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**THE INTERSECTION OF IMAGE, RHETORIC AND WITNESSING: A RHETORICAL
ANALYSIS OF THE ABU GHRAIB PRISONER ABUSE SCANDAL**

by

ELIZABETH J. DURHAM SMITH

DISSERTATION

Submitted to the Graduate School

of Wayne State University,

Detroit, Michigan

in partial fulfillment of the requirements

for the degree of

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Approved by:

Advisor

Date

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DEDICATION

Had it not been for these individuals, this journey would never have been undertaken or seen through to fruition. Thus, it is with profound love and inexpressible gratitude that I dedicate this dissertation project to them in equal measure.

Ruby Eileen Brotherwood

Aside from being my Grandmother, you took the role of mother, sister, friend and confidant as well as being the most honest, courageous and integrity-driven person I have been honored with knowing.

Ruby was a lighthouse during the stormiest times of my life—and an unwavering supporter of *all* of my endeavors—whether I was a waitress, a hairdresser, a housekeeper—or, a PhD.

Ruby always told me, “Never let your spirit within you be taken by what you are now enduring” although it was always you, my dear Ruby who fostered and nurtured that spirit—and at critical junctures, it was your love alone that kept me afloat.

In the wake of her death on March 13, 2008, it became that self-same spirit that has guided me to see through an opportunity that my Grandmother was never afforded—an advanced education—given the generation she was born into, but more particularly, because she was a woman.

In spite of being forced to leave school at the age of eleven, the accomplishment I now enjoy is one that my Grandmother could have easily achieved had she been granted the opportunity as Ruby was—and is—by far the smartest person I have ever met.

And although her loss has irrevocably altered my life in ways I continue to grapple with, I am assured and comforted in knowing that she is beaming proudly at my achievement as she knew I could attain this long before I realized that this dream was fully within my reach.

Jeffrey John Smith

It is you who is the true love of my life as you have provided me the privilege to be truly known to another person—to be vulnerable yet not unsafe.

It is you who has seen me at my weakest and my most frightened—and loved me in spite of my frailties and inequities.

There has never been—and never will be—another person who has meant to me what you embody—and I treasure all that we have shared since March 12, 2005.

Dr. Donald Nichols & Mrs. Alice Nichols

Doc—On the day I walk across the stage to be awarded my doctorate will be eleven years almost to the day that I stepped into your classroom—and, unbeknownst to me at the time—embarked on the journey I have now completed.

At that moment, you told me if I could dream it, I could do it—and, as this dissertation project illustrates, I have brought my dream to fruition—a dream that would have, undoubtedly—failed to have materialized without the catalyst of you.

Alice—You have blessed my life with a presence I never knew I lacked until your arrival. You are my confidant, my guidepost, my “voice of reason”—and your unique brand of love has cradled me in a wholly tumultuous year.

Doc & Alice—or, Doc & Mama to me—together you have graced me with the inexplicable gift of having engaged parents—and at the mere age of 37, I have a “Mom & Dad” whose unwavering faith and depth of love renders language inept given that the blessing of your presence is both inexplicable and immeasurable.

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As a gesture of goodwill, I acknowledge my family and extend specific recognition to my father, Dr. Frederick Hambleton and my stepmother, Mrs. Barbara Hambleton.

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opportunities to “cut my teeth” teaching as a guest lecturer in her classes, but as Ruby battled through the last years of her life, it was Julie who took innumerable classes for me so that I could fly to England to be by my Grandmother. It is wholly impossible to detail all that Julie has so selflessly given me and I am both privileged and honored to have the blessing of her friendship. I must also express my gratitude to her sons, Trevor and Christopher and to her husband, Ken Borkin for their love and support.

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on the phone with me as I attempted to put my arms around the ever-widening grief that stretched out before me. Having also endured many similar painful life experiences, our bond was immediate, steadfast and continues to not only bear witness to one of the only gifts of Ruby's passing, but also supplies me with the immeasurable gift of an "older sister"—a model of the kind of strength all women possess but sadly only few truly tap into. Jacqui "Poppy" Best is inarguably one of the most amazing people I have been privileged to know, let alone to have had the gift of her incredible brand of loyal friendship.

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the moment it is needed. Be that a listening ear, a card or the warmth of her amazing smile, Colleen has gifted me with the kinds of blessings I would fail at encapsulating in the written word and in every respect, she too is a brave and integrity-filled woman whose presence has lifted me up at times of great despair and desperation. Melissa entered my life almost ten years ago and although in different ways, we both struggle with the “curse of perfection” insofar as we are both so driven that we accept nothing less from ourselves than utter perfection. She too knows the incomprehensible loss I faced two years ago after Ruby’s death as she recently lost her amazing Grandmother, Bernice, —who I called “Grandma B”—after Bernie’s incredibly brave battle with several health concerns. Melissa’s unique brand of friendship is based in an unsurpassed kind of fierce loyalty that showcases the gift that loyalty brings to one’s life. Everything she has attained she has done so through the kind of hard work that I greatly admire. Melissa also has a way of comforting me by simply holding my hand, through the simplicity of uttering just one sentence, or a wonderful note on absolutely delicious stationary. I would also be remiss if I failed to thank her parents, “Mr & Mrs. O” for their love and support, particularly in the wake of my Grandmother’s passing. Lastly, the blessing of my friendships with Julie Redwine and Katie Duross are ones that transcend the busyness of daily life, as although it we are not able to spend as much time together as we would like given their amazing dedication to their beautiful children, their happiness at my triumphs and caring words at moments of defeat have offered me the gift of knowing that life notwithstanding, they stand behind me through the good and the bad.

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realized until your arrival—just how much I had needed a “little sister.” You emerged as the bright, brave and thoroughly courageous woman you are, who amazingly *never* tires of listening as well as *unfailingly* shows up just at the point that I feel that I will submerge under the crushing pressure the last year has wrought. I doubt I will ever be able to adequately express my gratitude—although I know I will spend a lifetime giving back to you what you have so selflessly given to me.

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herein that I am most proud of were written in my head during the twice-daily walks I enjoy with them. Unfortunately, due to my human frailties as well as many and varying reasons too great to name here, I will always fail at loving as completely as these marvelous creatures do—and do so with a thoroughly humbling kind of patient ease we would all do well to attempt to emulate.

PREFACE

Much has been written about the Abu Ghraib Prisoner Abuse Scandal. As has subsequently come to light, the instances captured in the notorious images broadcast to the world on April 28, 2004 were not the anomalous acts of human depravity. Instead, this was the direct consequence of American policy formulated at the highest levels after the attacks of September 11th, although in development well before that fateful day.

The current endeavor began when news of the story broke. Abu Ghraib has been, for innumerable reasons, the sole focus of my research from that point forward and aims to join a chorus of scholarship that has grappled with this complex moment.

Assumedly in response to the ensuing—and rightful—global furor, the mountainous pile of reports and inquiries chartered in the wake of the Abu Ghraib Prisoner Abuse Scandal created an ironic paradox as it all oddly maintains the immense and incalculable miscarriage of justice at the heart of this event. Without the exceptional labors of the likes of Philip Gourevitch, Errol Morris, Karen Greenburg, Jane Mayer, and Joshua Dratel as well as the consistent and penetrating reports of both the International Committee of the Red Cross and the United States Senate Armed Services Committee—all of whose work the project relied heavily upon—the truth of what transpired at Abu Ghraib Prison—and elsewhere—would have, without question, remained eclipsed by motivations too numerous to name.

The following contribution rests upon an wavering faith in and inescapable reliance on rhetoric, which, at its most basic, provides the avenue by which one may speak up—and, by consequence—speak out against the very violence language can perpetrate. Few things trump the violence of silence—and silencing—particularly in the face of blatant injustice. I would be remiss in not admitting that the project herein holds more than mere scholarship. At its core, the

current endeavor reflects my own version of social justice. Such forms of activism are only afforded to those who—unlike me just a decade ago—enjoy the fortunate position and great luxury of advanced education. Such a privileged subject position, by extension, opens a platform that offers the potentiality to draw attention to that which, by default or by design, remains screened from full view. Seizing the opportunity for what Michel Foucault names “fearless speech,” what follows spotlights the quashed efforts of those who attempted to bear witness to the atrocities transpiring at Abu Ghraib Prison as well as strives to bring to the fore—regardless of their guilt or innocence—those nameless figures imprisoned at Abu Ghraib that haunt the infamous photographs; those who assumedly continue to bear the scars of violence that always already leaves irrevocable and unimaginable marks.

If—as is my hope—the reader is outraged after reading what follows, the project will have done what it originally imagined and intended—to prompt speaking up and speaking out—fearlessly.

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CHAPTER 1: THE INTERSECTION OF IMAGE, RHETORIC & WITNESSING

Introduction

“We turned it to something like a resort, not a prison. The first step was to change the name.”

Mohammed al-Zeidi, Assistant Director, Iraqi Rehabilitation Department

In late February 2009, Baghdad Central Prison opened its doors to accept detainees being transferred from U.S. custody to Iraqi custody. The noteworthiness of the story lay in the prison’s past. This was formerly Abu Ghraib Prison –notorious under Saddam Hussein’s rule – but, in the spring of 2004, made infamous around the globe. In April 2004, images depicting the gruesome treatment of detainees in American custody at Abu Ghraib Prison provided visual evidence to written reports that had been circulating for more than six months. Although military investigations were already underway, the images from Abu Ghraib catapulted the incidents into the global domain. The shocking photos, many highly sexual in nature, precipitated an international scandal with American soldiers in the eye of the storm. Years have passed since the Abu Ghraib Prisoner Abuse Scandal broke, and those most directly implicated in the abuse of prisoners have been tried, have served time in prison, and have been dishonorably discharged from the military. The images from Abu Ghraib, however, are still the center of controversy, as President Barack Obama refuses to release the rest of them,¹ and as Congress considers whether to bring charges against former Bush Administration officials.²

Beyond the narrowly legal and political issues, the photographs from Abu Ghraib also raise questions about how images of atrocities are received, interpreted, and contested. Within critical scholarship investigating how images communicate, this study examines the Abu Ghraib moment and the impact of a “bad apples” narrative on how the photos of detainee abuse came to be seen by a mainstream American collective. By extension, the current endeavor looks to the notion of witnessing to grapple with both the ethical dimensions concomitant with this concept

as well as the presumed authority of sight buttressing the assumption that the subject is able to bear witness to that which they saw. In other words, vision “does” witnessing insofar as the subject witnesses what transpired “before their very eyes.” This project rephrases the question, “what do we see when we look at the Abu Ghraib moment,” to instead ask, “what did we *witness*?” Witnessing typically suggests a glimpse of a larger reality, exemplified, for instance, by witnesses of acts of genocide. In the case of Abu Ghraib, the immediate witnesses harnessed technology to document the abuses with the now infamous photos, but moreover, these images were also accessed and disseminated in ways facilitated by advanced technology. These images quickly became a site of fierce debate: were we witnessing something anomalous, or privy something more systemic and widespread? Especially, were we glimpsing something deeply disturbing about America itself?

At various points different interpretations have prevailed, and the winds seem to have shifted again with the Obama administration. I am particularly interested in exploring three interpretations of the Abu Ghraib moment: that of Specialist Sabrina Harman, one of the primary witnesses to the events; the Taguba report, which was commissioned by the military, and the Schlesinger Report, which was commissioned by the Department of Defense, headed by then Secretary of Defense Donald Rumsfeld. In her letters home to her partner and in subsequent interviews conducted by Errol Morris for his documentary film on Abu Ghraib, *Standard Operating Procedure*, Harman attempted to bear witness in the classical sense of the term: one proximate to an event whose first-hand experience then relays that moment to others. The Taguba Report argues that the images captured the result of policies that fostered an “anything goes” post-9/11 environment related to prisoner treatment. In contrast, the Schlesinger Report presents a version of events that transforms Harman from a witness into a scapegoat, and

seemingly discredits Taguba (who was forced to resign) as well. It was the Schlesinger Report that became the official version, despite its failure to address that this was much more than the work of so-named bad apples, and its interpretation is still held by many people.

Exploring this prompted the two-pronged focus of this study. First, the project draws from rhetorical studies to analyze three interpretations of the Abu Ghraib moment. Through close textual analysis, the content chapters of the dissertation examine texts prior to the global dissemination of the photos (Specialist Sabrina Harman's letters to her partner and The Taguba Report), rhetoric at the moment the pictures were released, as well as a leading response to the scandal found in The Schlesinger Report. Rhetorical critique demonstrates the way these texts work to frame ways of seeing the Abu Ghraib Prisoner Abuse Scandal at particular moments in time. By extension, the analyses demonstrate how rhetorical strategies impact the witnessing efforts of Harman, Taguba and Schlesinger.

Second, the project draws from the work of Kelly Oliver (2001) who examines the notion of witnessing as a dialogic exchange. Oliver explains this exchange as one subject's response to the address of another subject, who, in detailing their experience allows others to come to know that moment. In short, the study analyzes moments instancing witnessing's dialogic exchange that gives way to a more nuanced understanding of the concept. Through the close textual analysis of Harman's letters, the Taguba Report and the Schlesinger Report, the project demonstrates why the two leading ways witnessing is currently understood demand further elaboration and refinement. With witnessing as a form of seeing, the study draws from visual communication scholarship and witnessing studies scholarship. I first turn to visual rhetoric literature, and then to the scholarship on witnessing.

The Rise of Visual Communication Studies

“Powerless against what has been done, he is an angry spectator.”

Wendy Brown, in *States of Injury*, quoting Nietzsche

We live “imaged” lives. The rapid rise in the mediated nature of the social, particularly in the wake of World War II, prompted scholarly examination of visual texts as it became apparent that one does not read images like one reads a book. While the linguistic turn explained the relationship between a word and a thing, investigations into images yielded the realization that there is something unique about their ability to signify. Scholars in the field investigate the way particular images are read, seen, understood, taken up, interpreted, and employed. First, this section briefly summarizes visual rhetoric literature concerned with the image. Second, critical examinations into the notion of vision and the naturalization of seeing are also covered. In sum, visual communication scholarship tackles what “counts” to a culture or society and unpacks how epistemological orientations are created to foster socially constructed ways of seeing.

In particular, three conditions gave rise to the field of visual communication studies, the first of which was the loss of the Cartesian subject. The notion of a merely logical or rational subject is turned on its head in light of scientific research demonstrating how subjects are in fact affectively driven. Nigel Thrift (2007) details the moment of “precognition” wherein subjects experience a visceral reaction, lasting from a half of a second to a second and a half at most, before the stimulus received becomes cognitively processed (Thrift, 2007). What is provocative here is the revelation that subjects process stimuli affectively *first*, which then presumably impacts cognitive processing. Antithetical to a conventional understanding of the Cartesian subject—*I think therefore I am*—results of recent neurobiological research might instead rephrase this as, “I feel, then I think, therefore I am.”

A second social change that gave rise to visual communication studies is that receivers have moved beyond mere passive consumers of communicative messages. By example, events in Iran during the summer of 2009 exemplified, in stark relief, the blurring of the categories of sender and receiver. In the eyes of many Iranians, the dubious reelection of President Mahmoud Ahmadinejad signaled a moment compelling citizens to take to the streets to express their outrage—action virtually unheard of in Iran since the 1979 revolution. In the wake of the massive demonstrations, the Iranian government began a swift and violent crackdown, including the expulsion of almost all media reporting the growing unrest. In the vacuum, protesters, citizens—witnesses—employed state of the art technology to upload images and short films in an attempt to convey the happenings on the ground to the world. Twitter and Facebook instantly became effectively the only vehicles by which acclaimed news outlets such as the BBC and CNN received information from inside the country. This demonstrates a moment which critical scholarship might take up the notion of witnessing insofar as subjects previously named mere “spectators” or “observers” are operating otherwise, particularly given the impact of technological advancement.

