gall/0,8542,1211872,00.html>.

As Bresheeth explains, the piling of bodies into indistinct mounds is reminiscent of the imagery of Nazi concentration camps in which hundreds of dead bodies were disposed of in heaps:

An additional motif to examine is the recurring organization of human bodies in complex heaps, which blur the distinctness of one body from another. Which limbs belong to which body? The source of this disturbing imagery may be the mounds of dead bodies discovered by the liberators of the Nazi death camps. So much flesh, these pictures seem to tell us, amounts to ‘nothing at all.’ (Bresheeth)

The above photograph (see figure 11) is one of the few in which the bodies of the prisoners are clothed. Charles Graner is in the act of beating the prisoners. However, even though the bodies are wearing clothing, their heads are still covered. The prisoners remain indistinct.

While there are many photographs that feature piles of indistinct bodies, there are many photographs that highlight American dominance over one body as opposed to many. In CBS’s breaking story, Dan Rather gave an exclusive telephone interview with Staff Sgt. Ivan “Chip” Frederick II who was the highest-ranking officer implicated in the Abu Ghraib tortures. The following photograph was referenced, but not shown during the broadcast (see figure 12). In this photograph Frederick, calmly looking into the camera, sits on top of his victim. The victim’s face, unlike Frederick’s calm one, is contorted with fear and pain.



Fig. 12. Staff Sgt. Ivan “Chip” Frederick II sitting on male prisoner, available online at <http://www.peacenowar.net/Iraq/News/April%2004-Photos/Abu%20Ghraib.htm>.

Unlike many of the other torture photographs, the victim's face is clearly visible and the victim looks directly into the camera.

In another photograph Frederick holds a naked male prisoner at gunpoint (see figure 13).



Fig. 13. Staff Sgt. Ivan "Chip" Frederick II with prisoner covered in brown substance, available with man covered in brown substance, available online at <http://www.guardian.co.uk/gall/0,8542,1211872,00.html>.

There is speculation in the press as to what type of filth covers the prisoner, but the power dynamic is something that cannot be debated. Frederick stands holding a rifle, not at the victim, but as a show of arms. The victim stands naked, legs crossed, arms in a supplicant position outstretched. The victim's back is turned and we cannot see his face, but we do know that he is at the mercy of his captor. In this photograph the perpetrator can be clearly identified and the amusement on his face seems clear.

There are other photographs in which the perpetrators are not as clearly identifiable, but their violent actions more extreme. CBS's broadcast mentioned, though did not air, photographs in which prisoners are being attacked by dogs. In one photograph, a man is naked, his hands above his head. The man slouches as much as he

can to cover his body and protect it from the dogs circling him (see figure 14). Close examination of the victim's face shows the fear in his eyes. He also appears to be screaming.



Fig. 14. Naked prisoner attacked by dogs, available online at <http://www.guardian.co.uk/gall/0,8542,1211872,00.html>.

Below is another picture of a man being attacked (see figure 15). In this photograph we can see the fear in the victim's eyes as he comes face-to-face with a large dog. The victim's hands are bound behind his back, making it impossible for him to protect his body or his face from an attack. The soldier holding the dog is not identified and indeed the victim is not looking at the other man, rather at the dog that controls his fate. In the photographs in which the victims are being attacked by dogs, the dogs, not the humans with them, seem to be the primary perpetrators of violence. Like the photographs where the perpetrators of violence seem accidental and are, therefore, cropped out of the shot, the human perpetrators in these dog pictures do not seem to be as important as the fear on the victim's faces or the viciousness of the dogs rearing to bite them. However, just like the photographs where the agent is absent from the frame, it is clear in these photographs that an American soldier is behind the leash. The American is in control.





Fig. 15. Prisoner in orange jumpsuit attacked by dog, available online at <http://www.guardian.co.uk/gall/0,8542,1211872,00.html>.

One person became known around the world for her involvement in the Abu Ghraib photographs. In the photograph below, which did not air on CBS's original broadcast, Lynndie England is the person behind the leash (see figure 16). In this photograph originally released by *The Washington Post*, a female England, who was sentenced to 36 months in a military prison, is depicted restraining a naked male prisoner with what looks to be a dog leash.



Fig. 16. England with prisoner on a leash, available online at <http://www.guardian.co.uk/gall/0,8542,1211872,00.html>.

In this photograph, England, a clothed female captor, stands over a naked male prisoner in an image that reinforces both the gendered and ethnic dominance of the United States over Iraq. As Tetreault explains,

In this now-iconic image, the power of Americans over Arabs is symbolized not only by the leash but also by the fact that the prisoner is naked while his captor is clothed. The message is enhanced by its inversion of conventional gender expectations. (38)

In her essay concerning the images of Afghan men and women depicted in the 2001-2002 war in Afghanistan, Dana Cloud argues “photographs and other images can enact ideographs visually and index, or point to, the verbal slogans capturing society’s guiding abstractions” (“To Veil” 288). For Cloud, one of the dominant ideographic images recurrent in depictions of Afghan people during the war with Afghanistan is one that reinforces the notion of a <clash of civilizations> in which “women’s oppression is a marker of an inferior society” and the cause for war comes in the saving of “brown women from brown men” (“To Veil” 289). Understanding photographs like this photograph of England becomes important in this regard for it is ideology that justifies war in terms of the liberation of oppressed people, namely women, from militant men that appears to be at work in the iconic photographs of Abu Ghraib, which featured only male prisoners being tortured.

In another photograph of England that originally aired on CBS, England mocks a male prisoner, pointing at his genitals and giving a thumbs up sign (see figure 16). The prisoners in the photograph are naked and hooded. The prisoner England mocks is sitting on another prisoner while a third prisoner holds his head in his hands.



Fig. 17. England mocking prisoner, in “Court Martial in Iraq.” *60 Minutes II*. CBS. 28 April 2004. Photograph available online at [http://www.vanceholmes.com/court/trial\\_america\\_news.html](http://www.vanceholmes.com/court/trial_america_news.html).

For Dora Apel, the sexualized nature of the photographs and the witnessing of naked male prisoners (often forced to perform sexual acts) by female soldiers is just one way the torturers at Abu Ghraib attempted to feminize their male captors. This feminization of male prisoners is central to the ways in which the perpetrators of violence at Abu Ghraib asserted their dominance over their captors. As Apel explains,

Just as the lynching rituals threatened men with castration, at Abu Ghraib, terror also took the form of threatening the masculinity of the prisoners, using dogs to menace and attack naked prisoners and allowing women soldiers to sexually humiliate them and even to handle and mock their genitals, point and laughing while taking pictures. (95)

In another photograph that originally aired on CBS’s *60 Minutes II*, England, a cigarette placed precariously in her mouth, mocks a line of naked male prisoners who have their heads covered. In this photograph, a victorious female is used to express dominance over her naked male captors.

The fact that England has become one of the most notorious of the Abu Ghraib perpetrators of violence also warrants some consideration. Although, as Cloud, Yuval-Davis, Apel and others rightly point out, photographs documenting the exploitation of

male Iraqi prisoners by female American soldiers serve as ideographic images, representing assumptions of U.S. domination over a sexualized Iraqi other, one must also question other types of dominance these types of photographs illustrate. Shelia Jeffreys argues that the use of England and other female soldiers in the Abu Ghraib photographs points to gender inequality and power dynamics inherent in U.S. military culture.



Fig. 18. England mocking a line of prisoners, in “Court Martial in Iraq.” *60 Minutes II*. CBS. 28 April 2004. Photograph available online at <http://www.guardian.co.uk/gall/0,8542,1211872,00.html>.

According to Jeffreys, the military, unlike other historically masculine institutions women seek to enter, requires masculinity to function (18). Within military institutions, women are not only offered as a sexualized ‘other’ to defend and to die for, but also represent “masculinity and the othering of women and homosexuality.” Jeffreys explains that in training, U.S. “soldiers are insulted with female epithets” (18). Degradation of women is also considered a key factor in the high numbers of sexual abuse and violent sexual assault reported by female U.S. service members each year. For example, the Miles Foundation, a feminist organization dedicated to combating the problem of sexual assault and domestic violence within the U.S. military setting “collated 129 complaints of rape [by female service members] in the 18 months up to April 2004” (Jeffreys 20). For Jeffreys, the violent abuse of women in the U.S. military is consistent with a larger pattern of warfare in which women have been predominately used to send messages of

masculinity and dominance to the “other side,” which often come in the form of rape and sexual violence. She argues,

The use of US women soldiers by both the Iraqi combatants and the US military to send messages to the other side, shows that militaries see themselves as engaged in struggles between groups of masculine men for whom women are viewed as symbols of femininity. (Jeffreys 21)

Jeffreys sees the case of Lynndie England, a low-ranking reservist, as an example of a pattern within the Abu Ghraib prison in which women “were employed to send a message from a conquering group of men to those they had conquered” (21). Whether or not one agrees with Jeffreys claims, it is important to note the systematic use of women as perpetrators of violence and as specific tools of humiliation over the prisoners.

The practice of recording and sharing the photographs, with the perpetrators’ families and ultimately with the American public and people around the world, is also a practice that warrants consideration. Mary Ann Tetreault claims that this practice of sharing helps to reinforce the identities of the powerful (the perpetrators and the spectators of violence). Citing Rene Girard, whose work on ritual violence focuses on the ways in which violence and sacrifice helps reinforce a sense of community, Tetreault argues, “Sacrifices break the bodies of victims before the eyes of the community in rituals that remind its members of the core values they share” (39). While this sharing of core values may have been the original intention of the perpetrators of violence at Abu Ghraib, it is important to realize that the rhetorical function of these bodies in pain does not end with the captors’ intentions. As these images circulated among different viewing publics around the globe, the message from the torturers at Abu Ghraib was interpreted in many different ways. In fact, as subsequent chapters in this project illustrate, members of the mainstream press, U.S. political leaders, and the American public at large often expressed outrage and horror as a result of the violent actions featured in the Abu Ghraib

photographs. Importantly, U.S. political leaders and members of the mainstream press often made explicit attempts to distance American national identity from the tortures featured in them (see chapters 2 and 3). As Grindstaff and DeLuca argue, “the rhetorical body is agile, able to serve opposing ideological purposes” (320). So, while the Abu Ghraib photographs work rhetorically to solidify the dominance of American captors over their Iraqi victims, other rhetorical discourses – public political language and mainstream media accounts – worked to distance the violent means through which American dominance is maintained from an idealized notion of a democratic American national citizenry. In this way, the photographs work both to protect notions of American power and dominance and to threaten the democratic ideals central to dominant understandings of American national belonging. These opposing purposes became clear as challenges to the dominant ideologies of the photographs at Abu Ghraib (present in re-appropriations of the Abu Ghraib images) began to make their own mark on public consciousness.

### **Iconic Photographs: Used in Protest**

Polling data from the time period surrounding the Abu Ghraib prison scandal paints a disturbing picture of public opinion regarding the scandal. Although the Abu Ghraib photographs undoubtedly created a sense of shock and disgust among members of the American national community who refused to identify with violent torturers, these reactions failed to translate into a significant shift in public opinion about the war in Iraq or President Bush. Gallup opinion polls conducted before and after the Abu Ghraib photographs were leaked suggest that while the scandal did trigger some public backlash against the war in Iraq, most of the decline in public support for the war occurred *before* the scandal. Lydia Saad, writer for Gallup News Service wrote on June 14, 2004,

The trend shows that just before the Abu Ghraib revelations, Americans had already concluded that things were going badly for the United States in Iraq: 64% felt this way in April, compared with 60% today. Also, even before the Abu Ghraib abuse came to light, the percentage saying the United States had made a mistake in sending troops to Iraq had risen to its current level in the low 40s. Neither of these negative assessments has increased since the Abu Ghraib scandal broke. (4)<sup>9</sup>

This data suggest that although support for the war in Iraq was on a decline in 2004, the Abu Ghraib photographs did little to increase negative assessments on the war. A similar study conducted by the Program on International Policy Attitudes in association with Knowledge Networks found that when informed about the series of legal memoranda outlining the Bush Administration's policy regarding the treatment of detainees (see Chapter 2), a mere 37% of participants agreed with statements made by the President denying the connection between these policies and the violent actions that occurred at Abu Ghraib (par. 8).<sup>10</sup> However, while the majority of participants polled agreed that the Bush administration's policy contributed to the Abu Ghraib violence, this opinion did not seem to translate into direct political reaction. For when these same participants were asked, "How do you think the way that President Bush has handled the issue of the treatment of detainees in Iraq and Guantanamo Bay will affect the likelihood that you will vote for him in November," only 37% of the participants polled said that they would be less likely to vote for President Bush ("U.S. Public Rejects" par. 9). In addition, 22% said they would be more likely to vote for Bush.

However, although the Abu Ghraib photographs did little to spark major public outcry against the war in Iraq or against the Bush administration's policy on torture, re-appropriation of the Abu Ghraib photographs has become a common strategy for some antiwar protestors in the U.S. and abroad (Hesford 31). Although this dissertation focuses

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<sup>9</sup> These percentages are based on telephone interviews with a randomly selected national sample of 1,000 adults, aged 18 and older.

<sup>10</sup> Based on a nationwide poll conducted in July of 2004 with a sample of 892.

primarily on dominant assumptions about American national violence, I recognize that the process of hegemony is one in which dominant assumptions are continually being challenged by those whose interests are not being served by them. And, while critical uses of Abu Ghraib imagery are not a central feature of my research, they provide important insights into the political struggles incited by the photographs and enacted in the name of national identity.

In their work on parodies of the Iwo Jima image, Edwards and Winkler argue that a central function of an ideographic image is the way in which the abstractions of the image can transcend the original image's historical and political context and gain meaning through its association with news contexts and symbols. They explain,

As a representative form, the parodied Iwo Jima image transcends its historical referents, gains meaning from its subsequent symbolic associations, and helps create and reaffirm the identity of the body politic through its ideographic functions. Like representative anecdotes and representative characters, such forms provide instructive perspectives on varied, multiple situations by summing up the culturally-defined essences of human motivations. (501)

In this next section, I examine just a few examples of the ways in which members of both American and Iraqi publics have used re-appropriations of the Abu Ghraib photographs in order to resist dominant ideological messages. Utilizing the ideographic abstractions of the images, these re-appropriations challenge dominant narratives of American imperial dominance associated with the Abu Ghraib photos. I examine four examples of such re-appropriation, two American examples and two examples from Middle Eastern countries.



### *Critical Re-appropriation of Images in the U.S.*

The following two examples provide insight into how the Abu Ghraib photographs were re-appropriated and used for resistance purposes in the United States. The first set of images (see figure 19) depicts a poster campaign created by Los Angeles-based graphic design group, Forkscrew Graphics. Each of the four posters depicts one element of the Iraq War.



Fig. 19. iRaQ posters, available online at <http://www.bloodforoil.com/iRaQ-posters/>.

Set against brightly colored backdrops, each poster has a silhouetted image of a person involved in a violent action associated with the war. These silhouetted images are highlighted by white wires and a white logo “iRaQ,” imaged after the popular “iPod” advertisement campaign, which features black silhouetted images highlighted by the highly-recognizable white wires of the iPod earbuds. Three of the four silhouetted images depict soldiers shooting guns and throwing grenades, the final image in the series depicts the hooded man on the box. Silhouetted against a bright orange backdrop the hooded man stands on a box, white earbud wires attached to his fingers, replacing the electrical wiring of the original photograph. Making their statement against war through an allusion to

commercial advertising for a popular commodity, these posters seem to not only be making a comment about the violent actions of the Iraq War, but also the commercialization of the ways in which the Iraq War is understood by the American public. Torture becomes a recognizable product of war just as the iPod has become a recognizable product within consumer culture. As Dora Apel explains,

Alluding to the Pop art multiples associated with Andy Warhol, the slick colorful posters suggest the commercialization of the war, evoking Halliburton and the staggering profits it has made on noncompetitive contracts. The posters further imply the commodification of torture itself as central to the occupation of Iraq. (97)

As Apel suggests, the iRaq posters, which were originally posted by antiwar protestors associated with Forkscrew's design company among actual iPod posters in subway stations in New York and L.A. in 2004, serve as an advertisement for the commodity of war. Just as the original iPod campaign advertises "10,000 songs in your pocket. Mac or PC," the iRaq posters advertise, "10,000 Iraqis killed. 773 U.S. soldiers dead." Making, as Apel explains, the selling of torture as a war product "ironically complete" (97).

On July 9, 2004, just a few months after the Abu Ghraib photographs were released to the public, six men in Pennsylvania (dubbed "The Smoketown Six" by the press) were arrested for attempting to recreate one of the Abu Ghraib images in protest of the Iraq War (see figure 20). The men wore "thong underwear and formed a human pyramid in anticipation of President Bush's motorcade procession through Lancaster County [PA]" ("Smoketown Six' Stripped to Thongs" par. 1). They were arrested and removed minutes before President Bush arrived on the scene.



Fig. 20. Smoketown Six in protest, available online at <http://www.aclu.org/freespeech/protest/11525prs20041014.html>.

Charges against the protestors were eventually dropped and, in December of 2004, the Smoketown Six filed a lawsuit against the Pennsylvania State Police, citing violations of their First Amendment rights. However, in mainstream media coverage of the Smoketown Six demonstration, the fact that six men wore thong underwear in protest, not the U.S. policy against which they were demonstrating, seemed to garner the most attention. The protest's potential in sparking a violent reaction from Bush supporters was also central to media commentary. For example in an editorial appearing in a local Lancaster news paper the author defends the actions taken by Pennsylvania police arguing, "The officers very well may have prevented a tasteless protest of the president's Iraq policy from evolving into violence in which the protesters or supporters were hurt" (par. 17). The willingness of American citizens to use the images of Abu Ghraib critically in protest and the simultaneous dismissal of this symbolic, peaceful demonstration against state-sanctioned violence is just one illustration of the complicated ideological contention surrounding Abu Ghraib.

### *Critical Re-appropriation of Images in the Middle East*

The images of Abu Ghraib were not only re-appropriated and used in protest in the United States, but citizens of Middle Eastern countries have also used re-appropriated images of Abu Ghraib to protest the violent actions the original photographs depict.



Fig. 21. “Iraq Today.” Photograph available online at <http://www.nuigalway.ie/geography/undergrad/ti326.html>.

The first image (see figure 21) is a photograph of an Iranian couple walking past a mural in Tehran, Iran.<sup>11</sup> The mural in the photograph highlights two of the iconic Abu Ghraib images: the image of Lynndie England subduing a prisoner on a leash and the image of the hooded man on the box. The Abu Ghraib images both appear in decorative frames and a caption painted on the image of the hooded man reads “Iraq Today” (Hesford 29). However, in this photograph, the images of Abu Ghraib appear in the background with an Iranian couple appearing in the foreground at the center of the frame. According to Wendy Hesford, whose work focuses on the ways in which the images of

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<sup>11</sup> The mural was painted by an unidentified artist. This photograph was taken by photographer, Behrouz Mehri.

Abu Ghraib have been staged in resistance, the presence of the Iranian couple in the photograph, along with the artistic framing of the Abu Ghraib images themselves, serves to interrupt the trauma of the original images. She explains,

[T]he presence of the couple walking past the mural, captured in the photograph – like the decorative frames –interrupts the mimetic consumption of violence by staging the integration of the ordinary and the extreme, and drawing attention to representations of difference. (33).

As Hesford points out, the couple in front of the mural serves as a representation of difference between the extraordinary (the torture) and the ordinary (a couple walking down the street). However, as Hesford also points out, the placement of the couple at the center also creates a critical context in which the Abu Ghraib photographs can be read. As discussed earlier in this chapter, the iconic Abu Ghraib photographs, as exemplified by the photograph of Lynndie England, rely, in part, on images of powerful female captors and their powerless male victims to reinforce America's position of dominance over a militant Arab threat. As one can see, this power dynamic is placed in a larger context with a veiled woman and an Arab man at the center of the "Iraq Today" photograph. Hesford explains,

The robed and veiled Muslim woman walking in from to the mural might be seen by some as a shadow figure of the hooded detainee. In fact, the Bush administration justified the U.S. invasion of Afghanistan, in part, as an act that would liberate Muslim women from control by their religion and their men. (33).

Although Hesford's critique seems to buy into the clash of civilizations discourse put forward by the Bush administration as a reason for "liberating" Iraq (Hesford seems critical of the fact that the Muslim woman is still veiled despite the presence of the ongoing war), her critique of the re-appropriated photograph, as well as the existence of the originals, points to the important rhetorical function of the image.

In another mural, painted in a Shiite section of Baghdad, Iraq known as Sadr City by Iraqi artist Saleheddin Sallat (Apel 96), depicts the hooded man on a box and the Statue of Liberty (see figure 22).



Fig. 22. Saleheddin Sallat. "That Free Dom For Bosh." Photograph available online at [http://www.therevealer.org/archives/timely\\_000397.php](http://www.therevealer.org/archives/timely_000397.php).

In this photograph the hooded image of the Abu Ghraib prisoner on a box is matched by an image of the Statue of Liberty on a pedestal. Liberty, too, has her face hooded, a white hood reminiscent of those worn by members of the Ku Klux Klan. Unlike the original image of the hooded man in which the wires attached to his fingers do not appear to be attached to any sort of electrical mechanism, the wires of the hooded man in the mural are attached to a breaker box. The Statue of Liberty, rather than holding the torch representing freedom and the welcoming of refugees into the United States, has her arm raised to pull the switch on the breaker box in order to electrocute the prisoner. The caption painted on the mural points to the irony of the Abu Ghraib photographs in the context of the Bush administration's war of liberation, expressing "That Freedom for B[u]sh."

These are just a few examples of the ways in which the iconic photographs of Abu Ghraib have been utilized in protest. By re-appropriating the images in the photographs, these protest images use the dominant ideographic content of the images to challenge the dominant ideological assumptions about America's mission in Iraq. These re-appropriated images also problematize the ideographic content of the images themselves. However, while resistance to the dominant message of the iconic images is present, there is darker side to the photographs at Abu Ghraib that even the re-appropriated images do not attempt to reveal. In the final section of analysis, I explore images from Abu Ghraib that I label veiled. These images were never released in the mainstream media, their existence hidden by a shroud of complicated discourse and an imbalance of power.

### **Veiled Photographs**

The following images, virtually ignored by the mainstream media, appear on web logs, websites for women's advocacy groups, and on neoconservative websites. These photographs are similar to the iconic Abu Ghraib photographs insofar as they are digital photographs taken by an anonymous photographer. However, these photographs, which I have labeled "veiled," differ from the iconic photographs in two distinct and important ways. First, these are the only Abu Ghraib photographs whose "authenticity" has been questioned. Second, these are the only Abu Ghraib photographs that feature women as the victims of violence.

By focusing on the victimage of Arab men, particularly Arab men at the hands of American women, the iconic photographs of Abu Ghraib paint a picture of control that is consistent with the dominant justifications for war made by the Bush administration, particularly that Iraq needed to be saved from itself and specifically that Iraqi women needed to be saved from their religion and from their men. However, as Lila Rajiva

explains, “It is in this view the story of the women of Abu Ghraib, or, more accurately, the absence of a story about them, one of those singular absences that more than any misstatement reveals the falsity of the propaganda of liberation” (*Language* 132). The abuse of women and children at Abu Ghraib by U.S. troops has not been widely reported nor adequately dealt with in the mainstream press.<sup>12</sup> And, as Rajiva argues,

Assaults, rapes, abductions, body searches, prostitution, honor killings, stripping and photographing in detention, torture – together these make a picture of extraordinary and random sexual violence ravaging [Iraq]. If anything, observers have not adequately grasped the depth and extent of the suffering of Iraqi women, a suffering equal to that of the men. (*Language* 137)

The fact that certain types of pictures have been widely reported in the news while others have failed to surface makes the photographic images of Abu Ghraib even more complicated and important. As Rajiva rightly asks, “Were we to have the same sort of photos of women on the front pages as we did of the men, what would become of the mask of the liberator?” (*Language* 148). In recognizing that the iconic photographs of Abu Ghraib primarily depict the suppression of Iraqi men and ignore the abuse of Iraqi women, one must examine whether or not these iconic photographs challenge dominant assumptions of the war in Iraq or merely reinforce the notion of a <clash of civilizations>.

Questions of authenticity have a unique relationship to the photographic medium. According to Susan Sontag, the assumed authenticity or “realness” of a photographic image is something that permeates language used in reference to photographic practices. She explains that differences between photography and art are delineated “by the convention that artists ‘make’ drawings and paintings while photographers ‘take’ photographs” (46). In this respect, photographs have a unique place in the realm of “facts.” Where as an artist’s rendering of a particular violent act evokes thoughts and

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<sup>12</sup> For a detailed account of these reports please see Rajiva, *Language*, 133-138.



feelings that “things like this happened,” Sontag points out that photographs, which unlike artistic renderings can be used as evidence in court, claim “to represent exactly what was before the camera’s lens” (47). Because such assumptions of transparency infiltrate our assumptions about what photographs *are* (windows that show “what really happened”), Sontag argues, we often forget what photographs *do*: “to photograph is to frame, and to frame is to exclude” (46). And while, as Sontag explains, “it has always been possible for a photograph to misrepresent,” concerns of misrepresentation, in the form of staging and enhancement, are particularly prominent in an age of digital photography (46). Within these concerns of “authenticity,” misrepresentation in photographs is thought to occur when the photograph does not “really” show what it claims to show. According to Sontag, “A photograph – or a filmed document available on television or the internet – is judged a fake when it turns out to be deceiving the viewer about the scene it purports to depict” (46). In the analysis that follows, I examine these assumptions of authenticity that have permeated what little public discussion surrounds the veiled photographs. In these debates, the “true” or “real” nature of the photographs is problematized not because the sexual violence depicted in them is thought to be “fake,” but because the scene in which the violence occurs is called into question.

In the following photograph a woman is forcefully sodomized by a group of soldiers (see figure 23). The woman, who appears to be wearing a robe similar to the one worn by the hooded man on a box (see figure 1) is sexually violated by one male soldier as another holds her by her hair, and a third gropes her breast. The third man also appears to holding a hood in his hand. Because the woman is no longer hooded, her face is clearly visible.



Fig. 23. Woman being raped, available online at <http://www.vialls.com/myahudi/rape.html>.

In another photograph, the same woman is held at gunpoint and is forced to perform oral sex on a male soldier (see figure 24). These photographs differ from the iconic photographs in several ways.



Fig. 24. Woman forced to perform oral sex at gunpoint, available online at <http://womensspace.wordpress.com/2006/07/08/the-rape-of-iraq-part-2-warning-may-trigger/>.

First, unlike the simulated sexual acts featured in the iconic photographs (simulated oral sex with contact prevented by hoods), the violent sexual acts in these veiled photographs are not simulated. Second, unlike the iconic photographs in which the torturers jovially mug for the camera, in these photographs the faces of the violent

perpetrators are obscured by what appear to be gas masks. The perpetrators also ignore the camera, intent on the violence at hand. Third, because the violence in the veiled photographs is sexual assault, there exist, to my knowledge, no agent-absent veiled photographs. The sexual violation featured in the photographs dictates that the agent always be present, even when the face of the agent is not visible or within the photographic frame. Finally, unlike the vast majority of the iconic photographs in which the faces of the male victims are hooded, making the victims anonymous, the faces of the female victims in the veiled photographs are clearly identifiable. A final set of photographs features close up shots of women being forced to perform oral sex. The close nature of the frame not only focuses attention on the sexual act, but also shows the disgust and horror on the victim's faces.



Fig. 25. Women forced to perform oral sex, available at <http://www.vialls.com/myahudi/rape.html>.

There is another major difference between this set of photographs and the photographs I am labeling iconic: a heated, politicized debate regarding whether or not these photographs feature the “real” rape of female captives in Iraq or “fake” rape staged by the pornography industry. In May of 2004, a Pennsylvania-based human rights organization, Universal Community of Friends, posted these photographs, and others like

it, on its website.<sup>13</sup> The organization claims to have originally pulled the photographs off of an Internet pornography site, Iraqbabes.com. This site has since been removed from the web but, according to Universal Community of Friends, the pornography site claimed that the photographs featured “the real rapes of Iraqi women” by U.S. military personnel.

The Universal Community of Friends is not the only organization that posted commentary regarding these photographs to its website. On May 4, 2004, WorldNetDaily.com, a conservative online news organization featured a story, authored by Sherrie Gossett, assuring readers that the photographs were “fake” because they appeared on pornography sites:

An investigation has revealed that most of the photos are taken from the American pornographic website ‘Iraq Babes,’ and the Hungarian site, ‘Sex in War,’ which is linked to by the American site. Both websites are linked to by violent pornography sites and both describe Iraqi women -- played by ‘actresses’ - - in vulgar terms. (Gossett “Bogus GI rape” par. 4)

In a follow-up article posted on May 12, Gossett chastises *The Boston Globe* for running the photographs alongside a story questioning their validity and warns readers that the photographs are “being disseminated by anti-American propagandists,” listing the Committee for the Defense of Saddam Hussein and “Arabic newspapers” (“Boston Globe” pars. 2-16). However, *The Boston Globe* article that sparked Gossett’s response also emphasizes the “inauthentic” nature of the photographs claiming,

The images, depicting men in camouflage uniforms having sex with unidentified women, bear no characteristics that would prove the men are US soldiers or that the women are Iraqis. And there is nothing apparent in the images showing they were taken in Iraq. Unlike the photographs widely publicized last week, the

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<sup>13</sup> The photographs featured in this chapter are not the only photographs that exist. However, with these photographs, just as with those I have labeled iconic, an attempt has been made to provide an emblematic example of the violence that is depicted. Photographs similar in composition to those I am labeling veiled can be found at [http://www.universalfriends.org/prisoners\\_abuses\\_Iraq2.htm](http://www.universalfriends.org/prisoners_abuses_Iraq2.htm); <http://www.vialls.com/myahudi/rape.html>; and <http://womensspace.wordpress.com/2006/07/08/the-rape-of-iraq-part-2-warning-may-trigger/>.

images appear to have been taken outdoors in a sandy area with hills in the background. (Slack par. 3)<sup>14</sup>

Websites concerned with women's rights, such as [womensspace.wordpress.com](http://womensspace.wordpress.com) have since questioned the motivations behind discrediting the photographs in this manner, pointing out, as Catherine MacKinnon does, that dismissing violent sexual acts as legitimate if "pornography" merely underscores problems with the porn industry. For, as MacKinnon explains, the difference between "real" rape and pornography rape is that, "in pornography, women are gang raped so they can be filmed" (15).

Whether or not one believes the set of photographs I have labeled veiled to be "real" or "fake," their existence and the political controversy that surrounds them are of central importance for understanding what the photographs depicting the violent actions at Abu Ghraib, both iconic and veiled, do. Although reports on the status of women at Abu Ghraib prison have not been adequately dealt with in the mainstream press, there are many reports that mention the sexual abuse of female prisoners (see chapter 3). In addition, reports by various human rights organizations, alternative and international news sources, and even the U.S. government's own investigations of Abu Ghraib prison have all noted the abuse of women. For example, in his 2004 report stemming from his investigation of abuse allegations at Abu Ghraib, Major General Antonio Taguba lists several acts of abuse including, "videotaping and photographing naked male and female detainees," "a male MP guard having sex with a female detainee," and "sodomizing a detainee with a chemical light and perhaps a broom stick" (Taguba 416-417). Taguba's suggestion that a male guard was "having sex" with a female prisoner is problematic. As

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<sup>14</sup> It is important to note that only a small number of Abu Ghraib prisoners were ever detained inside the actual prison building. Most of the thousands of prisoners detained at Abu Ghraib during the time of the photographed torture were, in fact, detained outside. Those accused of violence against prisoners at Abu Ghraib have also repeatedly claimed that wearing uniforms lacking identifying insignia was common practice among military intelligence agents in charge of interrogations at Abu Ghraib. For more on these points please see chapter 3.

Lila Rajiva rightly considers, “Do soldiers and enemy prisoners usually have consensual sex? Doesn’t the element of power involved make that on its face an improbability, if not an impossibility?” (“Iraqi Women” par. 2). However, as Rajiva also recognizes, Taguba’s report offers “a hint of something festering under the surface” despite the fact that “few mainstream journalists in the West appear to have asked any hard questions about the inexplicable absence of women from the torture pictures” (“Iraqi Women” par. 2). Indeed, one cannot help but wonder, with all of the outrage and documented abuse of male prisoners that ran in the mainstream press, why hasn’t there been more concern about the women of Abu Ghraib prison?

The prominence of the iconic photographs and the ways in which the veiled photographs were framed point to an answer. If we understand the Abu Ghraib photographs as ideographs or high order abstractions representing common ideologies about what war is and what fighting it might look like, then the circulation of certain photographs and not others seems to suggest that the violent actions depicted in the iconic photographs fit into an American national understanding of war: an understanding in which Arab males are understood to be potential terrorists and can, therefore, be subjected to violence. Similarly, an insistence, by certain audiences, that the veiled photographs fit into the realm of pornography rather than the realm of war crime says something else about shared attitudes surrounding the types of victimage and violence that can be enacted by “our side.” Susan Sontag argues that “Photographs that everyone recognizes are now a constituent part of what a society chooses to think about, or declares that it has chosen to think about” (85). By stifling access to the photographs made available during the investigations of Abu Ghraib, the U.S. government, in the name of national security, ultimately chose what the American public could think about or associate with. By failing to ask hard questions of the government, the U.S. media and, in

some sense, the American people have also made a choice. The photographs depicting sexual violence against Iraqi women call into question not only the nature of America's mission in Iraq, which involves the suppression of terrorism and the liberation of Iraqi people, but they also call into question the true victims of violence in Iraq. For if women, who by nature of their gender, do not fit Western definitions of terrorists, can be detained and sexually brutalized, then the dominant narrative which insists that only hardened criminals and plotting terrorists are ever knowingly taken into U.S. custody falls flat.

## CONCLUSION

In this chapter, I have examined the rhetorical nature of the photographic images of Abu Ghraib by considering the extent to which these images adhere to or undermine public alignment with dominant assumptions regarding national identity and the politics of war. I have shown that the iconic photographs, those photographs featured prominently in mainstream media accounts of the Abu Ghraib incidents, work in the same manner as their historical counterparts (photographs of war and lynch mob trophy photographs) in that they highlight the power, ambivalence, and dominance of the captors, while simultaneously feminizing and fetishizing their anonymous victims. Iconic agent-absent photographs construct the viewer as the agent of the Orientalist gaze; iconic agent-present images may deflect accountability onto specific agents (framed in news media, as we shall see in chapter 3, as “a few bad apples”). I have also shown that these iconic photographs not only came to serve as a type of visual shorthand for the incidents of torture that occurred in the Abu Ghraib prison, but that these images also served as rhetorical opportunities for activists who re-appropriated these images, using them to call America's national narrative of the war on terror into question despite an overall muted response by the American public at large. However, and perhaps most importantly, I have argued that the existence of a second category of Abu Ghraib photographs, those I have

labeled veiled, point to larger, unresolved issues regarding the violent actions that have occurred inside Abu Ghraib prison. These photographs, which feature the violent sexual assault of Iraqi women by unidentified military personnel, suggest that the iconic photographs of the incidents at Abu Ghraib, as shocking and as violent as they are, are not the whole story. The existence of these images, along with the politicized debates surrounding them, points to the rhetorical function of images of violence. Images of violence work, as Susan Sontag suggests, as their own type of rhetoric: “They reiterate. They simplify. They agitate. They create the illusion of consensus” (6). The veiled images leave some torture practices unquestioned and some victims unseen, retaining the American prerogative of secrecy.

Although I have emphasized the rhetorical significance of the images of violence at Abu Ghraib in this chapter, it is important to keep in mind that these images do not exist in a vacuum. Much political, social, and mediated debate has surrounded and attempted to reframe the Abu Ghraib photographs since they were first leaked to the media in 2004. However, it is also important to note that the political and mediated rhetoric surrounding the types of violent actions prominently featured in the Abu Ghraib photographs did not begin with the appearance of the photos in the press. In the next chapter, I discuss the political discourse surrounding detention, interrogation, and the use of violence both before and after the Abu Ghraib photographs came into American national consciousness.



## **Chapter 2: Private Persuasion, Public Denial: Politics, Torture and the Interpretation of Law**

[T]win pressures – fear of not doing enough to stop the next attack, and an equally present fear of doing too much and ending up before a court or grand jury – lie behind the Bush administration’s controversial legal policy decisions about the Terrorist Surveillance Program, the Geneva Conventions, military commissions, interrogation techniques, Guantanamo Bay, and more. (Jack Goldsmith 12)<sup>15</sup>

‘Look, let me make very clear the position of my government and our country,’ Bush said in the Oval Office. ‘We do not condone torture. I have never ordered torture. I will never order torture. The values of this country are such that torture is not a part of our soul and our being.’ (Bush, qtd. in “I Have Never Ordered Torture”)

Although the Abu Ghraib photographs have become a type of visual shorthand representing the acts of violence that occurred there, the violent acts captured on film make up only a small piece of what is a complicated political, legal, and rhetorical construct establishing the meaning of torture in the context of the War on Terror, undertaken after the attacks on the World Trade Center and the Pentagon on September 11, 2001. In framing this new war, the Bush administration focused on the terrifying, irrational, and inhuman character of the enemy and on the need for the United States to prevent future attacks. Within this rhetoric of self-defense, the Bush administration and other political elites in support of the war reasoned that preemptive violence was necessary (Davis and Cloud). The gathering of intelligence became a means to this end.

Set against the background of the traumatic and devastating September 11 attacks, the rationale of the Bush administration’s legal policy decisions, noted above by Jack Goldsmith, former U.S. Assistant Attorney General, becomes excruciatingly clear. In the aftermath of tragedy the President promised to defeat terrorism at any cost, and gathering

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<sup>15</sup> Jack Goldsmith is currently a law professor at Harvard University. From October 2003 to June of 2004, Goldsmith served at Assistant Attorney General, Office of Legal Counsel.

intelligence on al Qaeda and other terrorist networks seemed a logical step in that direction (Lewis). Lacking “human intelligence,” or spies inside these terrorist networks, the Bush administration “focused on the hope of getting information by questioning captured terrorist suspects” (Lewis xiii). As early as September 25, 2001, a series of legal memoranda began to circulate among individuals in the White House, the Pentagon, the U.S. State Department and the Department of Justice. Within these memos, the Bush administration sought, and was eventually granted, the “right to interrogate prisoners with techniques possibly outlawed by the Geneva Conventions and by American military and civil law” (Greenberg xvii). These legal memoranda, which ultimately consisted of thousands of pages, were encoded in complicated language and securely classified to ensure that only a few select individuals within the Bush administration ever saw them. It seems strange to the average observer that these documents, shrouded in secrecy, could rightly call into question international treaties and laws of war outside of a U.S. or international court. However, as Jack Goldsmith explains,

[M]ost legal issues of executive branch conduct related to war and intelligence never reach a court, or do so only years after the executive has acted. In these situations, the executive branch determines for itself what the law requires, and whether its actions are legal. In theory the President himself must construe the law as part of his constitutional duty to ‘faithfully execute’ the law, for he must know what the law requires before he can enforce it. (32)

It is in these memoranda that President Bush, through the office of the Attorney General, construed torture law. And, as the language of the memos makes quite clear, this law was interpreted with an acute awareness of the ethical and legal debates surrounding torture.

Although these so-called “torture memos” date back to the start of President Bush’s war on terror, the American public did not become aware of their existence until the summer of 2004, just a few short months after the Abu Ghraib photographs were first leaked to the press. These memoranda, first uncovered by critical journalists from *The*

*Washington Post* and ultimately released by the U.S. government, not only outlined many torture techniques prominently featured in the Abu Ghraib photographs, but also linked these techniques directly to President Bush and top members of his cabinet. With their cold bureaucratic language outlining specific thresholds of pain deemed acceptable for use against a terrorist enemy, these memoranda clearly contradicted the notions of freedom and democratic American national identity President Bush had crafted as part of America's war on terror. Having been released to the public in the middle of the President's run for re-election, these memoranda also seemed to open space for critique from his political opponents. However, the torture memos never served as significant political fodder for Bush's political opposition. In fact, it was John Kerry, Bush's opponent, who ultimately came under harsh scrutiny from the press and the American public for his war record, not Bush. In November of 2004, just months after the Abu Ghraib photographs and corresponding legal memoranda were made available to the public, President Bush was re-elected to the White House.

In this chapter I examine the political language surrounding the Abu Ghraib prison scandal. I compare the so-called torture memos to public political statements about Abu Ghraib made during the 2004 Presidential campaign and consider the ways in which these two types of political discourse define torture in terms of American national identity. In this chapter, I am asking a number of interrelated questions: How does the rhetoric of the private political discourse surrounding torture differ from the public political discourse regarding the Abu Ghraib prison scandal? What role (if any) did the so-called torture memos play in shaping public political discourse surrounding Abu Ghraib? Did these memos shape public perceptions of U.S. interrogation practices and/or enable political opposition to the war in Iraq? If so, how? And, in what ways is political

discourse, both public and private, shaped by dominant understandings of the relationship between national identity and violence?

In order to answer these questions, this chapter explores two sets of political texts. The first set of texts I examine contains the legal memoranda that circulated among top members of the Bush administration between September 25, 2001 and April 16, 2003. An analysis of these texts explores the ways in which violence is explained and justified and to what extent these justifications depend upon dominant understandings of American national identity. The second set of political texts I examine includes the public addresses made by political officials in reaction to the exposure of the Abu Ghraib incidents. Because the violence at Abu Ghraib was made public during an election year, I analyze the public addresses made by President Bush, members of the Bush administration, and Democratic Presidential candidate John Kerry. In this section of analysis I examine the ways in which these public addresses (speeches, Presidential debates, and news conferences) frame the violence at Abu Ghraib and examine the impact (if any) the Abu Ghraib scandal had on the election.