Third, the notion of a universal audience collapsed as communication scholars recognized the disparateness of the social. Images, although oftentimes sites of communal identification, speak to particular audiences in varying ways that can result in fracturing a collective rather than forging commonality. In other words, images such as the photograph of soldiers raising the flag at Iwo Jima convey multiple meanings to multiple audiences, with the potential effect of forcing a viewer to “choose sides,” thereby precipitating the splintering of a populous. In summary, the loss of the Cartesian subject, the blurring of previously tidy categories of sender and receiver, as

well as the collapse of a universal audience are three leading conditions raising questions that visual communication scholarship tackles.

Visual Communication Studies: A Review of the Literature

“Humankind cannot bear very much reality.”

T.S. Eliot, from “Burnt Norton,” *The Four Quartets*

Critically Investigating the Notion of Vision

Working from the point that technology complicates sight, the review turns to critical examinations related to the act of seeing and the notion of vision, a theoretical conversation initiated by Walter Benjamin (1935). Briefly detailed, Benjamin argued that the industrial age unmoored structural powers stratifying society he examples by the mechanical reproduction of artistic masterpieces. Previously, such pieces held an “aura” given there was only one and they were typically only accessible to the higher classes. With mechanical reproduction, however, the “aura” disappears through making such pieces available for mass consumption, which opened up new ways of seeing that Benjamin’s work grappled with, particularly as it relates to vision. With the act of seeing rendered a much more complex notion than previously considered, John Berger (1977) extends a Benjaminian understanding that seeing provides one’s “place” in the world. With subjects operating in scenic environments, seeing (un)wittingly informs subjects’ choices within that environment. Berger’s contribution that there is never a “first time look” further complicates the act of seeing, thus demanding continued critical investigation.

More recently, Barbara Stafford (1997) detailed how the rapid expansion of technology has heavily influenced the ways subjects see. In late modernity, we are called upon to develop, but moreover, sharpen our “intelligence of sight”³ as a matter of subject survival (Stafford, 1997, p. 4). In a highly visual and heavily mediated social environment, subjects increasingly see merely a slice of larger meaning making constellations.⁴ Beyond anything Guy Debord imagined in his

Society of the Spectacle (1967), Stafford asserts that the arrival of the visual begs the question of, “when I see, what do I know?” The work of Jonathan Crary (1992) shifts scholarly focus towards subjectivity by examining how seeing, vision and visibility operates from the point of view of the observer traditionally assumed to be a passive on-looker.

Crary argues for modern visual culture to grapple with new notions of perception that would break with the Renaissance-inspired attachment to realism. For Crary, photography merely maintains the “Renaissance logos of classicism” insofar as photography allows a seer to observe what one assumes to be “reality” noting that the Impressionist and post-Impressionist artistic movements troubled the long-standing notion of realism with experimental art ⁵ (Crary, 1992, pp. 4-5). In showcasing how the subject assumes reality through vision, Crary contends that “observer” is the more fitting terminology for the late modern seeing subject (Crary, 1992). Drawing from Michel Foucault’s notion of discursive fields that details the construction of sense-making logics, Crary’s observing subject is one “who sees within a prescribed set of possibilities, one embedded in a system of conventions and limitations” (Crary, 1992, p. 6). So although our observing subject “sees” a greater reality and moves about with increasing mobility, social actors operate within increasingly regulated arenas. Crary states,

There never was or will be a self-present beholder to whom a world is transparently self-evident...instead there are more or less powerful arrangements of forces out of which the capacities of an observer are possible. (Crary, 1992, p. 6)

Such a framework demands departing from a hermeneutic reading of a text or moment insofar as these are instead part of a wider constellation of meaning constituting a subject’s field of vision. To summarize Crary’s assertions, the subject complies with what one sees and vision becomes the valorized way by which subjects place themselves within the larger social sphere. In a rapidly fragmented and mediated social, the problem increasingly becomes one of how to

both grab—but more so maintain—subjects’ attention. Within the last two decades of the 20th century, through the proliferation of advertising, media and print, Crary details the “revolutionizing of the means of perception” given the crisis of attention (Crary, 1999, p. 13).

Modernity’s rote and mundane everydayness produced *inattentive* subjects because of being inundated with stimulation (Crary, 1999, p. 13-14). Crary explains:

Attention thus became an imprecise way of designing the relative capacity of a subject to selectively isolate certain contents of a sensory field at the expense of others in the interest of maintaining an orderly and productive world. (Crary, 1999, p. 17)

Therefore, under the constant barrage of stimulus, subjects learned to serve their own needs and/or desires by filtering communicative messages. Thus, attentiveness becomes tied to social discipline necessitating subject management. Subject attention, increasingly gained through spectacle delivered through technology, shifts the subject away from the more passive position of an observer to a position where the subject operates as a “witness” to an event. Applying Crary’s assertions, the assassinations of John F. Kennedy and Reverend Martin Luther King, Jr., news footage from Vietnam, and more recently, the 9/11 moment demonstrate how technology allows for the inclusion of many more subjects to witness spectacular events “live.”

Much critical scholarship examines the impact of rhetoric on how photographs come to be seen. Peggy Phelan (1993) notes four underlying assumptions buttressing the notion of visibility. First, in “reading” an image, subjects work to identify with what the image seemingly captures. Second and by extension, the fostering of identity through visual representation is assumed to be linear and to remain within the boundaries of cultural norms. Third, bids at visibility that are not addressed render one *invisible*. In other words, if a subject, moment or image is not seen, then efforts to obtain visibility fail. Although detailed further in the following section on witnessing, this gestures to moments of the address/response exchange of witnessing

that depends on the response of one subject to the address of another. If a subject's efforts to address another fall on deaf ears, then the witnessing process is closed down, at least to an audience that fails to respond. The fourth assumption understands that increased visibility equals an increase in power. Stated otherwise, what is *seen* is that which enjoys greater social dominance. Phelan's assertions are demonstrated by Dan Brouwer's (1998) examination of body art as a form of resistance to prior calls for the mandatory tattooing of those testing positive for HIV/AIDS (Brouwer, 1998, p. 205). Brouwer demonstrates how the social stigma associated with tattooing is turned on its head when subjects take up the practice as a visual marker of political defiance and utilizes this case study to grapple with the communicative ability of visual representation to contest normative assumptions. In the practice of making visible a tattoo communicating a message about HIV/AIDS, subjects co-opt the social stigma attached to tattoos to speak to the socially constructed stigma of being HIV positive.

Eduardo Neiva (1999) demonstrates how a work of art and the artist who produced it become conflated through his examination of Freud's interpretation of Leonardo da Vinci's work (Neiva, 1999, pp. 172-175). Neiva interrogates the normative assumption of artistic originality by pointing out that an artist selects from possibilities available at that moment in order to produce their work. It is this factor that allows for shared meaning to be made between the artist and a viewer and not by the unconscious motivations driving the creation of artistic works as psychoanalytic examinations assert. Neiva also examines the assumptions of realism that aids in creating a logic of photography that informs how pictures are seen. Neiva notes, "Photographs are forceful social operators...[as] the group does develop around the sign that is the photographic image" (Neiva, 1999, p. 213). The logic of realism works to purify the photograph that eclipses the referential basis from which subjects see an image. Therefore, beyond a

confirmational function, “The logic of photography no longer restricts itself to physical permanence, identity and record. Images can insinuate incorporeal processes and even legitimize reality” (Neiva, 1999, pp. 213-214).

The work of DeLuca & Demo (2000) draws from Victor Burgin’s (1982) “characterization of photography as a signifying system” (DeLuca & Demo, 200, p. 676). DeLuca & Demo apply Burgin’s assertion that, “Photography structures space within which the reader deploys and is deployed by what codes he or she is familiar with in order to make sense” to their examination of Watkins’s Yosemite survey photographs. As the authors ask, “What do these images want,” they demonstrate how Watkins’ photographs provided visual proof for environmentalists’ land preservation claims as well as catalyzed a way of visually capturing American landscapes that inspired the likes of Ansel Adams (DeLuca & Demo, 2000, p. 676). In other words, DeLuca & Demo detail how photographs both construct reality whilst simultaneously fashion a particularized lens through which the viewer sees the scene captured in the picture. Moreover, this constructed way of seeing renders what is being viewed as “proof” that the veritably sublime scenes of Yosemite serve to convey the pressing need for this land to remain unscathed, a goal attainable through the preservation of the land. Watkins’ photographs “want” the landscapes figured in the pictures to remain unharmed, a message communicated visually, but one that is also constructed rhetorically within the mind of the viewer.

Dana Cloud (2004) examines photographs of Afghans in the wake of the post-9/11 American invasion, noting that the “strategy of [the] images is to construct a binary opposition between an American self and enemy Others...[that] encourage[s] viewers to interpret the war as a moral clash between good and evil” (Cloud, 2004, p. 397). Cloud illustrates that such photographs call forth abstract assumptions that when paired with images proffer an implied argument. By

example, the gendered images of Afghan women frame them to be victims of an outmoded civilization in need of saving that renders the American efforts as that which is beyond mere military might. Morris & Sloop (2006) also investigate the body as a form of rhetoric by examining how same-sex kissing is “witnessed as a marked and threatening act...contrary to hegemonic assumptions about public behavior...despite mainstream gay visibility” (Morris & Sloop, 2006, p. 80). In other words, the rhetorical constructions behind what is seen by a mainstream American collective (for Cloud, American military might and for Morris & Sloop, the growing prominence of gay figures) deftly maintain dominant cultural representations.

Morris & Sloop, following Judith Butler (1993, 1999), assert that same-sex kissing—particularly between men—constitutes “a paramount political performance viewed as a threat to heteronormativity” (Morris & Sloop, 2006, p. 81). Drawing from Goren Therborn’s work, the authors assert that when “public behavior counters cultural norms, this is met with various forms of discipline” (Morris & Sloop, 2006, p. 88). A prevailing argument disciplining images of same-sex kissing contends that children need to be protected from seeing such images. The authors examine the case of a photograph, published in the *St. Louis Post-Dispatch*, of a same-sex kiss at a gay male wedding reception that received more than 100 letters and phone calls that revealed the image had been read in three ways: as immoral, as outside of the public interest and as pornographic (Morris & Sloop, 2006, pp. 90-91). Morris & Sloop maintain that these viewer responses gesture to a logic through which such images are seen. The photo was,

Understood or interpreted and read...as sexual temptation [wherein] we witness multiple ways in which...forces function ‘automatically’ and politically to discipline same-sex kissing to make it absent when possible and to punish those who make it visible. (Morris & Sloop, 2006, p. 91-92).

In other words, a photograph of male same-sex kissing is reigned in by public outcries that articulate the social disciplining of such images. So despite the increasing visibility of gay

figures in mainstream American culture, those bodies must fall in line with “proper” cultural representations or are subject to social discipline that forces photographs such as the one published in the *St. Louis Post-Dispatch* to remain unseen or become invisible in order to maintain “hegemonic assumptions about public behavior” (Morris & Sloop, 2006, p. 80).

Such scholarship informs this study as these examinations demonstrate different approaches within the field of visual rhetoric investigating how images merely communicate cultural meaning to the impact of socio-cultural narratives on how the subject “sees” photographic images. With vision presumed to be the way by which subjects locate truth and the avenue through which subjects identify with what they see, photographs that run counter to normative assumptions, such as a picture of gay male kissing, are open to social discipline. Equally, photographs that maintain dominant norms, such as the photographs of Afghan women framed to be in need of saving by American military intervention, uphold as well as reinforce norms held by their intended audience(s). So although the photographs of Afghan women could be read in a variety of ways, a mainstream American collective will see such images as emblematic of why the American military effort in Afghanistan is both urgent and seemingly necessary. Related to this study, a bad apples narrative positions the Abu Ghraib images to be seen through a highly particularized, rhetorically constructed lens at a certain historical juncture that also works to uphold the notion of American Exceptionalism. I now turn to briefly summarize critical investigations of images from a visual rhetoric perspective insofar as such work supplies ancillary theoretical assertions from which this study draws.

Critically Investigating the Image

As cameras and photography became accessible to an ever-widening audience, Susan Sontag—amplifying the pioneering work of Andre Bazin (1960)—investigated the role of the

camera and the seeming power of the photograph. Sontag's assertions are some of the first attempts to theoretically grapple with the impact of photography, which brought with it a sense of the "real" unattainable previously despite artistic efforts to capture reality. Extending prior work in his seminal book *Mythologies*, Roland Barthes (1981) notes that although images replicate *ad infinitum*, the moment that the image reproduces occurs *only once*, an assertion particularly prescient given digital technology, the internet, mobile devices, networking sites and so forth. Barthes' pivotal insight details that the image is somewhat synonymous, and perhaps inextricable with that moment in time. Photographs bring forth a prior moment into the present, thereby confounding temporality in ways that allow pictures to maintain a kind of ceaseless presence.

The tensions between visual and verbal representations consumed much of the early work of renowned visual studies scholar W. J. T. Mitchell. In his seminal text *Picture Theory*, Mitchell points out a line is *not* so easily demarcated between "a culture of reading and a culture of spectatorship," and begins examining the relationship of pictures to language. In short, Mitchell attempts to build a theory of visual representation at a moment when technological advancements are expanding the mediated nature of the social. In summary, the emergence of a robust conversation surrounding the visual realm began with the pioneering work of scholars such as Sontag, Barthes and Mitchell that grappled what photographs *do* (Sontag), exposed issues of temporality (Barthes) and paved the way for more recent visual studies scholarship demonstrating the complexity arising from a rapidly mediated social (Mitchell).

Currently, visual communication scholarship examines not only images—photographs, websites, advertisements and so forth—but also investigates the pairing of image and language that offers a highly effective means of constructing reality (Messaris, 2009). First, the discipline

grapples with advancements allowing for the multiplicity of images (one jpeg file can be instantly reproduced *ad infinitum*) and image manipulation that begs the question, is one really *seeing* reality? Second, great critical attention to the affective component of images (Massumi 2002, Brennan 2004, Berlant 2007). Such scholarship argues that images act as sites that articulate the affective realm in ways that speak differently than words alone, exemplified by the common practice of sharing images across the Internet. This gives way to what many scholars name an “economy of affect,” operating to “create the illusion of a literal common ground” (Messaris, 2009, p. 217).

Examining the use of enthymeme in visual argument, Cara Finnegan (2001, 2005) draws from Birdsell & Groarke’s (1996) efforts to develop a theory of visual argument attentive to context. Beyond the immediate visual and verbal context that relates one image to others and the relation of images to verbal texts, Birdsell & Groarke argue that visual culture also plays a crucial role not only in how images are seen but moreover, how “the conventions of vision produc[e] the image in the first place” (Finnegan, 2001, p. 133). In this vein, Finnegan contributes to the critical conversation surrounding the ways in which visual images participate in argumentation given visual images constitute a powerful form of public discourse (Finnegan, 2001, pp. 133-134). Finnegan examines a case of Depression-era photographs taken by Arthur Rothstein and funded by the Resettlement Act under The New Deal. In short, Rothstein was accused of using manipulative methods that figured the Dakotan drought to be worse than the area’s residents saw it, with Finnegan’s analysis demonstrating that the photographs bore the brunt of an argument surrounding photographic practices and the potential impact of those practices on the “truth” of the image (Finnegan, 2001, p. 141).

Moreover, however, the controversy touched on the Western assumption that Martin Jay names “Cartesian perspectivalism” to explain subjects’ presumed ability to locate the “truth” given an assumed authority of sight, further reified by the perception that photographic images transparently represent the world (Finnegan, 2001, p. 141). Therefore, Finnegan’s investigation concludes that Rothstein’s photographs drew upon a naturalistic enthymeme as a form of visual argument. The application of her examination speak to the “strength [that] is evident in growing public discourse about the ways in which digital manipulation may alter photographs and...detract from their evidentiary force (Finnegan, 2001, p. 146). Finnegan extends her work in a subsequent article that introduces the concept of image vernaculars (Finnegan, 2005). By examining the overwhelming public response to the publication of a previously unknown photograph of Abraham Lincoln, Finnegan demonstrates how subjects’ assumptions regarding the “truth” of images buttressed a reading of this image of Lincoln at a particular historical juncture. Finnegan investigates how rhetorical responses to images are emblematic of prevailing social knowledges that audiences draw upon to see an image in a particularized way, crucial to this study insofar as her examination illustrates how “viewers mobilize images as inventional resources for argument” (Finnegan, 2005, p. 35).

Robert Hariman and John Lucaites (2007) investigate the rising primacy of the image and assert that visual texts blend image and rhetoric in ways that powerfully organize the social. These leading scholars maintain that images, particularly so-named iconic images, “produce a way of talking about the world but one that is necessarily ‘impoverished’ in order to sustain its own contradictions...” (Hariman & Lucaites, 2007, p. 9). For Hariman & Lucaites, an iconic image “provides the public audience with ‘equipment for living’ as a public...[that] contribute to the co production of political meaning” (Hariman & Lucaites, 2007, p. 48). The authors

investigate how iconic images condense socio-cultural narratives into texts adept at inconspicuously relaying and reifying normative assumptions.

Also working in this area of scholarship, Barbara Biesecker (2002) examines the role of discourse surrounding widely consumed visual representations. Biesecker takes to task the notions that a picture is worth a thousand words or that seeing is believing through examining how disparate texts strewn across the social spectrum paradoxically work in unison to communicate one cohesive message. “Remembering World War II: The Rhetoric and Politics of National Commemoration at the Turn of the 21st Century,” examines how monuments, books and films—dissimilar texts on face—work to construct a unified discourse that Biesecker argues quells national collective anxieties. In summary, critical inquiry of visual texts demonstrates how this form of rhetoric communicates in a variety of ways, at points to uphold socio-cultural norms and in other instances, provide greater understanding.

At present, many visual communication studies scholars are grappling with the implications of a post-9/11 landscape. Working within the word-image arena of visual studies, W. J. T. Mitchell examines the image in greater depth given the veritable hyper-visibility of 9/11. Arguing some images are beyond words, Mitchell names those visual texts the “staging of the unspeakable” (Mitchell, 2005, p. 292). Mitchell asserts that notions, such as trauma or torture, seem best expressed through visual rhetoric as language more often than not fails⁶ to adequately encapsulate that which is unspeakable. The difficulty for subjects to consume moments of the unspeakable that images are able to apprehend and make real explains why such images *must* fall from view. It is not that the images are forgotten—but they are so disruptive that they tend to burst into the visual realm and leave as rapidly as they arrived. This project draws from Mitchell’s assertions to demonstrate how the Abu Ghraib images were able to fall from view,

albeit not completely. Lastly, Grusin (2009) argues that the 9/11 moment shifted media into an age of “premediation” wherein risk assessment attempts to offset the possibility of being “caught off guard” or by surprise as audiences assumedly were by the attacks on September 11, 2001. In addition to the impact of narrative on how a mainstream American collective came to see the Abu Ghraib moment, the project also considers the notion of witnessing and now turns to a review of witnessing literature.

The Notion of Witnessing: Proximity & Experience versus the Access Technology Provides

“...will they remain aloof spectators or will they acknowledge the ethical demand to become witness to and therefore implicated in the struggles and atrocities...?”

Anne Cubilie, from *Women Witnessing Terror*

The notion of witnessing, although age-old, took on new meaning in the wake of the growing technological access to viewing human atrocity. An emergent Holocaust awareness breathed new life into the notion of witnessing as Holocaust survivors began to step forward to share their experiences, thus shedding unique, personal light on this unparalleled historical moment.⁷ With genocides perpetrated in Cambodia (1970’s), in Iraq (1980’s), in the former Yugoslavia and in Rwanda (1990’s) as well as at the dawn of the 21st century in Darfur, the notion of witnessing has rapidly moved to the forefront in a host of academic disciplines.

Central to the notion of witnessing is the address/response exchange that allows the kind of unveiling and revelation witnesses seek (Felman & Laub, 1992, Oliver, 2001). Witnessing scholarship from a communication studies perspective divides, more or less, into two distinct ways of exploring the concept. On the one hand, such inquiry focuses on experience and is theoretically tethered to the notion of proximity. On the other hand, much scholarship argues for a more expansive understanding of what a witness or witnessing could be, given the access

provided by technological advancement. First, a review of witnessing studies as it relates to experience and proximity.

Kelly Oliver (2001) tackles the notion of witnessing by explaining its two forms, the juridical and the religious. The juridical takes shape in the eyewitness who retells their experience that witnesses a particular moment in time. The religious connotation describes a subject whose behavior is imbued by their wholehearted beliefs that in turn witnesses that belief structure. Oliver's work builds on Felman and Laub's (1992) analysis of eyewitness testimonies of the Holocaust, and further details the wholly communicative dialogic exchange crucial to witnessing. Oliver's model names the subject who has internalized their experience and must address another subject to convey that moment an "inner witness." Through the dialogic exchange between an inner witness and another subject, the receiver in turn becomes an "external witness" to the inner witness' experience (Oliver, 2001). According to Felman and Laub, the process of witnessing constitutes subject positions, for example an internal witness' subject position of "Holocaust survivor." In addition but of equal importance, the ability for subjects to step into other subjectivities, such as "survivor" or "hero," hinges on the ability for one's inner witness to address—and be responded to—by another (external witness). This possibility, however, closes down when extreme acts of objectification and subordination destroy the possibility of the address/response exchange. Oliver's application of Felman and Laub's work contends that without an addressee, a witness cannot exist.

Although Felman & Laub's work focuses on the ability for Holocaust survivors to witness their experience, I in no way mean to equate Holocaust witnessing to the Abu Ghraib Prisoner Abuse Scandal. What I do draw from Oliver's discussion of Felman & Laub's work is that through the experience of being violently "othered" the subject is unable to transcend this

positionality. For the dialogic exchange between an inner witness and an addressee to remain open and accessible, for the position of an external witness to remain available to subjects, this must take place in an open—not a violent—environment.⁸ It is at this juncture that this project engages the notion of witnessing and utilizes the Abu Ghraib Prisoner Abuse Scandal to examine moments when witnessing's communicative exchange is opened, re-opened as well as closed off. The project discusses witnessing in a variety of ways explained in a brief typology at the end of this section.

John Durham Peters asserts that the intersection between witnessing and technology gives rise to questions communication studies is well equipped to answer (Durham Peters, 2001, p. 707). Durham Peters asserts that there are three sources of witnessing: the law, theology and atrocity (Durham Peters, p. 708-710). Briefly, the privileged source of the law is oftentimes authenticated by eyewitness testimony. Beyond the retelling of experience, testimony grants validity and credence to that experience through seeing an event in proximity. In theology, the figure of the martyr, with all of its religious connotations, illustrates the second form of witnessing. The subject's inward convictions become the lived articulation of those beliefs, thereby bearing witness to an inanimate belief structure. A third source of witnessing is the survivor, which Durham Peters names a post-World War II phenomenon. The survivor grapples to recount the impossible-to-describe experiences of atrocity, accessible only given their proximity to such happenings. Be it through the eyewitness, the martyr or the survivor, witnessing—for Durham Peters—is both proximate and almost inseparable from suffering of some kind. Moreover, Durham Peters asserts that proximity becomes that which separates witnessing from notions such as observing, viewing or spectatorship. This then raises the question of what does it mean to watch?

John Ellis' (2000) scholarship represents an altogether different perspective of witnessing that grapples with the impact of technology on our ability to see—or in his words, “witness”—instances that take place around the world. Ellis traces how technology provides access to information previously unavailable to the subject. First accessible to subjects in movie theaters, then by radio, then more significantly via television and currently through the Internet, reality comes into our homes with profound ramifications that he names a process of “domesticating the visual” (Ellis, 2000, pp. 32-33). With technology bringing happenings around the globe into one’s home, Ellis claims that subjects no longer simply *see* events that are brought into their domestic sphere—they instead *witness* those moments. This constitutes a significant shift as, “Television has made witnessing into an everyday, intimate and commonplace act, as well as giving it a new characteristic: that of liveness” (Ellis, 2000, p. 36). Ellis forcefully argues that the access technology provides is a double-edged sword: subjects are exposed to instances happening down the street or across the globe—yet, given this access to information—subjects can no longer say that they are not cognizant of world events. For Ellis, this places the subject complicit in—and responsible to—those happenings.

Ellis forgoes the component of proximity thus separating his understanding of witnessing from many others who argue that experiential presence at an event is pivotal to the notion of witnessing. Such a perspective is exemplified by Paul Frosh (2006) who claims that media audiences are not mere recipients of witness testimony (Oliver’s external witness) but that “contemporary witnessing has become a general mode of receptivity to electronic media reports about distant others” (Frosh, 2006, p. 265). Through the examination of a television documentary focused on the lives of Palestinian refugees brutalized by an alleged Israeli-led massacre, Frosh notes that the persons being interviewed are witnesses to the Palestinian plight

as well as the reporter and the crew. For Frosh, witnessing is achieved both through direct experience and through the relaying of that experience via media insofar as “presence is discursively created...verbally and visually” (Frosh, p. 266). He adamantly calls for witnessing to be understood more broadly as “we are all, as a condition of participation in modern public life—the recipients of reports by others about the events they have experienced” (Frosh, p. 266).⁹ In sum, Frosh asserts that technology, “force[s] [one] to access and digest” events that expose viewers as well as oddly connect subjects to instances taking place around the globe (Frosh, p. 266).

In the brief overview of witnessing scholarship from a communication studies perspective, two standpoints emerge. The first, best exemplified by Durham Peters (2001, 2005), maintains as crucial the feature of proximity and Oliver (2001, 2007) attends to witnessing’s dialogic exchange. The second perspective, predominantly stemming from the seminal work of Ellis (2000) attempts to account for the ever-expanding pervasiveness of technology. Durham Peters argues that although technology does provide a lens through which a subject may see or view a happening unfolding, *being present* at a moment holds a particular distinction that runs counter to Ellis’ contentions. Ellis’ formulation of witnessing does not necessitate one’s presence at an event although it is easily argued that simply viewing an unfolding event via technology does not necessarily transform the subject into a witness.

To a great extent I am swayed by Ellis (2000) and Frosh (2006) as this perspective of witnessing studies illuminates the impact of technological access on subjects’ ways of seeing. I am, however, heedful of Crary’s examination of attention particularly given that subjects are swamped with images of trauma, tragedy and violence in a 24-hour news cycle environment and as such, one may simply change the channel to be shielded from that which they care not to

witness. Further, I question the confounding effect these factors have on the address/response exchange crucial to witnessing. This examination of the Abu Ghraib Prisoner Abuse Scandal will demonstrate why witnessing scholarship must further interrogate Durham Peters' demand for proximity and also elucidates why Ellis' understanding casts too wide a net that instead requires further refinement when grappling with the impact of technology.

Beyond the formulations of Durham Peters and Ellis, critical witnessing scholarship has expanded to include two issues informing this study. First, such scholarship investigates interpretations of witnessing best exemplified by Campbell (2003) who examines the galvanizing capabilities of visual images of 21st century warfare. Second, witnessing scholarship addresses contested interpretations over what has been witnessed that is best exemplified by Tinsdale (1996) although the focus of much critical inquiry (Oldson 2002, Chaouat 2006). Tinsdale examines discourses covering up the use of torture by the French during the Algerian War that demonstrates the need to examine both visual and rhetorical texts attached to instances of witnessing for a comprehensive examination of such moments. These threads of witnessing studies raise two crucial issues concomitant with this study. First, Campbell (2003) demonstrates how visual representation solidifies public support for military endeavors, similar to Cloud (2004). Although related to this project, this study furthers such work by demonstrating the impact of a rhetorically constructed narrative on how a mainstream American collective came to witness the Abu Ghraib moment. Second and akin to Tinsdale's (1996) scholarship, this project demonstrates that examining visual texts alone fails to reveal rhetoric's role in the framing of visual moments.

Moreover, these critical investigations trouble the notion of witnessing to fortuitous ends. Briefly, such scholarship complicates the act of witnessing to reveal that it is perhaps less tidy

than prior understandings afforded—an assertion this study illustrates. In this vein, this project demonstrates that witnesses operate in multiple ways simultaneously as opposed to simply occupying one subject position at a given moment, which is detailed fully in the dissertation content chapters.

First, the project examines witnessing in the classic sense of a subject proximate to unfolding events. Demonstrating how technology accesses instances that have already unfolded that in turn allow a subject to become a proximate witness to those moments develops this understanding further. Second, the project examples the notion of textual witnessing by demonstrating how the rhetorical strategies found in official reports on the Abu Ghraib moment serve to witness two versions of events. Third, the project illustrates Anne Cubilie’s (2005) notion of implicated witnessing wherein a subject’s proximity to events inculcates them in ways that productively trouble the traditional understanding of a witness. In addition, the current endeavor probes the notion of a reluctant witness, one who hesitates to answer the ethical call witnessing can entail. Fourth, the study contributes the notion of failed witnessing by examining instances that efforts to bear witness to the Abu Ghraib moment falls on deaf ears or is shut down through violence. Lastly, the project offers the concept of re-witnessing illustrated by efforts to bear witness to the Abu Ghraib moment after prior efforts have failed. This study contributes further refinement of the concept of witnessing in ways that account for the notion’s communicative complexity in late modernity. Next, I explain the methodology of the project.

Methodology

“In this sense, discourse ceases to be what it is for the exegetic attitude: an inexhaustible treasure from which one can always draw anew...it appears as an asset—finite, limited, desirable, useful—that has its own rules of appearance, but also its own conditions of appropriation and operation; an asset that consequently, from the moment of its existence, poses the question of power; an asset that is, by nature, the object of a struggle, a political struggle.”

Michel Foucault, *The Archaeology of Knowledge*

Within the presumed role of discourse—the communicative exchange between one or more persons—Foucault lays bare the essential role language plays in the framing and construction of the human experience. Language—and more particularly rhetoric—gives order to human happenings necessitated when uncertainty arises. The power of discourse—understood in this project as rhetorical effectivity—transforms subjects through the rhetorical structuring and shaping of human understanding of instances within the social. Moreover, rhetoric always deals with probabilities, as there are, at any given moment, an infinite number of rhetorical responses available to a speaker. Although rhetorical inquiry is traditionally understood as investigating instances of persuasion, the highly mediated social environment of late modernity prompts rhetorical critics to do much more. In order to reveal what draws audience to one rhetoric, image or moment over a myriad of other possibilities, rhetorical critique must grapple with texts from a whole host of angles. For example, a rhetorical critic, in revealing the context—or the conditions of possibility—that demanded that particular rhetorical response, such examinations seek to answer how a particular text emerged. Rhetorical inquiry might go further to ask, how does this particular text operate within the social? Such rhetorical analysis delves into what it was about *that* rhetorical response that galvanized subjects around *that* specific framing. Further, rhetorical examination queries how the rhetorical response both constructs a given moment as well as asks how that construction suppresses or glosses over other aspects and to what effect.