These texts were essential to defining an enemy in such a way as to make the mistreatment of them legal. This legalization of torture, in turn, is very much dependant upon an understanding of American national citizens as freedom-loving victims needing protection from an irrational terrorist threat, a threat that must ultimately be controlled to insure the safety and integrity of the American people. In this chapter I argue that the public political language that the Bush administration used to frame the war on terror ultimately motivated members of the Bush legal team to reinterpret national and international laws regarding the treatment of so-called enemy combatants (a label for the enemy that came out of this reinterpretation). By couching the treatment of prisoners in terms of legal standards, the U.S. government had only to answer to the law; at the same

time, as analysis will show, the administration rewrote the law to suit its needs. While it is important for the purpose of this project to understand the persuasive power of the law, it is also important to understand the ways in which the language of the law was ultimately shaped by certain ideologies regarding the identity of America as a nation, the identity of America's enemies, and the prerogative of each to impose violence on the other. I argue that the ways in which the Bush administration reinterpreted the law ultimately shaped the ways in which both the Bush campaign and the Kerry campaign could (or would) address the incidents at Abu Ghraib publicly during the 2004 Presidential election. The Abu Ghraib prison scandal, by exposing members of the American military as torturers, had the potential to problematize what it means to be an American citizen. However, as the following analysis will show, this threat to an idealized American national identity constituted in and by democratic values was managed rhetorically by the Bush administration in such a way that acts of torture were neutralized and the American people were ultimately distanced from them.

#### **LEGAL LANGUAGE AND THE ENACTMENT OF STATE VIOLENCE**

Assumptions about violent actors are instrumental in shaping the ways in which acts of violence come to be understood. In the case of Abu Ghraib, potentially violent actors fall into two distinct categories: the state and the terrorist. The term *state*, for the purposes of this dissertation, refers specifically to the governmental controlling body of a nation. Within this definition, members of the U.S. armed forces, government agencies (like the FBI and the CIA), police, and even top-ranking governmental officials (like the President of the United States) are all understood to be members of the state. Accordingly, the types of violent actions performed by state actors are understood as *state-sanctioned violence*. This distinction, between state-sanctioned violence and other types of collective violence, is important because, as Charles Tilly explains,

“Government agents and allies regularly employ violence as they pursue their own ends. Soldiers, sailors, police, jailers and guards enjoy legal rights – even legal obligations – to use violent means on behalf of governments” (19).

Max Weber first argued that the state legally and legitimately employed violence toward political ends in the early 1900s. According to Weber, “a state is a human community that (successfully) claims the *monopoly of the legitimate use of physical force* within a given territory” (“Politics” 1). Weber argued that the state had an intimate relationship with violence in that violence often defined the power of the state and the state, in turn, used this power to deem violence legitimate when it served the state’s political purposes. As he explains, “the right to use physical force is ascribed to other institutions or to individuals only to the extent to which the state permits it. The state is considered the sole source of the ‘right’ to use violence” (Weber “Politics” 1). Mahmood Mamdani recognizes the importance of Weber’s assumptions and argues that powerful nation-states, the United States in particular, have become dominant world forces because of their ability to produce and legitimize state violence at home and around the globe. He argues, “The nation-state centralized the formerly dispersed means of violence into a single fist, capable of delivering an awesome blow to all enemies of the nation, internal and external” (Mamdani 5). One of the ways in which the state can deliver this blow is through its influence in writing and interpreting national and international law. Robert Cover a law professor and longtime civil rights activist argues that interpretation of the law and state violence cannot be understood apart from one another. He explains,

Legal interpretive acts signal and occasion the imposition of violence upon others: A judge articulates her understanding of a text, and as a result, somebody loses his freedom, his property, his children, even his life. Interpretations in law also constitute justifications for violence which has already occurred or which is about to occur. When interpreters have finished their work, they frequently leave behind victims whose lives have been torn apart by these organized, social practices of violence. (Cover 1601)

Cover is right to observe that national law, in many ways, can be understood in terms of its role as a system that legitimizes and rationalizes state violence. For Cover, whose work focuses on state-sanctioned imprisonment, the violence of the law is most obvious to the person or persons punished under its rule (1608). Importantly, Cover also recognizes that ideological justifications for the violent acts of the law are made to benefit the perpetrators of legal violence. Cover explains,

I do not wish to downplay the significance of such ideological functions of law. But the function of ideology is much more significant in justifying an order to those who principally benefit from it and who must defend it than it is in hiding the nature of the order from those who are victims. (1608)

For Cover, ideological assumptions that reside within the language of the law help justify state violence. In fact, the ability of the law to persuade state actors into enacting violent actions is, for Cover, one of the law's most powerful functions (1613).

Rhetorical analysis is an important resource for scholars in this regard. As Marouf Hasain, Jr. argues, it is the examination of rhetorical acts within the law that allows critics to understand more fully the ideological assumptions that legal assertions often take for granted. Hasain's most recent work explores historical and contemporary uses of the terms "necessity" and "military necessity," with a particular focus on how these phrases are used in defense of modern-day military tribunals. He argues,

[T]he complex issues surrounding these tribunals are not simply matters that can be resolved through formalistic legal analyses that discover the 'right' interpretation of key precedents, statutes, or military codes. In the wake of 9/11, we are living in a world where we are having to renegotiate the ways we think about legal just and the spirit behind these laws. (2)

Similarly, I argue that understanding the rhetorical, as well as the legal, functions of the so-called torture memos, can help scholars and critics understand how violent acts become legally justified. Rhetorical analysis can also help us to understand how legalized

violence is ultimately explained to and perceived by the public in whose name this violence becomes enacted.

Violence and the state have a very close and powerful relationship in so far as each legitimizes the other. However, the relationship between violence and the state is as dangerous as it is gratifying in that while violence offers the state control, violence also poses a constant threat to state power. A way for the state to control the threat of violence is to promote the illegitimacy of the types of violence that threaten it. This makes the state a unique participant in interactions with violent actors deemed a terrorist threat.

The label *terrorist* is one primarily attributed to people whose actions are seen as a threat to the legitimacy of the state, but those acting on behalf of the state are often those with the power to define terrorist threat. Common definitions of terrorism used by state agencies are complicated and, by no means, universal. The U.S. Code defines terrorism in terms of actions that “involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State” and appear to be intended to “intimidate or coerce a civilian population,” to “influence the policy of a government by intimidation or coercion,” or to “affect the conduct of a government by mass destruction, assassination, or kidnapping” (18 USC 113b, sec. 2331, 2004). The National Counterterrorism Center defines terrorism as “premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents” (i). According to the FBI, terrorism is “the unlawful use of force or violence against persons or property to intimidate or coerce a Government, the civilian population, or any segment thereof, in furtherance of political or social objectives” (<http://jackson.fbi.gov/cntrterr.htm>). Although these different state actors define terrorism in different ways, each definition deems terrorist violence illegitimate in comparison to the state or in terms of state law.



The term *terrorism* is understood as “the use of violence or force, or the threat of such, directed upon innocents, civilians, or noncombatants, in order to achieve political objectives” (Kapitan and Schulte 173). The term *terrorist* is recognized as a label that “automatically discredits any individuals or groups to which it is affixed; it dehumanizes them, places them outside the norms of acceptable social and political behavior, and portrays them as people who cannot be reasoned with” (Kapitan and Schulte 178). This chapter raises the question: When are violent actors labeled as terrorists and when are they not, even when they meet the definition of terrorism elaborated above? The definitions used by the state agencies charged with controlling terrorist threat purposefully exclude the state as a potential agency of terror. This exclusion of the state is important because, as Kapitan and Schulte explain, “At the level of overt actions committed by states, there are numerous examples that are not usually labeled as ‘terrorist,’ though they qualify as such under those definitions that allow for state terrorism” (176).<sup>16</sup> Brian Martin also recognizes the ways in which state definitions of terrorism excludes state actors. He explains, “Politicians and others define and think about terrorism in a way that excludes the role of ‘respectable’ states in terrorism. Terrorism is commonly defined as the use of violence by nonstate groups and so-called ‘rogue states’ against civilians for political purposes” (Martin 7). By making terrorist violence illegitimate and excluding state actors as terrorist threats, definitions of terrorism currently perpetuated in mainstream political language dismiss the social, political, and economic motivations of the people who use violence against a state, while simultaneously reinforcing state violence.

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<sup>16</sup> These examples include, “the destruction of Gronzy by Russian forces during the Chechnya war of 1999, the U.S. bombing of Tripoli, Libya in April 1986, resulting in the deaths of over 100 civilians, the US naval bombardment of Lebanese villages in the Chouf mountains in October 1983, and the Israeli aerial and land bombardment of Beirut in the summer of 1982 that resulted in the deaths of 5000-6000 civilians” (Kapitan and Schulte 176).

## **POLITICAL LANGUAGE, PRIVATE AND PUBLIC**

Although the graphic images of the violence at Abu Ghraib began to circulate in the spring of 2004, members of the Bush administration were concerned with the possibility of these types of acts long before the incidents at Abu Ghraib occurred. The first set of political texts I examine contains legal memoranda, a series of so-called “torture memos” that began circulating among members of the Bush administration as early as September 25, 2001. These memoranda, authored by members of the Bush legal team, high-ranking U.S. security officials, and even President Bush himself, were written and circulated with the intent to authorize and document the “coercive interrogation” or torture methods used by members of the United States military in Afghanistan, Guantanamo Bay, and Abu Ghraib. In 2005 two lawyers, Karen Greenberg and Joshua Dratel, gathered these documents as the U.S. government declassified them. Their published volume, *The Torture Papers: The Road to Abu Ghraib*, consists of thousands of pages, containing twenty eight internal memoranda and nearly a dozen official U.S. reports concerning the legality of torture techniques used by the U.S. government. These memoranda are important because they illustrate the persuasive means (appealing to self-defined law and the construction of national identity in terms of a terrorist other) through which political elites, top members of the Bush administration and the Bush legal team, justified the use of torture by members of the U.S. military. These memoranda are also important because their authors never intended to make them public, and the justifications for torture methods that these memos contain differ drastically from the public political discourse surrounding Abu Ghraib that occurred in the midst of the 2004 Presidential election. I examined 27 internal memoranda that were circulated between September 25, 2001 and April 16, 2003. The documents analyzed in this chapter are emblematic examples of the memoranda examined.

The second set of political texts I examined includes the public addresses made by political elites in reaction to the exposure of the incidents at Abu Ghraib. Because the violence at Abu Ghraib was made public during an election year, I analyzed the public addresses made by President Bush, members of the Bush administration, and Democratic Presidential candidate John Kerry between April 28, 2004 (the day CBS first broke the story of Abu Ghraib) and ending December 2, 2004 (one month after President Bush was reelected). The following table (see Table 2.1) represents the results of focused key word searches in online historical archives made available through [www.whitehouse.gov](http://www.whitehouse.gov). These archives contain public addresses (e.g. press conferences and campaign speeches) made by the Bush administration over the course of the Bush presidency. A search containing the search terms “Iraq” or “al Qaeda” between April 28, 2004 and December 2, 2004 yielded 473 documents. Within this body of documents 16 contained the terms “abuse” or “abusing” in reference to the incidents at Abu Ghraib. The term “torture” limited the original search to 104. Of these, the term “torture” was used 9 times in reference to the incidents at Abu Ghraib and 95 times in reference to actions made by Saddam Hussein prior to U.S. invasion of Iraq. The term “Abu Ghraib,” when added to the original search for “Iraq” or “al Qaeda” limited documents to 9 and the term “picture” when added to the original search limited documents to 5. I closely examined all documents that made reference to “abuse,” “torture,” “Abu Ghraib,” or “picture.”

Table 2.1: Incidence of Addresses Made by the Bush Administration Referencing Torture

Category	Number of Addresses
Total	1338
Containing Iraq or al Qaeda	473
Iraq or al Qaeda + abuse or abusing (referencing violent actions at Abu Ghraib)	16
Iraq or al Qaeda + torture (referencing violent actions at Abu Ghraib)	9
Iraq or al Qaeda + torture (referencing violent actions of Saddam Hussein)	95
Iraq or al Qaeda + “Abu Ghraib”	9
Iraq or al Qaeda + picture (referencing the Abu Ghraib photographs)*	5

Source: News Archives (April 28, 2004 – Dec. 2, 2004) available at [www.whitehouse.gov](http://www.whitehouse.gov)

\* An initial search revealed that President George W. Bush uses the more colloquial term “picture” rather than the terms “photo” or “photographs.”

While public addresses made by the Bush administration are readily available in online archives, public addresses made by the Kerry campaign during the 2004 Presidential election proved more difficult to collect. The following table (see Table 2.2) represents the results of focused key word searches in an online historical archive made available through [www.presidentialrhetoric.com](http://www.presidentialrhetoric.com). This archive contains public addresses (e.g. press conferences and campaign speeches) made by the Kerry campaign during John Kerry’s run for the presidency in 2004. A search containing the search terms “Iraq” or “al Qaeda” between April 28, 2004 and December 2, 2004 yielded 30 documents. Within this body of documents none of the other search terms, “abuse,” “torture,” “Abu Ghraib,” or “picture,” were present.

Table 2.2: Incidence of Addresses Made by the Kerry Campaign Referencing Torture

Category	Number of Addresses
Total	41
Containing Iraq or al Qaeda	30
Iraq or al Qaeda + abuse or abusing (referencing violent actions at Abu Ghraib)	0
Iraq or al Qaeda + torture (referencing violent actions at Abu Ghraib)	0
Iraq or al Qaeda + torture (referencing violent actions of Saddam Hussein)	0
Iraq or al Qaeda + “Abu Ghraib”	0

Source: (April 28, 2004 – Dec. 2, 2004) available at [presidentialrhetoric.com](http://presidentialrhetoric.com)

Because availability of addresses made by the Kerry campaign is limited, I conducted an additional search within news archives in LexisNexis. The motivation for this search was to expand my analysis of Kerry rhetoric by examining direct quotations of Kerry speeches and comments available in U.S. news sources. The following table (see Table 2.3) represents the results of a LexisNexis search containing the combined search terms “‘John Kerry’ AND remarks OR speech OR interview AND campaign AND ‘Abu Ghraib’ AND Bush AND torture OR abuse ‘Iraq’ or ‘al Qaeda’” between April 28, 2004 and December 2, 2004. This search yielded 362 documents. Examination of these documents revealed 69 documents containing direct quotations by John Kerry regarding the incidents at Abu Ghraib. I closely examined all 69 documents containing direct quotations. The documents analyzed in this chapter are an emblematic example of the documents examined.

Table 2.3: Direct Quotations from Kerry Campaign as Quoted in U.S. Newspapers

Category	Total Number of Articles	Number of Articles Containing a Direct Quotation from Kerry Campaign
“John Kerry” AND remarks OR speech OR interview AND campaign AND “Abu Ghraib” AND Bush AND torture OR abuse	362	69

Source: “U.S. Newspapers and Wires” (April 28, 2004 – Dec. 2, 2004) as indexed by Lexis Nexis

### **Private Persuasion: The Torture Memos as a Matter of Detainment**

The events of September 11, 2001 induced a moment of social crisis. As the newly elected leader of the United States, George W. Bush, and his legitimacy in the Presidential office, also came under attack. It was not long after the attack on September 11, 2001 that President Bush, in an address delivered to Congress and the American people, defined America’s national crisis in the stark terms and strict divisions that eventually permeated the internal memoranda that would ultimately decide the fate of the prisoners held at Abu Ghraib years later. On September 20, 2001 Bush argued,

Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime. (par. 29)

Similarly, in the very first memo of *The Torture Papers*, a process begins whereby terrorists come to be defined, not as equal persons or nations in relation to the American people and the United States, but as an enemy unworthy and ineligible for protection under American and international laws. Within this process George W. Bush, President of the United States, is given the ultimate authority to rule over the country’s military actions in defense against this terrorist enemy threat. It is in this first memo whereby the

stark division between “us” and “them” is codified in the legal language of the American nation-state.

John C. Yoo wrote the first memo in a series of memos that would later be named the “torture memos,” on September 25, 2001.<sup>17</sup> In this memo Yoo outlined the constitutional authority of the President to use force against terrorists, establishing President Bush as an all-powerful leader in control of American enemies. This ability to control the enemy depended, in part, on the identification of the enemy as a terrorist, and thus an illegitimate perpetrator of violence. In the memo Yoo argued,

[T]he [P]resident has broad constitutional power to take military action in response to the terrorist attacks on the United States on September 11, 2001. Congress has acknowledged this inherent executive power in both War Powers Resolution and the Joint Resolution passed by Congress on September 14, 2001.  
(3)

This power given to the President under the law allowed him not only to retaliate against those deemed responsible for the September 11 attacks, but also any person or organization the President considered to be involved with the attacks in any way. In fact, in the memo Yoo asserted that the President was within his right to attack any organization associated with terrorism, whether or not that organization was involved in the events of September 11: “The President may deploy military force preemptively against terrorist organizations or the States that harbor or support them, whether or not they can be linked to the specific terrorist incidents of September 11” (3). Yoo concluded this memo by arguing that the President had supreme power under the law to deploy the military whenever he saw fit. However, most importantly, Yoo drew this conclusion by defining the enemy other over which the President had supreme control:

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<sup>17</sup> John C. Yoo served as Deputy Assistant Attorney General from 2001 to 2003. For more information regarding Yoo’s legal background see Karen J. Greenberg and Joshua L. Dratel, eds., *The Torture Papers: The Road to Abu Ghraib* (Cambridge: Cambridge University Press, 2005), xxxiv.

Military actions need not be limited to those individuals, groups, or states that participated in the attacks on the World Trade Center and the Pentagon: the Constitution vests the President with the power to strike terrorist groups or organizations that cannot be demonstrably linked to the September 11 incidents, but that, nonetheless, pose a similar threat to the security of the United States and the lives of its people, whether at home or overseas. (24)

In this assertion, the category *terrorist* not only encompasses an extremely large amount of potential suspects, but the essential element of a terrorist relegates him or her to a position dependent upon his or her relationship with the United States. Rather than being comprised of individuals with their own social, economic, and political motivations, terrorist groups are understood in terms of security threats to the American nation-state. In other words, the terrorist is defined solely by the extent to which he or she poses a threat to the people of the United States. As will be discussed in more detail below, this definition of the enemy in terms of threat allowed the Bush administration to deny the enemy legal recognition. By refusing the enemy protection under the law, the Bush administration could legally justify the use of torture to control it.

President Bush executed this invested power in an executive military order issued on November 13, 2001. In this order the President addressed his power to detain terrorists and outlined the procedures by which he could treat those he identified as terrorists. He reiterated the assertion that individuals who were deemed terrorists were not protected under the law of the United States or under international laws. President Bush defined the enemy as people who were not citizens of the United States, who were members of al Qaeda “at the relevant times,” and had

engaged in, aided or abetted, or conspired to commit, acts or international terrorism, or acts in preparation therefore, that have caused, threaten to cause, or have as their aim to cause, injury to or adverse effects on the United States, its citizens, national security, foreign policy, or economy. (26)

Included in this definition are states that have sponsored or “knowingly harbored” individuals the President defines as terrorists (Bush “Military Order” 26). Once again,



within the language of the law, members of the state not only defined America's enemies, but also asserted the legitimate right to control that enemy in the name of the American nation.

One aspect of America's control over its enemy was the state's ability to detain persons defined as such. On December 28, 2001 Deputy Assistant Attorney Generals Patrick F. Philbin and John C. Yoo advised General Counsel to the U.S. Department of Defense, William J. Haynes II, that the U.S. Federal Courts did not hold jurisdiction to hear petitions of habeas corpus from prisoners held at Guantanamo Bay, Cuba. The Latin term *habeas corpus* translates literally to "you have a body." Used within the law, a writ of habeas corpus is a judicial mandate in which the court determines whether or not the state or another governing body detains a prisoner legally. When a person files a writ of habeas corpus, he or she does so to challenge the legality of the terms under which another person has been imprisoned. By declaring that prisoners held at Guantanamo Bay, Cuba could not challenge the legality of their imprisonment in U.S. court, this memo ultimately became "the basis of the government's legal strategy of trying to prevent detainees from challenging their detention" under U.S. law (Greenberg and Dratel xxv). In this memo the power of the American nation-state to control the persons deemed an enemy threat resided solely in the understood sovereignty of the American nation and the territorial space over which U.S. law could grant a person legal rights or recognition of a legal "body." Therefore, it was determined that persons detained in Cuba, who were not U.S. citizens, could not appeal to U.S. law because their place of detainment was in a physical space outside the territorial borders of the United States. However, with this determination, Philbin and Yoo cautioned against the possibility for alternative interpretations of the law:

If an alien detainee is both outside the United State's sovereign territory and outside the territorial jurisdiction of a federal court, then it is clear that no habeas jurisdiction exists. We have explained above that we believe GBC meets those conditions. A non-frivolous argument might be constructed, however, that GBC, while not a part of sovereign territory of the United States, *is* within the territorial jurisdiction of a federal court. . . . This is because 'sovereignty' over territory and 'jurisdiction' over territory could mean different things. A nation, for example, can retain its sovereignty over its territory, yet at the same time allow another nation to exercise limited jurisdiction within it. (34)

Philbin and Yoo expressed concern over the possibility for alternative interpretations of the law because, as they explained, "such a result could interfere with the operation of the system that has been developed to address the detainment and trial of enemy aliens" (34). Specifically, if the U.S. courts allowed a petition of habeas corpus, a detainee could "challenge the legality of his status and treatment under international treaties, such as the Geneva Conventions and the International Covenant on Civil and Political Rights" (Philbin and Yoo 36). If a detainee were allowed a petition of habeas corpus he or she could also challenge "the use of military commissions and the validity of any charges brought as violation of the laws of war under both international and domestic law" (Philbin and Yoo 36). Philbin and Yoo ultimately concluded that prisoners detained at Guantanamo Bay, Cuba did not have the right to petition for habeas corpus. This conclusion benefited the U.S. government in that by denying the enemy habeas corpus, state actors lessened the possibility that the legitimacy of state actions could be called into question.

### **Private Persuasion: The Torture Memos as a Matter of Treatment**

The refusal by the Bush administration to recognize so-called terrorists as anything other than a threat to the United States led to a similar refusal to honor human rights in accordance with U.S. and international law. As early as January 9, 2002, members of the Bush administration and the Bush legal team began circulating a series of

memoranda concerning whether or not the Geneva Conventions and other international laws designed to protect human rights in times of war applied to members of al Qaeda or the Taliban militia in Afghanistan. A memo written by John Yoo and Robert Delabunty ultimately concluded that the Geneva Conventions did not apply in either case:

We conclude that these treaties do not protect members of the al Qaeda organization, which as a non-State actor cannot be a party to the international agreements governing war. We further conclude that these treaties do not apply to the Taliban militia. This memorandum expresses no view as to whether the President should decide, as a matter of policy, that the U.S. Armed Forces should adhere to the standards of conduct in those treaties with respect to the treatment of prisoners. (38)

The rationale behind this decision relied on the assumption that the Geneva Conventions were designed to govern the legal relationships between nation-states, not between nation-states and enemy others who were considered “private, subnational groups or organizations” (Yoo and Delabunty 42). Yoo and Delabunty argued that members of al Qaeda did not follow appropriate rules of war, and, therefore, the United States was not required to treat them in a way that was governed by international treaties. As Yoo and Delabunty explained,

Al Qaeda members have clearly demonstrated that they will not follow these basic requirements of lawful warfare. They have attacked purely civilian targets of no military value, the refused to wear uniform or insignia or carry arms openly, but instead hijacked civilian airliners, took hostages, and killed them; they have deliberately targeted and killed thousands of civilians; and the themselves do not obey the laws of war concerning the protection of the lives of civilians or the means of legitimate combat. (50)

In the case of the Taliban, it was determined that even though Afghanistan, as a nation, was witness to the Geneva Conventions, Afghanistan was a failed state under the Taliban regime and, therefore, the United States was not obligated to conduct a war against the Taliban regime within the confines of Geneva.

On January 16, 2002 the first suspected al Qaeda and Taliban prisoners arrived at the prison facilities in Guantanamo Bay, Cuba. At this point in history, the queries in the memoranda became more specific to the practices of imprisonment and interrogation that were occurring there. In a memo written on January 25, 2002, Alberto Gonzales outlined the arguments that allowed the President to refuse members of al Qaeda and the Taliban recognition as prisoners of war in accordance with Geneva Convention III, whose purpose is to assure legal treatment of POWs.<sup>18</sup> The decision to couch detainment and treatment practices under Geneva III is, by itself, important and revealing. Under the third Geneva Convention, prisoners of war are persons who are a part of the armed forces, a militia, or another armed group. Geneva IV, on the other hand, refers to the treatment of civilians. By focusing on Geneva III, members of the Bush administration ultimately determined that those imprisoned at Guantanamo, and eventually Abu Ghraib, were not considered civilians under the law.

This January 25 memo authored by Gonzales was written in response to claims made by then Secretary of State Colin Powell who, in earlier memos, had argued that POW status should be determined on a case-by-case basis. Powell, who asked for reconsideration following the Gonzales memo, argued,

The Secretary of State believes that al Qaeda terrorists as a group are not entitled to POW status and that Taliban fighters could be determines not to be POWs either as a group or on a case-by-case basis. . . . any determination that Afghanistan is a failed State would be contrary to the official U.S. government position. The United States and the international community have consistently held Afghanistan to its treaty obligations and identified it as a party to the Geneva Conventions. (124)

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<sup>18</sup> Alberto R. Gonzales was appointed as legal counsel to President George W. Bush in January of 2001. For more information on Gonzales's legal background, see *The Torture Papers*, xxxii.

In his memo to the President, Gonzales advised that the arguments made by Powell were legally “unpersuasive” and suggested that the President deny POW status to all members of al Qaeda and the Taliban without giving case-by-case consideration as to that status:

On January 18, I advised you that the Department of Justice had issued a formal legal opinion concluding that the Geneva Convention III on the Treatment of Prisoners of War (GPW) does not apply to the conflict with al Qaeda. I also advised you that DOJ’s opinion concludes that there are reasonable grounds for you to conclude that GPW does not apply with respect to the conflict with the Taliban. I understand that you decided that GPW does not apply and, accordingly that al Qaeda and Taliban detainees are not prisoners of war under the GPW.  
(118)

The memo outlined characteristics of the Taliban and al Qaeda that made them ineligible for the consideration of POW status, a status that would have given them the protection of their rights as human beings under U.S. and international law. Members of al Qaeda were not given POW status because “Afghanistan was a failed state” at the time of the September 11 attacks (Gonzales 118). The Taliban and its forces were denied POW status because the “Taliban and its forces were, in fact, not a government, but a militant, terrorist-like group” (Gonzales 119). It was here that the definition of the enemy became even more problematic. On the one hand, there is a conflation of terms when al Qaeda, a secret group of so-called terrorists, is conflated with Afghanistan, a failed nation-state. More explicitly, the Taliban and its forces are defined as a terrorist enemy. If al Qaeda, Afghanistan, and the Taliban are defined as terrorists, then the denial of POW status in this way essentially instilled the President with the legal rights to control these newly defined enemies through any use of military force he deemed necessary.

This memo from Gonzales is important because it is emblematic of the ways in which U.S. enemies ultimately came to be defined under U.S. law. Defining the enemy in this way, not only allowed the President to determine who was considered a terrorist enemy, but it also allowed the President to change the nature of war in order to better

control this enemy. Addressing the President directly, Gonzales stated, “As you have said, the war against terrorism is a new kind of war. It is not the traditional clash between nations adhering to the laws of war . . . ” (119). President Bush ultimately decided that the Geneva Conventions did not apply to al Qaeda, but did apply to the war in Afghanistan (“Humane Treatment” 134). However, he determined “that the Taliban detainees are unlawful combatants and, therefore, do not qualify as prisoners of war under Article 4 of Geneva” (“Humane Treatment” 135). He also determined that because Geneva did not apply to al Qaeda, “al Qaeda detainees also do not qualify as prisoners of war” (“Humane Treatment” 135). By defining enemy terrorists in terms that deny them political or social legitimacy, the Bush administration denied the enemy protection within the law. Denying the enemy protection under the law, in turn, changed the nature of war and opened the door for what is deemed legal when fighting one. Most importantly, controlling the legal status of the enemy and altering the nature of war, gave the Bush administration the ability to change the ways in which laws applied to the U.S. in a manner that allowed the U.S. to better control its enemies while remaining perfectly within its legal rights.

### **Private Persuasion: Information Seeking as the Legalization of Torture**

Thus far, I have shown how in a series of memoranda, the Bush administration defined an enemy deemed unworthy of protection under international law while maintaining the legal legitimacy of state actions. In August of 2002, the nature of the memoranda shifted from more abstract debates regarding whether or not U.S. enemies were worthy of human rights protections to more specific debates regarding which violent actions could be used to interrogate prisoners while maintaining this legal legitimacy. These memoranda subsequently led to the legalization of the torture techniques used to control the enemy of the United States. These memoranda also outline

many of the very same actions that were eventually captured in the photographs documenting the torture at Abu Ghraib.

In a memo written to Alberto Gonzales on August 1, 2002, Jay S. Bybee outlined what could be described as torture under the law.<sup>19</sup> He argued the term “torture,” as outlined in the law, only applied to extreme interrogation techniques. In this document Bybee was primarily concerned with the legal interpretation of two sections of the Torture Convention, a statute that outlined the legal parameters of interrogation techniques. The first Section, Section 2340, defined the act of torture as an act “committed by a person acting under the color of the law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custodial or physical control” (Bybee 173). The second section, 2340A, made it a criminal offense for any person “outside of the United States [to] commit or attempt to commit torture” (Bybee 173). Accordingly, in order to convict a person for participating in illegal acts of torture, a prosecutor must show that torture occurred outside of the United States, that the defendant “acted under the color of the law,” that the victim was in the defendant’s custody or physical control, and that the defendant intended to inflict pain on the victim. After outlining the legal details of what was deemed an act of torture, Bybee concluded that torture, by definition, only applied to extreme acts:

[W]e conclude that torture as defined in and proscribed by Sections 2340-2340A, covers only extreme acts. Severe pain is generally of the kind difficult for the victim to endure. Where the pain is physical, it must be of an intensity akin to that which accompanies serious physical injury *such as death or organ failure*. Severe mental pain requires suffering not just at the moment of infliction but it also requires lasting psychological harm, such as seen in mental disorders like post-traumatic stress disorder. Additionally, such severe mental pain can arise only from the predicate acts listed in Section 2340. Because the acts inflicting

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<sup>19</sup> Jay S. Bybee was appointed Assistant Attorney General by President George W. Bush in 2001. For more information regarding Bybee’s legal background see *The Torture Papers*, xxxi.

torture are extreme, there is significant range of acts that *though they might constitute cruel, inhuman, or degrading treatment or punishment* fail to rise to the level of torture. (213-14, emphasis added)

By setting the physical pain threshold at a level equal to organ failure and by identifying a range of techniques as “cruel, inhumane, or degrading,” but not torturous, Bybee expanded torturous actions deemed legal. He did this in reference to a new type of war and to the legitimacy of the President and the state:

Further, we conclude that under the circumstances of the current war against al Qaeda and its allies, application of Section 2340A to interrogations undertaken pursuant to the President’s Commander-in-Chief powers may be unconstitutional. Finally, even if an interrogation method might violate Section 2340A, necessity or self-defense could provide justifications that would eliminate any criminal liability. (213-14)

For Bybee, invoking human rights protections for detainees considered to be terrorists by the United States government was unconstitutional because invoking these protections threatened Presidential (read state) power. If the acts outlined in this memo by Bybee were recognized as acts of torture, the legitimacy of state power could be called into question. By narrowing the scope of actions considered torture under the law, Bybee essentially opened the space for communication in which high-ranking members of the U.S. military asked for, and were granted, the legal right to use torture techniques in interrogations of suspected terrorists.

On October 11, 2002, a series of memoranda circulated among military lawyers attempting to set the parameters for legal interrogation methods for use against suspected terrorists. In one memo Jerald Phifer framed a “problem” with existing guidelines for interrogation procedures. According to Phifer, existing guidelines were seen to “limit the ability of interrogators to counter advanced resistance” (227). In this correspondence, Phifer outlined three existing categories of interrogation techniques. Category I consists of so-called standard techniques, which encourage interrogators to reward detainees for



giving information. Phifer also explained that, under Category I, if the detainee was “determined by the interrogator to be uncooperative,” the interrogator could yell at the detainee (not directly in his ear or to the level that would cause physical pain), and deceive the detainee by identifying himself with a “country with a reputation for harsh treatment of detainees” (227). Category II interrogation techniques include: the use of stress positions (like standing), for a maximum of four hours, the use of falsified documents, and the “use of the isolation facility for up to 30 days,” upon request (Phifer 227). Other techniques outlined in Category II include interrogating the detainee in an environment other than the standard interrogation booth, deprivation of light and auditory stimuli through use of hood placed over the detainee’s head, the use of 20 hour interrogations, removal of all comfort items (including religious items), removal of clothing, forced grooming (shaving of facial hair etc. . .), and using detainees individual phobias (such as fear of dogs) to induce stress (Phifer 228). Category III is the most restricted category of interrogation techniques, which, as Phifer explained, “are required for a very small percentage of the most uncooperative detainees (less than 3%)” (228). Category III techniques include the use of scenarios designed to convince the detainee that death or severely painful consequences are imminent for him and/or his family, exposure to cold weather or water, the use of a wet towel and dripping water to induce the misperception of suffocation, and the use of mild, non-injurious physical contact such as grabbing, poking in the chest with the finger, and light pushing (Phifer 228).

In his memo that outlines interrogation techniques in great detail, Phifer never questioned the validity of the techniques. Rather Phifer’s only concern was whether or not these categories of interrogation would restrict members of the U.S. military as they attempted to procure information from detained suspected terrorists. It is important to note that these guidelines for treatment not only depend on an understanding of the

enemy terrorist as less than human, but also that these guidelines are based not on what types of information suspected terrorists might have, but rather on a general understanding that the U.S. government does not have the information it needs.

Donald Rumsfeld, then Secretary of Defense, eventually approved the use of most of the interrogation methods outlined in Categories I-III by approving a recommendation written by William Haynes on November 27, 2002:

I believe that all join in my recommendation that, as a matter of policy, you authorize the commander of USSOUTHCOM to employ, in his discretion, only Categories I and II and the fourth technique listed in Category III ('Use of mild, non-injurious physical contact such as grabbing, poking in the chest with the finger, and light pushing'). While all Category III techniques may be legally available, we believe that, as a matter of policy, a blanket approval of Category III techniques is not warranted at this time. (237)

The methods outlined in Category II, a Category of which Rumsfeld officially approved, are methods featured in the Abu Ghraib photographs. In the photographs, detainees are held in standing stress positions, they are deprived of light through the use of dark hoods, their clothes have been removed, and they are threatened with dogs. And, although Rumsfeld did not officially approve of the harshest of the interrogation techniques (those listed in Category III), in the margins of the original document, Rumsfeld wrote, "However, I stand for 8-10 hours a day. Why is standing limited to 4 hours?" (Haynes 236). These remarks, which Rumsfeld signed with his initials "DR," trivialized the harshness of the interrogation methods approved.

A few months after Rumsfeld approved the "counter-resistance" techniques outlined in the Haynes memo, Rumsfeld issued a memo in which he rescinded his authorization of the techniques until a committee comprised of members of the Department of Defense could fully review the legal implications of more aggressive interrogation techniques. The final draft of this working report on "detainee

interrogation” lists 35 possible “interrogation methods.” Rumsfeld, in the end, approved 24 of these techniques (see Table 2.4).

Table 2.4: Interrogation Techniques Approved by Donald Rumsfeld

Counter-resistance Technique	Description
Direct	Asking straightforward questions
Incentive/removal incentive	Providing reward or removing privilege, above and beyond those that are required by the Geneva Convention, from detainees
Emotional Love	Playing on the love a detainee has for an individual or group
Emotional Hate	Playing on the hate a detainee has for an individual or group
Fear Up Harsh	Significantly increasing the fear level in a detainee
Fear Up Mild	Moderately increasing the fear level in a detainee
Reduced Fear	Reducing the level of fear in a detainee
Pride and Ego Up	Boosting the ego of a detainee
Pride and Ego Down	Attacking or insulting the ego of a detainee, not beyond the limits that would apply to a POW
Futility	Invoking the feeling of futility in a detainee
We Know All	Convincing the detainee that the interrogator knows the answer to questions he asks the detainee
Establish Your Identity	Convincing the detainee that the interrogator has mistaken the identity for someone else
Repetition Approach	Continuously repeating the same question to the detainee within interrogation periods of normal duration
File and Dossier	Convincing the detainee that the interrogator has a damning and incriminating file, which must be fixed

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Mutt and Jeff	A team consisting of a friendly and a harsh interrogator
Rapid Fire	Questioning in rapid succession without allowing detainee to answer
Silence	Staring at the detainee to encourage discomfort
Change of Scenery Up	Removing detainee to a setting that is more pleasant
Change of Scenery Down	Removing detainee to a setting that is less comfortable
Dietary Manipulation	Changing the diet of a detainee; no intended deprivation of food or water, e.g., hot rations to MREs
Environmental Manipulation	Altering the environment to create moderate discomfort
Sleep Adjustment	Adjusting the sleep times of the detainee, not deprivation
False Flag	Convincing detainee that individuals from a country other than the U.S. are interrogating him
Isolation	Isolating detainee from other detainees

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Source: Rumsfeld, Donald. "Counter-Resistance." Memo to General James T. Hill. 6 April 2003. Memo 27 of *The Torture Papers: The Road to Abu Ghraib*. Ed. Karen Greenberg and Joshua L. Dratel. New York: Cambridge UP, 2005.

As these memoranda make clear, the White House was highly involved in setting the parameters for the treatment of U.S. captives very early in the War on Terror. However, as the analysis below will illustrate, the Bush administration publicly and vehemently denied any knowledge of the violent actions taken against prisoners at Abu Ghraib.

### **Public Distance: The Bush Administration Under Fire**

The second set of political texts I examine includes the public addresses made by political officials regarding the incidents at Abu Ghraib. In what follows, I analyze the public addresses made by President Bush, members of the Bush administration, and

Democratic Presidential candidate John Kerry. I examine the ways in which these public addresses (speeches, Presidential debates, and news conferences) frame the violence at Abu Ghraib and examine the impact (if any) the exposure of Abu Ghraib had on the 2004 Presidential election.

The President's first public response to the photographs of the incidents at Abu Ghraib occurred in the White House Rose Garden two days after the photographs were released in the press. After making a prepared statement alongside visiting Canadian Prime Minister, Paul Martin, President Bush opened up the floor for questions from the press corps. One reporter asked, "What is your reaction to the photos of U.S. soldiers abusing Iraqi prisoners? How are you going to win their hearts and minds with these sort of tactics?" (Bush, "Welcome" par. 20). The President responded,

Yes, I shared a deep disgust that those prisoners were treated the way they were treated. Their treatment does not reflect the nature of the American people. That's not the way we do things in America. And so I – I didn't like it one bit. But I also want to remind people that those few people who did that do not reflect the nature of the men and women we've sent overseas. That's not the way the people are, that's not their character, that are serving our nation in the cause of freedom [sic]. And there will be an investigation. I think – they'll be taken care of. (pars. 20-21)

This statement made by the President characterizes the consistent public stance he and his administration would make in regard to the incidents at Abu Ghraib throughout his run for reelection: The President was disgusted, the actions made by a few soldiers did not reflect the character of America or America's citizens, and the Bush administration would investigate the situation, bringing those responsible to justice. These three themes in Bush's rhetoric will be more fully explored below. In addition, a fourth theme will also be examined: The Bush administration consistently insisted that torture could be linked to America's enemy, Saddam Hussein. Although these four themes (disgust, distance, promise of justice, and reification of Saddam Hussein as the real torturer) most often

appear together within the public rhetoric of the Bush administration, I will explore each rhetorical move separately in the analysis that follows.

### **Public Distance: Surprise and Disgust**

After President Bush expressed his shock and disgust regarding the Abu Ghraib photographs on April 30, the Bush administration did not again address the situation publicly until then National Security Advisor, Dr. Condoleezza Rice, gave an interview to the Arab television station Al Arabiya on May 3, 2004. In this interview a reporter from Al Arabiya spoke to Rice specifically about the Abu Ghraib photographs and about America's stance on the situation. When asked about the Abu Ghraib photographs, the first statement Rice made was in regard to President Bush's personal feelings regarding the photographs. She explained, "The President spoke about these terrible pictures the other day when he said that he was personally sickened by them. And we all feel outraged at these pictures" (par. 2). A few days later, the President, himself, reiterated these feelings of disgust in an interview with Arab language channel, Alhurra Television. When asked about the photographs, the President stated, "First, people in Iraq must understand that I view those practices as abhorrent" (par. 5). In this interview Bush not only expressed his personal disgust for the violence depicted in the photographs, but he also explained that he first learned of the incidents when the photographs were released.

[T]he first time I saw or heard about pictures was on TV. However, as you might remember, in early January, General Kimmitt talked about a investigation that would be taking place about accused – alleged improprieties in the prison. So our government has been in the process of investigating. (par. 9)

In this rhetorical move, the President distanced himself from any knowledge of the incidents and, thus, any responsibility for them. However, as is discussed in more detail below, even as President Bush created distance between himself, his office, and the incidents, he reassured the American public that its government was working to correct

any wrongdoing. The President made a similar statement during a press conference on May 6, held in honor of a visit from the Jordanian King. President Bush stated,

I assured him [the King] Americans, like me, didn't appreciate what we saw, that it made us sick to our stomachs. I also made it clear to His Majesty that the troops we have in Iraq, who are there for security and peace and freedom, are the finest of the fine, fantastic United States citizens, who represent the very best qualities of America: courage, love of freedom, compassion, and decency. (par. 18)

In this statement President Bush distanced himself, a political leader, from the Abu Ghraib incidents by identifying himself with the average American citizen: "Americans, like me, didn't appreciate what we saw." The President also emphasized the distance between himself and Abu Ghraib in another statement making reference to Donald Rumsfeld. Bush stated, "I should have known about the pictures and the report" (par. 47). In expressing his shock about the violent actions, President Bush portrays himself as just another American citizen disgusted by the photographs. Speaking to a press corps reporter the President stated,

The acts were abhorrent, Steve. They sickened me to my stomach. I know they sickened yours too. You're a decent American. Any decent soul doesn't want a human being treated that way. And it is – it's a stain on our country's honor and our country's reputation. I fully understand that. And that's why it's important that justice be done. (par. 50)

This statement separates the President from any direct responsibility for what happened at Abu Ghraib and helps him identify with the American people, sharing the common feeling of shock and disgust regarding the violent actions that had taken place there. This expression of solidarity with the American people along with expressions of shock and disgust about the incidents were not reserved for Bush's encounters with the press, but also became a part of Bush's rhetoric on the campaign trail.