In addition to tracing a rhetorical emergence, in noting a text's social utility as well as examining why subjects are drawn to the rhetorical response, rhetorical inquiry poses another crucial question: what is the efficacy of that moment, text, rhetoric, or image being examined? While noting the complexity of numerous audiences and the innumerable ways those disparate audiences could read the same instance, rhetorical critics are not aiming to tack down *the* effect

of a text. What rhetorical inquiry *does* investigate, however, is the potency of that instance. In other words, rhetorical inquiry grapples with uncovering how a moment, text, image or rhetoric speaks and why it “sticks” with a given audience. Through rhetorical analysis—detailing the emergence and construction of a moment—rhetoricians evidence the force of that moment that alters how subjects see, read, and understand that instance.

One aim of rhetorical criticism, therefore, is to understand how rhetorical texts operate to manage, frame and manufacture particularized understandings. Work prior to poststructuralism examined specific speech acts to primarily demonstrate the influence the speaker exerted on an audience. Although this tradition continues to have a place in rhetorical scholarship, poststructural theory revealed the limitations of a cause-and-effect model that approached rhetorical analysis through examining a singular speech act and attempting to grapple with the impact of that on an intended audience. This forced rhetorical analysis to probe in new ways in order to account for the intangible but ostensible effect speech acts have on those who consume communicative messages as well as the reverberations of that moment. Therefore, instead of approaching phenomena as singular events necessitating hermeneutical study, contemporary critical scholarship uncovers the multitude of factors that help to explain both the effect as well as the efficacy of certain messages over others as well as their communicative momentum (effectivity).

In summary, rhetorical critics select a moment, text or image for the purpose of examining the conditions of possibility that systematized the prevailing interpretations. Such work approaches a rhetorical text as an illustration of a larger constellation as opposed to viewing such instances as isolated texts within a social landscape. It is within this formulation of rhetorical inquiry that the following project takes shape. Methodologically speaking, the project, following Foucault,

focuses its inquiry at the level of the statement by examining a variety of disparate texts within the social.¹⁰ In this spirit, this study investigates slices in time to analyze the construction and maintenance of a rhetorical response to the Abu Ghraib Prisoner Abuse Scandal.

Description of Subsequent Dissertation Chapters

Chapter Two: The Abu Ghraib Prisoner Abuse Scandal in Context—An Overview of the Abu Ghraib Moment

This chapter chiefly provides the context within which the Abu Ghraib Prisoner Abuse Scandal emerged. Based on the award winning reporting of Jane Mayer, Seymour Hersh, Philip Gourevitch, as well as widely accepted sources such as the International Committee of the Red Crescent (ICRC) reports, the Senate Armed Services Committee Report investigating detention and detainee abuse as well as the critically acclaimed documentary, *Standard Operating Procedure*, the chapter traces events at Abu Ghraib from October 2002—before the American-led invasion—through the break of the scandal and the aftereffects.

Chapter Three: Sabrina Harman: The Traditional but Implicated Witness

This chapter examines letter correspondence of one of the central figures in the Abu Ghraib Prisoner Abuse Scandal, Specialist Sabrina Harman, and her efforts to document—to witness—the on-goings at the Abu Ghraib Prison. In this chapter I analyze Sabrina Harman from the standpoint of witnessing studies, tracing how she moved from being gung-ho soldier, to a reluctant witness, who then assumed the role of a traditional witness. In the position of a traditional witness, Harman not only took photos to document what was unfolding before her, but also wrote letters to her partner that detail what she took to be the incomprehensible actions of the American military personnel in Iraq (Gourevitch, pp. 107-109).

Harman's efforts to witness the Abu Ghraib atrocities—a move that would presumably be heroic insofar as she was revealing the heinous goings-on at the hands of U.S. military

personnel—becomes highly confounded given her presence at moments of abuse as well as her presence in some of the more disturbing images. Beyond simply being a proximate witness, Harman is also an implicated witness. It is this positionality that allows for Harman to be figured as one of the bad apples that results in eclipsing her efforts to witness the Abu Ghraib moment. Although Harman's efforts to witness abuses at Abu Ghraib through letter writing examples the dialogic exchange crucial for witnessing to take place, this case study simultaneously instances a moment of failed witnessing given the dialogic exchange was shut down assumedly to contain the happenings within military circles.

Chapter Four: The Taguba Report: Authoritative—albeit limited—Witnessing

This chapter textual analyzes Major General Taguba's report submitted in March 2004 with Taguba revealing much of what has subsequently come to light—that the behavior captured in the infamous images was in fact systemically institutionalized standard operating procedure.

In like manner to Harman's witnessing efforts, the Taguba Report witnesses an understanding of the event before the global dissemination of the Abu Ghraib images. Working from the basis of rhetorical criticism yet from the standpoint of witnessing studies, the Taguba Report acts as a textual form of witnessing by revealing the actuality of what transpired at the prison. The chapter analyzes Taguba's use of rhetorical strategy to frame a way of seeing that which the report bears witness to. Equally significant, Taguba's efforts reopened the dialogic exchange crucial for witnessing to take place by interviewing both military service members and prisoners who had experienced abuse at the hands of American military personnel in order to glean a full rendering of events.

Taguba's efforts and the findings in his subsequent report, however, fell on deaf ears. Instead of bearing witness to the atrocities at Abu Ghraib, the address/response exchange that Taguba

reopened was again closed down given the failure of an audience to operate as an external witness to the Taguba Report's witnessing effort. Therefore, the Taguba Report also exemplifies an instance of failed witnessing, a notion developed throughout this study. Further developed in this chapter is an expansion of the notion of the proximate witness. Taguba bridges temporality insofar as he is able to "be present" at past moments given technological access, thereby productively confounding the traditional formulation of the proximate witness necessitating that one be present as a moment unfolds.

Chapter Five: The Schlesinger Report--*Animal House* & the Saving of American Exceptionalism

A close textual analysis of the Schlesinger Report demonstrates how this text provided legitimacy to a bad apples narrative to explain the Abu Ghraib moment in the wake of the global dissemination of the infamous photos. From a rhetorical criticism perspective, this chapter demonstrates the deft construction of a plausible mainstream understanding further disseminated by Dr. Schlesinger's media appearances the day the report was released. A press conference, television appearance, and radio interview cemented the Panel's highly particularized version of events, furthered by Dr. Schlesinger's likening of the abuse at Abu Ghraib Prison to "animal house" antics, a reference to the 1978 comedy film *National Lampoon's Animal House*. As a result, the Abu Ghraib moment became synonymous with a comedic piece of Americana. The chapter demonstrates how the rhetorical strategies employed throughout the text liken the Abu Ghraib moment to an "animal house" environment that quietly furthers equating the abuse of detainees at the prison to the narrative plot of the film.

The chapter demonstrates that although the Schlesinger Report is a form of textual witnessing, the text witnesses a politically advantageous rendering of events through the employment of several rhetorical strategies that construct a rendering of the Abu Ghraib moment

in stark contrast to Taguba’s findings and the witnessing efforts of Specialist Sabrina Harman. Unlike the Taguba Report, which reopened the dialogic exchange crucial to witnessing, the Schlesinger Report forecloses the ability for witnessing to reveal the actuality of the detainee abuse carried out by American military personnel at the prison. Without the knowledge of Harman’s witnessing efforts and the revelations of the Taguba Report, the Schlesinger Report’s rhetorical crafting provides legitimacy to the bad apples narrative. Moreover, and perhaps more importantly to recasting the Abu Ghraib moment as the result of the rogue behavior of a few, the report’s particularized rendering of events impacts how a mainstream American collective sees the Abu Ghraib photos.

The project demonstrates that it was the result of the harnessing of visual rhetoric and discourse that created a unified communicative message concerning the abuse of prisoners at Abu Ghraib Prison. Further, this chapter asserts that behind the Schlesinger version of events was the drive to rescue America’s exceptionalism¹¹ at the brink of it being critically called into question that forestalled the potential of a national—and perhaps global—sociopolitical crisis.

Chapter Six: Looking to the Future: Witnessing, Visual Rhetoric & Rhetorical Critique

The Abu Ghraib Prisoner Abuse Scandal, revealed by way of modern technology, witnessed something significant and with the release of the images the question arose, what do these pictures represent? Is, as Sabrina Harman and Major General Taguba asserted, this a moment of revelation showcasing that America, like “everybody else” will resort to torturing prisoners in order to prevail? Or, conversely, as the Schlesinger Report champions, is this merely the work of bad apples? At that historical juncture, a bad apples version of events prevailed in large measure by the rendering put forth in the Schlesinger Report that virtually eclipsed the witnessing efforts of Harman and the Taguba Report at that particular moment.

Chiefly, the study's examination contributes to the fields of rhetorical criticism, witnessing studies and the field of visual rhetoric by investigating the impact of rhetoric and witnessing on how the Abu Ghraib photos came to be seen. Given the project's findings, the analyses demonstrate the need for the comprehensive examination of both the visual and rhetorical components of such events. Moreover and related to witnessing studies, the project showcases the pressing need to further refine the notion of witnessing by offering an extended understanding of implicated witnessing as well as contributing the notion of failed witnessing to critical scholarship. Overall, the project demonstrates that beyond analyzing visual rhetoric, comprehensive scholarly endeavors must also interrogate the rhetorical framings that aid visual texts to operate so effectively. Beyond the project's contribution, I reference recent events that pave the way for future research.

Notes

¹ Obama's reversal on his original position of releasing the photographs is detailed in a May 14, 2009 article in *The Washington Post*, available at www.washingtonpost.com/wp-dyn/content/article/2009/05/13/AR2009051301751.html

² Bringing charges against Bush Administration officials emerged on the 2008 Presidential campaign trial, detailed in a September 3, 2008 article in *The Guardian* newspaper, available at www.guardian.co.uk/world/2008/sep/03/uselections2008.joebiden

³ Jordyn Jack's (2009) notion of a pedagogy of sight adds greater dimension to Stafford as Jack examines how texts operate as a form of social pedagogy.

⁴ As Foucault reminds us, such instances of signification gesture to what he names a discursive formation that arranges the boundaries of what is or is not intelligible within the social.

⁵ Such efforts are best exemplified by Dadaism.

⁶ Particularly for the field of visual communication studies, Mitchell's assertions extend Elaine Scarry's assertions in the seminal text, *The Body in Pain: The Making and Unmaking of the World*. In moments such as torture, but more broadly, when the body is in pain, Scarry explains how language fails—in her view, utterly fails—to fully capture the experience of the pained subject to another (Scarry, 1985).

⁷ Samantha Powers (2002) details this at great length in "*A Problem from Hell*": *American and the Age of Genocide*,

⁸ South Africa's post-apartheid Truth and Reconciliation Commission examples such an environment.

⁹ Frosh is referencing a similar call made by Walter Lippman for an expanded conceptualization of witnessing (1922).

¹⁰ In brief, a Foucaultian approach analyzes how the moments that perhaps seem inconsequential instead gesture towards larger operations within the social—in other words how a “statement” articulates the workings of what Foucault names a “discursive regime,” therefore demonstrating the rhetorical utility and political functioning of language. Foucault details his approach in such texts as *The Archeology of Knowledge* and *The History of Sexuality, Vol. 1*.

¹¹ Innumerable scholars have examined the notion of American Exceptionalism, first detailed by Alexis de Tocqueville, with the current endeavor predominantly depending upon the recent scholarship of Abbott (2005) and Wuthnow (2006).

CHAPTER 2: THE ABU GHRAIB MOMENT IN CONTEXT—AN OVERVIEW OF THE ABU GHRAIB PRISONER ABUSE SCANDAL

Introduction

“If my friends, fellow soldiers, and leaders tear out an enemy’s fingernails in my presence, what will I do?”

Jean-Paul Sartre

“Let them have no reason to Complain of our Copying the brutal example of the British army in their Treatment of our unfortunate brethren.”

General George Washington

In October 2002, Saddam Hussein completely disbanded Iraq’s penal system with the pronouncement of a nation-wide prisoner release. As throngs of people waited outside to greet those housed in some of the world’s most infamous prisons—one example being Abu Ghraib, known for twice-weekly hangings and widespread torture of the cruelest kind—the jubilant mobs dismantled the country’s prison structures rendering the facilities wholly unusable. This instance, six months shy of the toppling of the Iraqi regime, becomes a pivotal condition underlying the Abu Ghraib Prisoner Abuse Scandal. After the American invasion, makeshift tented prison camps grew strained. As the emergence of a mounting Iraqi insurgency grew, American officials arrived to set-up a post-Saddam, Western styled corrections system that faced a seemingly insurmountable problem. The rapid demand to house prisoners butted heads with a necessary overhauling of now ostensibly uninhabitable former prison buildings with the most promising facility, ironically, being Abu Ghraib Prison. Although many understood the political sensitivity of refashioning Abu Ghraib for use in the American led mission, the prison rapidly became the only viable option. Given the spiraling demand of a rapidly increasing prisoner population, Deputy Secretary of Defense Paul Wolfowitz approved its use in late July 2003 and within days detainees deemed ‘the worst of the worst’ began arriving at the facility (Gourevitch & Morris, 2008, p. 20).

Concurrently, from March through November 2003, the International Committee of the Red Crescent (ICRC) confidentially communicated both verbal and written warnings of prisoner abuse to Coalition Forces¹ (ICRC, 2004). The report lists the main violations as,

Brutality upon capture sometimes leading to serious injury or death, absence of notification of arrest, physical and psychological coercion, prolonged solitary confinement and excessive and disproportionate use of force during internment. (ICRC, 2004).

Beyond the main violations, the ICRC cites “a number of serious violations of International Humanitarian Law” related to the capture, arrest, internment and processing of internees documented in a highly detailed 24-page report released in February 2004.² The ICRC cites such violations occurred at numerous locations across Iraq as well as documents “serious problems of conduct” by Coalition Forces. This included the “seizure and confiscation of private belongings, exposure to dangerous tasks and holding of persons in dangerous places where they are not protected” (ICRC, 2004). Specifically citing Abu Ghraib Prison, the report details the “frequent night shelling....which resulted in persons being injured or killed” (ICRC, 2004). In addition to the ICRC’s attempts, numerous human rights organizations, such as Human Rights Watch and the International Federation of Human Rights began investigations. Human Rights Watch (HRW) asserts that “The Bush Administration officials took a ‘hear no evil, see no evil’ approach to all reports of detainee abuse” and that “From the earliest days in the occupation of Iraq, the U.S. government has been aware of allegations of abuse” (HRW, “The Road to Abu Ghraib”, 2004).

The Third Geneva Convention’s decree that “camps [be] situated in an area far enough from the combat zone for them to be out of danger...[not] exposed to the fire of the combat zone”, easily rendered Abu Ghraib Prison—located twenty miles west of Baghdad and never far from combat once the invasion of Iraq commenced—illegal from its inception (Gourevitch & Morris,

2008, p. 26). Abu Ghraib Prison, apart from the observed and documented mistreatment of prisoners, was located in the middle of the Sunni Triangle—both a combat zone and an area housing a rapidly growing insurgency. Beyond the issue of location, much of the legal grey area surrounding Abu Ghraib’s operation stemmed from the cessation of major combat operations in Iraq by President Bush in May 2003. The declaration of ‘victory,’ ostensibly rendering the war ‘over,’ left innumerable nagging questions surrounding the continued application of the Geneva Conventions.³ Covering both persons serving in combat roles and the larger civilian population, the Conventions, written to be invoked with the commencement of warfare between two (or more) sovereign nations, raises the complex question of whether the laws of war apply when warfare has officially ceased but combat continues?⁴

To answer such emerging questions, the U.S. Department of Justice in tandem with the Department of Defense, the White House and corresponding legal teams hammered out what became a highly controversial post-9/11 approach.⁵ Throughout late 2001 forward, a flurry of memos details the push-pull within the highest ranks of the Bush Administration and the Pentagon surrounding intelligence operations. The memos,⁶ most accessible only given the tireless and dedicated work of American Civil Liberties Union (ACLU) lawyers,⁷ showcase a significant shift towards more aggressive tactics as a response to the unmooring event of 9/11. A memo by Jay Bybee,⁸ serving in the Bush Administration’s Office of Legal Council, demonstrates this shift: “Certain acts may be cruel, inhuman or degrading, but still do not produce pain and suffering of the requisite intensity to fall within [a legal] proscription against torture” (Hersh, 2004, p. 4). As Seymour Hersh (2004) argues, the memos—particularly those penned by Jay Bybee and John Yoo—“redefined torture to suit a post 9/11 mindset in the Bush Administration...and in the country” (Hersh, 2004, p. 4). Moreover, a late 2001/early 2002 top

secret Presidential finding set in motion the establishment of secret prisons and enlisted special operations forces to capture and/or assassinate high value operatives. This moved much of the operation of the war on terror under the control of Secretary of Defense Donald Rumsfeld to the consternation of Pentagon officials (Hersh, 2004, pp. 15-17). The overarching theme of the memos advocates for the military to take greater risk that resulted in the adoption of practices first employed at Guantanamo Bay, and subsequently moved to other sites, in particular, Abu Ghraib Prison. Although the memos showcase that issues surrounding interrogation practices centered not around the notion of torture but instead with the convoluted processing of prisoners from which intelligence could be extracted, many within the Bush Administration⁹ and several FBI agents¹⁰ quickly conveyed alarm as the pragmatic application of such policies took on disquieting material reality.

Although what is generally known about Abu Ghraib stems from the now infamous photos,¹¹ this chapter provides the contextual backdrop of the moment from which those images emerged. Such an endeavor serves two purposes. Chiefly, what transpired at Abu Ghraib Prison began in late summer 2003 and continued through early January 2004, with scandal breaking in late April 2004. Thus, the Abu Ghraib Prisoner Abuse Scandal is not likely fresh in one's mind and necessitates a detailed tracing of what led to the moment that the story broke globally. Secondly, interpreting an event as complex and explosive as the Abu Ghraib Prisoner Abuse Scandal proves challenging insofar as there is not "one" version of events. Therefore, the following review—as best as possible—refrains from the susceptibility of wandering into biased terrain by drawing from the work of leading experts, acclaimed journalist accounts, and widely accepted sources concerned with the Abu Ghraib Prisoner Abuse Scandal in order to situate the chapters to follow.

The “Gitmo-izing” of Abu Ghraib Prison

"We also have to work the dark side, if you will. We have to spend time in the shadows. It's going to be vital for us to use any means at our disposal."

Vice President Dick Cheney, September 16, 2001

“The first thing I noticed is that you’re treating the prisoners too well. You have to have control, and they have to know that you’re in control. You have to treat the prisoners like dogs.”

Direct verbal instructions from General Miller to General Karpinski, September 2003

In June 2003, Brigadier General Janis Karpinski¹² became the only female commander in the field named to oversee the 800th Military Police (MP) Brigade and was also put in charge of all Iraqi prison facilities. Although General Karpinski served with Special Forces in the Gulf War as an intelligence officer, she had never run a prison. She assumed responsibility for three jails and eight battalions with over 3400 Army reservists under her command. Along with Karpinski, the 800th MP brigade had no training in running prisons. By August 2003, the Iraq War turned in a disfavorable direction for the United States and Coalition forces. Scant intelligence regarding the rapidly growing Iraqi insurgency seemingly fueled a “get tough” attitude (Hersh, 2004, p. 20). In September 2003, Colonel Thomas Pappas—the military brigade commander for military intelligence (MI)—moved so-named “high value” detainees to Tiers 1A and 1B inside Abu Ghraib. The remaining general population was housed within Tiers 2A and 2B as well as outside prison walls in what was named Camp Ganci (Gourevitch & Morris, 2008, p. 45). Tiers 1A and 1B were under the strict MP control in spite of the assumed oversight of the prison by General Karpinski.

By the fall of 2003, the Abu Ghraib compound held several thousand prisoners, including women and teenagers and by the end of 2003, Abu Ghraib held over 7,000 prisoners and had processed 40,000 detainees (Goodman, “Democracy Now” Interview, 2005). The arrival of General Geoffrey Miller signaled a significant—and retrospectively—an irrevocable shift in

procedure at Abu Ghraib Prison. General Miller, who commanded operations at Guantanamo Bay (GITMO), America's post-9/11 foremost detention center in the war on terror, arrived to "discuss what he called the 'current theater ability to rapidly exploit internees for actionable intelligence'" (Gourevitch & Morris, 2008, p. 46). Practices¹³ such as prolonged and extreme isolation, fierce interrogation, caging, hooding, sensory deprivation, and chaining, routinely used at GITMO¹⁴ were brought with Miller's arrival in Iraq, whose new role was to oversee the consolidation of Iraqi¹⁵ intelligence operations within Tiers 1A and 1B of Abu Ghraib Prison¹⁶ (Gourevitch & Morris, 2008, pp. 46-47). Crucially, the inclusion of prison guards in the process of detainee interrogation was instituted at the behest of General Miller who requested that prison guards "set conditions" for the interrogation of prisoners (Gourevitch & Morris, 2008, pp. 90-91, The Taguba Report, 2004).

In the face of mounting concerns from military reports, verbal and written ICRC warnings and bad press stemming from more public complaints by Human Rights Watch and others, General Ricardo Sanchez, who commanded all Iraq operations, quietly ordered a study of Iraqi prisons in late fall 2003 (Hersh, 2004, p. 28, Gourevitch & Morris, 2008, p. 208). General Ryder conducted the study and filed his report on November 5, 2003 finding,

Recent intelligence collection in support of Operation Enduring Freedom posited a template whereby military police actively set favorable conditions for subsequent interviews...Such actions generally *run counter* to the smooth operation of a detention facility, attempting to maintain its population in a compliant and docile state. (emphasis added, Ryder Report, 2003)

Nevertheless, the Ryder Report concluded that although a flawed situation, such conditions did not constitute a crisis. Ryder's finding that "no military police units purposely apply inappropriate confinement practices," retrospectively showcases either the inability or the failure to broadcast the reality of life at Abu Ghraib (Ryder Report, 2003). Seymour Hersh argues that

the Ryder Report was “at best a failure and at worst a cover-up” (Hersh, 2004, p. 29). Albeit an alarming conclusion, there is staggering evidence to bear out such a troubling assertion. First, the majority of the 5000-plus-prison population lived in the tent cities of Camp Ganci and Camp Vigilant where sanitation and running water failed to meet population demand. The facilities were rife with disease, but more alarmingly, assault and rape due perhaps in part to the inclusion of the mentally ill within the general population (Gourevitch & Morris, 2008, p. 151). Secondly, high value detainees housed within the walls of Abu Ghraib withstood the standard operating procedure at that time—hooding, forced nudity, extreme cold, withholding of essential items such as a blanket or a bed—so as to set conditions for interrogation by MI or other intelligence agents. One such agent, Tim Dugan—a CACI¹⁷ contract interrogator¹⁸--describes his experience at Abu Ghraib in this lengthy, albeit revealing quotation,

I just thought it was a bunch of schmuck MPs acting like idiots...I don't think so anymore, not at all. They had a group of these tiger teams that were classified as the breaker teams [who] worked from 8 p.m. to 8 a.m. I don't think those kids came up with that BS by themselves, but I don't know who the hell authorized what. At Abu Ghraib, there was no professionalism. There was no honor. There was no standards. There was no discipline. The whole thing that makes us different and makes people come over to our side is that we're not torturing, lying, thieving bastards like everybody else in the world. (Gourevitch & Morris, 2008, pp. 204-205, 213).

In the wake of the completion of the Ryder Report in mid-November 2003, General Sanchez made the unprecedented move to place Abu Ghraib Prison under the control of MI leader Colonel Pappas on November 13, 2003. This set off a power struggle between MP and MI that further blurred the lines demarcating a clear chain of command through which misconduct or wrongdoing are traditionally reported. As General Taguba stated in his 2004 report, this “is not doctrinally sound due to the different missions and agenda assigned to each of these respective specialties” (Hersh, 2004, p. 31). Following General Miller's direction to “Gitmoize”¹⁹ Abu

Ghraib, however, the drive to extract intelligence seemingly transcended conventional military protocol.

At the beginning of December 2003, Colonel Stuart Herrington visited Abu Ghraib Prison at the directive of Iraq MI chief Barbara Fast, who felt the intelligence gleaned from Abu Ghraib detainees was both inadequate and substandard (Gourevitch & Morris, 2008, p. 207). Herrington, a Vietnam veteran with an illustrious career of over thirty years running counterinsurgency, counterintelligence, espionage and interrogation operations, spent one day at Abu Ghraib. He concluded, “You couldn’t have picked a worse place” with the operation at odds with both the Geneva Conventions and the aim of gaining intelligence (Gourevitch & Morris, 2008, p. 206-208). Herrington summarized his visit to Abu Ghraib:

When you try to run a sophisticated detainee exploitation facility, and you’re getting mortared at night, the Iraqi police they’ve given you to help you are not vetted, and the higher chain of command is not wild about coming and visiting you—nobody wants to drive down that road—it’s a very bad situation from the get-go. (Gourevitch & Morris, 2008, p. 207)

Crucial to note are the altogether irreconcilable official U.S. statements²⁰ concerning Abu Ghraib long before the infamous photos became public, particularly as Abu Ghraib Prison obviously concerned many having been the focus of inquiry for almost the entire time of its operation. Official statements, exemplified by Brigadier General Karpinski’s December 2003 interview with the *St. Petersburg Times*, maintained that “the living conditions now are better in prison than at home. At one point we were concerned that they wouldn’t want to leave”²¹ clash directly with official statements by Herrington, Ryder and others (Hersh, 2004, p. 21).

The consistent and rising flurry surrounding Abu Ghraib Prison serves to illustrate the increasing concerns by both the military and human rights groups. The most egregious behavior²² took place amidst the ICRC’s verbal and written warnings, Major General Ryder’s

commissioned prison study and Colonel Herrington's visit at the order of MI Chief Barbara Fast as revealed through the digital time stamping embedded in the infamous images.²³ Throughout the last half of 2003 and into early 2004, photo swapping became routine between members of the 800th MP Brigade through email, file sharing, and uploading photos to websites.²⁴ Once news of the images and the swapping of the photos came to the attention of the Army's Criminal Investigative Division (CID), military brass soon realized the explosiveness of the situation, "a looming political and public relations disaster that could taint the United States and damage the war effort" (Hersh, 2004, p. 25).

Abu Ghraib Revealed: The Calm Before the Global Storm

"Barbarism is not necessary...the strongest character, the most unyielding soldier, is exposed to violent psychological strains by the fact of captivity [which] exerts powerful pressures upon the mind and spirit of a man who knows he is innocent of wrongdoing...The POW's core, or soul, is eroded by this psychosis which distorts his conception of the world and the humans that share it with him."

Hans Scharff, Interrogator of the Luftwaffe during World War II

"I'm not looking at whether they are guilty or innocent. We're trying to determine as best we can whether they will do bad things if we release them."²⁵

Air Force Major Jeff Ghiglieri, President, Iraqi Prisoner Release Review Board

In the early hours of January 13, 2004, Specialist Joseph Darby slid a computer disc and an anonymous letter under the door of CID Special Agent Scott Bobeck, coming forward later to provide sworn testimony as a government witness.²⁶ Darby's actions²⁷ precipitated expeditious behind-the-scenes efforts to fether a wider eruption. On January 14, General Sanchez²⁸ ordered a criminal investigation, suspended Brigadier General Janis Karpinski²⁹ of her duties as well as ordered a separate investigation of the 800th MP Brigade on January 19th. At a January 16th CENTCOM³⁰ briefing, Brigadier General Mark Kimmitt³¹ announced the allegations and the investigation already underway to reporters that received scant coverage in the American mainstream press.³² The same day, Colonel Pappas, who ran the so-named "hard-site" (Tiers 1A

and 1B) where the images were taken, issued a three-page memo to all military personnel (Gourevitch & Morris, 2008, p. 247-250). It invited anyone with “contraband” (operationally defined in the memo) to dispose of it “without penalty or legal consequence by depositing them in a so-called ‘amnesty box’ made available for forty-eight hours beginning January 18” (Gourevitch & Morris, 2008, p. 248). Gourevitch explains the significance of the memorandum:

Pappas offered no explanation of his sudden concern for standards, and although he called his memo a ‘*re-iteration*,’ nobody at the prison could remember seeing anything quite like it before—particularly the bit about the photographs...The rest was boilerplate...out of the Uniform Code of Military Justice...But the photos? That was slipped in to look like nothing special...but with the photos it was a commandment, and it got local: thou shalt not at Abu Ghraib. (emphasis added, Gourevitch & Morris, 2008, pp. 248-249)

That night, recalled by Specialist Sabrina Harman (the subject of Chapter Three), “there was a big fire going on [with] porn and alcohol (conventionally viewed by the military as contraband) being burned and buried and soldiers scrubbing their computers’ photo folders” (Gourevitch & Morris, 2008, p. 249). Private Lynndie England recalled, “[they] were erasing everything so there was no evidence against them...And they were like, ‘No, I don’t know, I don’t know what you’re talking about’” (Gourevitch & Morris, 2008, p. 249). The overnight “cleansing” of Abu Ghraib that Sergeant Javal Davis described as,

Basically, he’s (Colonel Pappas) wiped out in one day every last defense witness...available to come forward and say, ‘Hey look, this is what I know’ [but] after the amnesty period, who’s going to want to come forward? No one. (Gourevitch & Morris, 2008, p. 250)

Amidst the activity, the CID handed out questionnaires and began conducting interviews with military personnel and prisoners.³³

On January 31, 2004, Major General Anthony Taguba³⁴ began an investigation, resulting in the Taguba Report (the focus of Chapter Four) filed on March 12, 2004. Between January and February 2004, President George W. Bush and senior Bush Administration officials became

aware of the existence of images detailing the on-goings at Abu Ghraib Prison. In February 2004, the ICRC released its report on prisoner abuse,³⁵ ostensibly inspiring a March 2004 assessment on the training for MP and MI personnel conducted by Lieutenant General James Helmly.³⁶ By March 20, 2004, the military filed criminal charges against six MPs, removed 17 soldiers and relieved Brigadier General Janis Karpinski of military duty. The suspects, all low-ranking soldiers belonging to the 372nd MP Company of the 320th MP Battalion,³⁷ faced charges ranging from conspiracy, dereliction of duty, cruelty towards prisoners, maltreatment, assault and indecent acts.