It is important to note that the stump speeches the President made while campaigning were essentially the same as he moved from city to city. However,

beginning May 8, 2004, the President concluded his speech at a Rally in Wisconsin by mentioning the Abu Ghraib photographs:

Our men and women in the military are taking great risks and they're doing great work. Like you, I was disgusted about the pictures I saw on TV, about the humiliation given to the prisoners in Iraq. No American can stand for that. That doesn't reflect us, nor does it reflect the character and the decency and the honor of the men and women who wear the uniform of the United States of America. I have seen their decency and I have seen their unselfish courage. And I assure, ladies and gentlemen, the cause of freedom is in really good hands. (par. 39)

While in past speeches, the President had consistently ended on this note of freedom being in good hands (e.g. "Remarks by the President at Ohio" par. 55; "Remarks by the President at Michigan" par. 62; and "Remarks by the President at Republican National Committee" par. 46), in speeches that were given during rallies and conventions that closely followed the release of the photographs, the President altered the conclusion to address Abu Ghraib (e.g. "Remarks by the President and the First Lady at Iowa" par. 65; and "President Remarks at Victory 2004" par. 44). During his remarks at the American Conservative Union, the President stated,

Our men and women in the military are taking great risks on our behalf. We've got a fantastic United States military. The conduct of a few inside an Iraqi prison was disgraceful. Their conduct does not represent the character of the men and women who wear our uniform. Nor does it represent the character of the United States of America. (par. 47)

This remark is also indicative of the second theme within the rhetoric that the Bush administration uses to frame Abu Ghraib. Along with his expressions of surprise and disgust, the President, as well as top members of his cabinet, also consistently framed the incidents at Abu Ghraib as un-American and did much rhetorical work to distance America as a nation and America's mission in Iraq from these violent actions.



## **Public Distance: Torture is Not the American Way**

One way that the Bush administration attempted to separate not only itself, but also the American nation and American soldiers stationed in Iraq, from the violent actions at Abu Ghraib was to define the perpetrators of the actions as Abu Ghraib as un-American. Within this framing of the Abu Ghraib incident, the perpetrators of violence became a “bad few” that did not reflect the character of the American people and did not uphold the sanctity of American laws. In her interview with Al Arabiya Condoleezza Rice stated,

Americans do not do this to other people. Those pictures were awful because America – American men and women in uniform, active and reserve, are serving in Iraq at great sacrifice. People are losing their lives. We came there to help liberate the people of Iraq. We came there to build schools, and to build clinics, and we want very much that the images of Americans should be the images of helping the Iraqi people. It’s simply unacceptable that anyone would engage in the abuse of Iraqi prisoners. (par 4)

In this statement Rice clearly distinguished the actions at Abu Ghraib from actions that Americans “do.” Also, while she made a point to associate the violence with un-American-ness, she gave a definition of what was American. Americans “liberate,” “build,” and “help;” they do not torture. In an interview with Alhurra, the President also distanced the American nation from the violence at Abu Ghraib by labeling the actions un-American and explicating the actions that reflect the true character of the American people. He claimed,

First, people in Iraq must understand that I view those practices as abhorrent. They must also understand that what took place in that prison does not represent America that I know. The America I know is a compassionate country that believes in freedom. The America I know cares about every individual. The America I know has sent troops into Iraq to promote freedom – good, honorable citizens that are helping the Iraqis every day. (par. 5)

Just like Rice, Bush listed the characteristics that “truly” represent America, while denying the perpetrators of violence association with the American nation. Along with

defending the nature of the American nature in general, Bush defended the character of the American men and women stationed in Iraq as part of U.S. military operations. In an interview with Al Arabiya, the President stated,

[I]t's very important for the people of the Middle East to realize that the troops we have overseas are decent, honorable citizens who care about freedom and peace; that are working daily in Iraq to improve the lives of the Iraqi citizens, and these actions of a few people do not reflect the nature of the men and women who serve our country. (par. 7)

The material motivations for this rhetorical move are easy to understand. One could imagine that when the official purpose for having troops in another country is called into question, support at home for the war (and tolerance of it abroad) could diminish. In an interview with Al-Ahram International, the President not only expressed his regret to the families of the victims at Abu Ghraib, but he also expressed regret that America's intentions in Iraq could be misunderstood:

I'm also sorry because people are then able to say, look how terrible America is. But this isn't America, that's not – Americans are appalled at what happened. We're a generous people. I don't think a lot of people understand that. So I've got to do a better job of explaining to people that we're for a lot of things that most people who live in the Middle East want. We want there to be peace. We want people to have a living. We want people to send their kids to schools that work. We want there to be health care. We want there to be a Palestinian state at peace with its neighbors. We want there to be reform. We want people to have a chance to participate in the process. (par. 5)

In this remark Bush attempted to identify with the Iraqi people through shared beliefs, while simultaneously distancing America and the American people from violent acts. While Bush expressed concern for America's image abroad, he also expressed concern for America's image at home. In a radio address on May 8, the President stated, "More than 700 Americans have given their lives. The brave and honorable soldiers, sailors, and airmen, Coast Guardsmen, and Marines who are serving and sacrificing in Iraq – not the few who have let us down – show the true character of America" (par. 5). President Bush

not only distanced himself and the nation from the violence, but he reassured Americans at home that the American military reflected American national character. On June 22 the President was even more explicit in his attempts to distance himself from torture:

Let me make very clear the position of my government and our country. We do not condone torture. I have never ordered torture. I will never order torture. The values of this country are such that torture is not a part of our soul and our being. (“President Welcomes” par. 21)

In one speech, the President went as far as to suggest that Abu Ghraib prison be shut down in order to help America and the rest of the world forget the disgraceful acts that happened there. While speaking in Pennsylvania he stated,

A new Iraq will also need a humane, well-supervised prison system. Under the dictator, prisons like Abu Ghraib were symbols of death and torture. That same prison became a symbol of disgraceful conduct by a few American troops who dishonored our country and disregarded our values. America will fund the construction of a modern, maximum-security prison. When that prison is completed, detainees at Abu Ghraib will be relocated. Then, with the approval of the Iraqi government, we will demolish the Abu Ghraib prison, as a fitting symbol of Iraq’s new beginning. (par. 27)

This process of rebuilding Abu Ghraib prison as a way to rebuild America’s character in the eyes of the world is linked to the idea of due process and investigation that also permeated the rhetoric of the Bush administration in its framing of Abu Ghraib.

### **Public Distance: America will Investigate the Problem**

In addition to expressing shock and disgust and assuring American citizens and people around the world that the violent actions at Abu Ghraib were not part of America’s national character, the Bush administration also assured the people of the United States and citizens around the globe that the incidents were being properly investigated. This rhetorical move, which relies to a large extent on the reification of the law, illustrates perhaps the largest contrast between the political language of the internal memoranda and the public political discourse that framed the incidents at Abu Ghraib.

For example, in an interview with Alhurra, President Bush admitted wrongdoing on the part of a few un-American soldiers and claimed that the willingness of the U.S. government to investigate the situation was part of what defined American national character. He claimed,

[I]n a democracy, everything is not perfect, that mistakes are made. But in a democracy, as well, those mistakes will be investigated and people will be brought to justice. We're an open society. We're a society that is willing to investigate, fully investigate in this case, what took place in that prison. (par. 6)

What is interesting about this statement is that Bush uses the Abu Ghraib scandal and the handling of that scandal as a way to define the American nation. This definition of America as having good will, relies, in part, on an assumption that due process under the law is important and effective. Bush claimed, "People will be held to account. That's what the process does. That's what we do in America. We fully investigate; we let everybody see the results of the investigation; and then people will be held to account" (par. 14). In his press conference with the King of Jordan, Bush also relied heavily on a faith in the law. It was the process of the law that, for Bush, defined the character and the goodness of the American nation. Bush explained,

But part of what this ongoing investigation will do, will answer that question, answer your questions, so we better understand the process, the procedures, and more importantly, to make sure that it doesn't happen again. So as I told His Majesty, I said, we will – people will be brought to justice in a way commensurate with how our system works. (par. 48)

President Bush was not the only member of his administration to express faith in the good character of the nation and due process of the law. In an interview with Fox News, Vice President Dick Cheney argued that the military had had a handle on the situation long before the photographs had been leaked to the press. He explained,

I think it's also important to point out, though, that these abuses were uncovered by the military. They're being investigated by the military. This isn't something the press uncovered. This is something that was being handled as is appropriate

through the regular military channels and the Uniform Code of Military Justice.  
(par. 11)

This reliance on the process of law as a way to make up for the un-American actions of a few allowed the Bush administration to distance itself from Abu Ghraib. In this interview with Fox News, Cheney even suggested that the release of the photographs by the press was something that could hinder the due process of the law. He claimed,

But there are questions here and terms of the release of this kind of information that can adversely affect, for example, courts martial, could, in some cases, be detrimental from the standpoint of people who are innocent. So there are lot of legal issues around the question of what you release and when you release it, and how this material should be treated. So I believe – I think this is correct, the Department is going to make this material accessible to Congress, but then there will have to be a decision made what and at what point any additional photos are released to the public. (par. 13)

When asked by the interviewer whether or not the incidents at Abu Ghraib were a result of the desire to get more intelligence out of people detained there, Cheney admitted the prominence of desire to get intelligence out of “guilty parties,” but stressed that there is “a right was to do it and a wrong way to do it,” ultimately concluding that “I don’t think this case, you want to call these methods legitimate” (pars. 26-27). What is important about this statement is that Cheney distances the White House and the rest of the operations in Iraq from Abu Ghraib by claiming that those captured in the photographs were not in accordance with the law. However, just a few sentences later, Cheney reinforced a notion of the enemy that need not be treated under the law in the first place, an argument consistent within the so-called torture memos. He stated,

If you remember in Afghanistan, and the war on terror, generally, if you’ve got somebody who is wearing civilian clothes, killing civilians, no abiding by the laws of the war, then you’ve got a set of circumstances in which you’ve got unlawful combatants. And those people do not need to be treated under the Geneva Convention. A lot of the folks down in Guantanamo fall into this category. We, nonetheless, announced a policy that they would be treated in accordance with the standards, for example, that we adhere for the Geneva

Convention. They're well treated. They're fed, medical care, and so forth. (pars. 29-30)

Cheney assured the public that the United States was acting in accordance with the law, while simultaneously reinforcing the definition of an enemy that does not deserve protection under the law. Cheney's remarks are also interesting because even though this interview is concerned with what happened at Abu Ghraib, Cheney brings up Guantanamo as an example of how the United States is acting in accordance with the law. As mentioned earlier in this chapter, concern for the treatment of prisoners at Guantanamo sparked the reinterpretation of the law in the first place.

Bush, like Cheney, insisted that the U.S. government held actions under the scrutiny of the U.S. law. Bush claimed, "What I've authorized is that we stay within the U.S. law" ("G8 Summit" par. 38). This faith in the letter of the law and this framing of the United States as a nation set on justice also permeates Bush's rhetoric in his statement in support of the victims of torture on June 26. This statement is important because it helps to illustrate how earlier reinterpretation of the law allowed Bush to state that American forces acted legally. It is also important because it is the last time that Bush spoke about Abu Ghraib on the campaign trail during his run for reelection.

On June 26, 2004, nearly one month after the incidents at Abu Ghraib hit the news, President George W. Bush made a public statement in support of victims of torture around the world. In his opening statement, President Bush remarked,

Today, on United Nations International Day in Support of Victims of Torture, the United States reaffirms its commitment to the worldwide elimination of torture. The non-negotiable demands of human dignity must be protected without reference to race, gender, creed, or nationality. Freedom from torture is an inalienable human right, and we are committed to building a world where human rights are respected and protected by the rule of law. (par. 1)

Unlike the internal memorandum, written by Jay S. Bybee, which outlined the parameters of torture in terms of death or organ failure and identified a range of interrogation

techniques that were “cruel, inhumane, or degrading,” but not torturous, the address made by President Bush insisted on meeting the “non-negotiable demands of human dignity” and protecting the “inalienable human right” that comes in “freedom from torture.” Although the two documents, the internal memo and the public speech, seem to take different stands on the subject of torture, it is important to recognize that the former validates the latter. For example, in his speech, President Bush asserted, “American personnel are required to comply with all U.S. laws, including the United States Constitution, Federal statutes, including statutes prohibiting torture, and other treaty obligations with respect to the treatment of all detainees” (par. 2). Because the interpretation of Federal statutes prohibiting torture made by John Bybee and other members of the Bush legal team had previously (in 2001) set wide parameters for the use of “coercive interrogation techniques” under the law, the President, in 2004, could demand accountability under the law without challenging the legality of the incidents at Abu Ghraib.

It is also important to recognize the ways in which President Bush, while bolstering the sovereignty of the American nation through the legal sanctity of American violence, simultaneously distances the nation from violent acts. President Bush asserted, “The American people were horrified by the abuse of detainees at Abu Ghraib prison in Iraq. These acts were wrong. They were inconsistent with our policies and our values as a Nation” (par. 4). In this statement Bush recognized the wrongdoing at Abu Ghraib, but denied any connection of wrongdoing to the American nation-state. And, in the following section of his speech, Bush not only excluded the American nation-state from involvement in acts of wrongdoing, but also defined America’s national mission as one that protects its citizens and people around the world from such wrongdoing. Bush explained,

It is often American men and women in uniform who fight for the freedom of others from tyrannical regimes that routinely use torture to oppress their citizens. From Nazi Germany to Bosnia, and Afghanistan to Iraq, American service members have fought to remove brutal leaders who torture and massacre. It is the American people and their contributions that have helped to rebuild these traumatized nations to give former victims hope. (par. 5)

In this rhetorical move, the President not only distanced American national violence from the violence of torture, but he also defined the American nation in terms of its role as protector from the torture of foreign others, their “tyrannical regimes” and “brutal leaders.”

### **Public Distance: The True Threat of Torture is Saddam Hussein**

The association of torture with leaders of other countries is the final, and perhaps most important rhetorical theme that permeates the Bush administration’s public rhetoric concerning the incidents at Abu Ghraib. While the President and prominent members of his cabinet expressed shock and disgust, proclaimed the violent actions at Abu Ghraib un-American, and defended America’s character in terms of due process of the law, they also distanced themselves and the United States from torture by reinforcing associations between torture and former Iraqi leader, Saddam Hussein.

Even before President Bush publicly accounted for the incidents at Abu Ghraib, his speeches along the campaign trail emphasized the evil and torturous nature of America’s enemy, Saddam Hussein. In fact, as part of the President’s prepared statements in the Rose Garden, after which he responded to questions regarding the incidents at Abu Ghraib. Bush stated,

A year ago, I did give the speech from the carrier, saying that we had achieved an important objective, that we’d accomplished a mission, which was the removal of Saddam Hussein. And as a result, there are no longer torture chambers or rape rooms or mass graves in Iraq. As a result, a friend or terror has been removed, and now sits in a jail. (par. 12).



As examination of the Bush rhetoric has shown, in the time frame analyzed, Bush associated torture with Saddam Hussein a total of 95 times. For example in a rally in Cincinnati, Ohio, Bush stated, “My opponent admits that Saddam Hussein was a threat. He just didn’t support my decision to remove Saddam from power. . . . We showed the dictator and a watching world that America means what it says. Because [our] coalition acted, Saddam’s torture chambers are closed” (par. 46). As scrutiny from the press increased and Bush was asked about Abu Ghraib in more press conferences, he not only associated torture with the former Iraqi leader, but he also used this association as leverage to bolster the character of the American people and to defend the process of the American legal system. For example, in an interview with Alhurra Television, Bush stated,

We’re a society that is willing to investigate, fully investigate in this case, what took place in that prison. That stands in stark contrast to life under Saddam Hussein. His trained torturers were never brought to justice under his regime. There were no investigations about mistreatment of people. There will be investigations. People will be brought to justice. (pars. 6-7)

In this statement the President seems to suggest that because the Abu Ghraib photographs have been made public and because the Bush administration is willing to investigate the legality of the treatment of the prisoners at Abu Ghraib, the incidents that occurred under U.S. rule cannot be held to the same standard of as the incidents that may have once occurred under Hussein’s. Similarly, in an interview with Al-Ahram International the President argued that the transparency of the system made the incidents at Abu Ghraib under U.S. rule less devastating than those under Hussein’s. He claimed,

And it is, again – what the Arab world must understand is a couple of things. One, under a dictatorship, these – this wouldn’t be transparent. In other words, if there was torture under a dictator, we would never know the truth. In a democracy, you’ll know the truth. And justice will be done. And that’s what people need to know. (par. 58)

Once again, the President expresses faith in the American legal system and uses this faith in due process to distance himself and the American people from the violent incidents in the Abu Ghraib photographs. In a statement of commitment to operations in Iraq given at the Pentagon May 10, the President stated,

[B]ecause America is committed to the equality and dignity of all people, there will be a full accounting for the cruel and disgraceful abuse of Iraqi detainees. The conduct that has come to light is an insult to the Iraqi people, and an affront to the most basic standards of morality and decency. One basic difference between democracies and dictatorships is that free countries confront such abuses openly and directly. (par. 16)

As this and other statements made by Bush illustrate, the law becomes the saving grace in the Abu Ghraib scandal because, by putting faith in the law, the Bush administration could absolve itself of responsibility and bring “those responsible” to justice.

### **Public Distance: John Kerry’s Failure to Challenge Bush Rhetoric**

Thus far, I have focused on the legal language of the so-called torture memos and the public rhetoric used by the Bush administration in framing the Abu Ghraib scandal. I have argued that the ideological assumptions that framed Bush’s war on terror as early as 2001 ultimately permeated the Bush administration’s reinterpretation of the law. This reinterpretation of the law, in turn, shaped the ways in which the Bush administration would publicly address the Abu Ghraib scandal during Bush’s run for reelection. However, President Bush was not the only candidate to comment on the violence at Abu Ghraib. Since the scandal occurred in an election year, many Democratic hopefuls were quick to criticize the Bush administration for its handling of the Iraq war, ultimately concluding that the Bush administration should be held accountable for the violent actions that had occurred in Abu Ghraib prison. In this section of analysis, I have chosen to focus on the public rhetoric of Senator John F. Kerry, who, by March of 2004, was the Democratic Party’s presumptive candidate.

The Abu Ghraib scandal might have seemed an opportunity to sway the election in favor of Kerry. After all, Abu Ghraib happened on President Bush's watch, giving potential fuel to critical fodder for the Kerry camp. However, what will be shown in the following analysis is that John Kerry was very limited in his criticisms of the Bush administration in regard to Abu Ghraib. Not only have Kerry remarks proved difficult for this researcher to find but, as analysis will show, Kerry's critical rhetoric is confined by the very ideological assumptions he attempts to challenge—and those he does not. Although my search of news wires archives yielded 69 documents containing direct quotations from John Kerry regarding the Abu Ghraib scandal, the actual number of statements is much smaller. As early as May 3, 2004, Senator Kerry was quoted as saying,

I am disturbed and troubled by the evidence of shameful mistreatment of Iraqi prisoners. We must learn the facts and take the appropriate action. As Americans, we must stand tall for the rule of law and freedom everywhere. But we cannot let the actions of a few overshadow the tremendous good work that thousands of soldiers are doing every day in Iraq and all over the world. (The Hotline par. 15)

The formulation of this statement contains many of the same rhetorical moves of George W. Bush. Like Bush, Kerry expresses disgust over the actions in the photographs. Like Bush, Kerry attempts to distance the American people, particularly the soldiers serving in Iraq from “the actions of a few.” Like Bush, Kerry puts his faith in the rule of law, stating that the investigations need to be transparent and that those responsible need to be brought to justice. However, as the pressure on the Bush administration increased and as members of the Bush Administration addressed the issue, Kerry's rhetoric changed. While Kerry continued to express shock and disgust over the release of the photographs and to distance the character of the American nation from the violence depicted in them, he also began to demand accountability and responsibility from the Bush administration regarding its potential knowledge and involvement in the Abu Ghraib violence.

On May 6, 2004, the *Houston Chronicle* quoted Senator Kerry as claiming,

The [P]resident of the United States needs to offer the world an explanation and needs to take appropriate responsibility . . . . And if that includes apologizing for the behavior of those soldiers and what happened, they ought to do that. (par. 28)

Along with wanting the Bush administration to take responsibility and apologize for the abuse of the prisoners at Abu Ghraib, Kerry also called for certain questions to be answered regarding the incidents:

With respect to this particular incident, we've got to have the facts . . . . I want to know, as I think Americans do: Was this isolated? Does it go up the chain of command? Who knew what, when? All those questions have to be answered, so I don't want to shoot from the hip on that. (Halbfinger, May 6 par. 8)

Kerry suggested that top members of the Bush administration were involved in what happened at Abu Ghraib and expressed a desire for these members of the administration to be held accountable. He also stressed that investigations should be handled appropriately and that the American people should not rush to judgment. He was critical of the Bush administration's timeline of response, calling it "slow and inappropriate" (par. 10).

Kerry argued that not only was the response from the Bush administration inappropriate, but the President owed an apology to people around the world:

I believe the [P]resident needs to guarantee that the world is going to have an explanation. What happened there has done a disservice to all of [the U.S.] troops who serve with great valor and great courage and, I think, with distinction. And it also undermines America's own efforts in the region. It has the potential of putting our troops, the rest of them, in further jeopardy. It can increase acts of terror against America and Americans, and it undermines the overall effort of the United States in the region. So I think it's important to have an understanding of this as rapidly as possible, and to make that explanation and any other appropriate comments to the world. (City News Service par. 1)

Like Bush, Kerry attempted to distance the American people from what happened; but unlike Bush, Kerry wanted the President to take responsibility. Kerry continued his criticism, arguing, "As [P]resident, I will not be the last to know what is going on in my

command” (Cox News May 6 par. 6). He claimed, “I will take responsibility for the bad as well as the good” (par. 6). In another setting he stated, “The chain of command goes all the way to the Oval Office. . . .Harry Truman did not say ‘the buck stops at the Pentagon’” (AP May 7, par. 11). Along with taking responsibility Kerry argued, “I will do everything that I can in my power to repair the damage that this has caused to America, to our standing in the world, and to the ideals for which we stand” (St. Petersburg par. 17). In each of these claims Kerry demands accountability and expresses a desire to repair the image of America’s national character:

[W]hen you walk in and say, ‘Under the Geneva Conventions, we have a right to visit and a right to this treatment’ if we ourselves are not living up to it . . . . This is about our soldiers, this is about protecting our young Americans in uniform, and this is about living up to America’s highest standards of behavior. That’s what we’re responsible for, and that’s what a [P]resident should be responsible for.’ (Wilgoren par. 17)

Although Kerry did question the laws under which these things happen, he criticized the Bush administration in terms of responsibility and blame and never once argued for an evaluation of the law. In fact, even when Kerry made claims asserting that responsibility for the Abu Ghraib violence went beyond the “bad few” blamed by the Bush administration, he did so while simultaneously asserting his faith in the law:

‘I think the [P]resident is underestimating the full impact of what has happened in the world to our reputation because of that prison scandal. The [P]resident himself gave a speech in which he said, “Oh, it’s just a few people.” But now, already, we’ve seen it’s not just a few people, and there are serious questions about how high it goes,’ Kerry added. ‘I believe that it’s vital for us to prove to the world that this is really not going to be swept under the rug; . . . we’re going to prove to the world we’re willing to show that we will hold people accountable.’ (Johnson par. 4)

While it is important to note that John Kerry did express criticisms of the Bush administration in regard to the Abu Ghraib scandal, it is also important to note that this criticism was in short supply. Although this researcher was able to find critical statements

from Kerry in various news sources, these statements were limited at best. John Kerry also failed to criticize the President and his possible connection to the Abu Ghraib prison scandal during any of his stump speeches along the campaign trail. Abu Ghraib was also never brought up in any of the four Presidential debates. Most importantly, however, analysis has shown that what little criticism Kerry did launch against the President regarding Abu Ghraib was ultimately trapped in the very ideological web these criticisms were made against. Like President Bush, John Kerry ultimately used his public remarks regarding the Abu Ghraib scandal to come to the defense of American national character and America's mission in Iraq. Like President Bush, Kerry also made clear his faith in the law, ignoring (or perhaps failing to recognize) any role that the law might have had in perpetrating the Abu Ghraib violence.

## **CONCLUSION**

In this chapter I have examined the political language surrounding the Abu Ghraib prison scandal, comparing the so-called torture memos to public political statements about Abu Ghraib made during the 2004 Presidential campaign. I have argued that the Bush administration, with its war on terror rhetoric, ultimately reinterpreted national and international laws regarding the treatment of so-called enemy combatants in such a way as to deem America's enemies unworthy of legal protection. This reinterpretation, I have argued, was ultimately shaped by dominant ideologies regarding the identity of America as a nation under threat, the identity of America's enemies, and the prerogative of each to impose violence on the other. Analysis has also shown that these dominant ideological assumptions ultimately shaped the ways in which both the Bush campaign and the Kerry campaign could (or would) address the incidents at Abu Ghraib publicly during the 2004 Presidential election. Kerry's failure to challenge the Bush administration's role in the Abu Ghraib incidents and President Bush's reelection victory also point to the Bush

campaign' s success at neutralizing the threat of the Abu Ghraib photographs in terms of national identity and necessity. The public release of the Abu Ghraib photographs and torture memos that seemed to serve as a legalized proposal for the violence captured on film had the potential to threaten understood notions of an American citizenry committed to justice, democracy, and freedom from oppression. Instead, the Bush administration successfully managed the issue of torture in such a way that kept its legal position on torture under wraps while simultaneously distancing the American public from torturous acts, preserving the integrity of America's democratic ideals. In this way, the Bush administration solidified its control over the terms of violence against and enemy other and privatized its accountability for these violent practices.

Although I have emphasized the rhetorical significance of the political language, both public and private, that surrounded the Abu Ghraib prison scandal, one must keep in mind that politicians were not the only ones talking (or failing to talk) about the violent actions featured in the Abu Ghraib photographs. Members of the American mainstream media played an integral part in shaping public perceptions of the Abu Ghraib prison scandal. In the next chapter I discuss the ways in which the mainstream media framed both the discourse and the images surrounding detention, interrogation, and the violence at Abu Ghraib.

### Chapter 3: Torture News: The Framing of Violence at Abu Ghraib

In the United States, there was little consensus among news organizations on whether to reproduce the [Abu Ghraib] photos. While *The Daily News* of New York, *The Baltimore Sun*, *Newsday* and *The Washington Post* each published at least one photo on Thursday or Friday, other newspapers, including *The New York Post* and *USA Today*, did not. 'If there's a handful of U.S. soldiers who've mistreated prisoners,' said Col Allan, *The New York Post*'s editor in chief, 'I don't think that should be allowed to reflect poorly on the 140,000 men and women over there who are risking their lives and doing a good job.' (Shanker and Steinberg)

From the outset of the just war against Al Qaeda and its allies – and nothing that has occurred diminishes the justice of the cause – the media have too complacently accepted the Bush administration's assertion that it has the right to seize foreigners and U.S. citizens suspected of terrorism at will and to hold them in secret unrestrained by the due process guarantees of either American or international law. (Rutten "Abuse")

After CBS first broke the story of Abu Ghraib torture on April 28, 2004, U.S. and international media not only began printing and airing the Abu Ghraib photographs, but also began writing the captions and the stories that put the photographs into their complicated social and political contexts. Not long after *60 Minutes II* first aired the photographs, print journalist Seymour Hersh, who was one of the first to provide in-depth, critical reports of the incidents at Abu Ghraib, ran a series of crucial stories in the *New Yorker*.<sup>20</sup> As a renowned investigative reporter, Hersh has written dozens of critical news pieces and books over the course of his career, with coverage ranging from Cold War CIA operatives, U.S.-funded Israeli nuclear programs, U.S.-caused destruction in Sudan, and countless reports concerning the Iraq War. Hersh even won a Pulitzer Prize in 1970 for his report on the My Lai massacre in Vietnam and its cover-up by the U.S.

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<sup>20</sup> Hersh's first article, published May 10, 2004 prompted CBS to come forward with the photographs on April 28.



government. Therefore, Hersh's critique of the U.S. government's involvement in the incidents at Abu Ghraib seemed authoritative.

However, as reports by Thom Shanker, Jacques Steinberg, and Tim Rutten make clear, not all members of the U.S. mass media followed Hersh's critical lead. Once the Abu Ghraib photographs were leaked to the press, media sources scrambled to report on the Abu Ghraib prison scandal. Some reports, like those authored by Hersh, seemed critical of the Bush administration's explanation for the Abu Ghraib violence, namely that the United States did not condone torture and that the actions featured in the Abu Ghraib photographs were the actions of a few rogue soldiers who did not represent American national character. However, many more media accounts accepted this explanation unquestioningly and reinforced Bush's war on terror narrative by emphasizing America's humanitarian motivations for the war and reminding the American public of the dangers posed by terrorist threat. In fact, even a few of the more critical news pieces, like the one authored by Tim Rutten (quoted above), seemed unwilling to abandon dominant assumptions about America's mission in Iraq despite their calls to question America's secretive, potentially illegal, approach to fulfilling it. When one considers the U.S. media's often touted historical roles as political watchdogs in light of this apparent hesitancy on the part of many U.S. journalists to question dominant explanations for Abu Ghraib, one can not help but wonder: What role did the media play in framing Abu Ghraib violence?

Because I am interested in the ways in which the American public learned about and was encouraged to understand the violent actions at Abu Ghraib, the mainstream mass media are important sites for textual analysis. In particular, this chapter explores the ways in which the media framed the violence at Abu Ghraib and considers the effect of this framing on public perceptions of the scandal. Thus, in this chapter, I am asking,

“How did the media shape public perceptions of U.S. interrogation practices and/or enable criticism of the Bush administration’s potential involvement in torture? To what extent did the mainstream media adhere to the dominant frames of Abu Ghraib violence? Did the media provide substantial counterframes to these dominant narratives? And, what role did the media play in shaping public perceptions of the relationship between national identity and violence?” In pursuit of answers to these questions, I examine mainstream media coverage of the incidents at Abu Ghraib beginning April 28, 2004 (the day that CBS first broke the story of Abu Ghraib) through December 2, 2004 (one month after President Bush was reelected). Using Todd Gitlin’s conception of media framing, I explore the similarities and differences between reports outlining violence that is deemed a terrorist threat and reports outlining violence understood to be state-sanctioned violence.<sup>21</sup> In this chapter I examine what I have identified as the three most prominent themes in the media coverage of Abu Ghraib: the nature of violence, the victims of violence, and the perpetrators of violence.

Although recent scholarly work concerning media coverage of Abu Ghraib argues that the American press failed to provide a counterframe to the Bush administration’s dominant narrative (see Bennett, Lawrence, and Livingston), my examination of media coverage shows that the media did, in fact, provide counterframes; however, critical journalists often became trapped in a debate over what types of violence constituted torture and when torture might be deemed acceptable. I argue that despite reported evidence to the contrary, media sources came to a relative consensus regarding the victims of violence, namely that the prisoners tortured at Abu Ghraib were male terrorists plotting attacks on the United States. I also argue that although critical counterframes

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<sup>21</sup> While I recognize that media framing literature has evolved since Gitlin’s provocative work (see Reese, et. al), and realize that alternative approaches to media framing are prominent in political communication scholarship (see Entman; and Bennett), I have chosen to use Gitlin’s approach because of his focus on the ways in which media processes frame violence.

often questioned the notion that the violent actions at Abu Ghraib were perpetrated by a rogue few, the media neither investigated nor called on the American public to investigate the full extent of the Bush administration's involvement in the Abu Ghraib violence. In this way, my examination of media coverage will show how it is ultimately the rhetoric of the war on terror that trumps critical critique.

### **MEDIA FRAMING: NEWS COVERAGE AS HEGEMONY MAINTENANCE**

In this chapter I am not only concerned with ideology and the processes of hegemony through which dominant ideological assumptions are contested and reinforced, but also with how this happens on a mass (national) scale. Rhetorical scholars have often described how messages are perpetuated (and eventually reinforced) in institutionalized forms like the commercial mass media. I assume, as does Stuart Hall, that the media are part of the dominant means of ideological production: "What they 'produce' is, precisely, representation of the social world, images, descriptions, explanations and frames for understanding how the world is and why it works as it is said and shown to work" (Hall 35). However, to blame the media for the proliferation of dominant national ideals is an oversimplified and misdirected endeavor. Roger Fowler argues that the language that appears in media is not entirely under the media's control, claiming that political institutions and "official" news sources filter language long before it is recreated within news stories. Similarly, Deepa Kumar asserts that increasingly sophisticated methods of governmental information control and the emergence of a for-profit giant conglomerate media system limit the types of information made available to the public through mainstream news sources (48-49). Hemant Shah and Michael Thorton also see media business as a determining factor in the process of information reproduction, arguing that the media package world events in ways that are easily digested by a consumer public (19). The media, as research has shown, tell people about their world in language they

understand, through a seemingly reasonable framework. By providing information that often has its origins in official, government sources the media help maintain not only the power structure, but the dominant ideologies that help support that structure.

In order to better understand how state violence and the violence deemed a terrorist threat are represented across a wide variety of mediated texts, this chapter examines these representations specifically in relation to what Todd Gitlin has termed “media frames.” According to Gitlin, it is important for critics to recognize not only the central role that media play in the circulation of dominant ideological views, but also the processes through which media institutions gather and frame the information they eventually make available to the public. Gitlin, who is primarily concerned with the relationship between media outlets and movements for social change, argues that journalistic processes often marginalize protest groups and delegitimize their messages (3). For Gitlin, violence often becomes a focus of media framing and, as a result, violence is often the *only* thing associated with the social movements that use it (see also Deluca and Peebles). I use Gitlin’s conceptions of media framing to examine the ways in which violence is reported in media outlets. It is my hope that exploration of the ways in which different types of violence are represented illuminates the mediated hegemonic struggle to maintain a common understanding of American national belonging.

### **Media Frames of Abu Ghraib**

Scholars have already begun to offer specific insights into the media’s coverage of the violent incidents that occurred at Abu Ghraib prison. In earlier work, W. Lance Bennett and Regina Lawrence have argued that certain dramatic events often spur independent reporting, allowing the mainstream media to play important agenda-setting roles in news coverage of events (Bennett and Lawrence). Like Roger Fowler, Bennett has also argued that, due to media practices that rely on official news sources, news

stories, particularly those concerning foreign policy issues, often reflect the news cues offered by political elites (see Bennett; Bennett and Livingston). Additionally, Robert Entman, has argued when political elites are not united on a certain political issue, journalists are more likely to promote independent frames that run counter to official narratives (Entman, *Projections of Power*). Building on these understandings of media framing, Bennett, Lawrence, and Livingston, examine news coverage of Abu Ghraib and argue that in spite of the photographic evidence that allowed media outlets to independently advance the story of Abu Ghraib, mainstream media sources ultimately failed to advance a strong counterframe to the Bush administration's explanation of the events:

For all the photos and available evidence suggesting a possible policy of torture laid bare at Abu Ghraib, the story quickly became framed as regrettable abuse on the part of a few troops. The early limited appearance of the torture frame followed by its quick demise suggests that event-driven frames, particularly in matters of high consequence, are seriously constrained by mainstream news organizations' deference to political power. Lacking any consistent counterframing by high-level officials, the national media declined to challenge the administration. (481)

Bennett, Lawrence, and Livingston provide compelling quantitative data for this claim, however, as Robert Entman rightly demonstrates, media coverage of Abu Ghraib was not entirely homogeneous:

Specifically, the coverage did not completely converge on the interpretation favored by the White House, that this was an isolated incident traceable to a handful of poorly trained miscreants in one prison. Rather journalists (and elites) frequently explored the responsibility of Defense Secretary Donald Rumsfeld, White House counsel (later Attorney General) Alberto Gonzales, and other higher-ups in the administration and military, and the existence of similar incidents at other U.S. military prisoners. ("Punctuating the Homogeneity" 216)

Although my analysis will show that Entman ultimately gives mainstream media too much credit in regard to the heterogeneity of news coverage surrounding Abu Ghraib, his

critique of Bennett, Lawrence, and Livingston is valid.<sup>22</sup> While both of these studies provide important insight into mainstream media coverage of Abu Ghraib, both fail to account for the larger context in which this coverage occurs, namely, the rhetoric of the war on terror, which focuses on the horrible nature of the enemy and the need for the United States to prevent future attacks (see chapter 2). My examination of media coverage will show that it is ultimately the rhetoric of the war on terror that trumps critical critique by forcing critical voices into a debate regarding whether or not torture (or abuse as the case may be) is a necessary evil in war, ultimately creating relative consensus in regard to the character of those imprisoned at Abu Ghraib prison and creating a void regarding the rights of the victims of abuse. By adhering to this war on terror rhetoric, members of the press, though many question the role of the administration in the Abu Ghraib violence, fail to call upon themselves and the American people to investigate the government's role more fully.

#### **AN ANALYSIS OF ABU GHRAIB NEWS COVERAGE**

In this chapter I examine mainstream media coverage of the incidents at Abu Ghraib beginning April 28, 2004 (the day that CBS first broke the story of Abu Ghraib) through December 2, 2004 (one month after President Bush was reelected). Texts for analysis include national newspapers (*The New York Times*, *The Los Angeles Times*, and *The Washington Post*), national newsmagazines (*Time*, *Newsweek*, and *The New Yorker*), nationally broadcast television networks (ABC, CBS, NBC), and cable news networks (Fox and CNN).<sup>23</sup> The following tables (see Tables 3.1-3.4) represent the results of

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<sup>22</sup> Entman compares media coverage of Abu Ghraib to media coverage of the massacre at Fallujah. Entman rightly asserts that Abu Ghraib coverage is relatively heterogeneous in comparison to media coverage of Fallujah, however, as my analysis below demonstrates, Abu Ghraib coverage remains largely constrained by the Bush administration's language surrounding the "war on terror."

<sup>23</sup> *The New Yorker* is credited with being one of the first print publications to break the story of Abu Ghraib, thus its inclusion in national newsmagazines.

focused key word searches in the *LexisNexis Print Delivery (R)* database, the *ProQuest Historical Newspapers* database, and online archives available at Time.com.<sup>24</sup> A search of *The New York Times* containing the search terms “Abu Ghraib” and “torture” or “abuse” between April 28, 2004 and December 2, 2004 yielded 573 articles. This sample included many articles that only made a passing reference to Abu Ghraib, a few duplicate articles, and letters to the editor. Only those articles that focused directly on the events at Abu Ghraib or on U.S. policies regarding the treatment of prisoners at Abu Ghraib were selected for analysis. Duplicate articles, letters to the editor, and other reader commentary were also eliminated, limiting the sample to 363 relevant articles. The same process was used to gather and narrow articles from each news source examined in this chapter, yielding 381 relevant articles from *The Washington Post*, 130 relevant articles from *The Los Angeles Times*, 19 relevant articles from *Time*, 37 relevant articles from *Newsweek*, 6 relevant articles from *The New Yorker*, 118 relevant broadcasts from ABC, 109 relevant broadcasts from CBS, 143 relevant broadcasts from NBC, 691 relevant broadcasts from CNN, and 166 relevant broadcasts from Fox.

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<sup>24</sup> *The Los Angeles Times* and *Time* are not available through the *LexisNexis* database, therefore *ProQuest* was used to retrieve articles for *The Los Angeles Times* and the online archives available at Time.com were used to retrieve articles for *Time*.

Table 3.1: Articles Containing Search Terms “Abu Ghraib” and “torture” or “abuse” in U.S. National Newspapers

Newspaper	Number of Initial Hits	Number of Relevant Articles
<i>The New York Times</i>	573	363
<i>The Washington Post</i>	482	381
<i>The Los Angeles Times</i> *	184	130

Source: *LexisNexis* (April 28, 2004 – Dec. 2, 2004)

\* Source: *ProQuest Historical Newspapers* (April 28, 2004 – Dec. 2, 2004)

Table 3.2: Articles Containing Search Terms “Abu Ghraib” and “torture” or “abuse” in U.S. National Newsmagazines

Newsmagazine	Number of Initial Hits	Number of Relevant Articles
<i>Time</i> *	49	19
<i>Newsweek</i>	59	37
<i>The New Yorker</i>	11	6

Source: *LexisNexis* (April 28, 2004 – Dec. 2, 2004)

\* Source: Online archives available at Time.com (April 28, 2004 – Dec. 2, 2004)

Table 3.3: Stories Containing Search Terms “Abu Ghraib” and “torture” or “abuse” in U.S. National Broadcast Networks and Cable Television News Channels

Channel	Number of Initial Hits	Number of Relevant Broadcasts
ABC	136	118
CBS	141	109
NBC	163	143
CNN	842	691
Fox	193	166

Source: *LexisNexis* (April 28, 2004 – Dec. 2, 2004)



An initial surface analysis of the total number (2163) of news items revealed three prominent themes: the nature of violence, the victims of violence, and the perpetrators of violence. The following table (see Table 3.4) contains examples of each of these themes and the subsequent media frames. A close analysis of 560 of the 2163 documents revealed consistent focus around these three themes with articles either reflecting dominant frames or challenging them with counterframes. In the following analysis, I examine each of these themes in detail and explore the extent to which news sources confirm claims made by members of the Bush administration and other political elites or challenge these dominant frames. As the following analysis will show, the news coverage of Abu Ghraib is much more complicated than the simple dichotomy put forth that either something is an official frame or it is not. Also, it will become apparent to the reader that these three themes I have identified are not separate entities. Each of these themes depends upon the other. For example, how one understands the enemy (the prisoners in Iraq) has a great influence on how one understands the nature of violence that occurred there and the types of people who enacted that violence. Analysis will also show that while the Bush administration and other political elites do not officially endorse some of the more conservative frames that come out in news debates, the language of the war on terror inspires and influences many frames cultivated by the press.