Staff Sergeant Ivan “Chip” Frederick II,³⁸ dishonorably discharged, pled guilty in January 2005 and is serving an eight-year prison sentence. Sergeant Javal Davis pled guilty in February 2005, holds a bad conduct discharge and served six months in prison. Specialist Charles Graner, found guilty in January 2005, is currently serving a ten-year sentence in federal prison. Specialist Megan Ambuhl, convicted in October 2004, received a reduction in rank and the loss of a half a month’s pay. Specialist Sabrina Harman, sentenced in May 2005, holds a bad conduct discharge and served six months in prison. Private Jeremy Sivits also received a bad conduct discharge after he pled guilty in May 2004 and was sentenced, by special court martial, to a one-year prison sentence. In September 2005, Private Lynndie England³⁹ was dishonorably discharged and sentenced to three years confinement. In all, eleven have been convicted of various charges, mostly relatively minor, related to the on-goings at Abu Ghraib Prison.⁴⁰

Scandal Erupts: *60 Minutes* Exposes Abu Ghraib Abuse

A postscript. Two weeks ago, we received an appeal from the Defense Department, and eventually from the chairman of the military Joint Chiefs of Staff, General Richard Myers, to delay this broadcast given the danger and tension on the ground in Iraq. We decided to honor that request while pressing for the Defense Department to add its perspective to the incidents at Abu Ghraib Prison. This week, with the photos beginning to circulate elsewhere and with other journalist about to publish their versions of the story, the Defense Department agreed to cooperate in our report.

Dan Rather, at the end of the April 28, 2004 *60 Minutes II* broadcast “Court Martial in Iraq; US Army soldiers face court martial for actions at Baghdad’s Abu Ghraib Prison.”

Images detailing the abuse of prisoners at Abu Ghraib prison provided visuality to written reports that had been circulating for more than six months although it was the photographs that catapulted the incidents into the global domain. The now infamous images that captured the on-goings at Abu Ghraib entered the global mainstream in a *60 Minutes II* report broadcast on April 28, 2004 that was followed by an April 30th *New Yorker* article⁴¹ by renowned journalist Seymour Hersh. The shocking photos, many highly sexual in nature, detailed the torturous treatment of prisoners⁴² by coalition troops and precipitated an international scandal with American soldiers in the eye of the storm. Brigadier General Mark Kimmit, when questioned by *60 Minutes* journalist Dan Rather, responded by saying,

The first thing I’d say is we’re appalled as well. These are our fellow soldiers...they represent us...they wear the same uniform as us...So what would I tell the people of Iraq? This is wrong. This is reprehensible. But this is not representative of the 150,000 soldiers that are over here...I’d say the same thing to the American people...Don’t judge your *army based on the actions of a few*. (emphasis added, *60 Minutes* transcript, April 28, 2004 broadcast)

Kimmit’s description of events stands in stark relief to statement by Staff Sergeant Ivan “Chip”

Frederick in a video diary he sent home to his family just before the story broke where he stated,

MI (military intelligence) has been present and witnessed such activity. MI has encouraged and told us great job [and] that they were now getting positive results and information. (*CBS News* broadcast, May 5, 2004)

President Bush waited to respond to the swiftly increasing global outrage until May 5, 2004. He relayed a conversation between himself and King Abdullah of Jordan stating,

I told him I was sorry for the humiliation suffered by the Iraqi prisoners and the humiliation suffered by their families [and] equally sorry that people seeing these pictures didn't understand the true nature and heart of America...the wrongdoers will be brought to justice. (Gourevitch & Morris, 2008, p. 264)

The same day President Bush, in an interview with *Al Arabiya Television*, declared,

It's very important for people, your listeners, to understand in our country that when an issue is brought to our attention on this magnitude, we act—and we act in a way where leaders are willing to discuss it with the media. And we act in a way where, you know, our Congress asks pointed question to the leadership...Iraq was a unique situation because Saddam Hussein had constantly defied the world and had threatened his neighbors, had used weapons of mass destruction, had terrorist ties, had torture chambers. (Transcript retrieved September 7, 2009 from <http://slate.msn.com/id/2100014/>)

Throughout the late spring and early summer of 2004, mounting public and media pressure surrounding the use of torture to fight the war on terror with the story remaining atop the mainstream American news agenda. Given the enormity and significance of the Abu Ghraib story, it is beyond the confines of this chapter to fully detail the amount of media attention and reaction⁴³ sparked by the revelations brought to light by the *60 Minutes* report and Seymour Hersh's follow-up piece in *The New Yorker*. The following illustrates but a few common reactions and contrastive media reactions in the wake of the scandal.

In a statement made before the Senate Armed Services Committee on May 7, 2004 then Secretary of Defense Donald Rumsfeld declared,

These events occurred on my watch...I am accountable for them. I take full responsibility [as] it is my obligation to evaluate what happened, *to make sure those who have committed wrongdoing are brought to justice*, and to make changes as needed to see that it doesn't happen again. I feel terrible about what happened to these Iraqi detainees. They are human beings. They were in U.S. custody. Our country had an obligation to treat them right. We didn't do that. That was wrong. To those Iraqis who were *mistreated by members* of U.S. armed forces, I offered my deepest apology. It was un-American. And it was inconsistent with the values of our nation.

Later during his testimony⁴⁴ Rumsfeld added:

We're functioning in a—with peacetime restraints, with legal requirements in a wartime situation, in the information age, *where people are running around with digital cameras and taking these unbelievable photographs and then passing them off, against the law, to the media, to our surprise*, when they had not even arrived in the Pentagon. (emphasis added, retrieved from <http://www.c-spanvideo.org/program/181727-1>)

Reaction ranged from conservative talk-show host Rush Limbaugh's comments,

The babes are meting out the torture...it looks just like anything you'd see Madonna, or Britney Spears do on stage⁴⁵...This is no different than what happens at the Skull and Bones initiation⁴⁶ and we're going to ruin people's lives over it [and] hamper our military effort...because they had a good time. You ever heard of need to blow some steam off? I think the reaction to the stupid torture is an example of the feminization of this country⁴⁷...Sounds to me in the context of war this is pretty good...Maybe the people who executed this pulled off a brilliant maneuver...But boy there was a lot of humiliation of people who are trying to kill us...If you have the passwords to these various porn sites, you can see things like this⁴⁸...there's a lot of false phony concern for these Iraqi detainees. This is not about people genuinely outraged about this. (Retrieved from <http://mediamatters.org/research/200405050003>)

In stark contrast, a May 4, 2004 *CNN* interview with Abu Ghraib detainee Haydar Sabbar Ali revealed the nature of his treatment that went on for hours. Mr. Ali stated,

We are Muslims. We don't go naked in front of our families. But there we were, naked in front of American women and men...[who] hit you hard in sensitive places, in the kidney, in the chest, in the throat...Our bodies were full of bruises. They didn't let us out of the cells until all our wounds had healed. (Retrieved from <http://www.cnn.com>)

A *CNN* report summarized the global response:

Arab newspapers and TV networks seemed to run out of words in describing the shock at the images they were printing on their front pages and showing in their newscasts...[and] three months after the photo scandal...growing Arab and world outrage showed no signs of calming. (Retrieved from <http://www.cnn.com>)

On May 12, 2004 the Pentagon made available over 1000 images and scores of videos to lawmakers for private viewing as materials besides leaked footage remained interned. Given the shock and outrage palpable across the globe, that almost immediately numerous inquiries into the Abu Ghraib Prisoner Abuse Scandal began, resulting in thirteen official reports and

examinations. Exemplified by renowned visual studies scholar Susan Sontag's scathing *New York Times* Op-Ed piece⁴⁹ penned May 23, 2004 followed closely by careered CIA agent Donald P. Gregg's June 10th *New York Times* Op-Ed piece,⁵⁰ the fallout and debate surrounding the Abu Ghraib Prisoner Abuse Scandal raged on into the early summer of 2004. Sontag read the horrific images as a repetition of similar historical instances of violence, particularly stating that the images reanimated the imagery of Black lynching, worth quoting at length:

The lynching photographs were souvenirs of a collective action whose participants felt perfectly justified in what they had done. So are the pictures from Abu Ghraib. The lynching pictures were the nature of photographs as trophies—taken by a photographer in order to be collected, stored in albums, displayed. The pictures taken by American soldiers in Abu Ghraib, however, reflect a shift in the use made by pictures—less objects to be saved than messages to be disseminated, circulated. (Sontag, 2004)

The flurried cries began to face, however, as the summer season gave way to the contentiousness of the 2004 Presidential race in which the Abu Ghraib Scandal was noticeable more by its absence from the heated debate surrounding national security that transcended the campaign.

Conclusion

“If you make our president apologize to the world, I would say you'd be in big trouble.”

Special Agent Brent Pack, lead forensic examiner, U.S. Army CID computer crime unit

“If it was only the night shift at Abu Ghraib—which it was; it was only a small section of the guards that participated in this—it's a pretty good clue that it wasn't a more widespread problem.”

Chairman of the Joint Chiefs of Staff General Richard Myers, August 26, 2005

A 2008 Senate Armed Services Report⁵¹ cites the Abu Ghraib Prisoner Abuse Scandal as one of the leading causes of fueling the deadly insurgency in Iraq and later, Afghanistan against U.S. forces.

The report states,

Pervasive anti U.S. sentiment among most Muslims [is] an underlying factor fueling the spread of the global jihadist movement. Former Navy General Counsel Alberto Mora testified to the Senate Armed Services Committee in June 2008 that ‘there are serving

U.S. flag-rank officers who maintain that the first and second identifiable causes of U.S. combat deaths in Iraq...are, respectively the symbols of Abu Ghraib and Guantanamo” (Senate Armed Services Report, 2008)

Although the story fell out of the mainstream national dialogue with many unfamiliar with the incident years on, the Abu Ghraib Prisoner Abuse Scandal wrecked havoc and profoundly impacted America’s global standing in the eyes of many. Nevertheless, this moment remains significant as there remains an acute drive to bring to light instances of detainee abuse exemplified by Attorney General Eric Holder’s August 2009 selection of Special Prosecutor John H. Durham to investigate the abuse of prisoners at the hands of CIA agents,⁵² a move clashing with the Obama Administration’s stated goal of “look forward and not backward.”

In summary, contextualizing the Abu Ghraib Prisoner Abuse Scandal provides a frame of reference beyond the shocking images released in late April 2004. It seemed, at the moment that the shocking pictures emerged, that due to modern technology the world was witnessing something significant. The question then arose, what kind of event do the photos represent? Is this a moment revealing that America tortures his or her enemies, therefore figuring the United States as “just like everybody else” rather than being an “exceptional” nation? Or, conversely, is this merely the work of bad apples that have temporarily tarnished the notion of American Exceptionalism? Working from the context provided in this chapter, Chapter Three moves into the content portion of the project. The next chapter examines one so-named bad apple—Specialist Sabrina Harman—to showcase how Harman moved from being a conscientious albeit reluctant witness shedding light on the abuses to a so-named bad apple.

Notes

¹ The warnings are located in a comprehensive ICRC report released in February 2004 and available at: <http://cryptome.org/icrc-report.htm>

² Chronologically, the ICRC report was released two and a half months shy of the *60 Minutes* news report that instantaneously became the so-named “Abu Ghraib Prisoner Abuse Scandal”. CBS’s website provides innumerable resources to the now-infamous *60 Minutes* expose at: <http://www.cbsnews.com/stories/2004/04/27/60II/main614063.shtml>

³ For the Bush Administration, the applicability of the Geneva Conventions had been an on-going issue of great contention ever since the 9/11 attacks, easily grasped by reading a series of memos described by Seymour Hersh as showcasing a “strong thematic of avoiding prosecution grounded in a self-defense argument of a self-defense of the nation” (Hersh, 2004, p. 18). Such a rationale, worth citing at length, is gleaned from a January 25, 2002 memo penned by Alberto Gonzales, then member of the Council to the President, rendered the Geneva Conventions “quaint” stating,

“the nature of the new war [on terrorism] places a high premium on...the ability to quickly obtain information from captured terrorists and their sponsors in order to avoid further atrocities...[this] new paradigm renders *obsolete* Geneva’s strict limitations on questioning of enemy prisoners” (emphasis mine, Greenberg & Dratel, 2005, pp. xv, 118-121).

⁴ Scholarship from Jean Bodin’s *Six Books of the Commonwealth* (1576) and Niccolo Machiavelli’s *The Prince* (1515) to Jean-Jacques Rousseau, Thomas Hobbes, and John Locke examined the notion of sovereignty with emergent modern-day legal complexities tackled by the likes of Carl Schmitt (1922, 1932) and Walter Benjamin. Contemporarily scholars such as Chantal Mouffe (1999) Giorgio Agamben (1998, 2005) and Michael Hardt and Antonio Negri (2001, 2004) address late modern and 21st century issues surrounding the concept.

⁵ The current project’s scope disallows more than to footnote that these emergent policies came to be know as the “Bush Doctrine”, that worked to sanction an expansion of executive power unseen post-Watergate under the proviso of presidential inherent war powers inherent arguably to fight the so named “war on terror”.

⁶ The memos are published in *The Torture Papers: The Road to Abu Ghraib* (Greenberg & Dratel, 2005, pp. 217-239).

⁷ Such efforts are detailed at great length in a August 2009 *New York Times* article available at http://www.nytimes.com/2009/08/30/world/30intel.html?_r=1&emc=eta1

⁸ Jay Bybee, along with several Bush Administration officials, is the subject of a war crimes investigation in Spain.

http://www.correntewire.com/spain_indict_gonzales_yoo_feith_addington_bybee_and_haynes

⁹ General Colin Powell’s January 26, 2002 memo pleads for a reevaluation of adopting an aggressive stance along with General Gordon’s and Major General Dunleavy’s questioning of processing and treatment (Greenberg & Dratel, pp. 122-125, Hersh, pp. 6-9).

¹⁰ See *Chain of Command: The Road from 9/11 to Abu Ghraib*, quoting an agent assigned to GITMO who described the detention center as “wrong...and also dysfunctional” (Hersh, 2004, p. 6).

¹¹ Images from Abu Ghraib are easily accessible at the following websites:

<http://www.guardian.co.uk/gall/0,,1211872,00.html>

<http://www.antiwar.com/news/?articleid=2444>

<http://www.cbsnews.com/stories/2004/04/27/60II/main614063.shtml>

¹² To date, Brigadier General Karpinski is the *only* ranking officer to be punished for what transpired at Abu Ghraib Prison. She was reprimanded, demoted to Colonel and relieved of her duties. See http://www.nytimes.com/2005/04/23/politics/23abuse.html?_r=1 and <http://abcnews.go.com/Nightline/IraqCoverage/story?id=751870&page=1&page=1>

¹³ The interrogation practices specific to GITMO, but used extensively in other arenas such as Bagram Air Base in Afghanistan and in secret CIA run prisons is detailed in a CIA report released publicly in late August 2009 through an ACLU-led lawsuit under the Freedom of Information Act.

<http://washingtonindependent.com/56175/the-2004-cia-inspector-generals-report-on-torture>

¹⁴ Appendix A in *The Torture Papers: The Road to Abu Ghraib* lists the approved interrogation techniques utilized at Guantanamo Bay, Cuba from December 2002-January 2003 and is further detailed in a series of memos (Greenberg & Dratel, 2005, p. 1239, pp. 218-239).

¹⁵ In spite of the failure of harsh interrogation tactics to extract valuable intelligence from GITMO detainees, the same policies traveled to Iraq (Hersh, 2004, pp. 20-21).

¹⁶ General Taguba states, “I find that personnel assigned to the 372nd MP (military police) Company, 800th MP Brigade were directed to change facility procedures to ‘set the conditions’ for MI (military intelligence) interrogations...[was] actively requested that MP guards set physical and mental conditions for favorable interrogation of witnesses” (Taguba Report, cited in Hersh, 2004, p. 29).

¹⁷ For over forty years CACI Corporation has provided federal and civilian security, defense and intelligence services for the United States government available at their website

<http://www.caci.com/>.