Table 3.4: Prominent Themes and Subsequent Media Frames of Abu Ghraib

Theme	Sample Dominant Frames	Sample Counterframes
Nature of the violence	Detainees were abused at Abu Ghraib	Detainees were tortured at Abu Ghraib
Victims of violence	Detainees at Abu Ghraib are terrorists and members of al Qaeda	The majority of detainees at Abu Ghraib are innocent and being wrongly detained
Perpetrators of violence	The violent actions that occurred at Abu Ghraib are the actions of a few soldiers and do not represent the nature of America	The violent actions that occurred at Abu Ghraib were part of a system of violence approved by top members of the Bush administration

### **Nature of violence**

One of the major frames within the coverage of the events at Abu Ghraib is the frame surrounding the nature of the violence that occurred there. In the following section of analysis I will explore this frame in detail. The dominant or official frame regarding the nature of the violence at Abu Ghraib framed the actions that occurred there as the abuse, not torture, of prisoners by a few rogue soldiers (for more detail on the perpetrators of violence see below), and, as Bennett, Lawrence, and Livingston point out, this official frame is one that is most common throughout media coverage of the Abu Ghraib incidents. However, what a detailed qualitative analysis reveals is not only a presence of a counterframe describing the actions at Abu Ghraib as systematic torture, but also that the presence of these two frames (violence as abuse and violence as torture) sparks a debate both in print media and on numerous television broadcasts regarding

what torture is, who uses torture, and whether or not it is a useful practice within the larger context of the war on terror.

***“We don’t torture”: The abuse of Iraqi prisoners at Abu Ghraib***

Regarding the nature of the violence that occurred in Abu Ghraib prison in 2003 and 2004, the dominant frame supported by the Bush administration and other political elites suggested that U.S. captors abused detainees in the prison, rather than tortured them. For example, in an article appearing in *Time* Eric Roston and J.F.O. McAllister claimed, “Image after image showed that soldiers at the prison had made sport of abusing and humiliating their wards” (par. 2). This frame of Abu Ghraib violence in terms of abuse is one that was perpetuated by the Bush administration and other political elites. As Esther Schrader and Patrick McDonnell of the *Los Angeles Times* explained, “President Bush on Friday strongly condemned the alleged mistreatment of Iraqi prisoners by U.S. soldiers even as graphic pictures of abuses aired around the world” (par. 1). Thom Shanker and Jacques Steinberg, of the *New York Times*, reported that President Bush “was deeply disgusted by reports that Iraqi detainees were abused by American military police” (par. 1). Dominant frames that describe the violence at Abu Ghraib in terms of abuse, rather than torture, are also predominant in broadcasts that appeared on television networks and on cable news networks. In a follow-up broadcast to the *60 Minutes II* episode that was credited with breaking the story of Abu Ghraib, Dan Rather, on the *CBS Evening News*, claimed, “The US Army tells CBS’ David Martin it is taking firm steps to prevent any recurrence of such abuses which the Army emphasizes were few – abuses revealed in photographs obtained by *60 Minutes II*” (“US Army Responds” par. 1). Renay San Miguel with *CNN Saturday Morning News* reported, “Our top story this hour, abuse of Iraqi prisoners, allegedly at the hands of American troops sent to liberate them” (“Reactions in Iraq” par. 17). And, Greta Van Susteren, host of *Fox on the Record*

claimed, “A few disgrace us. Graphic, sadistic and pornographic photos of some American soldiers allegedly abusing Iraqi prisoners trigger outrage” (“Interview with Brig. Gen. Mark Kimmitt” par. 1). As one can see, many newspapers, newsmagazines, and news broadcasts followed President Bush’s lead in labeling the violent actions at Abu Ghraib abuse, rather than torture.

What is also apparent is the use, in many reports (see San Miguel; Van Susteren), of the word *alleged*. The word *alleged* is often used in news stories reporting crime, the rationale behind the use of the word being that the persons accused of crimes are innocent until proven guilty in the U.S. court system. The word *alleged*, then, is often used by reporters of crime news as a way to emphasize the fact that those accused of crimes have not yet been found guilty. However, the placement of the word *alleged* within these reports (as a modifier for the word *abuse*) not only preserves the innocence of the alleged perpetrators of violence, but also works to call the existence of the abuse itself into question. For example, as reported by Sewell Chan and Jackie Spinner of *The Washington Post*,

The commander of the U.S. military detention facility at Guantanamo Bay, Cuba, has been transferred to Iraq to oversee the treatment of 8,000 detainees as part of an investigation into alleged sexual and physical abuse at a U.S. Army-run prison outside of Baghdad. (par. 1)

Chan and Spinner also claimed that, “Iraqi prisoners allegedly were subjected to beatings and sexually degrading acts” (par. 2). The use of the word *alleged* as a modifier for the actions, not the charges, allows the reader (or viewer in the case of broadcast news) to doubt whether or not the actions described “really” are abuse.

While some news reports, through the use of the word *alleged*, seem reluctant and unwilling to assert whether or not the violent actions at Abu Ghraib constitute abuse, many reports that do make claims regarding the definitive abuse of prisoners also make

claims as to what the violent actions at Abu Ghraib do not constitute: torture. For example, an editorial appearing in *The Washington Post* claimed, “Taken together, the photographs demonstrate some of the most demeaning, humiliating and shameful treatment of prisoners imaginable, short of actual physical torture” (“Rule of Lawlessness” par. 1). This claim, that the violent actions at Abu Ghraib did not constitute torture, was one often purported by President Bush (see chapter 2) and other top members of the Bush administration and U.S. military. During a CNN broadcast of *Judy Woodruff’s Inside Politics*, General Richard Myers, Chairman of the Bush administration’s joint chiefs of staff claimed, “We don’t torture people” (“Abuse: Outrage” par. 71). President Bush also explicitly distanced himself, the military, and the United States from the torture label. For example, NBC’s *Today* show aired a clip of President Bush who argued, “I have never ordered torture. I will never order torture. The values of this country are such that torture is not a part of our soul and our being” (“White House Answering” par. 2; for similar reports see “Voice on Audiotape”; “Human Smugglings”). Similarly, Fox News Military Analyst, Robert Scales, argued, “Were these abuses? Yes. Was it torture? No” (“Analysis with Robert Scales” par. 17). These claims that the violent actions at Abu Ghraib prison at the hands of U.S. soldiers did not constitute torture were qualified in the press in several ways.

One qualification was that some of the actions depicted in the photographs, namely the hooding of prisoners, forced nudity and sleep deprivation, were simply interrogation techniques and did not constitute torture. This qualification was one often put forward by the U.S. soldiers charged in the Abu Ghraib incident, their legal teams, and their families. For example, in an interview with *CNN Live Today*, Barry Myers, Attorney for Staff Sergeant “Chip” Frederick, one of the U.S. soldiers charged in the Abu Ghraib incident, defended his client’s actions claiming, “What you see is a form of

humiliation employed to gain information. I believe that it is overstatement to call it torture. And I believe it is overstatement to call it atrocity” (“Military Reprimands Six” par. 9). Similarly, in an interview with Paula Zahn, Frederick’s mother, Jo Ann Frederick, claimed that the actions made by her son against the prisoners at Abu Ghraib were part of the interrogation process and, therefore, could not even be considered abuse, let alone torture: “sleep deprivation and interrupting sleep and that type of thin is different from abuse. My son was raised right. He’s never abused anybody” (“Shame on Display” par. 42). In a debate regarding the nature of torture airing on CNN in June, guest Steve Maltzberg, a radio commentator argued, “We’ve got probation crossing the line. It’s sensory desensitization crossing the line. It’s putting a hood over somebody’s head, crossing the line. These are – this is – these are interrogation methods. This isn’t torture” (“Rap Sheet” par. 37). While many reports tried to distance the violence at Abu Ghraib from labels of torture (and in some cases abuse), other reports attempted to distance the practice of prisoner interrogation from violence completely. For example during an episode of *Fox on the Record with Greta Van Susteren*, Van Susteren interviewed an Army reservist who was an interrogator at Abu Ghraib prison in Iraq, but was not involved in the scandal. In the interview Van Susteren asked, “When we say interrogator at Abu Ghraib, what was your job? What did you actually do?” (“Were MPs” par. 6). In his reply, Day described interrogations at Abu Ghraib prison as calm conversations between U.S. interrogators and prisoners, involving little to no physical contact: “Well, to tell you the truth, Greta, most of my interrogations were hardly more than interviews” (“Were MPs” par. 7). While this claim serves, to some extent, to distance those charged with violent acts against prisoners at Abu Ghraib from other military personnel working at the prison (for more on this see perpetrators of violence section below) it also removes any association between the interrogation of prisoners and the practice of violence.

While the complete disassociation between violence and the actions at Abu Ghraib prison is not common, many reports do attempt to minimize the violent actions at Abu Ghraib. This leads to a second qualification for violence made by the press, a qualification made through the comparison of the violent actions at Abu Ghraib at the hands of U.S. soldiers to past actions of violence against prisoners at Abu Ghraib under Saddam Hussein. Within these reports violent actions performed by U.S. soldiers are not only minimized in comparison to the past violent actions of Saddam Hussein, but many reports, following claims made by President Bush (see chapter 2), consistently make reference to torture by labeling Hussein's actions as torture. Within these reports, as in claims made by Bush, torture is an action done by Hussein; violent actions by U.S. soldiers are minimized by comparison. For example Johanna McGeary of *Time* argued, "Of all places, these atrocities occurred at Abu Ghraib prison, once the infamous home of Saddam Hussein's torture chambers" (par. 3; see also Risen; "Abuses at Abu Ghraib"; "Interview with Former Presidential Adviser"). In an article appearing in *Newsweek* Eleanor Clift argued, "American soldiers using Saddam's torture chambers to abuse and sexually humiliate Iraqis pushes the U.S. presence in Iraq beyond the point where it can be saved" (par. 1; for similar accounts see Chan and Amon). David Remnick, of the *New Yorker*, argued that under Hussein, "Torture was routine in Abu Ghraib: isolation, beatings, rapes, attack dogs, electric shocks, starvation" (par. 1). T. Christian Miller and Greg Miller, of the *Los Angeles Times* claimed, "The incident at Abu Ghraib prison, infamous among Iraqis as Saddam Hussein's main site for torture and execution has embarrassed U.S. military officials and enraged Arabs and Americans" (par. 8; for similar accounts see McDonnell, Alonso-Saldivar, and Anderson; Rich). An editorial also appearing in the *Los Angeles Times* claimed, "Under Saddam Hussein's rule, Abu Ghraib prison near Baghdad was known for torture and killings. Now, under U.S. occupation, it

again is the subject of outrage, after the Army's own investigation found 'systemic and illegal abuse' of Iraqi prisoners" ("Beyond those Sick Images" par. 1). Dana Milbank, of *The Washington Post*, argued, "The photos also invited parallels to Saddam Hussein's regime because the abuse occurred in Abu Ghraib, a prison used by Hussein for torture" (par. 11; see also "Analysis of Military Response"). In a broadcast of *NBC Nightly News* anchor Hoda Kotb reported,

The Abu Ghraib prison, for years the scene of countless atrocities committed by Saddam Hussein's regime, now the focus of a new scandal, with the circulation of these photos showing Iraqi prisoners forced to pose in humiliating positions allegedly by their jailers, US soldiers in charge of prison security. ("Internal Army Report" par. 3)

In a report featured on ABC's *World News Tonight with Peter Jennings*, Martha Raddatz claimed, "The photographs were shot at the Abu Ghraib prison where Saddam Hussein subjected prisoners to hideous torture" ("Outrage at Prison" par. 10). Similarly, Wendell Goler, of *Fox Special Report with Brit Hume*, described President's Bush's disgust at the photographs of the incidents at Abu Ghraib claiming, "Already, he said, Saddam Hussein sits in a jail cell and his torture chambers and rape rooms have been destroyed, but new evidence said some American prison Guards had mistreated Iraqi inmates, left the president deeply disturbed" ("The President Condemns" par. 14). Jamie McIntyre, of CNN reported, "The pictures put Rumsfeld in the uncomfortable position of having to explain the difference between the abuse by the U.S. military and the torture and murder by the regime of Saddam Hussein" ("British Troops Clash" par. 22). As one can see, the distinction between abuse on the part of the United States and torture on the part of Saddam Hussein is consistent with official framing and occurs very often throughout media accounts.

In addition to this comparison between the so-called abuse of Iraqi prisoners by U.S. soldiers and the so-called torture of Iraqi prisoners by Saddam Hussein's former



regime, many media accounts specifically claim that while so-called abuses may have occurred under U.S. supervision, the actions that constitute abuse are not as bad as the violent actions that had once occurred under Hussein's. For example, Ted Koppel, host of NBC's *Nightline*, argued

There is no comparison between what happened at Baghdad's Abu Ghraib prison in the bad, old days under Saddam Hussein and the current allegations of abuse by American guards at the same prison. Pick your standard of comparison. Number of incidents? Level of brutality? There is no comparison. It used to be the seventh circle of hell that was inspired, indeed, demanded by Saddam himself. Even assuming the truth of every single charge now being leveled against US military guards and against civilian interrogators, it is still not the same. ("Saving the Mission" par. 11)

Similarly, Charles Osgood of CBS's *Sunday Morning* argued, "We are the good guys. We saved Iraq from a dictator a billion times worse than anything we do there" ("Media Coverage of War" par. 4). Bob Faw, reporting for *NBC Nightly News* argued, "No, the prison photos are not as gruesome as torture inflicted by Saddam" ("Potential Lasting Impressions" par. 8). John Barry, Michael Hirsh and Michael Isikoff of *Newsweek*, in what for the most part is a critical piece, claimed that comparisons between Saddam Hussein's regime and the U.S. occupation were unfair:

As his other reasons for war have fallen away, President Bush has justified his ouster of Saddam Hussein by saying he's a 'torturer and murderer.' Now the American forces arrayed against the terrorists are being tarred with the same epithet. That's unfair: what Saddam did at Abu Ghraib during his regime was more horrible, and on a much vaster scale, than anything seen in those images on Capitol Hill. (par. 26)

Similarly, Richard Wolffe, also of *Newsweek* argued, "Saddam Hussein was a brutal dictator who inflicted dreadful suffering on his people. Whatever was done in Abu Ghraib falls short of Saddam's horrors" (par. 5). These claims that the so-called abuses at Abu Ghraib are not equal in number or level of brutality to the so-called torture of Saddam Hussein, while often recognizing the occurrence of violent action at the hands of

U.S. soldiers, simultaneously distance the United States from wrongdoing with qualifications that U.S. violence is not as bad as the violence of the enemy.

These claims are also consistent with attempts made by the Bush administration to draw attention away from the Abu Ghraib scandal and toward U.S. justifications for the war in Iraq (see chapter 2). In fact, the Bush administration, in an attempt to draw media attention away from Abu Ghraib, release photographs documenting the violent actions of Saddam Hussein to the press. On May 21, nearly one month after the Abu Ghraib photographs were aired in the U.S. mainstream media, Tom Brokaw of *NBC Nightly News* reported, “In the wake of weeks of shocking stories of prisoner abuse at Abu Ghraib, the Bush administration is trying to send a strong reminder to the world about the brutal treatment of prisoners under Saddam Hussein” (“Saddam Hussein’s Torture Victims” par. 1). This story, along with others like it, documented in detail the acts of violence that occurred under the Hussein regime, couching U.S. abuse into a much less violent category.

### ***American soldiers are the torturers now***

However, attempts by the Bush administration to label the violent actions at Abu Ghraib abuse and to focus on past torture performed by Saddam Hussein were not entirely successful. Although the dominant frame outlined the violent actions performed by U.S. soldiers at Abu Ghraib as abuse, not torture, some mainstream news reports did provide a counterframe regarding the nature of the violent incidents at Abu Ghraib.

Within this counterframe, the violent actions performed by U.S. soldiers at Abu Ghraib were deemed torture. However, the actions by U.S. military personnel were often still compared to the actions of Saddam Hussein. And in many accounts the actions of U.S. soldiers at Abu Ghraib, though deemed torture, were often still classified in a less

violent category than the actions of Saddam Hussein or other known torturers in history.

For example in an editorial written for the *Washington Post*, Anne Applebaum argued,

The American soldiers and civilians responsible for humiliating, torturing and possibly murdering Iraqi prisoners in the Abu Ghraib prison near Baghdad over the past few months do not belong in the same category as Nazi or Soviet camp guards. But their actions do prove, if further proof were needed, that no culture is incapable of treating its enemies as subhuman. (“Willing Torturers” par. 4)

Similarly, television personality Bill Maher, appearing on *Larry King Live*, argued that the actions of U.S. guards at Abu Ghraib prison were not as bad as the torturous actions of Saddam Hussein, yet he insisted that the U.S. actions be considered torture, not abuse:

By the way, I saw the front page of the *New York Times* today. There is a picture of an Iraqi woman holding up a picture of someone who’s gone missing in the Iraqi prison system, out Iraqi prison system. I was this exact picture a year ago, an Iraqi woman holding up someone who disappeared under Saddam Hussein. Yes, Saddam’s torture is worse than ours, but when you have the same picture, it looks awfully bad. (“Interview with Comedian Bill Maher” par. 190)

While Maher insists that U.S. torture is not as bad as the torture that occurred under Hussein’s regime, he also insists that the violent actions at Abu Ghraib constitute torture and should not be called abuse:

By the way, they [the Bush administration] use the word ‘abuse,’ Donald Rumsfeld did, too, because they don’t want to use the word ‘torture.’ The same way Rush Limbaugh was on medication. They tried to say that because they were using sleep deprivation or uncomfortable positions, they make it sound like it’s not torture. It is absolutely torture. (“Interview with Comedian Bill Maher” par. 195)

While this account by Maher and others like it insist, as do members of the Bush administration, that the actions that occurred at Abu Ghraib prison under U.S. rule were not as bad as those that occurred under the rule of Hussein, within some comparisons U.S. actions are argued to be equivalent to or worse than the actions of Hussein. Interestingly, critical lawmakers on the left often provided this counterframe. For example, in a report airing on *Fox Special Report with Brit Hume*, argues that reactions to

the Abu Ghraib photographs took “distinctly partisan tones” (“Congress” par. 2). The report goes on to quote Senator Edward Kennedy as saying, “On March 19, 2004, President Bush asked who would prefer that Saddam’s torture chambers still be open? Shamefully, we not learn that Saddam’s torture chambers reopened under new management, U.S. management” (“Congress” par. 6). While this particular report, specifically points to potential political motivations behind the equation of U.S. actions with the actions of Saddam Hussein’s regime, similar comparisons to the one made by Senator Kennedy appear in several other media reports. Some of these comparisons come from Iraqi citizens and other citizens from Middle Eastern countries, and Arabic language media. For example, Jim Miklaszewski, reported for *NBC Nightly News*,

This man in Baghdad asks, ‘where is the human rights America talks about?’ Outraged at the treatment of the prisoners, Arab newspapers and television declared the US no better than Saddam Hussein. From Syria, ‘The liberators are worse than the dictators. This will increase the hatred of America.’ From Saudi Arabia. ‘Abu Ghraib Prison was used for torture in Saddam’s time. What’s the difference between Saddam and Bush? Nothing.’ (“Fallout Around World” par. 3)

In subsequent reports, *NBC Nightly News* anchor John Seigenthaler reported, “There are now revelations tonight about the torture of Iraqi captives at Abu Ghraib prison in Iraq and what one US Army general now says about what was going on there” (“General in Charge” par. 1).

Some print media sources, primarily in editorial pieces by staff writers, also made comparisons between Saddam Hussein’s regime and the U.S. occupation of Iraq, calling the actions made by U.S. prison guards torture. For example, David Ignatius of the *Washington Post* wrote,

I’ve spent the past week trekking around southern Iraq with the British army, revisiting places I saw a year ago during the early days of the war. Back then it was easy to write without irony or embarrassment that the country had been liberated from the torture chambers of Saddam Hussein. All week long I’ve had in the back of my mind the images from Abu Ghraib prison of the young American

torturers – sadly, that is the only word that fits – who in their juvenile sadism thought it was funny to humiliate Iraqi men. For anyone who believed that war had a moral purpose, these photographs are deeply unsettling. (pars. 1-2)

Similarly, Courtland Milloy, also of the *Washington Post* argued ironically,

From the awesome U.S. bombings that were supposed to help quickly end the war to allegations that U.S. forces have resorted to Saddam-style torture now that an end to the war is nowhere in sight, Operation Iraqi Freedom sure has come a long way. (par. 2)

In an opinion piece in *Los Angeles Times*, David Shaw commented on the role of the media in reporting the story of the incidents at Abu Ghraib. In reaction to speculation that the media was overreacting to the Abu Ghraib story, Shaw wrote, “There’s a big difference between giving such attention to Janet Jackson’s breasts and Howard Dean’s rant and giving it to a seemingly unprecedented and astonishingly well-documented case of American soldiers abusing, humiliating, and torturing prisoners. . . .” (par. 4; see also Rutten). In another op-ed by Frank Smyth, also of the *Los Angeles Times*, Smyth recounted his own experience of being imprisoned at Abu Ghraib prison under Saddam Hussein. Smyth concluded his piece claiming, “Night after night at Abu Ghraib, I wondered who could allow, much less participate in, such cruelty. Looking at the recently released photos, the answer now seems clear: Torture is done by people just like us” (par. 13).

What this section of analysis has shown is that, as Bennett, Lawrence, and Livingston suggest, many media accounts seem to adhere to the dominant frame put forward by the Bush administration that the actions at Abu Ghraib prison by U.S. soldiers constitute abuse not torture. However, what it has also shown is that there is more nuance within these accounts. Some reports and opinion essays refer to actions by the U.S. as torture, thus providing a counterframe to the dominant frame of abuse. Recognizing the existence of these two frames is important because, as the analysis below will show, the

friction between these two frames sparks a disturbing debate as to whether or not torture is a useful practice within America's war on terror.

***“The Ticking Bomb”: What is torture and is it useful?***

In media reports of the Abu Ghraib incident, there was a debate over whether or not torture should be considered a useful practice against terrorists. As analysis will show, this debate adds a dimension to media coverage that cannot be fully explained by the abuse/torture dichotomy. However, as analysis will also show, it is influenced, in part, by Bush rhetoric in regard to the war on terror. There are two sides to the torture debate. One side, often referred to as the “ticking time bomb” argument, suggests that torture is useful against terrorists if torture can garner information that saves American lives (see chapter 4). The other side of the debate argues that torture is never useful and that it is, in fact, the practice of torture that will eventually endanger American lives.

The ticking-bomb frame, while not overtly supported by the Bush administration can be considered a dominant frame because it fits into the Bush rhetoric that frames the war on terror (see chapter 2). Within this frame it is understood that the United States government and, subsequently, the United States military on behalf of the government will do whatever it takes to assure the safety of the American people. Within this ticking-bomb frame, it is this principle that the United States government needs to do whatever it takes in the war on terror that is invoked to excuse the actions of violence at Abu Ghraib prison. For example, in a discussion with journalist Seymour Hersh regarding the nature of the violence at Abu Ghraib, Wolf Blitzer, setting aside previous arguments as to the brutal nature of the violence committed against Iraqi prisoners, asked, “Was it useful, though, this kind of – if there was torture or abuse, these atrocities, did it get information vital to the overall military objective in Iraq, based on what you found out?” (“Interview with Seymour Hersh” par. 284). Hersh's response to this question, that torture is never

useful, fits into the counterframe to this ticking-bomb frame and will be discussed in more detail below, however, it is important to note the way in which this question suggests that useful information as an end that would support torturous means. This type of questioning is common among many news sources. For example, CNN's Paula Zahn asked, "Are torture and humiliation ever justified?" ("Shame on Display" par. 2; see also "Torture"). Brian Braiker of *Newsweek* asked, "What constitutes torture and what amount of it, if any, can be justifiably used in combating terror" ("The War on Terror" par. 4; see "Retired Lieutenant General"; "Was Vietnam Worse"). In a *Time* article, Amanda Ripley questioned the legality of the so-called interrogation methods featured in the Abu Ghraib photographs, citing the need for Geneva conventions. However, Ripley seemed to push past this notion that legal, humane treatment is necessary, asking in a subsequent paragraph, "If such interrogation tactics are legally questionable, are they at least useful?" (par. 4). In this statement, as with many accounts of the so-called usefulness of torture, Ripley sidesteps the problems of human rights abuse and adherence to international law, by suggesting that the end, information, justifies any means. Similarly, Michael Slackman, of the *New York Times*, claimed,

Few Americans will say they support torture. But what if . . . authorities had captured one of those engaged in planning the attacks of Sept. 11, 2001, there was reason to believe that torture could produce information that would save many lives? Under those circumstances, does torture become necessary, if perhaps regrettable? (par. 3)

However, while many media accounts pose questions that suggest the usefulness of torture in garnering information from U.S. enemies, many others specifically outline the need for torture to protect American lives. For example, in an opinion piece by Charles Osgood on CBS's *Sunday Morning*, Osgood argued, "Fighting terrorists is a brutal business. Now we're in Iraq. Once we're there, we have to protect innocent life from terrorists. That means interrogating prisoners whom we think are terrorists, sometimes

harshly” (“Media Coverage of War” par. 4). In this segment, Osgood argued that harsh techniques, like the ones featured in the photographs of Abu Ghraib prison were needed to protect people from terrorism. Osgood was also critical of any criticism of the actions at Abu Ghraib and, calling on the post-9/11 call for unity, he argued that the United States military should consider harsh techniques useful, rather than something to be punished:

Let me ask the media and the Congress a question: Might it have been worth stomping on a terrorist’s fingers and toes and depriving him of sleep to find out who murdered those four men in Fallujah and making sure they didn’t do it again? Media, Congress, get it straight: The US is the main repository of decency on this Earth. The al-Qaida can never defeat us if we are united. But we can defeat ourselves if we begin to think we are the enemy and lose out confidence in our cause. There is no moral equivalency between us and the terrorists. We’re the good guys, and if we lose because we didn’t play hard enough, it’s the end of everything good in our world. (par. 6; see also Dewar)

In this statement, Osgood removes blame of any wrong doing from the perpetrators of violence at Abu Ghraib and couches the harsh actions as a necessary evil against the enemy in the war on terror. Similarly, on a CNN broadcast in which the usefulness of torture was debated guest Andy Serwer, of *Fortune* magazine asked,

We are dealing with people, some of them mass murderers, for instance, involved in 9/11. You’re dealing with people who beheaded U.S. citizens. And are we just supposed to sit there and say, come on, could you tell us who you’re reporting to and expect them to respond? Do the standards change when the enemy’s standards change? (par. 31)

Once, again, the justification for torture depends on an understanding that the enemy cannot be dealt with any other way (for more on this point see below) and on the assumption that harsh techniques garner information that can save American lives. Similarly, Fox’s Sean Hannity claimed, “Some people can’t accept what the U.S. military must do to win the war on terror” (“Guests Debate” par. 3). In another broadcast, Hannity spoke about the usefulness of torture with former CIA operative, Wayne Simmons, who



argued, “As far as I’m concerned, and this is a personal note; all bets are off. We catch an al Qaeda member, we know he’s al Qaeda, his life as he knows I has got to be over” (“Does CIA Go Too Far” par. 9). Bill O’Reilly of Fox’s *The O’Reilly Factory* argued,

Putting somebody in an uncomfortable position in a cell, I’m doing it because now we’re dealing with mass murderers using weapons that are incomprehensible. And I am telling you, sir, that if we – if there’s an imminent danger and somebody knows something about it, you have to use different rules. And the Bush administration should define those rules. (“Unresolved Problem” par. 10)

O’Reilly, like others in the media, justifies torture in terms 9/11 and a new set of post-9/11 rules. This justification, though not specifically addressed by the Bush administration in reaction to the events at Abu Ghraib, is one set by the President’s rhetoric surrounding the war on terror. However, just like the dominant frame of abuse, there is a counterframe to this debate in regard to the usefulness of torture, one that claims that torture does not work and should not be used under any circumstances.

For example, in response to Wolf Blitzer’s question in regard to the usefulness of torture (see above), Seymour Hersh claimed that torture was not a useful method of garnering information: “What happens is, people tell you what they think you want to hear” (“Interview with Seymour Hersh” par. 287). Under similar questioning on CNN’s *Sunday Show*, radio commentator John McIntire not only argued that torture was not useful, but also cited members of the Bush administration and top military officials as arguing the same point:

Well, let me quote someone who had a rare moment of sanity the other day. And that was U.S. Attorney General John Ashcroft, who said he condemned torture, and that it was unproductive. And most terrorist experts would tell you torture doesn’t work. The people will just tell you what you want to hear, but not necessarily in a useful, real information that could lead to anything. (“Rap Sheet” par. 30)

Similarly, in an editorial for the *Washington Post*, Kenneth Roth claimed, “People under torture will say anything, true or not” (par. 6; see also “Human Smugglings”; Priest and

Stephens; Van Natta; Glanz; Hersh, “Torture at Abu Ghraib”). To prove this point, that torture creates false confessions rather than useful information, Ian Fisher of the *New York Times* provided a detailed account of a former prisoner held at Abu Ghraib, Saddam Saleh Aboud, in which Aboud recounted telling his captors anything they wanted to hear with the hopes that they would stop their physical abuse of him:

‘They asked me about Osama bin Laden,’ he said. ‘I said, “I am Osama bin Laden but I am disguised.”’ He said he meant every word. ‘I was only afraid that they would take me back to the torture room,’ he said. ‘I would prefer to be dead.’ (“Ex-Prisoners” pars. 6-7)

In addition to pointing out that torture practices fail to provide useful information from captors, other media accounts argue that torturing terrorists is a slippery slope. For example, Shanker Vedantam, of *The Washington Post* reported,

Experts have justified torture based on pragmatism, military history and theories of just war. But coercive measures should be reserved for extreme cases, these experts say, not the situation at Abu Ghraib, where Iraqi detainees were not terrorist leaders. Human rights activists said such arguments stand on a slippery slope: Once captors are given license to torture, the abuse of large numbers of prisoners usually becomes standard operating procedure. (par. 6-7; see also “The Disappeared”; Glanz)

What this debate in the media reveals is that there is more nuance to the strict dichotomy of abuse vs. torture. What this debate also shows is that when speaking of abuse and torture, there are certain assumptions that are never fully questioned, namely assumptions about the nature of the enemy. As will be shown in the analysis below, of the arguments surrounding the nature of violence (whether they argue that the violent actions against the people imprisoned at Abu Ghraib are abuse or torture, justified or not) none sufficiently question the nature of the victim of torture.

### **Victims of violence**

As the above justifications for torture express, there is a certain assumption in the media coverage of Abu Ghraib that the prisoners held there are terrorists, the “worst of

the worst,” murderers, and suicide bombers who either know of or are plotting an attack against the people of the United States. While the Bush administration was very careful with its rhetoric after the photographs of the Abu Ghraib torture was released to the press, insisting that the United States did not torture people, and that it was the official policy of the United States to treat prisoners in a way that was “consistent” with Geneva Conventions and international torture laws, analysis will show that the rhetoric of the press makes this stance a bit more complicated. With very few exceptions, media coverage of the Abu Ghraib incidents rested on an assumption that the people inside the prison were the enemy. And while there are several accounts that report women, children, and other Iraqi citizens being wrongly detained inside the prison, very few media reports questioned the existence of these prisoners against the dominant narrative that paints all prisoners as a terrorist enemy.

### ***Outraged by the Outrage: Torturing Terrorists and Enemy Combatants***

The dominant media frame surrounding the nature of Abu Ghraib prisoners assumes that the prisoners represent an enemy who cannot be reasoned with (see chapter 2). This dominant frame features prisoners who are unruly, hard to keep detained, hard to get information from, and all the while harboring secrets that pose a threat to the well being of the people of the United States. For example, in an article appearing in *Newsweek*, John Barry, Mark Hosenball, and Babak Dehghanpisheh described dangerous combat conditions in Iraq that made it hard for soldiers to tell who the enemy was among the masses of Iraqi civilians the soldiers were attempting to protect:

Abu Ghraib Prison sits in the middle of one of Iraq’s nastiest patches. Ever since ‘major combat’ ended a year ago, snipers hidden in the palm groves that surround the vast prison compound have routinely fired on U.S. patrols. The guardrails on the highway in front of the prison are mangled for miles from the large number of IEDs (improvised explosive devices). Helicopters constantly buzz around. At night, soldiers in the guard towers get drawn into raging gun battles. And mortars

rain on the prison like a lethal hailstorm. 'I can't even count how many mortar attacks we've had,' Sgt. Joseph Lane, an operating-room technician in the prison hospital, told *Newsweek* last week. 'Sometimes there are two or three in a day.' And all this while military police must process thousands of Iraqis each month, never knowing who among them is a 'bad guy' trying to kill them. (par. 1)

Many media accounts feature similar dangerous settings. Many media accounts also repeat this assumption that, due to the dangerous environment in Iraq, it is hard to tell who the terrorists are. For example, Kate Snow, of *World News Tonight with Peter Jennings* reported, "Car thieves mingled with suspected terrorists. Eventually, military police were guarding nearly twice as many prisoners as the army recommends" ("Sequence of Events" par. 2). There is also an assumption, within many media accounts that the prisoners at Abu Ghraib lived in conditions that were better than the living conditions of U.S. soldiers. For example, in a printed interview with Harvey Volzer, an attorney representing one of the accused Abu Ghraib guards, Volzer described the inside of the prison as being similar to hell: "Inside, it's just hotter than hell. Frankly, the detainees almost have it better [than the U.S. soldiers assigned to watch them] because they can go outside during the day" (Scelfo par. 10). This account, like many others, assumes that the prisoners are treated fairly inside the prison, despite the fact that the "outside" to which Volzer refers is a series of tents where thousands of prisoners have little protection from the sun and no protection against gunfire and mortar attacks. Volzer also neglects to reflect on the fact that the thousands of prisoners held at Abu Ghraib are there indefinitely, with no legal representation, no rights, and little hope.

In addition to setting a scene that emphasizes the difficult working conditions of prison guards alongside the fair living conditions of the prisoners, media accounts also assume that the prisoners inside Abu Ghraib are all dangerous terrorists. For example, in a televised interview, Fox's Tony Snow asked former speaker of the House Newt Gingrich his opinion on hooding and shackling prisoners. Gingrich replied,

[M]ost of the people [prisoners] we're describing were people actively trying to kill Americans, many of them acting as terrorists, many of them fighting in civilian clothing, which is outside the rules of law. And in some cases you have every right to isolate them because you don't want them talking to each other. You're trying to get intelligence information. ("Top Story" par. 33)

Senator James Inhofe, of Oklahoma, was also repeatedly quoted in media accounts as being "outraged by the outrage" regarding the ways in which prisoners were being treated at Abu Ghraib. In an article appearing in the *Washington Post* Mark Leibovich wrote, "[Inhofe's] dismay was not at the treatment of the prisoners so much as at all the hand-wringing it has generated. He called the prisoners 'murderers, terrorists and insurgents,' many of whom have 'American blood on their hands'" (par. 6).

This assumption that the prisoners kept at Abu Ghraib prison were terrorists is not one that was solely put forward by conservative politicians. In an interview with Fox's Alan Colmes, Senator John Kerry, whose remarks on the events at Abu Ghraib are sparse at best (see chapter 2), provides a mixed message, one that ultimately assumes that terrorists be treated in a way that protects American lives at all costs. When asked about a recent video tape of the beheading of Nicholas Berg, Kerry argued, "[I]t shows the emptiness of their – absence of values. It shows that these are thugs, killers, terrorists, and they deserve everything we can throw at them. And we will" ("John Kerry Shares" par. 58).<sup>25</sup> In this statement, Kerry describes terrorists as lawless, deserving anything that the United States could give them. However, when Kerry addressed the issue of the incidents at Abu Ghraib later in the same interview he stated,

But that doesn't change the impact of what has happened in that prison through our own efforts, which have put American troops at greater risk, put Americans at greater risk, tarnished all of us and, I think, done a great disservice to the effort that we have been engaged in over there. I will fight a more effective war on terror, because I would never have thrown out of the door or window the

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<sup>25</sup> Nicholas Berg was a young businessman who was captured and beheaded in Iraq. His beheading was videotaped and the tape was leaked to the press. In the video, Berg's captors claimed that Berg's beheading was an act of revenge for the torture of prisoners at Abu Ghraib.

obligations of the Geneva Conventions. Why? Because I know, as a former combatant, that, had I been captured, I would have wanted our moral high ground with respect to those Geneva Conventions to be in place. (“John Kerry Shares” pars. 59-60)

On one hand, Kerry argues that the Abu Ghraib prisoners and, therefore, deserve whatever treatment best protects American lives. On the other hand, Kerry argues for the importance of Geneva Conventions during times of war. However, it is important to note that Kerry does not couch his Geneva Conventions argument in terms of Abu Ghraib prisoner rights, but rather in terms of potential retaliation risks for U.S. soldiers. In this statement, Geneva Conventions, and the subsequent human rights that the Conventions protect, are not to be respected because the enemy deserves protection, rather Geneva Conventions are important for American soldiers and the necessary protection the Conventions will provide them. So while Kerry is critical of the violent actions featured in the Abu Ghraib photos, he does not advocate respecting human rights of others for its own sake nor does he question the assumed terrorist nature of the Abu Ghraib prisoners.

The assumption that all prisoners at Abu Ghraib are terrorists or suspected terrorists is repeated throughout media accounts. For example, David Martin, of *CBS Evening News* reported, “The issue of whether the US has permitted the torture of captured terrorists is more than just a legal debate over whether any laws or treaties have been violated” (“Senate Judiciary” par. 11). In this report, which critically questions the legality of the treatment of Abu Ghraib prisoners, does not question the fact that the prisoners might not be terrorists. And, while reports like this one fail to question the assumption that all Abu Ghraib prisoners are terrorists, many other media accounts openly insist that they are. For example, in an interview with Bob Mann, former press secretary for Senator Edward Kennedy, Fox’s Bill O’Reilly discussed what types of so-called interrogation techniques could be used against prisoners thought to be a terrorist

threat to the United States. In his response Mann suggested that the prisoners at Abu Ghraib were soldiers, not terrorists arguing, “I think sanctioning physical violence against people who are soldiers, it’s not something American people do” (“Personal Story” par. 63). In reaction to Mann’s comment, O’Reilly abruptly ended the interview, arguing, “They’re not soldiers, they’re terrorists. And you’re diverting the issue, but we appreciate you coming on today” (“Personal Story” par. 64). Similarly, in a debate appearing on CNN regarding the usefulness of so-called harsh interrogation techniques, radio commentator Steve Maltzberg argued, “Give me a break. These people are killers. They’re animals, these terrorists” (“Rap Sheet” par. 32). As one can see, in these types of media reports there is an assumption that the prisoners at Abu Ghraib are terrorist enemies. This is an assumption that is rarely, if ever, questioned by members of the press. The fact that the media failed to question the assumed terrorist nature of Abu Ghraib prisoners is made more interesting when one considers the sheer number of media reports that identify prisoners who have been wrongly detained. For many media stories report the existence of women, children, and common criminals picked up off of the street. Many media stories report the imprisonment of Iraqi citizens who happened to have been in the wrong place at the wrong time during U.S. raids on Iraqi cities. As the analysis below will show, despite consistent reporting that identifies this discrepancy in the dominant frame regarding the terrorist nature of Abu Ghraib prisoners, virtually no media reports ever fully question this dominant frame.

### ***Terrorists or Iraqi Citizens: Prisoners Wrongly Detained***

There are many media reports that identify prisoners wrongly detained in Abu Ghraib prison. However, media few media reports dwell on the existence of these wrongly detained prisoners or on the implications their existence has for the dominant

terrorist frame, which suggests a strong adherence to the dominant frame by members of the press.<sup>26</sup>

For example, in an interview with Bill O'Reilly, Seymour Hersh recounted information from the Taguba Report:

[T]his was not a prison full of hardened, you know, soldiers, caught in war. These were full of civilians. He [Taguba] said upwards of 60 percent of the people in the prison had nothing to do with, no bad feelings toward America whatsoever. They simply were caught in a random roadside check or they were snatched off the street. They should have been processed under the Geneva Convention. ("Talking Points, Hersh" par. 85-86; see also Hersh, "Torture at Abu Ghraib")

In this interview, Hersh also identified violent actions not featured in the iconic photographs and identified prisoners not featured in them either, namely women and children. He claimed, "There was a special women's section. There were young boys in there. There were things done to young boys that were videotaped" ("Talking Points, Hersh" par. 92). In this statement, Hersh points out a discrepancy in the dominant frame that suggests that all of the prisoners in Abu Ghraib prison were hardened terrorists, providing a counterframe that suggests women, children, and civilians in general who were wrongly accused were also housed there (for more on this point see below). However, O'Reilly attempted to discredit this report by Hersh and, sticking to the dominant frame, he stated,

I'm going to dispute your contention that we had a lot of people in there with just no rap sheets at all, who were just picked up for no reason at all. The people who were in the prison were suspected of being either al Qaeda or terrorists who were killing Americans and knew something about it. ("Talking Points, Hersh" par. 112)

Similarly, in a report by John Donavan on ABC's *Nightline*, Donavan reported,

Night after night, US soldiers raided the homes of suspected Iraqi insurgents. But they also swept up anyone else who might know something because information,

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<sup>26</sup> Reports by Seymour Hersh are an exception. However, as analysis in this section illustrates, conservative members of the press tried to discredit Hersh.



intelligence, had become the highest priority. Brothers of suspects were arrested, neighbors, sometimes passersby. Suddenly Abu Ghraib prison was jammed beyond capacity with some 7,000 detainees. The Red Cross, based on its inspections, estimates up to 90 percent of them knew nothing. (“Chain of Command” par. 18; see also “Unresolved Problem”; “Does CIA go Too Far”; “Evidence High-Ranking”)

However, just as with the report by Hersh on the *O’Reilly Factor*, this counterframe in the form of information that goes against the dominant frame is ultimately subsumed under a larger debate about the usefulness of torture that relies on an assumption that those imprisoned by the United States during the war in Iraq are terrorist enemies of the U.S. At the close of Donovan’s broadcast host Ted Koppel claimed,

One of these days, here in the United States, another terrorist cell is going to get lucky and we’re going to be picking through the rubble again, carrying off our dead and injured. Then, the debate over torture will be essentially over. . . . But there are better times to conduct a debate on the subject than in the immediate aftermath of a national tragedy. Now, for example, is a better time. It is difficult to argue that there are no circumstances under which torture might be justified. The possibility, for example, of preventing the imminent death of thousands of innocents. But it should be unthinkable for any defender of the US Constitution to argue that there should be no clearly defined rules, no limits, no boundaries, no consequences for anyone who exceeds those boundaries. (“Chain of Command” par. 63)

Just as O’Reilly’s report ends by discrediting the counterframe offered by Hersh, Koppel discredits the counterframe offered by Donovan, reinforcing the ticking-bomb dominant frame that relies on an assumption of Abu Ghraib prison housing terrorist enemies. In his concluding remarks, Koppel reminds viewers of the terrorists attacks on 9/11 and although he argues for a debate regarding the usefulness of torture, he does not give any credence to the claims made earlier in the broadcast that the United States might be torturing the “wrong” people.

In addition to reports in which the wrongly-detained counterframe is disputed and the terrorist-enemy dominant frame reinforced, there are several media accounts that report incidents of prisoners being wrongly detained, but never question the matter or

push the issue further. For example, in an article in *The New York Times*, Ian Fisher recounted the story of Hayder Sabbar Abd, a former Iraqi prisoner wrongly detained at Abu Ghraib: “‘The truth is we were not terrorists,’ [Abd] said. ‘We were not insurgents. We were just ordinary people. And American intelligence knew this’” (“Ex-Prisoners” par. 8). However, although Fisher recounts Abd’s claim that he and the other men featured in the Abu Ghraib photographs were not terrorist threats, Fisher focuses, not on the mistaken detainment of the men, but on the fact that the men were, for the most part, treated well and only “abused” by the few soldiers charged with their mistreatment. Fisher claimed,

Mr. Abd spoke with no particular anger at the American occupation, though he has seen it closer than most Iraqis. In six months in prisons run by American soldiers, in fact, he said most of them had treated him well and with respect. (“Ex-Prisoners” par. 9)

In a similar story that aired on *World News Tonight with Peter Jennings* Bill Redeker reported,

Today, more than 4,500 prisoners are incarcerated at Abu Ghraib prison. Most, who are picked up in random military sweeps, turn out to be innocent and are released within three months, given \$10 spending money and sent on their way. But some of those charged with insurgency and held longer tell stories of lengthy interrogations, torture and humiliation. (“Inside Abu Ghraib” par. 2)

In his report Redeker acknowledges that many soldiers held at Abu Ghraib prison are detained for no reason. Redeker seems to justify this fact by claiming that many are “released within three months” and given “spending money.” However, Redeker also admits that some prisoners are charged with insurgency and held longer, recounting the story of Hashem Muhsen who was arrested for “carrying a gun” (“Inside Abu Ghraib” par. 2). Redeker claimed, “The US military’s own investigation reveals more than 60 percent of civilians detained at Abu Ghraib were found to pose no threat to Iraqi security. Hashem Muhsen was one of those prisoners” (“Inside Abu Ghraib” par. 2; see also

Wilson). However, even as Redeker puts forward a narrative that is counter to the terrorist-enemy dominant frame, the character of the victims of violence is not discussed further. The dominant frame is never questioned. In fact, as Redeker concluded his report he suggested that wrongful detainment was a thing of the past: “Tomorrow, another group of prisoners will be released from Abu Ghraib. No one doubts lots of people will be interested in their stories” (“Inside Abu Ghraib” par. 3).

Similarly, in an article that outlines the nature of the so-called harsh interrogation techniques utilized by the United States against terrorist enemies, Douglas Jehl and Eric Schmitt reported, “Most of the prisoners held in the special cellblock that became the setting for the worst abuses at Abu Ghraib apparently were not linked to the insurgency” (“Prison Interrogations” par. 3). However, just a few paragraphs later, Jehl and Schmitt, contradicted this claim by arguing,

The Tier 1 cellblock at Abu Ghraib was set aside from the rest of the prison to house as many as 600 prisoners designated as ‘security detainees’ because of their suspected involvement in or knowledge about attacks on American troops. This designation set them apart from the thousands of Iraqis imprisoned as criminals, who were held in less-secure sections of Abu Ghraib, and the 100 or so former to Iraqi officials designated as ‘high-value detainees’ because of their suspected knowledge about Iraq’s weapons programs or other such issues, and who were held in a special facility on the outskirts of the Baghdad airport. (“Prison Interrogations” par. 11)<sup>27</sup>

In this report, Jehl and Schmitt initially seem to question the dominant frame surrounding the character of the prisoners housed at Abu Ghraib prison by arguing that the prisoners had no intelligence value. However, Jehl and Schmitt ultimately revert back to the terrorist-enemy dominant frame asserting that those housed inside the prison were of “high-intelligence value” either through their knowledge of terrorist activities or Iraq’s so-called weapons of mass destruction.

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<sup>27</sup> The soldiers charged with abusing prisoners worked at Tier 1 or the “hard site.”

### ***Ignored violence and prisoners beyond those photographed***

While many accounts report facts that run counter to the terrorist-enemy dominant frame and subsequently revert back to that dominant frame, many more simply report the existence of detainees, namely women and children, who do not fit the understood description of a terrorist. These reports, many of which go into specific detail about violence occurring in the prison not featured in the iconic photographs, do not question the terrorist-enemy dominant frame.

For example, several media accounts report the rape, forced self-sodomy or threatened rape of male prisoners. Citing the military investigation summarized by the Taguba reports, Martha Raddatz of *ABC News* reported, “[T]here were threats of rape to male prisoners. They were kept naked” (“Special Report Introduction” par. 62; see also Shenon). This report concludes with statements by Donald Rumsfeld and other political elites who insist that the matter is being investigated by the U.S. government. In another report appearing in the *New York Times*, Ian Fisher chronicled the imprisonment of Saddam Saleh Aboud. According to the report, the fact that Aboud shared a first name with Saddam Hussein caused his treatment to escalate “into a threat of rape by an American soldier named Ivan in the 1-A block of Abu Ghraib prison” (“Iraqi Tells” par. 2). This report by Fisher, although it outlines in detail the violent and highly sexualized treatment of Aboud, concludes with concern for a possible Iraqi reaction to the incidents, not for the need to uncover similar, undocumented incidents of violence. Other media accounts reported the existence of photographs of forced sodomy of male prisoners. Carl Hulse and Sheryl Stolberg of the *New York Times* quoted Arizona Representative, Trent Franks, reporting, “he was particularly offended by a photograph in which ‘a prisoner was sodomizing himself,’ with a banana” (par. 8). Similarly, Josh White, Christian Davenport and Scott Higham of the *Washington Post* reported the existence of a

photograph in which, “a prisoner in flexible handcuffs is made to use a banana to simulate anal sex” (par. 14). An editorial appearing in the *New York Times*, cited the Taguba report which recounts violence, “including sodomizing a prisoner ‘with a chemical light and perhaps a broomstick’” (“The Nightmare” par. 4; see also Shenon). Though these reports expose more depth to the violence at Abu Ghraib than those actions featured in the iconic photographs, each of these reports couches this new information in terms of the threat these new photographs and this new knowledge poses to the United States. For example, the report by White, Davenport, and Higham concluded with a quote from Donald Rumsfeld: “‘Be on notice,’ Rumsfeld said in a standing-room only Senate hearing room May 8. ‘There are a lot more photographs and videos that exist. If these are released to the public, obviously it’s going to make matters worse’” (par. 19). The *New York Times* editorial that cited Taguba’s accounts of forced sodomy concluded,

Terrorists like Osama bin Laden have always intended to use their violence to prod the United States and its allies into demonstrating that their worst anti-American propaganda was true. Abu Ghraib was an enormous victory for them, and it is unlikely that any response by the Bush administration will wipe its stain from the minds of Arabs. (“The Nightmare” par. 7)

In their report, Carl Hulse and Sheryl Stolberg, although they reported the forced self-sodomy of Iraqi prisoners coerced by American soldiers, soon shifted focus away from American violence back to the violence of terrorist threat: “But on the day when the story of the beheading of Nicholas Berg, and American civilian in Baghdad was also in the news, other lawmakers said the public should not lose sight of the brutality of terrorists” (par. 19). Each of these reports, although they cite new evidence and the existence of more photographs that document additional violence against prisoners by American soldiers, do not question this violence and do not speculate that additional prisoners (other than those featured in the iconic photographs) have been tortured. Rather, these

reports focus on the potential danger knowledge of this violence on the world state might cause for the people of the United States.

While some reports focus on violence that goes beyond the violence featured in the Abu Ghraib photographs, other reports focus on a set of victims of violence that do not fit the profile of terrorists, namely young men and women. One set of reports of this nature deals with the existence of young boys inside Abu Ghraib prison. For example, an article appearing in the *Washington Post* written by Josh White and Thomas Ricks, cited an then unreleased military report claiming that “MPs were using animals to make juveniles – as young as 15 years old – urinate on themselves as part of a competition” (par. 2; see also “Abu Ghraib Report”; “Photographs of Abuse”; “How Widespread”). Just like reports that expose the rape and threatened rape of male prisoners, these reports also frame this new evidence regarding the existence of teen prisoners in terms of America’s image, not in terms of concern for the victim. For example, Josh White and Thomas Ricks concluded their report by quoting an unnamed Pentagon official, who said,

[O]ne particular worry at the Pentagon is how the use of dogs against Arab juveniles will be viewed in the Middle East. ‘People know that in war, you know, you have to break eggs,’ he said. ‘But this crosses the line.’ (pars. 15-16)

In addition to reports that cite the use of dogs against teen boys there is another set of reports that cite the rape of a young male prisoner by an American translator who was working with military officials during interrogations. In a report on *NBC Nightly News*, Jim Miklaszewski claimed, “In statements to investigators, Iraqi prisoners claim they were sexually fondled by female guards, forced to eat food out of toilets and witnessed a US translator rape a young boy” (“More Photos” par. 5; see also Jehl and Scmitt, “Afghan Policies”; Risen; “New Images”). While one report (see “New Images”) was critical of this new information, citing the existence of a cover-up by the Pentagon, others insisted that the problem of violence was being investigated (see “More Photos”) or

reminded readers of the horrendous acts of violence that had occurred in the prison under Saddam Hussein (see Risen). And although there is some variation as to how the press treated this new information, there exists no call for accountability or demand for more photographs and information to be released.

While reports on the existence of extreme violence against teen boys may not be surprising considering the flood of information that exploded in the press after the leak of the Abu Ghraib photographs, what is surprising is the number of news reports that cited the existence of female prisoners and potential photographs of female prisoners. It is surprising for a two of reasons, first it is surprising because none of the iconic photographs that circulated in the press featured women and, second, because reports that claimed that there were female prisoners inside Abu Ghraib or cited the sexual assault of these female prisoners did little to call for accountability of this violence or question the absence of these photographs in the public sphere.

There are several reports within the media coverage of Abu Ghraib that make mention of female detainees or female prisoners. Many of these media accounts stem from the Taguba report, which mentions the sexual assault of female prisoners. For example, Patrick McDonnell, Ricardo Alonso-Zaldivar, and Nick Anderson of the *Los Angeles Times* reported, “female detainees as well as male prisoners were videotaped and photographed in the nude” (par. 6). Others, stem from a military public relations campaign that allowed journalists to tour Abu Ghraib prison in an attempt to assure the public that the human rights violations occurring inside had come to an end.<sup>28</sup> Kelly Wright of Fox reported, “Outside the prison, angry Iraqis gathered in protest of the abuse. They demanded that female detainees be released and that changes be made at the prison. General Miller points out there are significant changes already underway” (“President

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<sup>28</sup> Photographers that accompanied reporters on this tour of the prison were not allowed to photograph prisoners.

Bush Calms Outrage” par. 12). Writers for the *New York Times*, Douglas Jehl and Eric Schmitt, described the layout of Abu Ghraib, noting, “The seventh cellblock under American control, was divided into two parts, 1-A, set aside for ‘high risk’ prisoners, and 1-B, on the second floor for female prisoners” (“In Abuse” par. 29). Sewell Chan of the *Washington Post* reported,

While the vast majority of detainees live in tents, the two-story hard site hold women and those considered to be particularly violent. The building’s two wings – cellblocks 1A and 1B – were where photographs of prisoner abuses were taken in November and December. (“Rage is on Display” par. 18)

Although these accounts merely note the existence of female prisoners and neglect to make any connection between this and the possibility of female prisoner abuse, there are a number of reports that do mention the abuse of female prisoners. Jaime McIntyre, of CNN reported, “Among the abuses still under investigation: beatings, a possible murder, and even the rape of an Iraqi female prisoner by an American military police officer” (“British Troops Clash” par. 36). Douglas Jehl, Steven Myers, and Eric Schmitt of the *New York Times* cited a Military investigation report claiming,

The document also categorizes a sexual assault case of abuse at Abu Ghraib last fall that involved three soldiers . . . who were later fined and demoted, but whose names the Army has refused to provide. As part of the incident, the document says, the three soldiers ‘entered the female wing of the prison and took a female detainee to a vacant cell.’ ‘While one allegedly stood as look-out and one held the detainee’s hand, the third soldier allegedly kissed the detainee,’ the report said. It says that the female detainee was reportedly threatened with being left with a naked male detainee, but that ‘investigation failed to either prove or disprove the indecent-assault allegations.’ (pars. 14-16; see also Graham).

Other reports cite the stories of women detainees who had smuggled letters out of the prison claiming they had been raped and sometimes impregnated by the U.S. soldiers holding them captive. Ian Fisher of the *New York Times* reported, “women who were prisoners at Abu Ghraib smuggled out leaflets claiming that they had been raped” (“Ex-Prisoners” par. 7; see also Cody; Scelfo and Norland). Viveca Novak of *Time* reported,



“Three interrogators were later cited for violations of military law in their handling of the two females, ages 17 and 18. Senate Armed Services Committee investigators are probing whether the two women were sexually abused” (par. 1). While these media accounts cite the rape and sexual abuse of female prisoners, they do little to call attention to the challenge this abuse poses to the terrorist-enemy dominant frame.

Additionally, there are some accounts that frame the rape of female prisoners as consensual sexual encounters between the female detainees and their male captors. This unfortunate framing comes from the military’s own wording in its investigation summarized in the Taguba report which cited “a male MP guard having sex with a female detainee” (416). Many media reports kept this wording, which completely denies the power dynamic between the soldiers and their captors by suggesting that the sexual encounter was consensual. Peter Williams reporting for *NBC Nightly News* claimed, “investigators say male MP guard had sex with a female prisoner” (“American Soldiers Accused” par. 7; see also Thomas, Barry, Klaidman, Hosenball, Lipper, Isikoff, Wolffe, Gutman, and Wingert). John Donvan reporting for ABC’s *Nightline* reported,

What doesn’t help, the details from the Army’s own investigation, verbatim ‘punching, slapping and kicking detainees. Jumping on their naked feet. Videotaping and photographing naked male and female detainees. Forcing groups of male detainees to masturbate themselves while being photographed and videotaped. A male MP guarding having sex with a female detainee.’ (“Conduct Unbecoming” par. 30; see also “Prisoner Abuse Scandal”)

Because there is documentation by the Army’s own investigators of the sexual abuse of female detainees at Abu Ghraib prison and because many reports note the existence of this abuse, it is interesting to note that of the 560 documents I closely examined for the analysis section of this chapter, only five reports directly address the veiled photographs (see chapter 1). In one report, David Sander of the *New York Times* mentions the possible existence of these photographs, musing about the political ramifications the release of

such photographs could cause for the Bush campaign in the then upcoming Presidential elections. Sander wondered, “Should he [President Bush] order the release of the remaining photographs and videos – even if they contain graphic images, as rumored, of assaults or rapes?” (par. 9). Sander concluded that the President needed a better strategy for dealing with the bad press of Abu Ghraib. Neil MacFarquhar, also of the *New York Times*, cited a newspaper in Cairo that published a story on the gang rape of Iraqi women in Abu Ghraib prison, “The opposition daily Al Wafd in Cairo published a front-page picture that it said showed the gang rape of an Iraqi woman by United States soldiers. Its authenticity could not be verified, and Al Wafd did not disclose its source” (par. 24). As one can see, although MacFarquhar recognizes the existence of the story, he denies the possible existence of the photographs by questioning the story’s authenticity and questioning the sources from which the Egyptian newspaper gathered its information. The only other mentions of the violent sexual assaults featured in the veiled photographs appear on the Fox News Network. In these reports, journalists and talk show guests vehemently denied any rape of Iraqi women and claimed that the photographs depicting rape were fake, pornographic photographs. In a discussion appearing on *The O’Reilly Factor* concerning the Bush administration’s reaction to the Abu Ghraib incidents, O’Reilly, and his guest Salameh Nematt (an Arabic language newsperson), express criticisms of President Bush’s apologies made to Arabic language news stations regarding the incidents at Abu Ghraib. In response to Nematt, who claimed that the apologies by President Bush and his administration were an overreaction, O’Reilly stated,

I understand your point, but when you have an Egyptian newspaper that fakes a photo, as had happened yesterday, and says that soldiers gang raped a Muslim woman, when you have – you’re a Jordanian. In your country, the most vile reporting about Americans. And you see this propaganda on al Jazeera every single day. You can understand how embarrassed we are in the United States because we take a high moral ground and how they would want every Arab to know that they are just appalled this happened. (par. 18)

In a similar report, Fox's Jim Angle reported,

The general manager Abdul Rahman al Rashid of al Arabiya television is denouncing some Arab newspapers for publishing photos on their front pages that they say show prisoner abuse, when in fact the photos weren't even taken in Abu Ghraib prison. Al Rashid, in an Arab newspaper report translated by Middle East Research Center, says those photos are actually scenes taken from adult films. He claims the individuals in those photos look happy, not like abuse prisoners. ("Political Grapevine" par. 3)

In another report on Fox, guest Brent Bozell (the president of Media Research Center) argued,

In the press there is a lot of rumors and speculation. How many stories have we heard in the press about the rapes that were taking place, about the murders that were taking place? And guess what? None of that has been proven true yet. Also, what you've got is pictures that have been doctored. ("Is Mainstream Media" pars. 42-43)

What this report and the analysis in this section illustrate is that although reports exist in the press that outline violence and victims not featured in the iconic photographs, there is little call in the press to push the matter further. This failure on behalf of media accounts to question the dominant frame put forth by the Bush administration that those imprisoned at Abu Ghraib are a terrorist threat suggests an essential adherence to this dominant frame. However, while there is virtually no argument within the mainstream media as to the need to question the nature of the victims at Abu Ghraib, there is much dispute in the press as to the nature of their captors.

### **Perpetrators of Violence**

As recent scholarship concerning news coverage of the Abu Ghraib violence has claimed (see Bennett, Lawrence, and Livingston), the dominant media frame concerning the perpetrators of violence focused on the notion that those committing violent acts at Abu Ghraib were "a few bad apples" whose actions did not represent the character of the United States military or the American people. However, media coverage of the events

did contain a counterframe that suggested involvement in Abu Ghraib violence originating in the White House and the Pentagon. The following analysis concerning the perpetrators of violence is divided into two sections. First, I look at the perpetuation of the few-bad-apples dominant frame. This coverage focuses on the notion that there were only a few involved in the violence and their actions had personal, psychological motivations. Second, I focus on the counterframe that suggests possibilities for violence ranging from poor leadership, to the use of private contractors (who are not subject to the same legal standards as members of the United States military), to those accounts that lay responsibility at the feet of Donald Rumsfeld and even President Bush himself.

### ***A Few Bad Apples***

As Bennett, Lawrence, and Livingston suggest, the dominant frame regarding the perpetrators of violence inside Abu Ghraib prisoners focuses on the notion that only a few rogue military personnel, working in secret in the middle of the night, were responsible for the violence featured in the iconic photographs. This dominant frame purported by the President, members of his cabinet, and top U.S. military officials attempted to distance the actions featured in the Abu Ghraib photographs from the character of the United States and its people. For example, in an interview appearing on *CNN Live Saturday*, General Weseley Clark argued,

We came to free, not imprison. With our character, we don't torture or maim or coerce. And if the mission was endangered by the prospects of our use of heavy force against insurgents in Fallujah and Najaf, and it was so endangered, it is no less endangered by the loss of credibility caused by the misconduct of a few American soldiers. This mission is in trouble. ("Explosion in East Jerusalem" par. 34).

In this statement and others like it, the incidents at Abu Ghraib are said to not fit the character of the United States and the violence that occurred in the prison is said to have been caused by a few. These few, in turn, are said to damage the image of the United

States and are often blamed for putting fellow American soldiers, and subsequently the lives of all Americans, at risk from terrorist violence. Similarly, a report by David Hawkins for CBS, chronicled reactions to the Abu Ghraib photographs by U.S. soldiers serving in Iraq. The report emphasized the disgust felt by the soldiers regarding the actions at Abu Ghraib and focused on the differences between the soldiers charged with violent crimes and the character of those in the United States military in general. The report featured Staff Sergeant Robert Parker who claimed, “There are a few bad apples, but we want to make sure that the American people know that’s not the Army’s way of doing business” (“Prison Abuse Revelations” par. 10; for similar accounts see Chan “U.S. to Cut Iraq Prison Population”; Billips). In an article by Sewell Chan, appearing in the *Washington Post*, Air Force General Richard B. Myers, was quoted as saying, “Where a handful of people can sully the reputation of hundreds of thousands of people that are over there trying to give a better life to 50 million people, it’s a big deal, because we take this very seriously” (“U.S. Official: Abuse Allegations” par. 2; see also McDonnell, Alonso-Zaldivar and Anderson; “Six Soldiers Face Criminal Charges”; “Iraqi Prison Abuse Widespread”). In reaction to the scandal, Donald Rumsfeld also made several attempts to distance the character of the people of the United States from the violent actions that occurred in Abu Ghraib prison. In a CBS report by Wyatt Andrews, Rumsfeld was quoted as saying, “[I]t’s been a body blow for us, but it doesn’t represent America” (“Donald Rumsfeld Visits Iraq” par. 5; for similar see “Secretary Rumsfeld Receives”; “Rumsfeld Promises Punishment”). General Geoffrey Miller, the Army Commander sent to oversee Abu Ghraib operations and rectify the problems there once the stories of violence began leaking to the press, also attempted to distance the character of U.S. military personnel from the actions that had taken place at Abu Ghraib. In an interview appearing on *Good Morning America*, Miller claimed,

I find those pictures inappropriate and we're all ashamed of any of our soldier or leaders who would do inappropriate actions. These are the actions of a very small number of leaders and soldiers. We're doing our very best to correct these and get better everyday. ("Iraqi Prison Abuse Scandal" par. 5)<sup>29</sup>

In an article written for the *Washington Post* Brigadier General Mark Kimmitt, spokesman for the United States Army, defended the U.S. soldiers serving in Iraq claiming,

[E]ven though every one of those 135,000 condemn the actions you saw in the photos, they still want you to understand that they're out there doing a good job, trying to do the right thing and trying to accomplish the mission. ("MP to be First" par. 14; see also Milbank "U.S. Tries to Calm"; Schrader and McDonnell; "US Marines Turn to Former Saddam General")

Kimmitt, in an interview with Matt Lauer on *Today*, also claimed, "The fact is what we see here is cases of individual criminal conduct. And nobody gave them the order to break the law. Nobody gave them the order to violate their integrity" ("Brigadier General Mark Kimmitt" par. 6; see also "Images of Abuse").

Even then Secretary of State Collin Powell, known for speaking against the war in Iraq, was quoted in an article appearing in *The Los Angeles Times* asserting that the violent incidents were the acts of a few soldiers:

'Yes, I'm deeply concerned at the horrible image this has sent around the world,' Powell said. 'But at the same time, I want to remind that world that it's a small number of troops who acted in an illegal, improper manner.' (Hendren and McDonnell par. 14; for similar see "Six Soldiers Charged"; "Former Hostage Hamill")

Senator John McCain, who carries incredible ethos on the subject and was one of the few Republicans to speak out against Abu Ghraib due to his own status as a former prisoner of war, also attempted to distance the character of the United States from the violent

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<sup>29</sup> In this statement, Miller's use of the word "leader" refers to U.S. military officers and immediate commanders, not political leaders.

actions documented in the Abu Ghraib photographs. In an interview on CBS's *The Early Show*, McCain claimed,

[A]ll of us are sorry because this kind of behavior is so abhorrent because it's not the way Americans behave and the tragedy of all this is that so many brave young Americans are besmirched by this because 99 percent – an overwhelming majority of American servicemen and women would never engage in such activity. (“Senator John McCain” par. 8; see also “Interview with Senator McCain”)

This dominant frame was also put forward by the military's own Abu Ghraib investigations. Richard Serrano, of the *Los Angeles Times*, reported, “The investigators said Tuesday that they had found no reason to believe that any of the soldiers' superiors bore responsibility for the abuse” (par. 4).

While members of the political elite and the U.S. military put this dominant frame forward, journalists and television pundits also perpetuated this frame. For example, commenting during a guest appearance on *Nightline*, Rami Khouri, of *The Daily Star*, argued, “The President can stand up, like a man, and make an apology. I mean, if this was the work of a few, rogue Americans, make that clear to the Arab people” (“Saving the Mission” par. 45; for similar see “Talking Points, Hersh”). In an editorial appearing in the *New York Times*, Paul Krugman, following a statement made by President Bush, claimed, “President Bush said that ‘it does not reflect the nature of the American people.’ He's right, of course: a great majority of Americans are decent and good” (par. 2; see also “The President Condemns”; “Interview with Louis Cantori”; “Interview with Former Army Interrogator”). In an article appearing in *Time* Nancy Gibbs wrote,

I thought war was hard to explain to a child. But compared to this, war is easy. When my daughter saw the pictures flashed on the *Today* show and wanted to know ‘Why are there wires attached to that man's hands?’, I could not bring myself to explain that this is designed to maim a man's soul: in a culture that sanctifies masculine pride and sexual privacy, you strip him and make him masturbate in front of a mocking female captor, or put him on a leash or pretend you are going to electrocute him. But I did have to explain that the bad guys – this

time – were seven U.S. soldiers, of whom it might be said that seldom has such harm been done to so many by so few. (par. 1)

Some media accounts, particularly those appearing on Fox News Network, not only reported the dominant frame, but also explicitly attempted to discredit counterframes. For example on Fox's *Big Story Weekend Edition* Catherine Herridge, a Fox news correspondent, reported on a series of claims made by journalist Seymour Hersh regarding the involvement of the Pentagon and the White House in the Abu Ghraib affair: "According to a *New Yorker* press release, the 'roots of the Abu Ghraib prison scandal lie not in the criminal inclinations of a few Army reservists but in a decision approved last year by Secretary of Defense Donald Rumsfeld . . .'" ("Interview with Frank Gaffney" par. 4). However, though Herridge presents the counterframe provided by Hersh, the show's guest, Frank Gaffney, a former Assistant Defense Secretary, soon discredits this frame. Gaffney argued,

Well, look, it must be acknowledged that Sy Hersh has made a career of conspiracy mongering for partisan purposed and has most recently been leading the press pack attacking both the institution of the Pentagon and Donald Rumsfeld personally. I think what he has demonstrated yet again in this report is an indifference to genuine national security interests and concerns. Specifically, he is compromising a so-called special access program, which was first and foremost about the timely targeting and ability to go after people who intelligence tells us are out there plotting terrorist operations, al Qaeda and otherwise. ("Interview with Frank Gaffney" par. 17-18)

It is interesting to note that though Gaffney never directly addresses Hersh's concern about whether or not Bush higher-ups were involved in perpetrating the violence against prisoners at Abu Ghraib, Gaffney attempts to discredit Hersh by claiming his attacks are politically motivated and not in the interest of the safety of the United States. Gaffney's criticism of Hersh also revolves around the ticking-bomb defense (see above). Criticism of the U.S. government's potential involvement in the Abu Ghraib incidents, within many media accounts, was framed as a threat to American national security.



In addition to claims made by political elites and members of the press that the violent actions at Abu Ghraib were the work of a few rogue soldiers who did not represent the character of the American nation, reports often portrayed those accused of violence at Abu Ghraib as sexual deviants, sadistic individuals who enjoyed inflicting pain on their captors. This part of the dominant frame is important, because it reinforces the notion that the violent actions that had occurred within the prison were not part of a systematic problem or, even worse, part of U.S. policy in Iraq, but that the violent actions instead stemmed from the character of the individuals involved. Painting the soldiers charged with crimes at Abu Ghraib prison as monsters, in turn, reinforced the notion that their actions could not represent the United States and that the problem, being an individual one, could be fixed internally through U.S. military investigations without political fuss or public intervention.

For example, Julie Scelfo and Rod Norland, of *Newsweek*, claimed, “It’s difficult to escape the conclusion that the Abu Ghraib tortures were just having a good, yet sadistic, time” (par. 3). In an article appearing in the *Los Angeles Times*, Richard Serrano and Patrick McDonnell, quoted an army investigator, Tyler Pieron, as saying, “‘Taking pictures of sexual positions, the assaults, and things along that nature were done simply because they could. It all happened after hours’” (par. 28; see also Higham, Stephens, and White). In another article appearing in *Newsweek* author Brian Braiker interviewed Michael Milburn, a psychologist at the University of Massachusetts and asked Milburn to explain the psychological reasoning for the actions at Abu Ghraib. Milburn concluded that the reasons for the abuse at Abu Ghraib was not systematic, governmental problems, but rather a result of the need for power by the prison guards. Milburn claimed,

The role of a prison guard really dehumanizes the people who occupy it and comes with it the ultimate aphrodisiac of power. There’s no coincidence that a lot of the abuse becomes sexualized. There has always been a fusion of sexuality and

power – it’s a way of getting off; it’s a high to exercise that power. (“See no Evil” par. 29)

In an interview with Fox’s Bill O’Reilly, Arizona Representative J.D. Hayworth claimed the actions were those of “sick” individuals: “While there are sick individuals in every society, the difference is we are going to deal with these wrong doers” (“Talking Points, Hayworth” par. 47). In an interview on Fox, Janis Karpinski, the Brigadier General who was in charge of Abu Ghraib at the time the violence against the prisoners occurred, claimed, “It’s still hard for me to believe that soldiers, anybody in uniform – anybody would perform such acts and take pictures of themselves almost enjoying it” (“Interview with Brig. Gen Janis Karpinski” par. 24; see also Shenon). What is interesting about this statement is that Karpinski is one of the few who ultimately defended the actions of the soldiers under her command, claiming that they were ordered by members of another unit to perform the actions that they were (see below). However, in this statement, Karpinski expresses her concern that, in the photographs, the soldiers charged with crimes against prisoners seem to be enjoying their treatment of the prisoners. Even television commentator Bill Maher, who was critical of the use of the word abuse over torture (see above), claimed that sick individuals performed the actions. Maher claimed,

It is absolutely torture. These people are sadists. That’s the one thing I don’t think people have been bringing out. How much they enjoyed it, these guys in the picture and the woman smiling and smirking. Even if they were ordered to do this, which in a way, they were, I don’t think they were ordered to smile, I don’t think anyone said, and you have a crap-eating grin on your face, soldier, when you punch that Iraqi man. (“Interview with Comedian Bill Maher” par. 195)

The fact that the soldiers were smiling is problematic for a number of media accounts. For example, Sarah Boxer, of the *New York Times*, claimed, “Soldiers are cheerfully tormenting their captives for the camera” (par. 9). An editorial, also in the *New York Times* claimed that soldiers were “gleefully brutalizing prisoners” (“The Torture Photos”

par. 2). In an article appearing in the *Washington Post*, Scott Higham and Joe Stephens claimed,

Prisoners posed in three of the most infamous photographs of abuse to come out of Abu Ghraib prison in Iraq were not being softened up for interrogation by intelligence officer but instead were being punished for criminal acts or the amusement of their jailers. (par. 2)

This notion that the guards charged with violent acts against prisoners at Abu Ghraib were sick individuals, acting on their own accord and for their own amusement was reinforced by one of the U.S. military's own investigations. In August of 2004, the military released the Schlesinger report, an independent investigation headed by James Schlesinger. As CNN's Paula Zahn explained, "'There was chaos at Abu Ghraib,' With those words, former Defense Secretary James Schlesinger today began briefing reporters on a new independent investigation into the abuse of prisoners and detainees in Iraq" ("Broken Olympic Dreams" par. 1). A video clip of Schlesinger at the press conference follows this commentary by Zahn. In the clip, Schlesinger claimed,

It was sadism on the night shift at Abu Ghraib, sadism that was certainly not authorized. It was a kind of 'animal house' on the night shift. That is reflected in the fact that there was no such activities during the day shift. ("Broken Olympic Dreams" par. 4; see also "Commission Finds Major Failures"; "Harsh Report Released")

In this report and others like it, the violence at Abu Ghraib is described as unsanctioned and unruly. What is interesting is that many reports not only peg the guards charged with violent acts against prisoners at Abu Ghraib as sick individuals abusing prisoners for amusement, but many reports focus specifically on one individual: Lynndie England.

For example, Christian Davenport and Michael Amon of the *Washington Post* argued, "It is the images of England that have become synonymous with the abuse" (par. 7). James Dao, of the *New York Times* reported, "Private England is perhaps the most prominently displayed person in a series of photographs taken in the Abu Ghraib prison

near Baghdad that show members of the 372<sup>nd</sup> Military Police Company abusing prisoners” (par. 3). Similarly, in a report by Lynn Duke, also of the *Washington Post*, England is described as the “face of the scandal” and an icon of abuse:

It is a quiet spectacle. That is what England inspires. People look at her to find some meaning, some answers in the face that, in fairness or not, quickly became the improbable face of the ugly prison abuse scandal. Many other faces have emerged, but England’s remains iconic – and tragically so, considering that a child is coming into Lynndie England’s embattled world, and considering that the new mother could end up in jail in a case that has polarized the nation. (par. 7; for similar see Zernike, “Prison Guard”; Zernike, “The Woman with the Leash”)

In this account, England is not only a part of the scandal, but comes to represent it. Similarly, Heidi Collins of CNN claimed, “Tonight, she’s the infamous face of Abu Ghraib, taking on prisoners with a grin, a dangling cigarette and a dog collar. Now Private 1<sup>st</sup> Class Lynndie England in court taking on the U.S. Army” (“Private 1<sup>st</sup> Class Lynndie England in Court” par. 1).

Other than a focus on England being the face of Abu Ghraib violence there is a focus, in many media accounts on the notion that England enjoyed the violent actions in which she partook. Much of this emphasis comes from sworn statements made by England herself. As Kate Zernike, of the *New York Times* reported,

In a sworn statement to investigators, Pfc. Lynndie England explained the mystery of why soldiers at Abu Ghraib took pictures of detainees masturbating and piled naked with plastic sandbags over their heads by saying, ‘We thought it looked funny so pictures were taken.’ (“Prison Guard” par. 1)

Paul Liberman and Dan Morain of the *Los Angeles Times* reported, “Four will face hearings beginning Monday, including Graner and his pregnant girlfriend, Pfc. Lynndie England, who down played their actions as ‘basically us fooling around.’” (par. 4; see also “Pvt. England in Court”). Josh White, of the *Washington Post*, reporting statements made by the prosecuting attorneys, emphasized the notion that England enjoyed the abuse:

‘She was having fun,’ said Capt. Crystal Jennings, one of three prosecutors on the case, emphasizing that England was an administrative clerk who had no official business on Tier 1A of the prison, where the most serious abuse occurred. ‘There’s no indication she was there for military purpose . . . There were no orders. There’s no evidence that Pfc. England was given any order to do these things.’ (par. 5).

White also describes England’s actions in such a way that becomes quite common in the media coverage of her. In many media accounts, England’s participation in sexual acts with “other U.S. soldiers,” namely her boyfriend at the time and the father of her child, Charles Graner become central to description of her. As Josh White, of the *Washington Post* explained,

England also appears in a number of sexually explicit photographs – some of which show her having sex with another soldier – offenses that alone could result in significant prison time. It is unclear when England would face trial though a decision could be made within weeks or months. (par. 9; for similar see “Who Gave the Orders?”; “The Photographs: Violent and Sexual Scenes”)

Similarly, Kate Zernike, of the *New York Times* reported,

Private England, wearing a maternity version of military camouflage, appeared to suppress a smile as investigators described a videotape that showed her having sex with Cpl. Graner, who prosecutors say was a ringleader of the abuse and Private England says is the father of the child she is carrying. Her mother sat stern-faced in the observation gallery, her eyes darting from the witness stand to her daughter as an investigator described photographs of Private England topless and engaged in what he called oral sex. (“The Woman with the Leash” par. 6)

Within these reports, England is portrayed as an over-sexualized individual. This focus on England and her sexualized nature, in turn, reinforces the dominant frame that assumes that the individuals charged with violence against the Abu Ghraib prisoners acted on their own and were motivated by personal desires.

It is not only interesting that the focus of much media coverage was on Lynndie England, the face of the scandal, but it also seems as though England became a symbol, a gateway for assumptions about the fundamentalist, terrorist nature of the victims (see enemy-terrorist dominant frame section above). For example, Barbara Ehrenreich

discusses England's status as the iconic symbol of prison abuse in terms of gender equality and in terms of the West playing into the hands of the Islamic fundamentalist. She explained, "Here, in these photos from Abu Ghraib, you have everything that the Islamic fundamentalists believe characterizes Western culture, all nicely arranged in one hideous image – imperial arrogance, sexual depravity . . . and gender equality" (par. 5). Later in the article, Ehrenreich discusses the role of women in the Abu Ghraib violence and her disappointment that women could be involved in sexual sadism on an equal rate to men:

A certain kind of feminism, or perhaps I should say a certain kind of feminist naiveté, died in Abu Ghraib. It was feminism that saw men as the perpetual perpetrators, women as the perpetual victims and male sexual violence against women as the root of all injustice. Rape has repeatedly been an instrument of war and, to some feminists, it was beginning to look as if war was an extension of rape. There seemed to be at least some evidence that male sexual sadism was connected to our species' tragic propensity for violence. That was before we had seen female sexual sadism in action. (par. 9).

In this critique, there is an assumption on Ehrenreich's part that it is only males that are the victims of violence and Ehrenreich, like many other members of the media, ignores the scattered reports of women as the sexual victims and the suppression by the U.S. government of the photographs that document them. This assumption not only ignores the history of sexualized violence that has long been an integral part of imperial occupation and domination, but it also ignores the potential counterframe: perhaps the culpability for violence resided much higher up the chain of command.

### ***Chain of Command: How Far up Does Responsibility Go?***

Although many media accounts adhere to the dominant frame that a few rogue guards acted on their own with a sick, perverted sadism driving their violent actions, there are many other media accounts that question this assumption. Many media accounts suggested the documented violent actions at Abu Ghraib were the result, not of a few

rogue sadistic soldiers, but of a system that put untrained personnel into a situation with poor leadership, which resulted in the abuse. This account is an interesting one because, on the one hand, it suggests that there is a systematic problem, rather than an individual one, and it also suggests that there were more people involved in the abuse than those charged with violent actions against prisoners. On the other hand, this poor training and poor leadership frame is one that was eventually put forward by members of the political and military elite. When members of the political and military elite put forward this frame, the chain of command only goes as far as those directly in charge, thus, officials in the Pentagon and White House remain free from blame.

Many reports follow claims made by military officials who, though they admit that there were bad conditions, still insist that it was a few bad soldiers and that poor leadership failed to discipline these soldiers. For example, in a report by Army inspector general Lt. Gen. Paul T. Mikolashek, Mikoleshek claimed that the actions were those of a few, but that the actions were allowed to happen due to poor leadership creating a climate for abuse. As Eric Schmitt, of the *New York Times* reported,

Unlike General Taguba's report, General Mikolashek's inquiry found no evidence that systematic problems caused any of 94 alleged abuses in Iraq and Afghanistan from September 2002 to June 2004. Instead, his five-month inquiry attributed the abuses to the 'unauthorized actions taken by a few individuals, coupled with the failure of a few leaders to provide adequate monitoring, supervision and leadership over those soldiers.' (par. 3)

This account, while suggesting that others were involved in creating a climate for abuse, puts the majority of blame on the soldiers charged. In many reports the blame stops at the head of the Abu Ghraib prison, Janis Karpinski. For example, in a report appearing in the *Los Angeles Times* T. Christian Miller and Greg Miller claimed, "The prison has been beset with leadership problems, according to U.S. sources. Gen. Janis Karpinski, a reservist in charge of prison operations, was suspended after reports of abuse of as many

as 20 prisoners surfaced last fall” (par. 26). Esther Schrader, also of the *Los Angeles Times*, claimed “there were too many inmates and not enough guards. Training was inadequate and superiors rarely made rounds. The U.S. guards’ morale was flattened when their hopes of returning home soon were disappointed” (par. 6). A report by Evan Thomas, Julie Scelfo, Trent Gegax, and Pat Wingert described the prison as a complete breakdown in all discipline and authority:

No one in charge. Other witnesses describe a complete breakdown of military discipline and authority. Inside the prison, none of the men and women of the 372<sup>nd</sup> Military Police Company bothered to salute their superiors. Badges of rank disappeared; authority was confused. Everyone, CIA, military intelligence, private contractors, wore indistinguishable fatigues. (par. 4)

Taguba’s report is also cited in this argument for poor training and leadership. For example, Daryn Kagan of CNN claimed, “Major General Antonio Taguba says there was a failure of leadership, lack of training and no supervision at the prison” (“Role of Military Intelligence” par. 2; see also “Failure of Leadership”; “Chain of Command”). While these reports essentially adhere to the few-bad-apples dominant frame, they do show that this frame is nuanced and that many reports that stick to this assumption admit that there is the possibility that others were involved who may have contributed to the Abu Ghraib violence.