¹⁸ A *The Washing Post* article details a contract, awarded in 1998 to employ CACI for routine duties such as inventory control, was used as a springboard to send CACI interrogators to Abu Ghraib <http://www.washingtonpost.com/wp-dyn/articles/A31611-2004May16.html>

¹⁹ General Miller’s term, “Gitmoize”, emerged during Senate hearings on Abu Ghraib (Hersh, 2004, p. 31).

²⁰ Seymour Hersh, in relation to GITMO notes, “There was, obviously, a disconnect between the reality of prison life in Guantanamo and how it was depicted to the public in carefully stage-managed news conferences and statements released by the Administration” (Hersh, 2004, p. 11). This project aims to detail a similar harnessing of discourse as it relates to the Abu Ghraib Prisoner Abuse Scandal.

²¹ For the *St. Petersburg Times* original article, see the following, although it necessitates payment for access to the article.

<http://pqasb.pqarchiver.com/sptimes/access/494655701.html?FMT=FT&dids=494655701:494655701&FMTS=ABS:FT&type=current&date=Dec+14%2C+2003&author=SUSAN+TAYLOR+MARTIN&pub=St.+Petersburg+Times&desc=Her+job%3A+Lock+up+Iraq%27s+bad+guys>

²² Interrogation techniques approved in October 2002 and employed until rescinded on January 15, 2004 are detailed in *The Torture Papers, The Road to Abu Ghraib*, pp. 223-239. Detailed in *The Least Worst Place: Guantanamo’s First 100 Days*, the interrogation techniques divided into categories I (included yelling and deception), II (included sensory deprivation, isolation for up to 30 days, hooding, the use of dogs, capitalizing on phobias, etc), and III (included waterboarding and threats of death for the detainee and their family). The Department of Defense unclassified tables of interrogation techniques categories I, II and III are available in *The Torture Papers, The Road to Abu Ghraib*, pp. 348-353.

²³ Many of the most egregious and some of the most recognizable images were taken over a twelve-minute time period on the evening of December 12, 2003 (Hersh, 2004, p. 35).

²⁴ See Grusin, R. (2009). "Affect, Mediality and Abu Ghraib" in *Premediation* and Tait, S. (2008). "Pornographies of Violence? Internet Spectatorship on Body Horror" in *Critical Studies in Media Communication*, 25, 1, pp. 91-111.

²⁵ The full *Washington Post* article is available at: <http://www.washingtonpost.com/wp-dyn/content/article/2008/12/05/AR2008120503906.html>

²⁶ After the Abu Ghraib story broke, Specialist Joseph Darby transformed into a hero and hailed as a whistleblower key in stopping the so-called "abuses" at the prison.

<http://www.cbsnews.com/stories/2004/05/10/iraq/main616660.shtml>

A fascinating 2006 interview with Anderson Cooper is available in text and video format at: <http://www.cbsnews.com/stories/2006/12/07/60minutes/main2238188.shtml?tag=contentMain;contentBody>

Philip Gourevitch, a leading expert on the Abu Ghraib Prisoner Abuse Scandal retains grave misgivings over the motives of Specialist Joseph Darby, who knew of the on-goings at the prison long before he turned over the CD of images, which arguably turns on its head the assertion by Seymour Hersh that Specialist Darby "did what the world's most influential human rights groups could not". Gourevitch details his stance concerning Specialist Darby during a television interview on *The Body Politic*, available for viewing at:

<http://www.youtube.com/watch?v=zUXVNu3iW-w&feature=channel>

²⁷ In March 2005, Darby received the John F. Kennedy Profile of Courage Award, typically awarded to those in public office. The press release announcing the award states, "...although the courage demonstrated by Darby was somewhat different than that required by elective office, it was nonetheless deserving of recognition." Additional detail available through the following article links:

<http://www.jfklibrary.org/JFK+Library+and+Museum/News+and+Press/Recipients+of+the+2005+John+F+Kennedy+Profile+in+Courage+Award+Announced.htm>

²⁸ General Sanchez's orders are contained in a memo available in *The Torture Papers, The Road to Abu Ghraib*, p. 469.

²⁹ The transcript of Brigadier General Janis Karpinski's interview is available in *The Torture Papers, The Road to Abu Ghraib*, pp. 529-553.

Janis Karpinski has spoken at great length publicly about her role at Abu Ghraib Prison and the ramifications once photographic evidence of detainee abuse became known. She sat down with Amy Goodman for an interview broadcast on the radio program *Democracy Now!* which is available: http://www.democracynow.org/2005/10/26/col_janis_karpinski_the_former_head

³⁰ CENTCOM is the abbreviated military terminology for the United States Central Command.

³¹ An interview with Kimmit, once the Abu Ghraib story broke, is available for view at

<http://www.cbsnews.com/stories/2004/05/05/60II/main615781.shtml>

³² Initial coverage regarding the allegations of abuse at Abu Ghraib is exemplified by a January 17, 2003 article in the *New York Times*:

<http://www.nytimes.com/2004/01/17/world/inquiry-ordered-into-reports-of-prisoner-abuse.html?scp=2&sq=abu+ghraib&st=nyt>

³³ The questionnaire and sworn statements are available in *The Torture Papers: The Road to Abu Ghraib*, pp. 471-528.

³⁴ Taguba retired in January 2007, which he has since argued this was a forced retirement.

<http://www.nytimes.com/2007/06/17/washington/17ghraib.html>

Taguba accuses the Bush Administration of committing war crimes and maintains that photographs President Obama classified in early 2009 showcase criminal behavior such as rape. Both allegations are detailed in the following articles:

<http://www.washingtonpost.com/wp-dyn/content/blog/2008/06/18/BL2008061801546.html>

<http://www.telegraph.co.uk/news/worldnews/northamerica/usa/5395830/Abu-Ghraib-abuse-photos-show-rape.html>

³⁵ The ICRC report is available on-line at <http://cryptome.org/icrc-report.htm>.

³⁶ Helmly's inquiry is detailed in this August 2004 *New York Times* article,

<http://www.nytimes.com/2004/08/23/world/the-reach-of-war-abu-ghraib-more-reserve-training-set-as-result-of-abuse-inquiry.html>

³⁷ The 372nd MP Company and the 320th MP Battalion are components of the 800th MP Brigade.

³⁸ Frederick was six-year veteran of the Virginia Department of corrections and the senior enlisted soldier to be charged.

³⁹ Private Lynndie England, the seventh suspect, was charged later given her reassignment to Fort Bragg, North Carolina after becoming pregnant with Specialist Charles Graner's child (Hersh, 2004, p. 23).

⁴⁰ For a more expanded list of charges and those charged, see Gourevitch, P., & Morris, E. (2008). *The Ballad of Abu Ghraib* and Hersh, S. (2004). *Chain of Command: The Road from 9/11 to Abu Ghraib* as well as full reviews at Salon.com and PBS.com:

http://www.salon.com/news/abu_ghraib/2006/03/14/prosecutions_convictions/

and <http://www.pbs.org/wgbh/pages/frontline/torture/etc/faqs.html> respectively.

⁴¹ Hersh's article was available on-line April 30, 2004 and published in the May 10th edition of *The New Yorker* and available for view at:

http://www.newyorker.com/archive/2004/05/10/040510fa_fact

⁴² View a poster of sanctioned interrogation tactics posted in Lieutenant General Ricardo Sanchez's office throughout the period of most egregious abuses:

<http://www.pbs.org/wgbh/pages/frontline/torture/paper/rules.html>

⁴³ Outrage over the Abu Ghraib Prisoner Abuse Scandal provoked a multitude of differing reactions, exemplified by a museum exhibition titled "Inconvenient Evidence: Iraqi Prison Photographs from Abu Ghraib, Iraqi murals and an amusement park game available on-line:

http://museum.icp.org/museum/exhibitions/abu_ghraib/abu_ghraib_brochure.pdf

http://www.foreignpolicy.com/story/cms.php?story_id=4725&page=9 (access necessitates payment)

<http://www.nytimes.com/2008/08/06/arts/design/06wate.html>

⁴⁴ Secretary Rumsfeld's press conference after his appearances before the Senate and House Armed Services Committees is available at <http://www.c-spanvideo.org/program/181750-2>

⁴⁵ The transcript of this portion of the broadcast is available at:

<http://cloudfront.mediamatters.org/static/pdf/limbaugh-20040503.pdf>

⁴⁶ The broadcast is available at:

<http://cloudfront.mediamatters.org/static/audio/limbaugh-20040504.mp3>

⁴⁷ The transcript of this portion of the broadcast is available at:

<http://cloudfront.mediamatters.org/static/pdf/limbaugh-20040505.pdf>

⁴⁸ The transcript of this portion of the broadcast is available at:

<http://cloudfront.mediamatters.org/static/pdf/limbaugh-20040507.pdf>

⁴⁹ Susan Sontag's piece is available at:

<http://www.nytimes.com/2004/05/23/magazine/23PRISONS.html>

⁵⁰ Retired CIA Agent Donald P. Gregg's piece is available at:

<http://www.nytimes.com/2004/06/10/opinion/10GREG.html>

⁵¹ The much anticipated Senate Armed Services Committee 2008 Report is available at:

<http://armed-services.senate.gov/Publications/EXEC%20SUMMARY->

CONCLUSIONS_For%20Release_12%20December%202008.pdf

⁵² More detail available from the following article in *The Washington Post*:

<http://www.washingtonpost.com/wp-dyn/content/article/2009/08/24/AR2009082401743.html>

CHAPTER 3: SABRINA HARMAN—THE TRADITIONAL BUT IMPLICATED WITNESS

Introduction

“Wer mit Ungeheuern kampf, mag zusehn, dass er nicht dabei zum Ungeheuer wird. Und wenn du lange in einen Abgrund blickst, blickt der Abgrund auch in dich hinein.”

(“He who fights monsters should see to it that he himself does not become a monster. And when you gaze long into an abyss, the abyss gazes also into you.”)

Frederick Nietzsche, *Beyond Good and Evil*

“...you probably wouldn’t believe me unless I had something to show you...So if I say, ‘Hey this is going on, look I have proof,’ then you can’t deny it I guess...Just to show what was going on, what was allowed to be done.”

Specialist Sabrina Harman, in an interview with author Philip Gourevitch

The Abu Ghraib Prisoner Abuse Scandal shocked the world for a multitude of reasons, not least of which being the behavior of female soldiers. The focus of this chapter is one such female player, Specialist Sabrina Harman. This chapter critically examines Harman’s letters to her partner from her arrival at Abu Ghraib, to the time she was assigned to Tiers 1A and 1B through to the Army’s knowledge of the existence of photographic evidence capturing the abuse of detainees. The analyses of these texts first lay bare Harman’s conflicted dismay surrounding the on-goings at Abu Ghraib. Further, this chapter provides a contextualization that both aid in understanding Sabrina Harman, a 21st century gay female soldier as well as her actions as a reluctant—and implicated—witness to the Abu Ghraib Prisoner Abuse Scandal as it unfolded.

As the forthcoming analysis reveals, Harman—at first—was a witness in the very literal sense, that she was proximate and privy to the goings-on transpiring before her. At the outset, Harman performs her role as the dutiful soldier by assuming a supportive, almost “gung ho” stance towards the treatment of detainees. Further, to presumably offset the reality of what was unfolding around her, Harman rationalizes—and at moments dismisses—what she is witnessing. This swiftly, however, becomes untenable thus prompting Harman to take up the traditional role

of a witness. In this position, Harman documents—through her letters to her partner and by taking photographs—what is taking place at Abu Ghraib Prison. Beyond merely witnessing the atrocities taking place, the position of witness offers Harman a platform from which she represents herself as witnessing, in a Lacanian sense, the “real.” Just as witnessing has traditionally offered a glimpse of a larger reality, Harman’s letters and photographs—in her mind at least—provide ostensibly inarguable proof of what America was doing behind closed doors. Contrary to America’s righteous image, the reality Harman is witnessing instead reveals the United States as condoning and carrying out the abusive treatment of prisoners under their command.

As Birdsell & Groake (1996) detail, visual culture plays a formidable role in how “conventions of vision produce an image in the first place” (Finnegan, 2001, p. 133). As the work of Martin Jay (1994) asserts, the assumed authority of sight draws from the Cartesian conception that the subject rationally sifts through what they see, which is instinctively filtered through representations held in the subject’s mind. In addition, Crary (1992), noting Michel Foucault’s notion of discursive fields, argues that the conditions of possibility for the subject to see are constructed “within a prescribed set of possibilities, one embedded in a system of conventions and limitations” (Crary, 1992, p. 6). One dominant example is the notion of realism, which buttresses what Eduardo Neiva names a “logic of photography” (Neiva, 1999, pp. 213-214). This logic structure, informed by realism, shapes how pictures are seen as well as eclipses the referential basis from which subjects see an image.

In other words, subjects presume their ability to locate the “truth” furthered by the assumption that photographs transparently represent the world. Neiva’s logic of photography speaks to the quiet motivation prompting subjects to take pictures in order to document that which unfolds

before them. Beyond vision establishing a subject's place within their social environment, one may only select from the possibilities available to them at that moment in order to produce an image (Neiva, 1999). Therefore, through the "act" of taking a photo, the subject embodies a way of seeing the moment being captured. Applying these theoretical assertions to this examination of Specialist Sabrina Harman, her first act is to take photos of the atrocities transpiring in front of her before she fully ascends to the position of a traditional proximate witness answering the demand witnessing entails. Motivated by the presumption that the photos she was taking would reveal the "truth," her actions are concomitant with the assumptions detailed above. For Harman, taking pictures is the one constant as she moves from being a dutiful soldier to a reluctant witness to rising to the position of a proximate—albeit implicated—witness.

In the end, however, Harman's attempts to witness fail, as although she took photographs for proof, the pictures become her undoing. Out of over 1100 photographs, Harman appears in only three pictures (*Standard Operating Procedure*, Morris, 2008). Inescapable for Harman, however, is the visually searing and ultimately unforgettable images of her smiling and posing with a "thumbs up" over the body of a dead Iraqi prisoner¹ and behind a human pyramid of naked detainees. Although a traditional witness insofar as Harman's proximity afforded her a wormhole view of events unfolding before her, Harman's position is confounded further as her proximity renders her an implicated witness—implicated in the abuse of detainees by her mere presence at such moments. Conversely, however, Harman's implicatedness allows her to bear witness to the actuality of what transpired as she not only she saw detainee abuse first-hand, but moreover, saw the consistent use of abusive tactics for more than four months. Despite this, and in spite of Harman's explanation that her actions were a way to "play along" in order to continue documenting the goings-on, it is her proximity to events and the photographic proof of that,

which enables Harman's witnessing efforts to be turned on their head in the service of a bad apples version of events. Therefore, it is Harman's presence in the photographs that results in her being easily framed as complicit in the crimes rather than a being witness to the atrocities at Abu Ghraib Prison.

In sum, Harman is at first a reluctant witness who assumed the role of the proximate witness in order to document what was taking place at the hands of American soldiers, interrogators and intelligence agents. What confounds—and ultimately undermines—Harman's efforts, however, is her position of an implicated witness. The notion of the implicated witness holds a unique status in American legal history, as the notion of the implicated witness was the subject of fierce legal debate towards the end of the 19th century. As detailed by Mayer (1959, 1960), the 1891 Supreme Court ruling in the *Counselman* case² extended the constitutional privilege against self-incrimination to witnesses. The landmark ruling over Fifth Amendment rights overturned the previous understanding that such rights were applicable only to defendants. The Supreme Court's decision extended Fifth Amendment privileges to witnesses that offered "complete protection against subsequent prosecution" (Mayer, 1959, p. 150). The legal implications for Sabrina Harman are many, and beyond the scope of the current endeavor. To know, however, that Harman's position as an implicated witness afforded her much more than what became of her is noteworthy. If Harman had completely fulfilled her role as a traditional, proximate witness, she would have enjoyed full legal protection from self-incrimination. Moreover, such action would have halted the potentiality of categorizing her as a complicit witness and thus, a bad apple.