While these accounts only deviate slightly from the few-bad-apples frame, however, there are accounts that are more critical. One of the first concerns that became apparent in mainstream media accounts was the fact that there were more people in many of the iconic photographs than there were people charged with abuse. For example, an editorial appearing in the *Los Angeles Times* claimed,

‘A few bad apples’ was the dismissive phrase used by the White House after photos of brutality by U.S. forces in Iraq’s Abu Ghraib prison leaked out. The fact that there were numerous soldiers, including alleged Army intelligence officers, in some of the pictures immediately chipped at that claim. (“Twisting American Values” par. 4)



In an interview with George Stephanopoulos on ABC, Seymour Hersh insisted that not all of the people featured in the iconic photographs were being charged with crimes. In the interview Hersh described a set of photographs in which an Iraqi prisoner is being bitten by a dog. Responding to the photograph, Stephanopoulos, clarified saying, “And it’s my understanding that no one in that photo is one of the seven people who’s already been facing court-martial” (“Interview with Seymour Hersh” par. 5). To this Hersh responded,

It is a completely different unit. Seven people facing court-martial are from the 372<sup>nd</sup> MP Company at the prison. That is the 320<sup>th</sup> Battalion, MP Battalion, so we’re talking about a bigger unit, it’s also based at the prison, but these are a whole another set of people. (“Interview with Seymour Hersh” par. 6)

Similarly, Brian Ross of ABC reported, “The still photographs show at least three soldiers who have not been identified nor charged, including a soldier with a menacing dog” (“New Images” par. 5). Jim Miklaszewski of NBC reported,

As shocking as these photos appear, Pentagon officials now fear this kind of mistreatment of Iraqi prisoners may be more widespread than first thought. The Pentagon and military are conducting at least six investigations to determine if these abuses are part of a larger systemic problem. (“Army Report Confirms” (par. 2; see also “Prisoner Abuse at Abu Ghraib; “The Washington Post Releases New Video”)

While these accounts assert that there are more people in the iconic photos than there are people charged with abuse, many other reports noted the use of private contractors as a potential contribution to the violence at Abu Ghraib. For example, Robert Scheer of the *Los Angeles Times* claimed,

President Bush is again refusing to take responsibility for any of the horrors happening on his watch. This time it is the abuse of Iraqi prisoners carried out by low-ranking military police working under the direct guidance of military intelligence officers and shadowy civilian mercenaries. (par. 1)

Scheer, who is one of a few members of the mainstream press to directly demand accountability from the President regarding the violent actions at Abu Ghraib, recognized

that that evidence and military reports seemed to suggest that there were more people and agencies involved than just the few guards on trial for the abuse of prisoners. Scheer argued,

The president has called the now-exposed pattern of violence an isolated crime performed by ‘a few people.’ Yet the Pentagon’s own investigation of the incidents shows that not only was the entire Abu Ghraib prison out of control, it was the MP’s immediate superiors who ‘directly or indirectly’ authorized ‘sadistic, blatant and wanton criminal abuses’ of the prisoners as a way to break them in advance of formal interrogations. (par. 2)

Another report, by T. Christian Miller also of the *Los Angeles Times* claimed that it was the use of contractors that made Abu Ghraib legally problematic:

Three civilian employees who allegedly participated in the abuse of Iraqi prisoners have yet to face any disciplinary action, their employers said Monday, raising within the Pentagon the issue of accountability for thousands of private contractors in Iraq. A senior U.S. official involved in detention issues said the Defense Department was struggling to determine a legal basis upon which to pursue prosecution of the civilians, who were working as interrogators and translators at Abu Ghraib prison near Baghdad when Iraqis were sexually and physically abused by Americans there. ‘One of the issues that people are dealing with is who can investigate them,’ the official said. ‘In the military chain, it’s fairly clear. It’s not clear in the legal framework that we have how to deal with this.’ (pars. 1-3; see also Eunjung Cha and McCarthy).

Similarly, another report appearing in the *Los Angeles Times* also claimed, “It is unclear whether any law or legal proceeding applies to private contractors. There are an estimated 20,000 private security guards in Iraq, a growing force that has prompted concern among some U.S. officials” (“Iraqi Prison Staff” par. 15). Ariana Eunjung Cha and Ellen McCarthy of the *Washington Post* argued,

Questions about the role of civilian interrogators in the abuse of inmates at the Abu Ghraib prison have put the spotlight on the accountability of tens of thousands of contractors in Iraq and on whether the administrative setup at the prison gave contractors too much freedom from and too much power over military units. (par. 1)

The role of private contractors in the Abu Ghraib scandal is an interesting one. It is interesting because the majority of accounts that either question or defend the actions at Abu Ghraib refer to the actions at Abu Ghraib as a military action as a part of war. However, as the roles of private contractors make clear, there are individuals involved who are not military and who may have been part of the problem. To date, no civilian contractor has been publicly identified or charged with any violent action at Abu Ghraib.

In addition to the questions about civilian contractors many in the media questioned how far up the chain of command knowledge and responsibility for the actions at Abu Ghraib went. This is due, in part, to the fact that the so-called torture memos that outlined the Bush administration's post-9/11 torture policy (see chapter 2) were leaked to the press in June of 2004. When the memos were leaked, many media accounts questioned the few-bad-apples dominant frame and suggested that there was a higher chain of command who knew about the Abu Ghraib violence. These types of criticisms, unlike the poorly-trained criticisms, suggest that the violent actions were part of a systematic approach that was approved by higher ups in the military as part of a new response to terrorist enemies.

For example, Jeffrey Smith, of the *Washington Post* reported,

Some senators have said they suspect, to the contrary [to findings in Taguba], that the abuses stemmed from a Washington-directed policy to encourage particularly aggressive interrogations during this period, involving an unusually close collaboration between military police who were guarding the prisoners and intelligence analysts who wanted to extract information from the detainees. (par. 8)

This type of criticism in the press was spurred by many political elites who were critical of the Bush administration's war policies. For example Fox ran a report quoting several political elites. In this report Senator Harry Reid argued, "We're a mighty nation, and we have to respond accordingly. We cannot allow a few underlings to take the fall for what

obviously was the concerted the action” (“Congress” par. 10). Similarly, Dan Rather reported,

Some members of the US Congress made it clear today they believe it – it is not enough to punish only low-ranking soldiers directly involved in and photographed abusing Iraqi prisoners. As CBS’s David Martin reports, the most critical of those lawmakers are asking for accountability at the very top of the military chain of command. (“Lawmakers Seek Accountability” par. 1)

Some media reports even went so far as to claim that responsibility for the violent actions at Abu Ghraib lay with top Bush officials, particularly Donald Rumsfeld. Similar accounts named the President himself as a responsible party in the abuse. For example, David Shaw of the *Los Angeles Times* argued,

The tone set by President Bush and Defense Secretary Donald Rumsfeld and their top aides and advisors, from the beginning of the response to 9/11 to the war and its aftermath in Iraq, made clear that in the pursuit of its objectives, the United States would not be bound by any rule of law, any U.N. vote, any aspect of the world opinion or commonly accepted standards of wartime behavior. They might pay occasional lip service to the Geneva Convention, but the U.S. and the U.S. alone would decide how to counter terrorism, whether to attack Iraq, and how to treat anyone we captured or incarcerated. Individual soldiers do not abuse and torture prisoners, take pictures of themselves and their fellow soldiers doing so and disseminate those pictures back home unless they’re confident that they’re doing what they think their superiors want, that they won’t be punished for what they’re doing. (par. 26)

Shaw’s criticism is an important one because it suggests that torture was U.S. policy and that violent actions in the Abu Ghraib photographs were not the actions of a few rogue soldiers, but soldiers who thought they were acting according to policy. Guy Womack, an attorney for accused soldier Charles Graner, also pointed a finger toward the top of the government. In an interview with Nancy Weiner on ABC’s *World News Tonight*, Womack claimed, “all these MPs were following orders that were countenanced all the way up the chain of command to the commander of all U.S. forces in the country” (“Prisoner Abuse New” par. 5; see also “Military Reprimands Six”). Senator John Kerry and other political elites not only claimed that Donald Rumsfeld should be held

accountable, but also called for his resignation. For example, Mark Mazzetti of the *Los Angeles Times* quoted Kerry as saying, “[I]ts not just the little person at the bottom who ought to pay the price of responsibility,’ Kerry said Wednesday, calling for Rumsfeld’s removal. ‘The buck doesn’t stop at the Pentagon’” (par. 6). Similarly, in an editorial piece Anne Applebaum argued,

There is a long way down the chain of command from Rumsfeld to the six soldiers from the 372<sup>nd</sup> Military Police Company who have now been charged with abuse of Iraqi prisoners. But the defense secretary’s feeling that America’s war is an exception to the old rules certainly helped create the atmosphere that made abuse possible. (“Willing Torturers” par. 8).

Some reports even quoted the leaked memos directly. In their article for the *Washington Post*, Dana Priest and R. Jeffrey Smith claimed,

In August 2002, the Justice Department advised the White House that torturing al Qaeda terrorists in captivity abroad ‘may be justified,’ and that international laws against torture ‘may be unconstitutional if applied to interrogations’ conducted in President Bush’s war on terrorism, according to a newly obtained memo. (par. 1)

The article outlined the memo’s content and concluded that Donald Rumsfeld knew about and approved of the types of treatment the memos pushed and even signed off on them,

A Defense Department spokesman said last night that the March 2003 memo represented ‘a scholarly effort to define the perimeters of the law’ but added: ‘What is legal and what is put into practice is a different story.’ Pentagon officials said the group examined at least 35 interrogation techniques, and Rumsfeld later approved using 24 of them in a classified directive on April 16, 2003, that governed all activities at Guantanamo Bay. The Pentagon has refused to make public the 24 interrogation procedures. (par. 36; see also Thompson, M.; “No Good Defense”; Hirsh).

In another very critical piece, Anne Applebaum wrote:

As I say, connect the dots: They lead from the White House to the Pentagon to Abu Ghraib, and from Abu Ghraib back to military intelligence and thus to the Pentagon and the White House. They don’t, it is true, make a complete picture. They don’t actually reveal whether direct White House and Pentagon orders set off a chain of events leading to the abuses at Abu Ghraib, prisoner deaths in Afghanistan or other uses of torture we haven’t learned about yet. But who will fill in the blanks? Here is the tragedy: Despite the easy availability of evidence,

almost nobody has an interest in pushing the investigation as far as it should go. (“So Torture is Legal?” pars. 6-7)

Another Malinowski editorial in *The Washington Post* takes an equally critical approach and also quotes the memos:

Stress and duress interrogation techniques were invented in the dungeons of the world’s most brutal regimes for only one purpose – to cause pain, distress and humiliation, without physical scars. When Bush administration officials and military commanders told soldiers to use methods designed for the purpose, while still treating detainees ‘humanely,’ they were being naïve at best and dishonest at worst. They should have known that once the purpose of inflicting pain is legitimized, those charged with the care and interrogation of prisoners will take it to its logical conclusion. (par. 11)

In an editorial appearing in the *Washington Post* Jackson Diehl stated,

The latest official reports on the prisoner abuse scandal contain a classic Washington contradiction. Their headlines proclaim that no official policy mandated or allowed the torture of detainees in Iraq and Afghanistan, and that no officials above the rank of colonel deserve prosecution or formal punishment. But buried in their hundreds of pages of detail, for anyone who cares to read them, is a clear and meticulous account of how decisions made by President Bush, his top political aides and senior military commanders led directly to those searing images of naked prisoners being menaced with guard dogs. (par. 1; see “Roots of Abu Ghraib”)

As these accounts make clear, the media did not completely buy into the few-bad-apples dominant frame. In fact, many members of the media and even a few members of the political elite questioned the role of the Bush administration in the Abu Ghraib violence. However, what political elites (see chapter 2) and members of the media failed to do was call upon themselves or the general public to respond. As was shown in chapter 2, political elites like John Kerry, failed to adequately push Abu Ghraib onto the political agenda during his run for the presidency. Similarly, the mainstream media failed to make Abu Ghraib a political issue, ultimately concluding that the Bush administration and the U.S. military could investigate itself and fix the problem.

## CONCLUSION

Once the Abu Ghraib photographs were leaked to the press, media sources scrambled to report on the Abu Ghraib prison scandal. Although some reports seemed critical of the Bush administration's explanation for the Abu Ghraib violence, many more media accounts accepted this explanation unquestioningly and reinforced Bush's war on terror narrative, a narrative that relies heavily upon appeals to a unified national identity and the necessity of violence to protect that identity. In this chapter I explored the different ways in which the media framed the violence at Abu Ghraib and considered the effect of this framing on public perceptions of the scandal. In particular, I examined mainstream media coverage of the incidents at Abu Ghraib beginning April 28, 2004 (the day that CBS first broke the story of Abu Ghraib) through December 2, 2004 (one month after President Bush was reelected). Using Todd Gitlin's conception of media framing, I examined what I identified as the three most prominent themes in the media coverage of Abu Ghraib: the nature of violence, the victims of violence, and the perpetrators of violence. I have argued that although recent scholarly work concerning media coverage of Abu Ghraib argues that the American press failed to provide a counterframe to the Bush administration's dominant narrative (see Bennett, Lawrence, and Livingston), the media did, in fact, provide counterframes. However, I discovered that while counterframes did exist in media coverage, critical journalists often became trapped in a debate over what constituted torture and when torture could be considered acceptable. I also argued that despite reported evidence to the contrary, media sources failed to challenge the dominant frame that assumed the prisoners at Abu Ghraib were terrorists enemies plotting harm the people of the United States. And, finally, I argued that although critical counterframes often called into question the few-bad-apples dominant

frame, the media never called on itself or the American public to investigate the full extent of the Bush administration's involvement in the Abu Ghraib violence.

Thus far, I have emphasized the rhetorical significance of the violent Abu Ghraib images and the political and mediated language that framed them. Analysis has shown how political and media discourses have worked to secure the Bush administration's prerogative to use torture while simultaneously distancing the American people from the violence enacted in their names. In the chapter that follows, I will examine the ways in which the Abu Ghraib violence has influenced popular culture. In particular, the following chapter will examine how this prerogative to torture is solidified and normalized in the popular television series *24*, a series in which viewing audiences are encouraged to identify with American torturers and embrace their violent practices.



## Chapter 4: Popular Torture: *24*

America wants the war on terror fought by Jack Bauer. He's a patriot (Surnow, qtd. in Mayer)<sup>30</sup>

Jack Bauer:                You better listen to me very carefully Jane. Right now your father is engaged in terrorist activity against the United States of America. This morning he's killed hundreds of people and threatened to kill thousands more. Now, I can only imagine how difficult this must be for you to believe. But trust me, you're going to cooperate with us. There's a lot at stake and there's not a lot of time.

Jane Saunders:            I'm not going to do anything. I want to talk to a lawyer.

Jack Bauer:                There's no lawyer. There's just you and me. (Season 3, Episode 19, "7:00 a.m. to 8:00 a.m.").

On April 20, 2004, just eight days before the Abu Ghraib photographs would air on CBS, Fox's television drama *24* was nearing the end of its third season. And, while American viewers were shocked and disgusted by the demeaning, violent treatment of U.S. captives featured in the iconic Abu Ghraib photographs, few were surprised to see similar, often more graphically violent, treatment in Fox's critically acclaimed series. The similarity between the Abu Ghraib violence and the types of violence central to *24* should not have been surprising to viewers either. For, while the show was in its initial production stage, the U.S. underwent its worst terrorist attack in history, priming an American viewing audience for *24*'s recurrent theme of terrorism and national security and, perhaps, attributing to *24*'s continued commercial and critical success.<sup>31</sup> The first season of *24* debuted in November of 2001 and, since then, the show has maintained an

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<sup>30</sup> Joel Surnow is co-creator and executive producer of *24*.

<sup>31</sup> In its six-season run, *24* has been nominated for 57 Emmy awards, winning awards for Outstanding Drama Series and Outstanding Lead Actor in a Drama Series for star Kiefer Sutherland (Jack Bauer) in 2006 (<http://www.tv.com/24/show/3866/summary.html>).

uncanny grasp on the social and political anxieties ever-present in post-9/11 American life.

This popular, award-winning, and controversial television show chronicles the life of Federal Agent Jack Bauer in “real time.” Each hour-long episode of *24* documents an hour for the agent and each 24-episode season makes for one incredible, suspense-filled day in Bauer’s life. As a member of the U.S. Counter Terrorist Unit (CTU), Bauer must continually stop assassination attempts, nuclear bombs, bio-threats, and other acts of international and domestic terror. As a man frustrated by bureaucracy, Bauer often disregards political and legal protocol, doing whatever it takes to find the perpetrators of terrorist plots.

Bauer’s willingness to work outside the parameters of the law is illustrated in the brief dialogue taken from *24*’s April 20, 2004 episode. In the scene quoted above, Bauer has taken a young woman, Jane Saunders, captive because he believes that she knows the whereabouts of her father, a former member of the British Secret Intelligence Service and suspected mastermind behind a series of attacks on U.S. cities with a weaponized virus. Having contained a recent attack within a Los Angeles hotel, CTU suspects that another, larger attack will occur within the hour. Because CTU has been unsuccessful in finding other leads, Bauer has kidnapped his main suspect’s daughter. Bauer is under immense time pressure to locate his suspect’s whereabouts and, thus, he denies his captive her legal rights and eventually threatens to harm her if she does not give up her father’s location.

Despite Bauer’s penchant for violence and disregard for the law in this episode, and many others, Bauer is not depicted as a violent man; he is portrayed as a devoted husband (and eventual widow), father, friend, and patriot. Because Bauer is a likable character placed in impossible situations, viewing audiences are encouraged to identify

with him. And, as viewers watch, season after season, as precious seconds tick toward imminent disaster plotted by ruthless terrorists and prevented by brave and unwavering people like Bauer, viewers are also encouraged to think about the usefulness of Bauer's torturous methods for obtaining information and saving innocent American lives.

In this chapter, I examine the television series *24*, focusing specifically on what I consider to be *24*'s most important character, not Jack Bauer, but the ticking clock that motivates Bauer to torture and helps justify his acts of violence. *24*'s time clock is a digital face that consistently, and often forcefully, reminds viewers of the hourly constraint put on each episode. With its prominent second-hand feature that counts seconds into minutes with an accompanying digital peal, the *24* time clock winds up each episode, interjects during scene changes and commercial breaks, and counts each episode to a close. And, while the clock does not cease for the characters racing against it within the reality of the show, it does not stop for viewers either. After each commercial break, the clock appears to remind viewers that approximately 3 minutes have passed in the reality of the show while viewers were watching ads for cleaning products and prescription medications. Because the clock exerts such tremendous control over *24* characters and viewers, understanding its rhetorical function is important for this project. In particular, I consider the ways in which the clock propels the types of torturous violence portrayed in the show and the ways in which an audience's knowledge of time pressure encourages acceptance of violent measures. In this chapter, I ask: In what ways are audiences encouraged to understand motivations for torture in the television series *24*? What are the similarities and differences between the fictional justifications for violence in *24* and the actual justifications for violence put forward in the political and mediated discourses surrounding Abu Ghraib? How does *24*'s fictional pro-torture message shape popular reception of real-life torture images like the Abu Ghraib

photographs. And, in what ways is the rhetoric espoused in *24* shaped by dominant understandings of the relationship between national identity and violence?

In order to answer these questions, this chapter provides a detailed analysis of three of the six complete seasons of *24*.<sup>32</sup> The seasons I have chosen for analysis are Season 2 (the first full season produced after to the September 11 attacks), Season 4 (the first full season produced after to the Abu Ghraib prison scandal), and Season 6 (the most recently produced full season). I have divided episodes and scenes into two categories that are most important for the concerns of this project. The first set of episodes I examine includes interrogation and torture scenes performed both by U.S. state actors and by suspected terrorists. The second set of episodes I examine includes scenes that outline political discourses surrounding state-sanctioned violence (violent actions taken by members of CTU, members of U.S. law enforcement, and members of the U.S. military). Guided by literature concerned with the role of dominant ideology in popular culture, I provide an analysis of these texts that explores the ways that violence is explained and justified in terms of dominant understandings of American national identity. In particular, I argue that the action and discourse in *24* is dependent upon the same “ticking bomb” rhetoric that has been put forward by members of the U.S. mainstream media as a possible justification for the violent actions at Abu Ghraib (see chapter 3). As analysis will show, the construction of the necessity of torture in terms of ticking bomb rhetoric, both in *24* and in real life, serves to neutralize torturous violence while simultaneously allowing its proponents to maintain a sense of themselves as democratic citizens belonging to an idealized American national community.

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<sup>32</sup> Fox has signed on for two more seasons of *24*. However, due to the recent Writer’s Guild of America strike, Fox has postponed the premier of the seventh season until 2009. Although nearly a quarter of *24*’s seventh season episodes were completed prior to the strike, Fox has expressed that it delayed broadcast of these episodes because the show’s producers felt that an interruption in the time sequence would be detrimental to the plotline (“‘24’ Premiere Postponed”).

## POPULAR CULTURE AS A SITE FOR IDEOLOGY CRITICISM

Ideology critics have long been concerned with the impact and influence of popular culture. Members of the Frankfurt School have often been cited as the first scholars to show systematic concern with the realm of popular media and culture. Under director Max Horkheimer, members of the Frankfurt School attempted to revise Marxian theory to include considerations of new social and political conditions. “Critical theory” emerged as members of the Frankfurt School began to focus on the different cultural aspects of society that were downplayed in Marx’s original work (Bronner and Kellner 1).

One key theory in regard to the Frankfurt School’s understandings of mass culture revolves around the notion of “culture industries.” First articulated by Max Horkheimer and Theodor Adorno in *Dialectic of Enlightenment*, culture industries were thought to play an increasingly important and increasingly oppressive role in “managing consciousness and obscuring social conflict” (Bronner and Kellner 9). Assertions in regard to the political and social agency of the mass population and the extent to which culture industries influenced political actions and outcomes stemmed from this concern with the dominant role of culture in society. Working in the United States as refugees from Nazi Germany, several members of the Frankfurt School held pessimistic views in regard the role of popular culture in influencing social and political consciousness.

Many Frankfurt School scholars saw popular culture as a mechanism of repression through which powerful members of society asserted social control over the mass population. In *Dialectic of Enlightenment*, Horkheimer and Adorno argue that mass culture is not a product of the mass population, rather a systemized method of ideological control produced by the dominant class. According to Horkheimer and Adorno, cultural industries, unlike popular art, are used in the interests of the dominant class in order to

deceive the mass population by perpetuating dominant ideology through forms of popular entertainment. While members of the Frankfurt School have been criticized for discounting popular culture in terms of elitist taste, their ultimate concern with the culture industry is a concern with the limited means for political agency within society's oppressive system of mass production.

Although the scholars of the Frankfurt School were among the first to study the political influence of popular culture in a systematic way, their claims about the culture industry leave little room for popular involvement in the political process through culture. British Marxists in the early 1960s attempted to reclaim popular culture. As a result, scholars of British Cultural Studies (also known as the Birmingham School) began theorizing popular culture in a way that "acknowledged the volition of everyday people" (Jenkins, McPherson, and Shattuc 35). Concerned with the ways in which meanings and values are circulated in everyday life, scholars of British Cultural Studies also began to focus "on the moment of reception – the individual's experience of everyday culture – rather than the cultural object as the primary source of meaning" (Jenkins, McPherson, and Shattuc 35). Cultural studies became more prevalent in the United States in the 1990s and mark a significant optimistic shift in studies concerned with the relationship between politics and popular culture.

Unlike Frankfurt School scholars who understand popular culture as mass-produced commodities consumed passively by the mass population, scholars of cultural studies argue that members of the mass population create culture by producing new meanings within existing forms of popular culture. (Clarke, et al. 10). Rather than consume popular culture in a passive and unthinking way, many cultural studies scholars argue that certain groups within mainstream society use the commodities of popular culture as a foundation upon which to create new meanings. Additionally, this adaptation

of cultural commodities is often understood as a means of resistance to the dominant ideologies within mainstream society.

Both sides of this popular culture debate are important for my purposes in this chapter. On the one hand, the power of the culture industry behind the production of Fox's award winning series cannot be denied. Rupert Murdoch's News Corporation, Fox's parent company, is one of nine major media conglomerates that control the global media market (Broe 97). Additionally, Murdoch has long been a very vocal supporter of neoliberal policies surrounding the deregulation of the media industry and, after 9/11, "Fox swung its news support wholeheartedly behind the conception of a government that was passive in its social spending but activist in creating a militarized garrison state" (Broe 100). It is no secret that Murdoch, through Fox, has been a huge supporter of the Bush administration's post-9/11 policies, policies that play a prominent role in *24*. However, on the other hand, I recognize American viewing audiences as capable of resisting dominant ideological discourses. Therefore, I consider *24* an important site for examining this contention between the production and reception of dominant ideological messages.

### ***24* and the "Ticking Bomb"**

The dominant ideological message with which this chapter is concerned is the ticking bomb scenario that justifies torture. The ticking bomb scenario is a philosophical thought experiment used in both academia and in legal circles to debate the ethics of torture. As Jessica Wolfendale explains, in the standard ticking bomb scenario,

a suspect has been caught who possesses information that must be obtained quickly in order to avert huge civilian casualties. . . . The suspect to be interrogated is usually a fanatical terrorist willing to die for his cause – someone unlikely to be intimidated by mere threats of violence and who may well be prepared for torture. Under these conditions, the ticking bomb torturer must be

able to extract the required information in the shortest possible time without killing the suspect. (272)

The ticking bomb scenario is most often grounded in utilitarian assumptions that advocate the use of violence against one (the terrorist in custody) in order to benefit many – the thousands saved through the prevention of a bomb’s detonation (see Wolfendale; and Bufacchi and Arrigo). And, although the ticking bomb scenario was originally introduced in the 1960s, it has, once again gained traction within political, legal, and academic debates surrounding America’s current war on terror, particularly in regard to the Abu Ghraib prison scandal (see chapter 3).<sup>33</sup> John T. Parry and Alan Dershowitz have most recently put the ticking bomb scenario forward in their writings concerning current problems of terrorism. Although Parry argues that torture violates both international and domestic laws designed to protect human rights, he reasons that torture may be the “lesser of two evils” under certain extreme circumstances, making torture a legitimate option in those cases (160). Alan Dershowitz, whose arguments have been put forward both in his academic work and in the mass media, argues that torture should be made legal in ticking bomb scenarios through the use of a “torture warrant” issued by high-ranking court judges (See Dershowitz *Shouting Fire*). For Dershowitz, the legalization of torture would serve to limit its actual use in practice by providing the U.S. government with a means of legal control. He reasons, “Either police would torture below the radar screen of accountability, or the judge who issued the warrant would be accountable. Which would be more consistent with democratic values?” (“Want to torture?” par. 15). Dershowitz argues that suspects detained by the United States are already tortured “off the books” and issuing torture warrants would increase accountability for torturous

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<sup>33</sup> It is thought that the ticking bomb scenario was first introduced by Jean Lartéguy in his novel *Les Centurions*, whose plot focuses on the French occupation of Algeria. For more on this please see Darius Rejali, *Torture and Democracy* (Princeton, N.J.: Princeton University Press, 2007).



actions. Dershowitz insists that the torture warrant would only be legitimate in ticking bomb scenarios and would only allow “nonlethal” torture methods. He explains,

An application for a torture warrant would have to be based on the absolute need to obtain immediate information in order to save lives coupled with probable cause that the suspect had such information and is unwilling to reveal it. The suspect would be given immunity from prosecution based on information elicited by the torture. The warrant would limit the torture to nonlethal means, such as sterile needles, being inserted beneath the nails to cause excruciating pain without endangering life. (“Want to torture?” pars. 12-13)

Dershowitz admits that the idea of a torture warrant is hard to swallow, but insists that as America’s war on terror escalates, more violent actions against the United States are imminent and, thus, legal options for torture should be put into place before American citizens are faced with another terrorist attack. This insistence, by legal experts like Parry and Dershowitz, of the nearness and immediacy of terrorist-induced dangers has become an integral part of War on Terror rhetoric that has aggressively used notions of temporality to push forward political policies of militarization and preemptive war (Stahl; Davis and Cloud).

However, opponents to the ticking bomb justification for torture rightly point out that this scenario relies heavily on hypothetical fantasy and circular reasoning (see Buffachi and Arrigo). The ticking bomb scenario also ignores the possibility of other successful means of gathering information about terrorist threat (such as the means through which the captive was identified and apprehended in the first place). What also makes ticking bomb justifications for torture so dangerous is that the circumstances and the means of violence rendered legitimate sit on a very slippery slope. In cases of extreme time pressure, who has the authority or the knowledge to determine who should be tortured and when? What means of torture can be justified over others? By basing justification for torture on extreme, hypothetical, and specific examples, the ticking bomb argument fails to provide clear parameters for practice, not to mention a complete failure

to account for human rights. However, as the following analysis will show, the ticking bomb scenario is often highly persuasive within the reality of the television show 24.

## POPULAR TORTURE

In this chapter I examine episodes from Season 2, Season 4, and Season 6 of the television program 24. An initial viewing of these seasons revealed two prominent themes around which episodes of the program are centered: torture and politics. The following tables (see Tables 4.1-4.3) contain a brief plot summary of each season and demarcate relevant episodes for each theme.

Table 4.1: Season 2 Plot Summary and Episodes of Interest.

Plot Summary	Episodes of Interest: Political	Episodes of Interest: Torture
At the request of newly elected President, David Palmer, Jack Bauer returns to CTU (he had retired after the death of his wife in Season 1) to help stop known terrorist, Syed Ali, from detonating a nuclear bomb on U.S. soil.	Episode 1	Episode 1
	Episode 9	Episode 6
	Episode 11	Episode 9
President Palmer learns that his national security advisor, Roger Stanton has known about the bomb threat for weeks and has been secretly working on a plan to link Ali to the government of Ali's country. Stanton and an oil businessman attempt to falsify evidence that will link Ali to his government so that the United States will have a political excuse to attack Ali's country and secure American oil interests there.	Episode 12	Episode 10
	Episode 17	Episode 11
		Episode 12
		Episode 14
		Episode 17

Table 4.2: Season 4 Plot Summary and Episodes of Interest.

Plot Summary	Episodes of Interest: Political	Episodes of Interest: Torture
Having retired from CTU, Jack Bauer is now in charge of security for Defense Secretary Heller, an administration member for newly elected President Keeler (Palmer did not run for re-election at the end of his first term). Bauer is also in an intimate relationship with Heller's daughter and Chief of Staff, Audrey Reines.	Episode 5 Episode 9 Episode 18 Episode 19 Episode 20	Episode 1 Episode 3 Episode 6 Episode 8 Episode 9 Episode 11 Episode 15 Episode 18
Terrorists kidnap Secretary Heller and his daughter and force Heller to make a video in which he admits to U. S. political and social wrongdoing. CTU learns that the Heller video, which was broadcast on the internet, was used to cover the trail of an internet hacker who ultimately gains access to an override system that controls all nuclear power plants in the United States.		
These same terrorists attack Air Force One with a hijacked American bomber and force it to crash land. President Keeler is injured in the crash and his Vice President, Charles Logan, assumes office. Terrorists gain control of U.S. missile launch codes as a result of the crash.		
Bauer, who was reinstated at CTU after the attack on Secretary Heller, learns that one of the terrorists involved in the attack on Air Force One is a Chinese citizen who has taken refuge at the Chinese Consulate. Vice President Logan authorizes a secret mission to invade the Consulate and capture the suspect. When the Chinese discover that Bauer is behind the attack on the Consulate, they demand that Bauer be taken into Chinese custody. Vice President Logan fears that Bauer will reveal the U.S. government's involvement in the attack if tortured. Therefore, Logan secretly orders Bauer's assassination so that Bauer cannot be turned over to the Chinese.		
Former President David Palmer, who has been serving as an advisor to Logan during the crisis, learns of the plot against Bauer and helps Bauer fake his own death to avoid being assassinated.		

Table 4.3: Season 6 Plot Summary and Episodes of Interest.

Plot Summary	Episodes of Interest: Political	Episodes of Interest: Torture
Jack Bauer returns from China after nearly two years of being imprisoned and tortured there. Wayne Palmer, David Palmer's brother and newly elected President, has brokered a deal to trade Bauer for information regarding the location of Hamri Al-Assad, a terrorist thought to be behind numerous suicide bombing plaguing major cities around the U.S.	Episode 1 Episode 3 Episode 5 Episode 6 Episode 12	Episode 1 Episode 2 Episode 5 Episode 7 Episode 8
Known terrorist Abu Fayed has offered to help the U.S. government in exchange for Bauer. Bauer had killed Fayed's brother years earlier and Fayed seeks personal revenge. While in Fayed's custody Bauer learns that Fayed is the real terrorist behind the bombings and that Assad has come to the U.S. to stop him. Bauer also learns that Fayed is in control of several nuclear bombs.	Episode 13 Episode 14 Episode 15 Episode 17	Episode 12 Episode 14 Episode 17 Episode 20
When Palmer learns of Assad's peace mission, he invites Assad to the White House to issue a statement to the American public. While Assad is at the White House, members of the President's own support staff attempt to assassinate Palmer. Although Assad dies trying to save Palmer from the bomb blast, he is blamed for the attempted assassination.		

Below, I examine these themes and episodes of interest in detail. And, as the following analysis will show, each of these themes (torture and politics) is driven by the rhetoric of the ticking bomb. It will be shown that this rhetoric is used not only to justify torture, but also to skirt the law, make war, and protect the integrity of the American nation.

### **Torture and 24**

24 is a television series about national security and terrorist threat. And, because state actors in the show are often under extreme time pressure to secure the safety of U.S. citizens, the show revolves exclusively around torture. There are numerous torture scenes

in every season of *24*. As the show progresses, audiences learn that Jack Bauer is a skilled torturer, rarely failing to “break” his captives and almost always successful in obtaining the information he needs to stop a potential threat. However, Bauer is not the only character to torture captives in the show. Other members of CTU, although never as skilled at the task as Bauer, often rely on coercive methods to procure information from suspects. Terrorists also torture their captives in the show, however, as analysis will illustrate, terrorist motivations for torture are much different than the motivations that drive the actions of Bauer and fellow state actors. The following analysis will discuss *24* torture scenes in detail and examine the ways in which the violent actions taken by both state actors and supposed terrorists rely on notions of American national identity and ticking bomb rhetoric. Although I will discuss patterns that emerge in regard to the types of torturous acts that are used, the following analysis will discuss torture scenes in chronological order so as to maintain clarity of each season’s plot and to illustrate the ways in which the intensity and amount of torture increase as the series progresses.

While the first season of *24* contains scenes that provide a background on Bauer’s character and illustrate his ability and willingness to use torturous methods to get the information he needs, it is not until the second season that viewing audiences are privy to widespread use of torture by Bauer and other state agents in similar positions. Season 2 also exposes audiences to a wider, more graphic, variety of pain-inducing methods. As the very first episode of Season 2 opens, a Korean man is being held in an underground, U.S. military-run prison. The man is held in a room that is dark, dank, and full of metal instruments of torture. He is restrained in a metal device with his arms and legs secured into a spread eagle position. His feet are submerged in heavy plastic bags that contain a murky yellow substance that appears to be some sort of acid or harsh chemical. The man’s arms, which are strapped down, are both attached to intravenous machines. His

eyes are held open with metal clamps so that he cannot blink. There is blood all over the man and all over the room. As the man screams in pain he is injected with chemicals and given electric shock by doctors in surgical masks. Armed, uniformed U.S. military personnel overlook the doctors' progress.

Along with the captive and his torturers, a young Korean woman is also present in the dark torture room. Working as a translator, the woman leans close to the man's tormented face and asks him, in Korean, to tell her what he knows. The man looks exhausted and it appears as though his captors have been torturing him for hours. With this last question from the translator, the man finally breaks and whispers one word in Korean. The translator looks up at the U.S. soldiers in the room, horrified at his admission. "Today," she says in English (Season 2, Episode 1 "8:00 a.m. to 9:00 a.m."). By torturing this unknown terrorist at a secret military prison, members of the U.S. government and CTU learn that a nuclear bomb is set to go off that day on U.S. soil. As the day progresses, the audience learns that a known Muslim terrorist from an unnamed Middle Eastern country, Syed Ali, is behind the day's plot to detonate a nuclear bomb over Los Angeles. In what follows, I analyze two sets of torture scenes. The first set of scenes illustrates the types of torture undertaken by the terrorist enemy, Syed Ali. And, the second set of torture scenes illustrates torture at the hands of the U.S. nation-state.

### ***Season 2: Terrorists as Merciless Torturers.***

The audience's first encounter with Syed Ali occurs when Kate Warner is kidnapped by a few of Ali's men. Kate Warner is the sister of Mari Warner, who, on this day of nuclear threat is set to marry her fiancé Reza. CTU has linked the nuclear plot to the Warner family, and more specifically, has targeted Reza, a man of Middle Eastern decent. While CTU questions Reza at their headquarters the audience learns (unbeknownst to CTU) that it is Marie who is involved with Ali and his terrorist cell, not

Reza. Ali and his men have kidnapped Marie's sister Kate because they fear that Kate may have uncovered information about their terrorist plot. Kate does not trust Marie's fiancé and, earlier in the season, she hired a private detective to run a background check on him. Because Reza works for the Warners, Kate's private detective accessed some of the Warner family's business files during his search on Reza. Ali suspects that Kate may have discovered the connection between Marie and his terrorist organization. He has, therefore, kidnapped Kate and her private detective, Paul Koplin, to make sure that the two do not report anything to the police or CTU.

As the scene opens, Kate is unconscious on a couch in an unknown apartment. Ali wakes Kate with smelling salts, introduces himself, and asks her if she knows who he is. Kate admits that she has heard his name in passing, but, other than that, does not know anything about him. Ali does not believe Kate and tells her that he knows that she has been looking in her father's business files and may have seen something that she was not supposed to have seen. After a few moments of questioning, Ali forcefully takes Kate by the arm and shoves her into the apartment's master bathroom. In the bathroom the private detective that Kate has hired, Paul Koplin, is naked and hanging by his arms from the shower stall. A man dressed with a transparent plastic poncho over his clothes and with safety goggles over his eyes holds a power sander next to Paul's naked back. Kate is horrified by the scene and asks Ali to explain what he is doing to Koplin. Ali replies, "He is telling us your father works for the CIA. This is not new information, Kate. We know your father. We need to know what you saw in his files and who you told" (Season 2, Episode 9, "4:00 p.m. to 5:00 p.m."). Koplin, who has been interrogated while Kate was unconscious, yells at Ali, "We didn't tell anyone anything because we didn't see anything! How many times do I have to tell you?" (Season 2, Episode 9, "4:00 p.m. to 5:00 p.m."). Kate turns to Ali and cries, "He's telling the truth! Please don't do this!" Ali

grabs Kate more forcefully. “Listen to me,” he says. “Nothing can get in the way of this sacred day. Tell us what you saw and who you told” (Season 2, Episode 9, “4:00 p.m. to 5:00 p.m.”). Kate claims that she did not see anything because the files that she and the detective discovered began to delete themselves once they were opened. Paul interjects and confirms this, claiming that the files were self-deleting. Ali does not believe their claims and motions to the man in the plastic suit. The man starts the sander and puts it against Paul’s body. The camera zooms in and focuses on the lower half of Koplin’s face as he screams in torment. The scene ends with Warner and Koplin’s screams coupled with the sound of the power sander reverberating in the small, enclosed bathroom space. As the scene fades to black for a commercial break, the sounds of the power tool and the screaming is replaced by the distinct metallic chime of the 24 digital clock that ticks off precious seconds into the break.

When the audience returns to the scene of Kate and Paul, the man in the plastic suit is throwing a chemical that appears to be paint thinner onto Koplin’s open wounds. As Koplin screams in pain, Kate sits in the corner of the room, tied to a chair. She screams at Koplin’s torturer to stop, claiming that she does not know what he and Ali want to hear from her. “Yes you do,” Ali says calmly (Season 2, Episode 9, “4:00 p.m. to 5:00 p.m.”). He then nods to the man in the plastic suit and the man takes rock salt and rubs it into the wounds on Paul’s back. “We didn’t see anything. We didn’t tell anyone anything! I swear! I don’t know anything! How can I tell you what I don’t know?” Kate screams as she breaks down into uncontrollable sobs (Season 2, Episode 9, “4:00 p.m. to 5:00p.m.”). Ali turns to her and says, “I believe you” (Season 2, Episode 9, “4:00 p.m. to 5:00 p.m.”). He then takes his gun from a holster hidden under his shirt and shoots Paul several times, killing him. Kate screams and sobs. Ali turns to the turns to his assistant and says, “If she would have known anything, she would have told us. Kill her” (Season



2, Episode 9, “4:00 p.m. to 5:00 p.m.”). In these two torture scenes, the audience learns that just as Bauer and his team will stop at nothing to prevent terrorist attacks, the terrorists are equally committed threatening the United States. And, because the audience knows that Warner and Koplin are speaking the truth and do not know anything about Ali and his nuclear plot, the audience is also encouraged to see Ali and his men as ruthless merciless, unwilling to forgive Warner and Kolin’s unintended interference in to their plans, and unwilling to spare the lives of their innocent captives. All the while, viewers are consistently reminded that each moment Ali remains undeterred in his mission equals a moment closer to an impending attack on the United States.

Kate Warner’s plotline does not pick up again until the following episode. As the scene opens, the audience learns that Kate is still alive and that CTU has discovered the location where Ali is keeping her hostage. As CTU rushes to set up a sting operation outside of the apartment building, Kate remains tied to the chair in the apartment bathroom; Koplin lays dead in the bathtub, wrapped in a thick, clear plastic tarp. Paul’s torturer calmly washes blood from his hands in the bathroom sink as Ali enters the room and speaks to the man in Arabic. “I thought you were going to kill her,” Ali says. “If she knew anything, she’d have told us” (Season 2, Episode 10, “5:00 p.m. to 6:00 p.m.”). The man replies in Arabic, “Probably. But I’d like to be certain” (Season 2, Episode 10, “5:00 p.m. to 6:00 p.m.”). In Arabic, Ali replies, “And I would like to pray one last time, properly” (Season 2, Episode 10, “5:00 p.m. to 6:00 p.m.”). The man tells Ali to pray while he finishes with Kate. The two men embrace and Ali leaves. The man looks at Koplin’s body and then turns to Kate. In English, he asks her, “Do you want to suffer as he did?” (Season 2, Episode 10, “5:00 p.m. to 6:00 p.m.”) Kate shakes her head. She is calm, “No. Of course not,” she replies (Season 2, Episode 10, “5:00 p.m. to 6:00 p.m.”). “Then tell me what you’ve learned from your father’s computer files, who you told,” the

man says to her (Season 2, Episode 10 “5:00 p.m. to 6:00 p.m.”). Kate replies, “I already told you. I don’t know anything” (Season 2, Episode 10 “5:00 p.m. to 6:00 p.m.”). The man laughs quietly and moves to a makeshift table that has several tools and sharp instruments laid across the top. He picks up a utility knife, the scene fades, and the digital clock ticks off a few seconds before the scene ends in a commercial break.

When the scene returns to Kate and her torturer, he has cut her ear with the utility knife and is putting a chemical on it while she cries in pain. The man has decided that she does not know anything about the plot to detonate the nuclear bomb. Kate tries to convince the man that he could leave her in the apartment and be gone before the police ever found her. The man pulls a gun from the drawer and tells her that his killing her quickly will be better for her. As he cocks his gun at Kate’s head and prepares to shoot her, a CTU tactical team, led by Bauer, breaks in, saves Kate, and takes the man into custody. However, before Jack can question the man he convulses and dies of self-poisoning.

It is interesting to note that the above torture scenes do little to further Season 2’s plot. The audience does not learn anything new about the nuclear threat. What the audience does learn is that Ali has no regard for innocence and no qualms about violence or death. They also learn that he and his men are motivated by their Muslim faith and that they are willing to die for their cause. What these scenes of torture illustrate are the extreme measures taken by terrorists to harm the American people. And, other than the mention of God as a motivator for Ali’s righteous cause, viewers are not privy to any political or social motivations behind his terrorist actions. This dearth of political motivation within terrorist torture scenes comes as a stark contrast to torture scenes in which the captors are state-agents. As the following analysis will show, state-sanctioned

torture, unlike terrorist torture, is rarely performed on innocent people and is always motivated by political utility, temporal necessity, and social justice.

### ***Season 2: State Sanctioned Torture, Clean and Dirty***

Terrorists are not the only torturers in the second season of *24*. State actors also participate in torturous actions, prompted by the temporal pressure to save American lives “in time.” State-sanctioned torture differs from terrorist torture in two important ways. First, as noted above, issues of national security always motivate state-sanctioned torture. And, second, state-sanctioned torture has two distinctive types of practice; these types I have labeled “clean” and “dirty.” The following analysis of scenes chosen from Season 2, explores both types of torture. The first set of scenes examined illustrates what I have termed “clean” torture. Throughout the *24* series, this type of torture often takes place inside government or office buildings and the practice utilizes pain-inducing chemicals and electric shock to provide a relatively “clean” and sterile torture of captives. The second set of torture scenes I examine illustrates the “dirty” or outwardly messy type of violent torture that, within the reality of the show, is usually practiced by state-actors who must interrogate terrorists at the site of capture and away from the conveniences of torture rooms and sterile needles. This type of torture involves more unorthodox methods of pain as agents use torture tools found at hand: knives, writing pens, cigar cutters, and the like. The torture techniques that I have labeled dirty also often involve direct threats to family members and friends of the captive in combination with these unorthodox methods for inducing pain.

The first series of scenes analyzed below illustrates “clean” torture methods. These particular scenes are interesting because in them President Palmer directly approves the torture. The torturer is a member of the U.S. Secret Service, and the victim of torture, Roger Stanton, is the director of the U.S. National Security Agency (NSA). As

the torture scene opens, Stanton is tied to a chair in a secret, guarded room in the Presidential bunker. He is barefoot, and his feet are submerged in a bucket of water. He is attached to a heart monitor and there is a cart with a hospital defibrillator next to the monitor. Secret Service Agent, Ted Simmons, questions Stanton. “Time is of the essence, Mr. Stanton,” Simmons says calmly. “Intensity and duration of the electrical current will increase substantially each time I repeat a question” (Season 2, Episode 11, “6:00 p.m. to 7:00 p.m.”). As Simmons prepares the defibrillator, Stanton looks at him and says simply, “Yes, I know the drill Agent Simmons” (Season 2, Episode 11, “6:00 p.m. to 7:00 p.m.”). As the defibrillator begins to hum with electricity, Simmons asks, “What is your agenda, Mr. Stanton, and who else is involved?” (Season 2, Episode 11, “6:00 p.m. to 7:00 p.m.”). When Stanton does not reply, Simons shocks him and calmly turns to increase the intensity of the electrical current on the machine. “Who else knew about the bomb, Mr. Stanton? Who have you been working with?” Simmons asks (Season 2, Episode 11, “6:00 p.m. to 7:00 p.m.”). “I don’t know anything about a bomb,” Stanton replies in an even tone (Season 2, Episode 11 “6:00 p.m. to 7:00 p.m.”). Agent Simmons shocks Stanton again and continues to question him.

The scene fades and when the plot returns to Stanton’s interrogation, it is in the following episode. Stanton looks exhausted and haggard. Agent Simmons re-enters the interrogation room, rolls up his sleeves, and asks, “Who else knew about the bomb, Mr. Stanton?” (Season 2, Episode 12, “7:00 p.m. to 8:00 p.m.”). “I don’t know what you’re talking about,” Stanton replies (Season 2, Episode 12, “7:00 p.m. to 8:00 p.m.”). Stress from the electric shocks has made his breath labored and he is visibly sweating. As Stanton answers Simmons, the camera angle shifts and the audience views the scene from a security camera mounted near the ceiling of the interrogation room. As the camera pans out, it becomes apparent that this view from the security camera is the one monitored on

a computer screen by President Palmer in his office. As the President watches the interrogation from his desk, his Chief of Staff, Mike Novick enters the room. Novick informs the President that Agent Jack Bauer has Syed Ali in custody and that Bauer is preparing to interrogate him. The President tells Novick to make sure that Bauer has all of the resources he needs to question Ali. Meanwhile, Stanton's interrogation continues on Palmer's screen. Palmer comments to Novick, "Agent Simmons tells me that Roger received the same training of resisting interrogation [as] he did" (Season 2, Episode 12, "7:00 p.m. to 8:00 p.m."). Palmer pauses and watches as Agent Simmons increases the electrical voltage on the defibrillator. He then says, to himself as much as to Novick, "But everyone breaks eventually" (Season 2, Episode 12, "7:00 p.m. to 8:00 p.m.").

This series of scenes represents the type of state-sanctioned torture I have labeled clean. In these types of torture scenes a powerful state-actor, in this case the President of the United States, authorizes the use of torture. The acts of torture themselves seem almost clinical. In the scene described above, the torturer, Agent Simmons, utilizes common medical equipment to inflict pain and monitor the physical impact of this pain on his captive. All the while Simmons never breaks a sweat. The President's viewing of the torture scene illustrates another factor that makes clean torture clean: While Stanton is tortured in the Presidential bunker at the President's request just feet from the President himself, the President never personally gets his hands dirty. He is a witness to violence not a direct agent of it.

Although the state-sanctioned torture performed in 24 is often performed with sterile instruments and little mess, state agents, particularly agents like Jack Bauer, must often rely on imposing physical pain with methods and tools available at the time of a suspect's capture. In the following torture scene, taken from Season 2, Jack Bauer tortures the recently captured Syed Ali. After a successful sting operation inside a

mosque in which Ali has been participating in evening prayer, Bauer and his team arrange to interrogate Ali in the mosque's basement. Because Ali is CTU's prime suspect and because the nuclear bomb attack planned by Ali is set to happen at any minute, Bauer chooses to interrogate Ali on site, so as not to lose precious time taking Ali back to CTU. The scene in which Bauer interrogates Ali opens with Ali restrained in a chair and covered in blood. Bauer leans close to Ali's face and grabs Ali by the back of the hair. He says, "I know who you are. I know everything that you've done. Where is the bomb?" (Season 2, Episode 12, "7:00 p.m. to 8:00 p.m."). Ali groans in pain as Bauer steps back and repeatedly punches Ali in the stomach and face. "Where's the bomb?" Bauer screams (Season 2, Episode 12, "7:00 p.m. to 8:00 p.m."). Ali spits a large amount of blood on the floor next to Bauer, looks defiant, and says nothing. "You are a waste of my time," Bauer says turning from Ali and wiping sweat from his own face. "When is the bomb going to detonate?" (Season 2, Episode 12, "7:00 p.m. to 8:00 p.m."). "You are the one wasting time," Ali says calmly. "I woke up today knowing I would die" (Season 2, Episode 12, "7:00 p.m. to 8:00 p.m."). At this Bauer crosses the room and whispers in Ali's ear, "I can make you die in more pain than you have ever imagined," he says grabbing Ali's hand and breaking his wrist (Season 2, Episode 12, "7:00 p.m. to 8:00 p.m."). "Then I will have much more pleasure in paradise," Ali says through clenched teeth. "Right." Bauer says sarcastically (Season 2, Episode 12, "7:00 p.m. to 8:00 p.m.").

In this scene, violence is at the center of Bauer's interrogation. Because Syed Ali is depicted as a known terrorist and because Bauer and his team face immense time pressure (they have to find the bomb before it is detonated), the violence depicted in Bauer's interrogation of Ali goes unquestioned. No one in the mosque, not even the mosque's imam, tries to stop Bauer's violent actions; no one questions Bauer's motives. When Bauer's attempts at gaining information from Ali through physical violence fail,

Bauer moves to another strategy: violence against Ali's family. In another interrogation scene with Ali, Bauer arranges monitors in front of Ali's chair. On the monitors, Ali's wife and two sons appear, bound, gagged, and held at gunpoint by soldiers in black hoods. "Those men will kill your family if you don't tell me where the bomb is now," Bauer says to Ali. "I despise you for making me do this," Bauer says. "They're waiting for my order. This is your last chance. Where's the bomb?" (Season 2, Episode 12, "7:00 p.m. to 8:00 p.m."). With these words, Bauer makes it clear to Ali that Ali, who refuses to give Bauer the information he needs, is to blame for Bauer's violent actions. When Ali refuses to tell Bauer the location of the bomb, Bauer sends a signal to the armed men on the television screen. The man holding Ali's eldest son steps forward, pulls the boy closer to the camera, and shoots the boy in the head. As the boy falls to the ground, Bauer tells Ali that he will kill Ali's entire family if Ali does not give up the location of the bomb. At this, Ali breaks down and gives Bauer the information he needs.

The audience later learns that execution of Ali's son has been staged. Ali's family remains alive. And, although the fact remains that the U.S. government willingly and knowingly took Ali's family hostage, the fact that Ali's son is not dead gives some relief to viewers in regard to the moral ambiguity of Bauer's actions. Because he did not take an innocent life, Bauer, unlike Ali who viewers have seen torture and kill innocent people, seems justified in his actions. As the plot moves forward with Bauer's continued attempts to locate and secure the nuclear bomb, viewers are not encouraged to consider the legality of Bauer's actions against Ali and his family. Because Bauer is one step closer to stopping terrorist threat, viewers are also not encouraged to consider the trauma caused to the family who has been held captive or of Ali who, as far as the viewing audience is concerned, is taken off to jail never learning that his son is still alive.

Temporal pressure and the need to protect American citizens trump the cruel treatment of terrorist enemies and their families.

#### ***Season 4: Governmental Approval and the Violation of Human Rights***

While the cruel treatment of terrorist enemies becomes common sense within the reality of 24 as early as Season 2, it is not until the fourth season that human rights come under close scrutiny. Season 4 is the first full season to air after the Abu Ghraib incidents. Therefore, it is interesting to note the anxieties concerning torturous actions in the show and the ways in which those anxieties are ultimately quelled through appeals to national security. There are two sets of scenes of most importance in Season 4; each deals with torture as it intersects with U.S. law and the principles of human rights. In the first set of scenes analyzed below, the Secretary of Defense, Secretary Heller, authorizes the use of “non-invasive” torture techniques on his own son when CTU suspects the son’s involvement in the day’s terrorist plot. The second set of scenes deals specifically with the issue of human rights when a human rights lawyer is brought in to CTU and prevents the interrogation of CTU’s key suspect, forcing Jack Bauer to work outside of the law to get the information that he needs.

In the first set of scenes concerning the torture of Richard Heller, the Secretary of Defense’s son, Richard is brought into custody because CTU suspects he has information regarding the kidnapping of Secretary Heller and his daughter (Richard’s older sister), Audrey Reines. Heller and Reines were ambushed outside of Richard Heller’s home. Because Heller’s visit to his son was known only to the Secretary of Defense, his entourage, and Richard Heller, CTU suspects Richard Heller of being involved in the kidnapping plot. Richard Heller is a young college student with left-leaning political affiliations. And, just before the Secretary and his daughter were kidnapped from outside Richard’s home, Secretary Heller and his son had been arguing about Richard’s recent



series of public protests against his father's national security policies. When Richard Heller is first taken to CTU, Secretary Heller is in the custody of the terrorists and CTU has learned that they plan to kill Heller within the next few hours. Secretary Heller's son, Richard, is being held in an interrogation room at CTU for questioning. Agent Curtis Manning enters the room and has another agent restrain Richard in a chair. When Richard asks Curtis what he is doing, Curtis responds by asking Richard what he knows about his father's abduction. "Who else knew your father would be at your house this morning?" Manning asks (Season 4, Episode 3, "9:00 a.m. to 10:00 a.m."). When Richard denies any knowledge of the attack on his father, Manning nods to the fellow agent and the agent retrieves a syringe out of his briefcase. "What are you, crazy?" Richard asks (Season 4, Episode 3, "9:00 a.m. to 10:00 a.m."). Manning looks at Richard for a moment, then tells him, "Makes every nerve within your body feels like it's on fire" (Season 4, Episode 3, "9:00 a.m. to 10:00 a.m."). Richard cannot believe that he, the Secretary of Defense's son, is being treated the way he is. He claims, "You're bluffing. I know you can't get away with this" (Season 4, Episode 3, "9:00 a.m. to 10:00 a.m."). Manning merely smiles and tells Richard, "By the time you're released, the mark on your arm will be gone. It'll be just your word against mine" (Season 4, Episode 3, "9:00 a.m. to 10:00 a.m."). "My father's the Secretary of Defense for God's sake," Richard cries (Season 4, Episode 3, "9:00 a.m. to 10:00 a.m."). "I thought you hated him," Manning says menacingly. "Now he's 'dear old dad?'" (Season 4, Episode 3, "9:00 a.m. to 10:00 a.m."). Richard cries for help and Manning's assistant begins to inject Richard's arm with the pain-inducing chemical. Just before the needle punctures Richard's skin, Manning orders the agent to stop and leaves the interrogation room to speak with his supervisor and head of CTU, Erin Driscoll.

Driscoll, who was watching in an adjacent room through a two-way mirror, is visibly angry about Manning's decision to halt the interrogation. "I can't do it, Erin. I'm not going let Darren work on Richard Heller," Manning tells her (Season 4, Episode 3, "9:00 a.m. to 10:00 a.m."). Frustrated, Driscoll asks, "Why not?" (Season 4, Episode 3, "9:00 a.m. to 10:00 a.m."). "Maybe he's protecting a friend," Manning explains. "But he wasn't knowingly involved with a terrorist. It's an inappropriate use of force" (Season 4, Episode 3, "9:00 a.m. to 10:00 a.m."). When Driscoll reminds Manning that he is under an order to interrogate Richard Heller, he suggests that they use a non-invasive method. "I've seen good results with sensory disorientation," he says. "Cut off his sight. Saturate his auditory. It's non-invasive" (Season 4, Episode 3, "9:00 a.m. to 10:00 a.m."). Eager to get the information she needs from Richard Heller and leery of being held responsible for the torture of the Secretary of Defense's son, Driscoll agrees to try Manning's method.

The scene fades and when the plot returns to Richard Heller he is attached to a sensory disorientation device. His eyes are covered with dark heavy-looking goggles and discordant noise is being piped into headphones on his head. Manning reenters the interrogation room, takes off Richard's sensory disorientation goggles and headphones, and shines a bright light into Richard's face. He asks, "How long do you think you've been sitting here like this?" (Season 4, Episode 3, "9:00 a.m. to 10:00 a.m."). "Three, four hours," Richard replies in a daze (Season 4, Episode 3, "9:00 a.m. to 10: a.m."). Manning leans close to Richard's face and says, "It's been less than 30 minutes. Time is the first thing you lose track of in sensory disorientation, and it only gets worse" (Season 4, Episode 3, "9:00 a.m. to 10:00 a.m."). Richard begins to cry and says, "This isn't legal. You can't keep me here" (Season 4, Episode 3, "9:00 a.m. to 10:00 a.m."). "You'll be here until you tell me what I need to know," Manning replies (Season 4, Episode 3, "9:00

a.m. to 10:00 a.m.”). When Heller insists that he has told CTU everything he knows, Manning continues, “Your father was kidnapped by terrorists. Our polygraph analysis tells us you’re hiding something that might help us find him. Just tell me what it is and all this stops” (Season 4, Episode 3, “9:00 a.m. to 10:00 a.m.”). “I’m not going to do this,” Richard insists (Season 4, Episode 3, “9:00 a.m. to 10:00 a.m.”). Manning picks up the goggles and headphones from the table and says, “If you don’t care enough about your father to tell me what I need to know, I’ll get it out of you this way” (Season 4, Episode 3, “9:00 a.m. to 10:00 a.m.”). The scene fades with Richard screaming blindly after Manning as he leaves the interrogation room. Richard’s screams are muffled by the sound of the ticking clock as the scene fades. The clock’s urgent chime reinforces the time pressure under which CTU must operate and as it muffles Richard’s cries, it mollifies the moral ambiguity of the actions taken against him. These scenes featuring the torture of Richard Heller are interesting because they are the first to depict state actors doubting their use of force against a suspect. However, due to *24*’s notorious plot twists, the audience is encouraged to be suspicious of Richard Heller. Just like the agents at CTU, the audience is unsure of Richard’s motives.

As the plot progresses, Secretary Heller and his daughter, Audrey, are rescued. Because his father has been found, CTU frees Richard Heller from the sensory deprivation device. However, he remains locked in CTU custody. Richard Heller’s plotline does not move forward again until Episode 6. In this episode, Senator Heller joins CTU to help stop the terrorists who kidnapped him from overriding U.S. nuclear devices and, by the time Heller is reunited with his son, Richard has been in CTU custody for nearly four hours. Unlike Richard, Heller is a tough man, a man always thinking about what is best for the United States. As the scene opens, Secretary Heller enters the room where his son is being held captive. Richard looks relieved to see his father alive.

When Secretary Heller enters the room, Richard runs to him and hugs him. “They said you were okay. Audrey too. Thank God. I said some awful things before. I was afraid I’d never get a chance to apologize,” Richard says (Season 4, Episode 6, “12:00 p.m. to 1:00 p.m.”). Secretary Heller smiles at his son. “I said some pretty harsh things myself,” he says. “But no matter what was said, you’re still my son, and I will always love you” (Season 4, Episode 6, “12:00 p.m. to 1:00 p.m.”). After this brief reunion, Secretary Heller’s demeanor changes. Looking at Richard sternly he says, “They said they were using some interrogation techniques.” (Season 4, Episode 6, “12:00 p.m. to 1:00 p.m.”). “Totally out of line,” Richard responds. “I’m going to sue them blind” (Season 4, Episode 6, “12:00 p.m. to 1:00 p.m.”). Richard seems relieved by his father’s presence, which he takes as a cue that he is free to leave CTU. As Richard makes for the door to the interrogation room, Secretary Heller stops him and says, “I think it’ll be a little more effective if you let me deal with it. I promise you, if they were out of line, heads will roll” (Season 4, Episode 6, “12:00 p.m. to 1:00 p.m.”). Richard looks visibly surprised at his father’s suggestion. Richard asks, “What do you mean, ‘if’?” (Season 4, Episode 6, “12:00 p.m. to 1:00 p.m.”). Secretary Heller looks at his son sternly and asks, “Why did they think you were holding something back from them?” (Season 4, Episode 6, “12:00 p.m. to 1:00 p.m.”). Still surprised by his father Richard states, “I don’t know” (Season 4, Episode 6, “12:00 p.m. to 1:00 p.m.”). Heller moves closer and, speaking softly, he says, “Richard, if you know something that would shed some light on what happened to me...” (Season 4, Episode 6, “12:00 p.m. to 1:00 p.m.”). Angrily, Richard interrupts his father. “Wait,” he yells. “You don’t think I would tell them if I thought it was relevant?” (Season 4, Episode 6, “12:00 p.m. to 1:00 p.m.”). Richard, incredulous, asks his father why he is siding with CTU. Heller looks evenly at Richard. “Son, do you have any idea what your sister just went through? If you know anything that would help us find the people behind

this, tell me now,” he demands (Season 4, Episode 6, “12:00 p.m. to 1:00 p.m.”). Richard tries to reason with his father and says, “Dad, I’m glad you’re alive, I really am, but I am not going to tell these people things about my private life that they don’t need to know” (Season 4, Episode 6, “12:00 p.m. to 1:00 p.m.”). “That you don’t think they need to know,” Secretary Heller interjects. “Richard, these people were trying to save our lives” (Season 4, Episode 6, “12:00 p.m. to 1:00 p.m.”).

Richard, still shocked by his father’s reaction, proclaims, “These people can’t be trusted and what they did to me is proof” (Season 4, Episode 6, “12:00 p.m. to 1:00 p.m.”). At this, Secretary Heller turns to the two-way mirror and calls Agent Manning into the room. When Manning joins them Secretary Heller says, “Agent Manning, I am authorizing you to do whatever you feel is necessary to get this information out of my son” (Season 4, Episode 6, “12:00 p.m. to 1:00 p.m.”). Richard tries to interject to reason with his father. But, Secretary Heller stops him short. “I love you, son,” he says. “But I have a duty to my country” (Season 4, Episode 6, “12:00 p.m. to 1:00 p.m.”). As Richard calls for him, Secretary Heller leaves his son in the interrogation room with Manning.

The audience later learns that the information Richard was hiding from CTU and his father concerns his sexuality. Richard, viewers learn, is gay. And, having not yet come out to his father, Richard wished to keep elements of his personal life private. The audience learns that Richard had met a man in a bar a few nights before the kidnapping and taken him home. Richard later admits that the encounter may have been staged so that the man could access Richard’s phone, thus learning of Secretary Heller’s plans to visit his son. In the end, although viewers may be sympathetic toward Richard’s desire to keep his private life private, they learn that privacy and personal protection from detainment and torture under the law are privileges in times of crisis. And, even though Richard did not intentionally aid terrorists in their plot to kidnap his father, the violent

actions taken against Richard are ultimately justified. By putting his personal feelings for his son aside and allowing CTU to torture Richard, Secretary Heller allowed CTU to get the information it needed. By allowing CTU to torture his son, Secretary Heller did what was needed to protect his country.

CTU's dealings with Richard Heller are not the only moments concerned with human rights in Season 4. This season also deals specifically with legal issues of human rights surrounding detention and interrogation. In the next set of scenes to be analyzed, human rights law becomes a weapon. Habib Marwan, the terrorist behind the day's events, gives a human rights lawyer an anonymous tip when one of his men is arrested. The lawyer's intervention into CTU's investigation ultimately slows their progress and allows Marwan and his remaining men to escape. In this scene a man named Joe Prado is apprehended in a CTU sting operation. Prado is a U.S. citizen and because Marwan fears that Prado will disclose too much information about the attacks if he is interrogated by CTU, Marwan makes an anonymous call to a human rights lawyer, telling the lawyer of Prado's illegal arrest. What makes this set of torture scenes so interesting is that Marwan's understanding of the law is correct. CTU has no legal right to take Prado into custody and interrogate him because they do not have enough evidence to charge him with any crime. However, the human rights lawyer is portrayed as a hindrance to the investigation, a hindrance that wastes time and threatens to cost thousands of American lives.

Frustrated by the politics of the legal bind (see more on this below), Jack Bauer decides to quit his newly re-instated position at CTU (at the beginning of the season Bauer worked for Heller, but joined CTU to help manage the day's crisis). As a citizen with no official affiliation with CTU, Bauer plans to interrogate Prado once Prado is released from CTU custody. The torture scene opens with Prado's release from CTU. A

hardened criminal, Prado is suspicious of CTU's compliance with his lawyer's request to release him. As the head of CTU, Bill Buchanan, escorts Prado from the premises, Prado becomes suspicious. He asks, "What the hell are you trying to pull here? First you want to torture me and now you're throwing me out?" (Season 4, Episode 18, "12:00 a.m. to 1:00 a.m."). Prado's lawyer tries to calm his client. "It's okay, Joe" he says. "I'm sure they tried to fight the restraining order, then realized they couldn't" (Season 4, Episode 18, "12:00 a.m. to 1:00 a.m."). Prado insists that CTU is up to something and his lawyer tells him that a Federal Marshall can escort him safely home. "No, no, no," Prado cries. "You know what? Change of plan. I don't want to leave here until I know I'm safe for the next few days" (Season 4, Episode 18, "12:00 a.m. to 1:00 a.m."). At this Prado heads back toward the interrogation room. Agent Manning blocks Prado's path and says, "If you don't leave, I'm going have to arrest you for trespassing a secured government building. Once that happens, not even your attorney can protect you" (Season 4, Episode 18, "12:00 a.m. to 1:00 a.m."). Prado's lawyer confirms this and a reluctant Prado leaves the building flanked by his lawyer and the Federal Marshall.

Meanwhile, Jack Bauer, no longer a member of CTU, hides near Prado's car in the parking lot and waits. He watches as Prado's lawyer leaves and then, knocking the Marshall unconscious with an electric stun gun, Bauer forces Prado into the card. "Make a sound and I will blow your brains out all over the windshield," Jack says holding a gun to Prado's head. "Handcuff your left arm to the dashboard, now (Season 4, Episode 18, "12:00 a.m. to 1:00 a.m."). Prado complies and Bauer climbs into the back seat behind Prado, keeping his gun trained on the back of Prado's head. "Now, you and I both know your heart isn't in this," Bauer says. "You just wanted the money. I don't want you. All I want is Marwan" (Season 4, Episode 18, "12:00 a.m. to 1:00 a.m."). Prado insists that he does not know anything. He says, "I don't know any Marwan. I don't know what you're

talking about” (Season 4, Episode 18, “12:00 a.m. to 1:00 a.m.”). Impatient, Bauer says, “Yeah. Well, I’m running out of time here, so why don’t we just cut to the chase?” (Season 4, Episode 18, “12:00 a.m. to 1:00 a.m.”).

Bauer proceeds to break each of Prado’s fingers one by one, screaming in Prado’s ear to tell him where to find Marwan. Crying and screaming in pain, Prado insists he does not know. Finally, Bauer puts a knife to Prado’s throat and threatens to kill him. “Okay, okay, okay,” Prado says. “Marwan’s... Marwan’s going to be at a place called ‘The Hub’ tonight” (Season 4, Episode 18, “12:00 a.m. to 1:00 a.m.”). Satisfied with this information, Bauer knocks Prado unconscious and heads back into CTU to be reinstated and gather a tactical team to capture Marwan. As this set of scenes illustrates, the time pressure associated with imminent threat on national security forces Bauer to work around the legal parameters of human rights. Standard legal protections such as the right to an attorney are made annoying and ridiculous as the bureaucracy of human rights protection hinders CTU’s ability to capture their terrorist suspect and prevent him from causing harm to the people of the United States. And, while the civil rights lawyer who stands up for the legal protection of his client is portrayed as a villain, Jack Bauer, a man willing to break the law and assault another American citizen is portrayed as a hero and a patriot.

### ***Season 6: The Effects of Torture***

The last two sets of torture scenes I analyze are taken from 24’s Season 6. These torture scenes are important because they are the first to address the potential mental and physical side effects of torture for torture victims. In this season, Jack Bauer returns to the United States after nearly two years of being tortured by the Chinese government. Bauer returns to the U.S. as part of a trade deal made by newly elected President Wade Palmer, the late David Palmer’s younger brother. Upon his release from China, Bauer



learns that he is to be handed over to known terrorist Abu Fayed. Fayed claims that he knows the whereabouts of another terrorist, Hamri Al-Assad, a man who the U.S. government believes to be behind a series of suicide bombings in major U.S. cities. Fayed, who wants personal revenge on Bauer, agrees to give Assad's location to the U.S. in exchange for the former CTU agent. An unwavering patriot, Bauer is honored to die in the arrangement, claiming he would rather die for something than for nothing. As Bauer is prepared for the exchange with Fayed, the audience learns that he has not spoken a single word during his detention in China. Furthermore, although Bauer's patriotism remains strong, his demeanor and physical appearance are noticeably different. Bauer has acid burn scars up and down his arms and he is quiet, distant, and gaunt. Knowing he has come back to the United States only to meet his death, Bauer asks that his daughter, Kim, does not learn of his return.

After Bauer is taken into Abu Fayed's custody, he soon learns that Fayed is the actual terrorist behind the suicide bombings. He also learns that Fayed has obtained several suitcase nuclear bombs and plans to detonate them in cities around the U.S. Hamri Al-Assad, on the other hand, has changed his terrorist ways and decided to become more politically mainstream. Bauer learns from Fayed that Assad has come to the U.S. to stop Fayed. Fayed has framed Assad so as to divert the U.S. government away from his own terrorist scheme and to punish Assad for abandoning his cause. Bauer ultimately escapes from Fayed's custody and attempts to warn CTU that Fayed is the terrorist they want, not Assad. However, the agents at CTU question Bauer's assessment of the situation, worried that his judgment may be impaired due to the years of torture he has suffered. Because CTU will not believe him that Assad is innocent, Bauer takes it upon himself to stop CTU from assassinating Assad. Bauer manages to warn Assad in time and gain Assad's trust. The two men, Bauer and Assad, then set out to stop Fayed.

In the following scene Bauer and Assad interrogate a man who has been working as a double agent for Assad and Fayed. Knowing that Fayed plans to attack another U.S. city within the next few hours, Bauer and Assad torture the man in order to learn Fayed's location. The man is tied to a chair. Bauer leans close to his face and screams, "Where's Fayed?" (Season 6, Episode 2, "7:00 a.m. to 8:00 a.m."). When the man insists that he does not know Fayed's location, Bauer takes a writing pen from the table next to the man's chair. He stabs the pen into a bundle of nerves in the man's shoulder. As the man screams, Bauer continues to ask him about Fayed's whereabouts. The man continues to insist that he does not know, crying and screaming in pain. The camera focuses in on Bauer's face. He looks visibly upset and pulls the pen from the man's shoulder. Assad, who has been watching Bauer work, asks, "Why'd you stop?" (Season 6, Episode 2, "7:00 a.m. to 8:00 a.m."). Bauer responds quietly, "I can see it in his eyes, he's not going to tell us anything" (Season 6, Episode 2, "7:00 a.m. to 8:00 a.m."). At this, Bauer turns to leave the room. Assad grabs a utility knife from the table and shoves the blade into the man's kneecap. The man screams and Assad asks, "Where is Fayed?" (Season 6, Episode 2, "7:00 a.m. to 8:00 a.m."). Desperate to stop the pain in his knee, the man says, "I know where some of his men will be. I overheard Fayed giving them instructions to go there" (Season 6, Episode 2, "7:00 a.m. to 8:00 a.m."). Assad twists the knife to increase the man's pain. The man gives him Fayed's exact location. Assad then asks, "You've told me everything?" (Season 6, Episode 2, "7:00 a.m. to 8:00 a.m."). The man swears that he has told Assad all he knows. Assad pulls the knife out of the man's knee, tells the man he believes him, and then stabs the man in the heart, killing him. He then turns to Bauer who is visibly shaken by the scene and says, "My men are dead. I can find Fayed but I cannot stop him by myself" (Season 6, Episode 2, "7:00 a.m. to 8:00 a.m."). "I don't know how to do this anymore," Bauer says quietly (Season 6, Episode 2, "7:00 a.m. to 8:00 a.m.").

“You’ll remember,” Assad reassures him as they head out the door (Season 6, Episode 2, “7:00 a.m. to 8:00 a.m.”).

This scene is an important one for several reasons. First, it is the only scene in six seasons in which Bauer chooses to opt out of violence. Second, it is one of the only scenes in six seasons in which Bauer’s read on the suspect is incorrect. And, finally, this scene provides the audience with its first glimpse of any torture-induced emotional or physical trauma. Jack Bauer, the show’s hero, is portrayed as a broken man, a shadow of his former self. Bauer’s struggle with violence within the reality of the show stems, in part, from his experience as a victim of torture. However, it is also important to consider the social and political context in which Season 6 was produced and aired. This particular episode originally aired in January, 2007. A Gallup poll conducted around the same time reveals that only 36% of Americans supported the Iraq War, the lowest since the war began in March of 2003 (Newport). So while Bauer questions his violent tactics in light of his lived experience, the show’s focus on this topic can be read, in part, as a reaction or reflection of the social context in which *24*, as a popular rhetorical text, works. Ultimately, though Bauer’s resistance against violence leads to his failure, a fact that reinforces torture’s necessity, validates its practice, and assuages doubts viewers might have otherwise. Had Assad not stepped forward and completed Bauer’s torturous task, Fayed’s trail would have gone cold. The lesson of this scene for viewing audiences, as illustrated by Assad’s assurances to Bauer, is not that torture should be abandoned, but that torture is sometimes necessary. And, as Assad’s prediction that Bauer “will remember,” plays out, this lesson on the necessity of torture is reinforced. As the season progresses Bauer does remember. He successfully tortures several suspects, including his own brother.

However, while anxieties in Season 6 over the traumatic effects of torture diminish as Bauer slowly works his way back to his former torturing self, it is important to note that Bauer is not the only character in Season 6 emotionally and physically damaged by torture. Near the end of the season, viewers learn that the Chinese government has also tortured Bauer's former lover, Audrey Reines. The audience learns that Reines, frustrated by her own government's refusal to remove Bauer from Chinese custody, had gone to China a year earlier in an attempt to find him. The audience also learns that Chinese government has faked Reines' death and secretly taken her into custody to be tortured. And, while Bauer's character showed initial signs of trauma that diminish over the course of the season, Reines' mental and physical state is much different. When Bauer and CTU finally learn that Reines is alive and manage to rescue her, she is a complete mental vegetable, unable to recognize anyone or anything around her. However, despite Reines' delicate mental state CTU believes she may have information that can lead them to the Chinese terrorists who have tortured her. In the following scene, Audrey's condition is discussed as CTU weighs options for getting the information from her. Nadia Yassir, acting head of CTU, and Agent Doyle, the agent in charge of the tactical mission set to find the Chinese, speak with a specialist about Reine's mental condition. The specialist says, "She's a type three catatonic capable of following simple commands and repeating words and basic phrases, but otherwise utterly unresponsive" (Season 6, Episode 20, "1:00 a.m. to 2:00 a.m."). Because they are concerned about finding the Chinese as soon as possible, Yassir asks, "Do you think you'll be able to get the information we need from her?" (Season 6, Episode 20, "1:00 a.m. to 2:00 a.m."). "Within your time frame? Not without intervention," the specialist says skeptically (Season 6, Episode 20, "1:00 a.m. to 2:00 a.m."). When Agent Doyle asks for clarification the specialist states,

Miss Reines is suffering from severe psychological abuse amplified by pharmacological agents as evidenced by more than 100 injection sites on her arms, feet and groin. It's going to be next to impossible to communicate with her in the near term unless we essentially attempt to shock her out of this state. (Season 6, Episode 20, "1:00 a.m. to 2:00 a.m.")

The specialist then suggests that Reines be given additional drugs to shock her system. The specialist warns that doing this to Reines may cause her additional emotional and physical trauma; however, Yassir and the specialist agree that this risk is worth taking because the information Reines may have can save thousands of American lives. Bauer, who learns of Yassir's plan, is able to stop the procedure on Reines and get the information he needs from her without pharmaceutical intervention. However, despite Bauer's attempts to connect with Reines on an emotional level, at the season's close, Reines' catatonic state remains and it is uncertain whether or not she will ever recover.

It is interesting to note that the pharmaceutical torture that has caused Reines' mental distress at the hands of the Chinese is a type of torture often utilized in *24* by the U.S. government as part of its regimen of clean torture tactics. Regular viewers need little explanation of the techniques performed on Reines in China because they have seen CTU utilize similar methods on several suspects throughout the course of *24*'s six-season run. Audiences have seen the technique used on various suspects, including CTU agents thought to be spies, Reine's brother Richard Heller (see Season 4 analysis above), even Audrey Reines who was thought to be working with terrorists in Season 5. However, although pharmaceutical torture is common practice for CTU, viewers are not explicitly encouraged to associate Reines' trauma with CTU's practices. Instead, Reines' condition is framed as a result of the ruthless Chinese government's disregard for limitations on torture practices. And, although suspects in CTU custody often suffer fates equal or worse to that of Reines, viewers are never privy to the aftermath of CTU's torture methods.

## **Politics of 24**

While the scenes in 24 that feature torture of are of great importance, it is also important to note that this torture does not happen in a social and political vacuum. Therefore, in order to get a more complete understanding of the ways in which violence is used and justified in terms of national identity and particularly in terms of ticking bomb rhetoric, this section of analysis focuses on the political discourses that surround the violent actions in 24. Like the analysis sections discussing torture, these scenes analyzed below appear in chronological order.

### ***Season 2: For the Good of the Country: President Palmer's Approval of Torture***

In the second season of 24, Jack Bauer tortures Syed Ali, the known terrorist behind the day's attacks, and a member of the U.S. Secret Service tortures Roger Stanton, a member of the President's own cabinet. Importantly, President Palmer is very much involved in the decision-making processes regarding torture's use in both instances. For example, it is President Palmer who arranges for his Secret Service agent to torture Roger Stanton. As the scene opens, Palmer meets Agent Simmons in a remote location on the Presidential retreat grounds. As Palmer approaches Simmons, he motions for the Secret Service agents that have accompanied him to wait by the motorcade so he can speak to Simmons privately. Upon greeting the agent, Palmer asks him how long Simmons has been in Secret Service and inquires about Simmons's training in special operations. Palmer asks, "Ever have the chance to put your training to use?" (Season 2, Episode 11, "6:00 p.m. to 7:00 p.m."). Simmons tells Palmer that he was in the Gulf War and was able to put his training to use there. Palmer nods at this and asks, "Anywhere else?" (Season 2, Episode 11, "6:00 p.m. to 7:00 p.m."). Agent Simmons hesitates a moment and then says, "There were some other covert ops" (Season 2, Episode 11, "6:00 p.m. to 7:00 p.m."). Palmer seems pleased by this and asks, "Under the directorate of the CIA?"

(Season 2, Episode 11, “6:00 p.m. to 7:00 p.m.”). The agent looks at the President, starts to say something, and then remains silent. “It’s alright Ted,” Palmer assures him. “I’m not on a witch hunt here. But I do need you to answer the question” (Season 2, Episode 11, “6:00 p.m. to 7:00 p.m.”). Simmons confirms that he has worked for the CIA on secret missions. This pleases Palmer. “Good,” he says and then asks, “You understand the gravity of today’s situation?” (Season 2, Episode 11, “6:00 p.m. to 7:00 p.m.”). “Of course, sir,” Agent Simmons replies simply (Season 2, Episode 11, “6:00 p.m. to 7:00 p.m.”). Palmer nods and asks, “Then I guess you’ve heard by now that Roger Stanton is no longer functioning as the head of NSA?” (Season 2, Episode 11, “6:00 p.m. to 7:00 p.m.”). “I heard he was arrested,” Simmons replies. (Season 2, Episode 11, “6:00 p.m. to 7:00 p.m.”). Palmer confirms this and assures Simmons that Stanton was arrested under the authority of the Presidential office. He then looks at Simmons sternly and says, “What I’m about to ask you to do falls outside the parameters of your charge at Secret Service. You won’t be able to tell anyone about this without my direct consent. You still with me Ted?” (Season 2, Episode 11, “Season 2, Episode 11, “6:00 p.m. to 7:00 p.m.”). Agent Simmons matches the President’s serious tone and asks, “What would you like me to do sir?” (Season 2, Episode 11, “6:00 p.m. to 7:00 p.m.”). Palmer tells Simmons that he wants the Agent to extract information from Stanton. Simmons nods and asks, “If he resists, how far am I permitted to go?” (Season 2, Episode 11, “6:00 p.m. to 7:00 p.m.”). “Whatever you need to do,” Palmer says. (Season 2, Episode 11, “6:00 p.m. to 7:00 p.m.”). Simmons confirms this with a nod and Palmer returns to his awaiting motorcade.

The tone of this scene parallels the tone of the Abu Ghraib torture memos in which members of the United States military ask for and are granted the means to do what ever it takes to get the information needed to stop terrorist threat. Within the reality of 24 the urgency and gravity of this tone is compounded by the temporal pressure to stop

a nuclear threat within a few-four period. This scene is also important because it highlights the importance of Presidential involvement in decisions to torture suspects while simultaneously reinforcing the need to keep the integrity of the Presidential office in tact for the good of the country. Part of Agent Simmon's patriotic duty, then, is to distance the President from any wrongdoing if the torture of Stanton ever becomes public.

Although Palmer does not directly request all acts of torture in Season 2, what the political scenes in this season make clear is that torturous acts, when they serve to prevent terrorist threat and protect the American people, have the President's support and approval. For when Jack Bauer decides to torture Syed Ali by threatening to kill Ali's family, the President is well aware of Bauer's actions. And, in the following scene, in which the President Palmer is briefed regarding Bauer's actions against Ali's family, Bauer's actions are justified in terms of national security.

"Sir, are you aware that Jack Bauer is threatening the lives of Syed Ali's family?" the president's Chief of Staff, Mike Novick, asks the Palmer (Season 2, Episode 12, "7:00 p.m. to 8:00 p.m."). "No," Palmer replies. "Where is the family?" (Season 2, Episode 12, "7:00 p.m. to 8:00 p.m."). "In their own country," Novick says. "CTU's been in contact with security forces there who have Ali's family in custody. We've just got word that Jack has requested that they kill the family one by one until Ali tells us the location of the bomb" (Season 2, Episode 12, "7:00 p.m. to 8:00 p.m."). The President remains calm at this news and asks, "Will the security forces do this in your estimation?" (Season 2, Episode 12, "7:00 p.m. to 8:00 p.m."). "Their government is afraid of what we'll do in retaliation if the bomb does go off. Yes, I think they would." Mike says (Season 2, Episode 12, "7:00 p.m. to 8:00 p.m."). "Can we let this happen?" Palmer asks. "Condone the murder of innocent people?" (Season 2, Episode 12, "7:00 p.m. to 8:00



p.m.”). “The argument would be that the bomb is an act of war and war has inevitably resulted in civilian casualties,” Novick responds (Season 2, Episode 12, “7:00 p.m. to 8:00 p.m.”). “Look, I don’t want a rationale here, Mike. I don’t know of a war where a President knowingly targeted children for assassination,” Palmer says, weighing the political gravity of the consequences of Bauer’s actions (Season 2, Episode 12, “7:00 p.m. to 8:00 p.m.”). “Compare this to a weapons factory we discover near a hospital, a situation we have faced,” Novick answers. “Now the bombing would still be ordered on the logic that many more people would be saved by the destruction of the factory. Now the numbers are even more compelling here. A few people may have to die to save millions,” Novick says (Season 2, Episode 12, “7:00 p.m. to 8:00 p.m.”). President Palmer ultimately complies with Novick’s reasoning. However, it is clear to viewers that the decision is a difficult one for Palmer. He asks, “How could it have come to this?” (Season 2, Episode 12, “7:00 p.m. to 8:00 p.m.”). The 24 clock ticks as the scene fades to black.

In this scene, President Palmer, disturbed by Bauer’s actions, questions the ethics of Bauer’s interrogation. However, the President is reassured that “war has inevitably resulted in civilian casualties” and that Bauer’s acts of violence are justified by the need for national security. The President does nothing to stop Bauer because he knows that without the information they need from their prime suspect, Syed Ali, it is unlikely that CTU will find the nuclear bomb in time. Therefore, killing Ali’s innocent wife and children becomes the lesser of two evils and the psychological trauma Ali endures while watching his family die becomes justified in the name of the American people.

#### ***Season 4: The Dangers of Moral Intervention***

In the above scenario, the President has his reservations about extreme uses of violence, but ultimately complies when he realizes that torturous actions and murder are

necessary in extreme circumstances like nuclear threat. However, it is not always the case that the acting President in *24* complies with the use of torture. In the following section of analysis I analyze the scenes from Season 4 that occur prior to Jack Bauer's decision to quit CTU so that he can forcefully interrogate terror suspect Joe Prado (see above). As the scene opens, Bauer is frustrated by the fact that CTU has not begun Prado's interrogation. Confronting the head of CTU, Bill Buchanan, Bauer asks, "What the hell's going on here? You've got a key witness on a missing warhead. We should be pressing this guy with everything we've got" (Season 4, Episode 18, "12:00 a.m. to 1:00 a.m."). Buchanan tells Bauer that, although he agrees with Bauer completely, it is up to a court judge to make the decision. He also tells Bauer that CTU cannot file an appeal in court until several hours later. Frustrated by this, Bauer asks, "Does he [the judge] know what the stakes are?" (Season 4, Episode 18, "12:00 a.m. to 1:00 a.m."). Buchanan replies, "He does, but his feeling is Prado's got no record, he shouldn't be treated like a terrorist" (Season 4, Episode 18, "12:00 a.m. 1:00 a.m."). Angrily, Bauer tells Buchanan, "Bill, we need to interrogate this person and I don't care what court order they're waving at you" (Season 4, Episode 18, "12:00 a.m. to 1:00 a.m."). Buchanan tells Jack that he agrees, but that the suspect is with an attorney and a U.S. Marshall.

Upon learning this, Bauer rushes to the interrogation room where Prado is being held to confront the attorney. When he enters the room he asks Agent Manning why the suspect is not in restraints. Manning tells him that the attorney is with Amnesty Global and their order supersedes CTU authority. The attorney, Weiss, approaches Bauer and attempts to reason with him. He says, "Mr. Bauer, my client is cooperating. He's not trying to go anywhere. All he wants is to be treated like any other US citizen" (Season 4, Episode 18, "12:00 a.m. to 1:00 a.m."). Bauer turns to the attorney and says, "Your client aided and abetted the people who attacked the President of the United States today"

(Season 4, Episode 18, “12:00 a.m. to 1:00 a.m.”). “You don’t know that,” Weiss replies (Season 4, Episode 18, “12:00 a.m. 1:00 a.m.”). “As a matter of fact, we do,” Bauer says, stepping closer to Weiss (Season 4, Episode 18, “12:00 a.m. to 1:00 a.m.”). “Then charge him,” Weiss replies. Realizing that his intimidation tactics are not working on the lawyer, Bauer asks Weiss to speak with him privately outside of the interrogation room. Once they are alone in the hall, Bauer says, “You and I both know that your client isn’t clean, and that he conspired to steal a US nuclear warhead” (Season 4, Episode 18, “12:00 a.m. to 1:00 a.m.”). Weiss replies, “All my client wants is due process” (Season 4, Episode 18, “12:00 a.m. to 1:00 a.m.”). Frustrated, Bauer makes one last attempt to make Weiss realize the importance of the situation. He says, “Mr. Weiss, these people are not going to stop attacking us today until millions, and millions of Americans are dead. Now, I don’t want to bypass the constitution, but these are extraordinary circumstances” (Season 2, Episode 18, “12:00 a.m. to 1:00 a.m.”). Bauer’s argument does not convince Weiss. He replies, “The constitution was born out of extraordinary circumstances, Mr. Bauer. This plays out by the book, not in a back room with a rubber hose” (Season 4, Episode 18, “12:00 a.m. to 1:00 a.m.”). Jack looks at the attorney gravely and says, “I hope you can live with that” (Season 4, Episode 18, “12:00 a.m. to 1:00 a.m.”).

As Bauer opens the secured door to the interrogation room to let Weiss return to his client, something occurs to him. He asks the attorney how he managed to get to CTU as quickly as he did. When the attorney refuses to answer Bauer’s question, Bauer turns to Manning and asks him whether or not Prado had time to make a phone call to the attorney. Manning says that Prado did not and Bauer takes Manning outside of the interrogation room to talk privately. Once they are in the hallway Bill Buchanan joins them. Bauer tells Manning and Buchanan his suspicions that Habib Marwan, Prado’s accomplice and terrorist behind the day’s attacks, is the one who has called Prado’s

attorney. “Marwan called Amnesty Global,” Bauer says. “This is his play” (Season 4, Episode 18, “12:00 a.m. to 1:00 a.m.”). “That means Prado definitely knows something Marwan doesn’t want us to hear,” Buchanan agrees. “We still can’t get around that court order” (Season 4, Episode 18, “12:00 a.m. to 1:00 a.m.”). At this Buchanan and Bauer decide to call the President.

A new scene opens with Buchanan and Bauer on the phone with Vice President Logan. Logan has recently been instated as acting President because a U.S. fighter plane that had been hijacked by Marwan’s operatives earlier in the day has shot down Air Force One, critically injuring the President. Logan has struggled with his new Presidential role. Throughout his brief rein as President, viewers have witnessed Logan but matters of public opinion and his own personal safety over concerns with the wellbeing of the country. On the phone with Bauer and Buchanan, Logan seems desperate to end the day’s crisis (fearing dips in public opinion) and is eager to hear that CTU has found new leads. Logan asks, “Yes, Bill? What do you have for me?” (Season 2, Episode 18, “12:00 a.m. to 1:00 a.m.”). “Sir, in the process of trying to track down this missing warhead we brought in a prime suspect for questioning,” Buchanan responds (Season 2, Episode 18 “12:00 a.m. to 1:00 a.m.”). This pleases Logan. He asks, “What have you learned?” (Season 2, Episode 18, “12:00 a.m. to 1:00 a.m.”). Buchanan responds, “Well, that’s the problem, sir. Right now, our hands are tied. Amnesty Global has interceded on his behalf” (Season 2, Episode 18, “12:00 a.m. to 1:00 a.m.”). Logan is concerned by this and asks Buchanan why Amnesty Global has interceded. Buchanan tells the President that their suspect is a U.S. citizen who has no previous record. When Logan asks why the man is a suspect, Buchanan tells him that CTU found Prado speaking with Marwan, but that in the ambush Marwan managed to escape. Logan is concerned by Amnesty Global’s intervention and says, “I don’t understand. It doesn’t violate any law to question a

suspect” (Season 2, Episode 18, “12:00 a.m. to 1:00 a.m.”). At this, the President’s Chief of Staff, Mike Novick, intervenes. He asks Buchanan and Bauer, “Am I correct in assuming that this suspect is unlikely to respond to the kind of Q&A his lawyer would permit?” (Season 2, Episode 18, “12:00 a.m. to 1:00 a.m.”). Relieved that Novick has a grasp on the situation, Bauer interjects, “That’s correct, Mike. If we want to procure any information from this suspect, we’re going to have to do it behind closed doors” (Season 2, Episode 18, “12:00 a.m. to 1:00 a.m.”).

Logan realizes why Buchanan and Bauer have called. He asks, “You’re talking about torturing this man?” (Season 2, Episode 18, “12:00 a.m. to 1:00 a.m.”). Annoyed by this question, but keeping restraint and respect in his voice, Bauer responds, “I’m talking about doing what is necessary to stop this warhead from being used against us” (Season 2, Episode 18, “12:00 a.m. to 1:00 a.m.”). Logan expresses the need to discuss the matter with his advisors and puts Buchanan and Bauer on hold. When asked his opinion, Mike Novick confers with Buchanan and Bauer that the President needs to allow CTU to do what ever it takes to find Marwan. Logan’s other advisor, Walt Cummings, expresses reservations regarding the use of torture. He says, “Should this man be innocent as he claims he is, your first act as President is to sanction his torture. That’ll forever haunt your Presidency” (Season 2, Episode 18, “12:00 to 1:00 a.m.”). Logan, ever concerned with his political image, takes this advice very seriously. He decides to postpone making a decision about Prado. Returning to his conversation with Buchanan and Bauer, he says, “All right, gentleman. Here’s what I’ll agree to. I’ll call a special session with members of the Justice Department and we’ll discuss this. I’ll have an answer for you in twenty minutes” (Season 2, Episode 18, “12:00 a.m. to 1:00 a.m.”). Frustrated by this, Bauer interjects, “Mr. President, this thing could be over in twenty minutes” (Season 2, Episode 18, “12:00 a.m. to 1:00 a.m.”). Logan stands his ground, and

Bauer pleads, “With all due respect, sir, please let us do our jobs” (Season 2, Episode 18, “12:00 a.m. to 1:00 a.m.”). Logan refuses to discuss the matter further and tells Bauer he will get back to CTU as soon as he can. It is this interaction with President Logan that prompts Buchanan and Bauer to devise their scheme that would allow Bauer, as a citizen, to interrogate Prado illegally away from CTU property. And, as the above analysis shows, Buchanan and Bauer’s instincts about Prado’s guilt prove correct. Under duress Prado gives Bauer Marwan’s location.

The show’s plotline does not return to President Logan and the White House until the following episode. In an interesting series of scenes, politics and concerns for public opinion impede the prevention of national security threats. As viewers watch the following encounter between President Logan and his Chief of Staff, Mike Novick, they do so with the knowledge that Jack Bauer has already procured Marwan’s location from Prado through violent means. As the scene opens, Logan is making his case to Novick. He says, “Authorizing the torture of a foreign national’s one thing, but torturing a U.S. citizen... I can’t...” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). As the President struggles with his decision, Novick interjects, “Sir, this man, Prado, has information on the whereabouts of a nuclear warhead” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). When the President insists that they do not know extent of Prado’s involvement with the terrorists, Mike responds, “No, sir, we don’t because you’re not letting CTU do what they need to do” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). Logan insists that he wants to wait until he hears back from the Attorney General. Novick pleads with Logan “Mr. President, we are running out of time,” he says (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). The pressure placed on his decision visibly flusters Logan. He looks to Walt Cummings, the advisor who originally objected to the use of torture and asks him again for his opinion. Cummings responds, “I think you need to make a decision, sir, and

sooner rather than later” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). At that moment, Novick’s secretary enters and tells him that Buchanan is on the phone for him. Thanking the woman, Novick asks, “What should I tell him? Mr. President...” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). “Stop pressing me for an answer I’m not ready to give! I need more time,” Logan snaps (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). Novick leaves the room and takes the call from Buchanan.

On the phone with Buchanan, Novick is apologetic that the President has not yet made his decision. Buchanan informs Novick that the President’s decision is no longer necessary; Prado has given up Marwan’s location. Novick is surprised by this and asks, “You mean Bauer physically coerced him? Tell me what happened, chapter and verse” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). Buchanan understands Novick’s desire for the details, expresses that it would be better politically for Novick to remain ignorant of Bauer’s actions. Buchanan says, “Mike, Bauer got the information we needed. I think it’s best if I insulate you from the details” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). Although earlier Novick had agreed with Bauer and Buchanan regarding the need to use force to get information from Prado, he now expresses concern that CTU has acted against the President’s decision. “The President gave explicit orders,” Novick says. You should have restrained Bauer” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). Buchanan understands Novick’s concern but insists, “With all due respect, restraint is a luxury we can’t afford right now” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). Frustrated, Novick asks Buchanan what he is supposed to tell the President. Buchanan has already thought of an answer. He says, “Convince him to sign off on the extreme interrogation, and we’ll cheat the timeline in the official record” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). Novick refuses to deceive the President, and Buchanan questions Novick’s judgment, asking, “Even though we both know Bauer was right?

Mike, someone out there has one of our nuclear warheads. May I speak off the record?” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). Novick encourages Buchanan to speak his mind, and Buchanan expresses that he worries about the President. He says, “I’m concerned about his ability to lead us through this crisis” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). Novick, looking as though Buchanan’s concerns have crossed his own mind, says, “I understand” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). This scene reinforces the notion that the American people strong, decisive leadership in order to survive national crisis. It also suggests that considerations of political gain or human rights can endanger American lives.

This tension between politics that is driven by public opinion and national security driven by the need for information is reinforced in the following scene. As Novick heads to speak to the President, a new scene opens at CTU. Buchanan leaves his office to give orders to the tactical team responsible for apprehending Marwan. The team is lead by Jack Bauer who is back on CTU’s payroll. As he heads toward Bauer and his team, Buchanan is stopped by Audrey Reines. Reines, who had been kidnapped by Marwan’s operatives with her father, Defense Secretary Heller, earlier that morning, has remained at CTU to help its agents avert the day’s crisis. Reines, who is used to working in the White House is incensed by CTU’s handling of Prado’s interrogation. She asks, “Bill. How could you let Jack torture Prado?” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). Buchanan tells Reines that Bauer did what he had to do to get the information that CTU needed to find Marwan, their only lead. Reines is not convinced by this and, as an advisor to the Secretary of Defense, she is concerned about the political and legal ramifications of Bauer’s actions. She insists, “The President made it very clear that he didn’t want Prado’s rights violated” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). Buchanan is frustrated by Reines’ assertions. He replies, “That’s right, he did make it



clear, and he was wrong.” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). “We can’t just break protocol because we think it’s right at the time, and expect to get away with it,” Reines insists (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). “Normally, I’d agree with you,” Buchanan explains. “But, in this case I’d rather ask for forgiveness than permission” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). Surprised and angered by Buchanan’s response, Reines asks him, “What kind of answer is that?” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). “The answer is it worked,” Buchanan says simply. “We got Marwan’s location. Audrey, with all due respect, this is not Washington D.C. Policy and politics do not always work on the front line, which is where we are today” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). Reines seems offended by this. She says, “Yes, well, Charles Logan is a politician, and he is not going give you forgiveness. I hope this does not come back to haunt you or Jack” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). Buchanan determines that the political and legal risks that he and Bauer have taken are worth capturing the terrorist. He says, “If what we did gets us to Marwan, we’ll live with it” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). He then leaves Reines to tend to his tactical team.

Although Reines’ reminder of the seriousness of the political and legal consequences of his actions frustrates Buchanan, her warnings to him are valid. In fact, when Logan hears of Bauer’s actions, he orders Secret Service to arrest Bauer immediately. Bauer is heading a tactical team and is moments from apprehending CTU’s prime suspect, Habib Marwan. When Secret Service moves in to apprehend Buaer on the President’s orders, they blow Bauer’s cover and Marwan escapes. In the following scene, Buchanan explains to Logan and Novick why CTU was unable to apprehend the terrorist.

As the scene opens, Logan can barely control his anger. He asks Buchanan, “How did Marwan get past your men?” (Season 4, Episode 19, “1:00 to 2:00 a.m.”). “They had

to move in before they were ready,” Buchanan explains, struggling to control his own anger (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). When Logan asks Buchanan why the team moved so soon, Buchanan explains, “Secret Service showed up to take Bauer into custody, which compromised one of our positions” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). Logan is surprised and upset by this because he knows that his actions have caused CTU to lose Marwan. He says, “I didn’t mean...That’s not what I meant to have happen” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). “With respect, sir,” Buchanan responds. “Your orders were explicit” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). In an attempt to break the tension between Logan and Buchanan, Novick interjects by asking Buchanan, “What other search protocols are you running?” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). Buchanan tells Novick and the President that Marwan’s location at the club was their only lead. Upon learning this, Novick puts Buchanan on hold to speak privately to the President. “This is not my fault,” Logan says defensively. “None of this would have happened if Jack Bauer hadn’t disobeyed my orders in the first place” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). Novick replies,

I’m sorry, sir, but if you’re asking me to agree with that assessment, I can’t. If it wasn’t for Jack, we wouldn’t have located Marwan. CTU is waiting for us to call them back with a directive. What would you like me to tell them, Mr. President? (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”)

Logan looks distraught, “I have no idea,” he says. “And that’s the problem, isn’t it? It is my fault we lost him. This man, Marwan, has a nuclear warhead and I allowed him to escape” (Season 4, Episode 19, “1:00 a.m. to 2:00 a.m.”). This is an important scene because it shows that consideration of the law and of human rights poses a dangerous threat to national security in times of crisis. Because President Logan refused to torture Prado, he risked losing Marwan’s trail. Because he decided to punish Jack Bauer for breaking the law, he succeeded in allowing Marwan’s escape.

### ***Season 6: The Social and Political Ramifications of Detention Facilities in the U.S.***

While tensions concerning the human and civil rights of people in U.S. custody appear sporadically in Season 4, these tensions drive much of the plot in Season 6. And, while the torture scenes in this season introduce viewers to the potential emotional and physical consequences of torture, similar ramifications of emotional and physical wellbeing are also prominent in Season 6's political scenes. In the following section of analysis, I will discuss the political scenes that focus on the consequences of harsher laws against terrorism. In particular, these scenes introduce a concern with what these laws might mean for U.S. citizens. Season 6 begins with a discussion of enemy combatant law and U.S. political policy surrounding the detention of civilians.

As the season begins, the audience learns that cities around the United States have been plagued by suicide bombings. The following scene opens in the White House, Karen Hayes, the U.S. national security advisor, is having an argument with Tom Lennox, the President's Chief of Staff, in the Oval office over a new security policy. "These places that you keep building, they're nothing more than concentration camps," Hayes says (Season 6, Episode 1, "6:00 a.m. to 7:00 a.m."). "Detention facilities," says Lennox, correcting her. "And, the criteria for determining who should be detained are very reasonable" (Season 6 Episode 1, "6:00 a.m. to 7:00 a.m."). "Reasonable?" Hayes asks. "This revised plan of yours justifies locking up every American who prays towards Mecca" (Season 6, Episode 1, "6:00 a.m. to 7:00 a.m."). Lennox rolls his eyes and accuses Hayes of exaggerating the facts. She continues, "Right now, the American Muslim community is our greatest asset. They have provided law enforcement with hundreds of tips and not a single member of that community has been implicated in these attacks" (Season 6, Episode 1, "6:00 a.m. to 7:00 a.m.").

Lennox is not convinced by Hayes's argument. "So far," He says and turns to the President, whose identity is not yet known to viewers. "Mr. President, the people are losing faith in our ability to protect them. We've got to do something about this now" (Season 6, Episode 1, "6:00 a.m. to 7:00 a.m."). Hayes moves toward the President's desk along with Lennox and says, "And locking up more Muslims will not make them safer" (Season 6, Episode 1, "6:00 a.m. to 7:00 a.m."). Lennox looks at Hayes a moment and then says calmly, "No Karen, but it will make them feel safer" (Season 6, Episode 1, "6:00 a.m. to 7:00 a.m."). As Hayes begins to make a point about the potential civil unrest Lennox's proposal might induce, Lennox interrupts and says simply, "Security has its price" (Season 6, Episode 1, "6:00 a.m. to 7:00 a.m."). "So does freedom, Tom," the President says and as the camera pans toward the President's face. The audience learns that the new President is Wayne Palmer, former President David Palmer's brother. "Listen," he continues. "I just don't see how I can sign off on something like this. I mean wasn't it just three months ago that I took an oath to preserve, protect, and defend the Constitution?" (Season 6, Episode 1, "6:00 a.m. to 7:00 a.m."). Lennox defends his proposal. He argues that all of the measures it contains are legal and that his legal counsel, Blake, confirmed its legality with the Attorney General. "There is a precedent, sir, especially in war time," Blake interjects. "Lincoln suspended habeas corpus, Roosevelt signed Executive Orders . . ." (Season 6, Episode 1, "6:00 a.m. to 7:00 a.m."). "Yes, Blake, I know this," Palmer says. "And Roosevelt imprisoned over 200,000 Japanese Americans in what most historians consider to be a shameful mistake" (Season 6, Episode 1, "6:00 a.m. to 7:00 a.m."). "Well," Lennox says, "I would ask those historians how many of those Japanese Americans were thus prevented from perpetrating acts of sabotage in this country. I realize that what I'm proposing has its challenges, but we cannot continue to keep our heads buried in the sand" (Season 6, Episode 1, "6:00

a.m. to 7:00 a.m.”). As Lennox is speaking, an assistant enters the room and hands Hayes a notice. The President and his advisors learn that there has been another suicide attack in Los Angeles. President Palmer must find the terrorist they think to be behind the attacks, Omri Al-Assad, and prevent future attacks from happening. Although the depiction of the enemy terrorist other in this scene does not differ in tone from the numerous depictions of terrorists across *24*’s six-season series, this first episode of Season 6 is the first time that assumptions regarding the race and religion of the terrorist other are explicitly stated.

The consequences of Lennox’s proposal become even more apparent when Palmer’s sister, Sandra, is arrested under enemy combatant provisions in the law. Sandra Palmer is a lawyer whose client, Islamic American Alliance, is being investigated by the FBI. Palmer and the Alliance’s President, Wallid, are arrested when Sandra refuses to turn over the Alliance’s personnel files to the FBI. Wayne Palmer learns that his sister has been arrested and taken to a temporary detention facility outside of Los Angeles. He calls her at the facility when she arrives. “What were you thinking deleting those files?” President Palmer asks angrily (Season 6, Episode 3, “8:00 to 9:00 a.m.”). “I was standing up to an unlawful seizure,” she replies (Season 6, Episode 3, “8:00 to 9:00 a.m.”). “You making a point is the last thing I need today,” Wayne Palmer says. “Now, I’ve ordered your release. Agents are waiting outside with instructions to take you back home” (Season 6, Episode 3, “8:00 a.m. to 9:00 a.m.”). Sandra Palmer with her brother for intervening on her behalf. She says, “I don’t want to be released, Wayne. I want to fight this. Bring attention to the civil liberties that your administration has allowed to be violated” (Season 6, Episode 3, “8:00 a.m. to 9:00 a.m.”). The President is equally annoyed with his sister’s stubborn behavior. He asks, “Do you have any idea what’s going on today?” (Season 6, Episode 3, “8:00 a.m. to 9:00 a.m.”). “Of course I do,” Sandra replies. “Innocent people are dying all over the country and you chose now to

make a civil rights case out of this,” Wayne says sternly. Sandra Palmer insists that since she is the one who deleted the files, her client should be released, not her. Palmer refuses to consider this and tells his sister to go home, explaining that he does not have the time to discuss the matter any further.

When Sandra Palmer hangs up the phone, she approaches the FBI agent who brought her to the facility and demands to speak with her client. The agent refuses and Palmer insists, saying, “I’m his attorney. You have to give me access to him” (Season 6, Episode 3, “8:00 a.m. to 9:00 a.m.”). The agent reminds Palmer that he is following Presidential orders and tells her that he cannot let her have access to her client. “Wallid has rights,” Palmer insists (Season 6, Episode 3, “8:00 a.m. to 9:00 a.m.”). “Limited rights, Miss Palmer,” the agent says. “He’s being held under the revised enemy combatant statute” (Season 6, Episode 3, “8:00 a.m. to 9:00 a.m.”). Sandra Palmer is furious at this. She says, “Applying the statute to somebody like him is ridiculous. Is the law just being completely thrown out of the window?” (Season 6, Episode 3, “8:00 a.m. to 9:00 a.m.”). The agent refuses to engage the conversation any further. He says, “When you’re through with the lectures, I have orders to drive you home” (Season 6, Episode 3, “8:00 a.m. to 9:00 a.m.”). This series of scenes shows the consequences of national security law that fails to account for human rights or civil liberties. Because viewers know that Sandra Palmer and her client are innocent and they are asked to consider the consequences of such laws for innocent people caught within them. However, with the constant threat of violence and an increasing insecurity about enemies look like and how CTU will ever be able to stop them, the notion that innocent people often have to pay a price for their freedoms is ultimately reinforced.

## CONCLUSION

In this chapter I have examined the ways in which temporal pressure and perceived threats to national security motivate the use of torture in the television series *24*. In particular, I have considered the ways in which constant tick of the *24* clock and appeals to national identity encourage audiences to accept violent measures taken against terrorist enemy others. I have argued that scenes in *24* can be divided into two distinct categories: torture scenes and political scenes. I have provided an analysis of these texts and explored the ways in which violence is explained and justified in terms of dominant understandings of national identity and violence. In particular, I argued that the action and discourse in *24* is dependent upon the same “ticking bomb” rhetoric that has been put forward by members of the U.S. mainstream media as a possible justification for the violent actions at Abu Ghraib. This construction of the necessity of torture in terms of ticking bomb rhetoric, both in *24* and in real life, I have shown, serves to normalize torturous violence while simultaneously allowing its proponents to maintain a sense of themselves as democratic, patriotic citizens within an idealized American national community.

Importantly, analysis of *24* reveals how this popular culture text simultaneously responds to and cultivates American public opinions regarding torture as a means for fighting a War on Terror. While analysis in previous chapters of this project have revealed the ways in which the initial shock induced by the Abu Ghraib photographs was contained and managed through the political and mediated discourses that framed them, analysis in this chapter has shown how torture has become normalized in American national consciousness. In the same ways that the political and mediated discourses surrounding Abu Ghraib distanced the American people from the atrocities of torture *24*

embraces torturous violence and encourages viewing audiences to identify with the characters who use it in the name of American national security.



## Conclusion: The Banality of Torture

[I]f we lived in a country that allowed the government to hold people in jail indefinitely based on what they write or think, or based on mere suspicion that they are up to no good, then the government would no doubt discover and arrest more terrorists. But that probably would not be a country in which we would want to live. That would not be a country for which we could, in good conscience, ask our young people to fight and die. In short, that would not be America. (Feingold)<sup>34</sup>

We have no higher responsibility than stopping terrorist attacks. And this is no time for Congress to abandon practices that have a proven track record of keeping America safe. (Bush, “President’s Radio Address: March 8, 2008” par. 9)

On March 9, 1954 during a historic broadcast of *See It Now*, esteemed reporter Edward R. Murrow voiced criticism against Senator Joseph McCarthy and his anti-communist campaign. Set in a social climate of suspicion and persecution, Murrow’s report was a much-calculated political risk. As the broadcast came to a close, Murrow proclaimed that the American people “must not confuse dissent with disloyalty” (“A Report”). For Murrow, the American spirit was one that refused the repression of fear and embraced the freedom to speak on behalf of injustice.

It is in this sense that this dissertation is a product of true and unwavering patriotism. I did not undertake this project solely to condemn U.S. political leaders and the American national press; rather the motivation for my work is based on the belief that rhetorical scholars can give voice to those suffering in silence by shedding light on the violent practices that hide in the shadows of our democratic ideals. Language plays a crucial role in making torture possible. Language not only defines our enemies and determines how we can treat those enemies under the law, but it also helps us reconcile

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<sup>34</sup> Senator Russ Feingold was the only U.S. Senator to vote against the Patriot Act in 2001.

our democratic beliefs with the violence that protects them and forgive ourselves when torture doesn't go away.

Why did the revelation of the Abu Ghraib torture photographs fail to galvanize widespread public protest, if not against the war, then against the image of “our side,” the side of democratic ideals, hurting and humiliating detainees? To be sure, the release of the photographs generated significant national conversation in the mass media, on the Internet, inside activist groups, and among friends. However, American citizens' shock and alarm failed to translate into public contestation calling the war into question on a significant scale.

How do we make sense of this relative quiescence? On the one hand, there is always a lag between knowing and doing, and one could argue that war policy is responding to the fallout from Abu Ghraib. Further, one could argue that, without a strong social movement in place, citizens lack the rhetorical resources to interpret the images of torture in oppositional terms or use them to motivate people to take more public action out of their personal outrage. The Abu Ghraib prison scandal occurred as part of a war in response to terrorist attacks on U.S. soil. These attacks produced both fear and anger—of and at Muslims and Middle-Easterners, among others—in the American public and warranted U.S. military action against Afghanistan and then Iraq.

Thus, in a public primed to accept extreme measures, dominant media and political frames were able to contain the shock of the Abu Ghraib photographs in a series of significant rhetorical strategies. In the wake of public upset, political insiders, national news media, and popular culture *distanced* the public and the administration from the reality of the torture, *appealed to necessity* of extreme measures, and *naturalized* torture as an acceptable, even heroic, aspect of U.S. foreign policy. In these three ways, the rhetorical discourses surrounding the Abu Ghraib crisis worked to neutralize public shock

and anger. Of course, this process of neutralization was and is never total or complete. Pockets of social movement activity and artistic expression picked up the Abu Ghraib images in critical ways, and even the mass media circulated meaning frames that acknowledged critical points of view. On the whole, however, the news of this series of case studies is that political rhetoric, news media, and popular culture texts offered audiences a rationale for torture and reassured us that our democracy was sound.

The Abu Ghraib photographs were incredibly shocking. Like many Americans, I was provoked to wonder how a country fighting a war to defend its democratic ideals and a freedom-loving people could have allowed such acts to take place. Many citizens also wondered when and whether violent interrogation techniques are ever necessary to stop terrorist attacks. Certainly, the photographs spurred numbers of citizens to question the war itself and to ask whether, in this case, the U.S. was on the side of right. If we torture our captives, what does that say about the United States as a nation?

In response to such possibly profound cracks in the national self-image, mainstream political and popular rhetorics went to work. First, political rhetoric validated feelings of shock as both the Bush and Kerry campaigns expressed surprise and horror at the actions captured on film. The media, too, reinforced feelings of surprise and disgust in news reports and editorial commentary. A reflection of public shock is also found in the television series *24*. Even while revealing the violence of torture to viewers, the show's characters attempt to keep the violent actions undertaken by Bauer and other CTU agents out of the public spotlight. This secrecy is justified on the grounds that public exposure to violence could instigate public panic. On this rationale, viewers might accept the fact that some things are better kept secret, ironically, to protect democracy.

The initial shock over the torturous actions captured in the Abu Ghraib photographs was further managed through rhetorical strategies that distanced the

American public from violence. The presence of violent agents within many of the photographic images allowed political and media leaders to blame a few select individuals for torture. President Bush, followed by Senator Kerry, rhetorically maintained the integrity of the American spirit by laying blame against “those few who did not represent America.” America’s mission in Iraq also remained intact as American political leaders painted a picture of a rogue few working outside the confines of the law. The American press was more divided on the subject with many reports questioning the Bush administration’s role in the Abu Ghraib violence. However, many more reports followed the example set by the Bush administration, calling the violence at Abu Ghraib the work of a few bad apples and insisting that those few did not spoil the bunch. <sup>24</sup> differs from the other rhetorical discourses examined in this dissertation in that viewing audiences are encouraged to identify with Jack Bauer as both a patriot and torturer. Through the urgency instilled by the constantly ticking clock, the program makes an argument for the necessity of torture and encourages identification with Bauer as the hero who will do whatever it takes to protect Americans. Audiences are encouraged to understand Bauer’s actions as a necessary evil. When torture becomes necessary, its practice is naturalized, rendered as common sense rather than as something shocking and exceptional.

Necessity and naturalization also became important strategies within the rhetorical management of the Abu Ghraib prison scandal. The language of the so-called torture memos is based on notions of necessity, secrecy, and the U.S. government’s prerogative for violence. Analysis showed that these dominant ideological assumptions ultimately shaped the ways in which both the Bush campaign and the Kerry campaign would address the incidents at Abu Ghraib publicly during their 2004 campaigns. U.S. participation in torture did not become a major political issue in 2004. Torture’s absence

from either candidate's political agenda illustrates how the persuasive success of Bush's War on Terror rhetoric helped explain the Abu Ghraib photographs in terms of national identity and necessity. Although the U.S. media did provide some counterframes for the Abu Ghraib scandal, these frames were undermined when critical journalists became trapped in debates regarding what constituted torture and when torture could be considered acceptable. In other words, the media's agenda shifted from investigating the accountability of the Bush Administration for war crimes to debating whether torture is necessary, under what circumstances, and with what limitations.

In arguing that the rhetorical discourse surrounding the Abu Ghraib prison scandal worked to manage shock, foster distance, and ultimately naturalize national violence in terms of necessity, I am not arguing that visual depictions of violence inherently promote this type of reaction. Indeed there are some cases in our nation's history in which the exposure of violent imagery has fostered political protest and movements for change. In 1955, by insisting on an open-casket funeral and inviting her local community and the national press to witness the grotesque murder and mutilation of her fourteen-year-old son, Mamie Till successfully tapped into the American national consciousness and helped spur the early Civil Rights movement. Photographic images of Emmett Till's disfigured face and body ran in numerous news sources and fueled public outcry against violent lynch mobs in the American South (Harold and DeLuca). Similarly, photographic images that emerged out of the Vietnam War, specifically those images that captured victims of violent warfare, are often credited with turning the American public against the Vietnam War. Of particular significance is the 1972 photograph dubbed "Accidental Napalm." This photograph, which features a young girl running naked toward the camera's lens as she flees from the Napalm attack on her village won war photographer, Hung Cong Ut, a Pulitzer Prize and has since become an

iconic symbol of the American public's weakening support for the efforts in Vietnam (Hariman and Lucaites "Accidental Napalm").

What the case studies in this dissertation show is that the power of revelatory images that could, under some circumstances, indict a nation and its leaders, is mitigated by context and by rhetorical management of their meaning. We are now coming out of the period of unquestioning public support for the war in Iraq; however, much of what goes on there remains beyond the veil of American nationalist ideology. As the United States continues to torture its so-called enemies in a shroud of secrecy, public concern for the prevention of torturous violence continues to wane.

In fact, torture has not only become a non-issue for many Americans, but in some respects, torture seems to have become an increasingly popular and acceptable form of entertainment. Although the recent Writer's Guild of America strike forced Fox to postpone the premier of its newest season of *24* until February 2009, there is considerable buzz about the show's new plotline. Just one week after Bush vetoed the Intelligence Bill, which would have prohibited the Central Intelligence Agency's use of waterboarding and other "harsh interrogation techniques," NPR ran a feature story on Jack Bauer, *24*'s protagonist. NPR's Pam Fessler began this report on Bauer with a question. She asked, "What is it about Jack Bauer that's so appealing? He's always yelling or torturing people, including his own brother who, admittedly, was a bad guy." (par. 1). Fessler gave a cheerful and resolute answer to her question over the recorded screams of Bauer's brother being tortured. "People say they admire Jack Bauer because of one thing," Fessler said. "He's committed to saving the United States from attack" (par. 2). During the course of Fessler's brief feature on Bauer she interviewed a wide array of *24* fans—ranging from Stephanie Romanski, a woman who runs a *24* fansite out of her Nebraska home to U.S. Homeland Security Secretary Michael Chertoff to Barry Steinhardt, a top official with the

ACLU—who all praised Bauer as a post-9/11 superhero and insisted that Bauer’s fictional world was just escapist entertainment, just a T.V. show.

However, while this wide assortment of fans insisted that Bauer’s character was merely fictional, each fan simultaneously admitted to identifying with Bauer and wishing for such a hero in reality. Barry Steinhardt argued that although in real life a person like Bauer would not get away with such gross violations of human rights, watching Bauer in action gave him nostalgic pleasure, reminding him of cowboy movies of his youth (“Jack Bauer” par. 19-20). Secretary Chertoff admired Bauer’s willingness to make “the least bad choice” and take responsibility for it, claiming that Bauer provided a “great aspiration” for the American people (“Jack Bauer” par. 16). When asked if she believed if there was a real life agent like Bauer working for the U.S. government, Stephanie Romanski said simply, “I want to believe that” (“Jack Bauer” par. 34). In a moment reminiscent of Hannah Arendt’s observation of the “banality of evil” (Arendt), another NPR correspondent joked at the end of the segment: “You can tell us which characters helped to shape your life, or maybe threatened to pull out your finger nails if you didn’t change your behavior” (“Jack Bauer” par. 38).

Four years after the Abu Ghraib scandal horrified Americans and threatened their self-sense of belonging to an idealized American national community based in democratic values, it seems reasonable, even funny, to identify with fictionalized torturers. Recognizing this identification, one cannot help but wonder how it came to be.

Rhetoric must be part of any answer to this question. In this project I have argued that an understanding of the ways in which Abu Ghraib came to be known to the American public can provide insight into the rhetorical and ideological function of national violence against a foreign other. The photographs were a shock to the national psyche, but subsequent discourses, including Presidential rhetoric, news media frames,

and popular entertainment, neutralized the shock by asking the American public to understand torture as a) the private prerogative of the state and its forces; b) an ugly but necessary reality in situations of imminent threat; c) used only against hardened terrorists; and d) when misused, the actions of a few undisciplined individuals. Fans of 24 “want to believe” in the heroism of the private torturer defending the people of a public democracy. However, as this project has shown, political and popular discourse contained the meaning of the real acts of torture at Abu Ghraib in ways that threaten democratic deliberation. Images of the enemy as barbaric and inhuman and the cultivation of the fear of terrorist threat increase the American public’s comfort with torture. Most alarmingly, the discourses under examination here warrant a kind of shadow government with the license to do unspeakable things in secret.

Since the attacks on the World Trade Center and the Pentagon in 2001, U.S. political leaders, along with the American national press, have shaped public perceptions of the violent actions of America’s War on Terror through language and imagery that frames and reinforces idealized appeals to American national identity. And as Senator Russ Feingold, the only U.S. Senator to vote against the U.S. Patriot Act, pointed out in October of 2001, these appeals, in turn, have helped create a militarized U.S. nation-state whose policies are detrimental to the very freedoms upon which the ideal America rests (Feingold). What my research for this project has made clear is that violence and national identity are symbiotically related. When our forces deploy violence to protect our conceptions of “us” by controlling a dangerous “them,” violence becomes constitutive of national identity. National identity, in turn, protects the sanctity of violence enacted in our name. “Why do they hate us?” George Bush asked after the 2001 attacks. “They hate us for our way of life,” he answered (Bush “Address by the President”). Ironically, protecting “our way of life” sometimes violates its most cherished principles.



The management of this contradiction is of keen and increasing importance to rhetorical scholars. Recognizing the rhetorical strategies that selectively sanction violent actions helps us to understand how violence becomes a legitimate site for the circulation of meaning about nation, identity, violence, and war. Addressing the power dynamic inherent in these rhetorical strategies allows us to begin to understand the ways in which violence and appeals to national identity work together. It is only by addressing this relationship between violence and national identity that rhetorical scholars and advocates for social change can ever truly understand the persuasive power of the nation and attempt to challenge acts of state-sanctioned violence undertaken in our name.

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## **Vita**

Amanda Jean Davis was born in Englewood, Colorado on August 3, 1980, the daughter of Karen Alyse Davis and Thomas Joseph Davis. After completing her work at Grand Junction High School, Grand Junction, Colorado, in 1998, she completed two years of study at Mesa State College. She received a Bachelor of Arts degree from Vanderbilt University in 2002. In November of 2003, she received a Master of Arts Degree from Goldsmiths College, The University of London. In August of 2004, she entered the doctoral program in Communication Studies at The University of Texas at Austin.

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