Witnessing studies, particularly the work of Anne Cubilie,³ investigates the implicated witness through her examination of personal accounts of atrocity survivors from both the

Holocaust and the Yugoslavian civil wars in the early 1990s. Cubilie asserts that one of the innumerable effects of witnessing atrocity is that the witness “feel[s] complicit in their own murder and that of others, it effectively remove[s] from them the ability to feel that they [are] credible” (Cubilie, 2005, p. 92). In other words, Cubilie points out that in order to survive their surroundings, the subject must, in effect, “die” as must others around them. Beyond being unable to save others from actual death, the survivors experience a kind of “death” in order to continue to live. As a result, survivors’ ability to perceive themselves as credible to bear witness to what they saw is fundamentally called into question insofar as, psychologically speaking, their survival has the paradoxical effect of positioning the subject as complicit—or implicated—in the atrocities.

In sum, Cubilie’s argument details that for a traditional, proximate witness—such as Sabrina Harman—a significant yet incongruent consequence is that such a position effectively implicates the witness in what they are able to bear witness to that complicates Durham Peters’ formulation of a traditional witness. As Cubilie states, “will they remain aloof spectators or will they acknowledge the ethical demand to become witness to and therefore implicated in the struggles and atrocities...?” (Cubilie, 2005, p. 93). As the forthcoming analysis showcases, Harman moved from an “aloof spectator” or dutiful soldier following orders to a woman answering the ethical demand to become a witness. Her role as a traditional witness proximate to the detainee abuse at Abu Ghraib simultaneously positions her as an implicated witness. It is this position as well as the unforgettable pictures of her with a smile and the thumbs-up gestures that ultimately usurp Harman’s efforts to reveal the reality of what transpired at Abu Ghraib Prison.

Through the rhetorical analysis of this case study that draws on witnessing studies scholarship, this chapter’s conclusions offer the following contributions. First, the examination

demonstrates what kind of witness Harman was—one that moved from a reluctant witness to a proximate witness and as a result, positioned her as an implicated witness. Given the myriad of constraints Harman faced, this was all she could be, a role she accepted in order to reveal that which she witnessed. Second and by extension, the case study highlights the complexity of witnessing given Harman moves through several witnessing positions. In addition to her moving through the position of a reluctant witness to a proximate witness to simultaneously operating as an implicated witness, examining Harman’s case calls into question the leading formulations of witnessing offered by Durham Peters and Ellis. Given what comes from Harman’s proximity to the events at Abu Ghraib, her case complicates Durham Peters’ insistence on the component of proximity given that this fails to afford Harman the ability to bear witness to the Abu Ghraib atrocities. Equally, this case troubles Ellis’ assertions insofar as Harman’s harnessing of technology to document detainee abuse is ultimately usurped in the service of a bad apples rendering of events. Lastly, the chapter offers a glimpse of a moment of what this project names failed witnessing given Harman’s efforts to witness the abuse of detainees fails to accomplish the main goal of witnessing: to make known her experiences in order to reveal what had transpired at the prison.

Specialist Sabrina Harman: From Lorton Virginia to Abu Ghraib Prison

“That’s the story...If I want to keep taking pictures of those events—I have to fake a smile every time.”

Specialist Sabrina Harman, in a letter to her partner, Fall 2004

Sabrina Harman dreamed of following in her father’s footsteps to become a forensic detective. For a young woman delivering pizzas in Lorton, Virginia, however, Harman’s goal of becoming a forensic detective seemed far from reach. As a logical step towards this end, Harman enlisted in the Army to help pay for college, specifically entering the Military Police

(MP) reserves in the hope of joining a police force. Specialist Sabrina Harman's 372nd M.P. Company, based out of Cresaptown, Maryland, deployed to Al Hillah, Iraq, sixty miles south of Baghdad soon after President Bush's May 2003 declaration that "major combat operations [had] ended." Throughout the summer of 2003, Harman and her fellow soldiers reported making friends with the Iraqis, shopping in the local markets, playing with the children and feeling safe. She had seemingly adapted to her life as a soldier, and perhaps feeling as though she was getting the kind of exposure she would be able to draw upon in the future as a forensic detective.

The 372nd M.P. Company's mission was to provide support for the First Marine Expeditionary Force controlling the city of Al Hillah as well as aid in training the local police force, much of which Harman documented with her digital camera. "To Harman, the assignment felt like a peacekeeping mission, not a tour of combat...and she was known in the unit as someone who hated to see or do violence" (Gourevitch & Morris, "Exposure", 2008). A 2005 interview with the news program *20/20* showed the many photos Harman took, who was dismayed by the abject poverty the Iraqi people faced, particularly Iraqi children. In spite of their destitution, Harman detailed, "how nice the Iraqi people are" when describing her assignment in Al-Hillah (*20/20* Interview, 2005).

As the summer's calm gave way to a rapidly rising insurgency, however, the true turn of events was the arrival of Harman's 372nd Company at Abu Ghraib prison in October 2003. At that point in time, Abu Ghraib was "the most attacked American base in Iraq" as it was an easy target for insurgent attacks, "an outpost of the military occupation in its most despised aspect—holding Iraqis captive" (Gourevitch & Morris, "Exposure", 2008). Daily mortar attacks claimed the lives of both prison inmates and American military personnel at an alarming rate creating an almost unlivable environment. The 372nd Company believed their assignment to Abu Ghraib

was due in large part to their expertise in supporting front-line forces. Their assignment was odd, however, given their lack of specialized experience in running prisons. The redeployment was particularly baffling given the M.P.s lack of knowledge of the Geneva Conventions that traditionally govern such facilities.

Harman, in the only television interview she has given to date, denied ever having received any information on the Geneva Conventions, stating that, “The only additional training was for riot control” (20/20 Interview, 2005). Such an assignment would typically necessitate additional training, especially for reservist soldiers and particularly in light of “Army regulations [that] limit intelligence activity by M.P.s to passive collection” (Hersh, 2004, p. 28). In other words, unlike the assignment handed down to the soldiers in 372nd Company at Abu Ghraib, M.P.s conventionally operate as a part of a wider Army support system rather than being actively involved in intelligence gathering efforts. When Harman first began working at the Abu Ghraib prison, she guarded female prisoners in other cellblocks. Before long, however, Harman was reassigned to duty on Tiers 1A and 1B where she worked from 4 p.m. through 4 a.m., seven days a week (ABC News, 20/20 Interview, 2005). Harman served as a night shift runner whose duties would typically include taking prisoners from their cell to an interrogation room and then returning the prisoner to their cell after the interrogation was complete.

Digital time stamping discloses that on the very first shift of her new assignment, and finding her surroundings hard to believe, Harman began documenting her surroundings by taking photos of what she was witnessing. Exemplifying what her duties entail, Harman testified that her job was to “keep detainees awake, including one hooded prisoner who was placed on a box with wires attached to his fingers, toes and penis”⁴ (Hersh, 2004, p. 29). Further, Harman explained that, “MI (military intelligence) wanted to get them to talk” (Hersh, 2004, pp. 28-29). What Harman

and many of her fellow soldiers understood was that the M.P.s needed to break down the prisoners so that they would give up the information that MI assumed the prisoners were holding.

At first, Harman believed she was acting alone in taking pictures of the on-goings at the prison although she soon discovered that many soldiers were not only taking photos, but also uploading and swapping the photos, with some soldiers even using the images as screen savers for their personal laptop computers (20/20 Interview, 2005). By the end of her first shift, Harman had taken twenty-five photographs (Gourevitch & Morris, 2008, p. 107). Utilizing a Sony Cybershot digital camera, Harman's first images have a distinctly documentary feel to them (Morris, 2008, *Standard Operating Procedure* [Motion Picture]). Featuring single shots of multiple prisoners standing naked, hooded, and bound to railings, the detainees are seemingly unaware that they are being photographed. Author Philip Gourevitch states,

At the outset—during her first weeks at the hard site—when she photographed what was being done to prisoners, she did not include her fellow soldiers in the pictures...the soldiers are the unseen hand in the prisoners' ordeal. (Gourevitch & Morris, 2008, p. 112)

Therefore, upon her reassignment to Tiers 1A and 1B, Harman begins operating as a witness in the classic sense—as one proximate to the event and thus able to bear witness to it. A long way from delivering pizzas in Lorton, Virginia, Sabrina Harman found herself amidst the daily dehumanization of detainees at Abu Ghraib Prison.

The following sections examine Harman's letters to reveal the impulse behind documenting the on-goings she was privy to at Abu Ghraib Prison as well as to trace her journey through multiple witnessing positions. The first portion examines Harman's first four letters detailing her experiences when she first arrived at the prison and subsequently when she was first assigned to Tiers 1A and 1B. The second portion examines Harman's last three letters that detail her experiences during the most egregious instances of detainee treatment,⁵ which she also

documented with her digital camera, the result being the now infamous images. The seven letters provide a chronology of Harman's move from a duty-bound soldier to a reluctant witness documenting the atrocities at Abu Ghraib unfolding before her.

Witnessing through Letter-Writing

“It seemed like stuff that only happened on TV, not something you really thought was going on. It's just something that you watch and that is not real.”

Specialist Sabrina Harman, as detailed to author Philip Gourevitch

In addition to taking photographs, Harman regularly wrote home to her partner, Kelly Bryant, who she addresses her “wife.” In fact, most of the letters Sabrina Harman wrote were to Kelly. In a *20/20* interview Bryant details that she became increasingly worried about Sabrina given the contents of Harman's letters. Bryant states, “I just wanted to bring her back to the States, and just wanted to get her away from the awful situation she was in. But I knew there wasn't much she could do” (*20/20* Interview, 2005). One of the most striking features of Harman's letters is the palpable inward battle between her duty as a soldier in serving the American mission and being complicit in carrying out the methods employed to fulfill the mission. What was taking place on Tiers 1A and 1B of Abu Ghraib prison—to Harman—veered away from what she believed the military, and by extension, the U.S. stood for. In interviews with Philip Gourevitch and documentary filmmaker Errol Morris, Harman describes what she named “both sides of me,”

It was the military and civilian—the tough side and the non-tough-side. You battle out which one is stronger. You're trained to be tough. I was right out of basic and you're just trained to do what you're told, and to not let things affect you. You're supposed to set all emotions aside, because this is war. I think it's almost impossible. It is emotional. (Gourevitch & Morris, 2008, p. 114)

Harman's letters, dated from October 1, 2003 to January 13, 2004, detail her experiences on Tiers 1A and 1B at Abu Ghraib prison. This section of the prison was known as the “hard site” that held detainees categorized as “high intelligence value” to American military intelligence

agents. In what follows, I will examine the seven letters⁶ Harman and Bryant made available to both *20/20* as well as to Philip Gourevitch for his book *The Ballad of Abu Ghraib* and to Errol Morris for his documentary film *Standard Operating Procedure*.

The following textual analysis pays specific attention to the seven letters Harman wrote to her partner, Kelly Bryant. The first four letters are of particular interest insofar as they showcase a pivotal shift. The analysis will showcase Harman's move from a dutiful soldier "following orders" to a reluctant witness. Through her letters to her partner, Harman reveals a fierce internal tension between assuaging her complicity with the questionable nature of "following orders"—which she rapidly begins to see as wrongful—and fulfilling her duty as a soldier to the U.S.-led mission of gaining intelligence to save American lives. Harman's final three letters detail two crucial points. First, her letters reveal the increasing levels of harsh—and arguably torturous—activities taking place at Abu Ghraib. Detainee treatment, as Harman describes, descends into behaviors that are truly shocking. Secondly, and in some measure unwittingly, Harman's final three letters evidence military efforts to whitewash the on-goings at Abu Ghraib through internal investigations and the destruction of evidence.

Letters One, Two, Three and Four

"It's like a bad porn movie, 'The Geneva Monologues.' All S and no M."

Maureen Dowd, "Torture Chicks Gone Wild", *New York Times* Op-Ed, January 30, 2005

Sabrina Harman's first letter to her partner announces her arrival at Abu Ghraib prison with the opening line reading, "First day at the prison" (Gourevitch & Morris, 2008, p. 71). Harman follows this with a reference to the danger surrounding the detention facility, "we can hear shots—no white lights are allowed to be on...[and] no leaving the building after dark" (Gourevitch & Morris, 2008, p. 71). Two lines into her first letter, Harman pens an unsettling statement that reads, "I hope we aren't here long!" (Gourevitch & Morris, 2008, p. 71). Harman

goes on to retell a recurrent dream that has plagued her throughout her tour in Iraq but quickly returns to describing her new environment. She writes,

So back to the prison...I have a bad feeling about this place. I want to leave as soon as possible! We are still hoping to be home X-mas or soon after. I love you...Please don't give up on me! (Gourevitch & Morris, 2008, pp. 71-72)

Harman's first letter conveys a palpable sense of anxiety as well as expresses a distinct sense of fear-filled dread. Given what Harman goes on to witness—and take part in—her first letter is particularly eerie. In her first weeks at Abu Ghraib, Harman is assigned to guarding female prisoners. Eighteen days later, Harman is reassigned to Tiers 1A and 1B and it is at this juncture that she writes her next letter to Kelly.

At first, Harman's second letter conveys a commitment to her role as an American soldier as one who follows orders as a good soldier is expected to. Moreover, it details Harman's belief that the detainees she was guarding were a threat to the United States and the American mission. Harman's second letter states,

The prisoners we have range from theft to murder of a US soldier. Until Redcross came we had prisoners the MI [military intelligence] put in womens panties trying to get them to talk. Pretty funny but they say it was 'cruel.' I don't think so. No physical harm was done. (Gourevitch & Morris, 2008, 108)

At this juncture, Harman conveys her unquestioned belief that the detainees she is guarding are guilty. This passage also showcases Harman's acceptance—at that moment—of the tactics being employed to extract information from the prisoners by her mocking (“pretty funny”) the use of women's panties to “get them to talk.” Ostensibly, Harman justifies American action given “no physical harm was done.”

Further, Harman describes her personal view of the detainees as “people that were pretty much in the same situation I was, just trapped at Abu Ghraib” (Gourevitch & Morris, 2008, p.

115). Harman's second letter provides the reader a glimpse into the conditions at the prison as Harman details the state of the prisoners on her first night on Tiers 1A and 1B:

It sucks because they all have something wrong. We have people with rashes on their bodies and who-ever is in the cell with them start to get it...We have guys with TB! That sucks cause we can catch that. Some have STDs. You name it. Its just dirty. (Gourevitch & Morris, 2008, p. 108)

Such scenes are expounded upon in her third letter, dated the following evening, October 20, 2003 at 12:30 a.m.:

I go downstairs and flash my light on this 16 year old sitting down with his sandal smacking ants. Now these ants are Iraqi ants, LARGE! And this poor boy is being attacked by hundreds...All I could do was spray Lysol. The ants laughed at me and kept going...Poor kids. Those ants even Im scared of. (Gourevitch & Morris, 2008, p. 109)

Harman's second letter is telling for yet another reason: she recounts the immediate danger that she faces from the growing insurgency in the area surrounding the prison.

The prison has been quiet for the past two nights. The night before that another IED [improvised explosive device] went off...it destroyed another Hmvv. Im afraid to leave the prison to go south to use the phones, they plant those IEDs on the roads and set them off as you pass. The sound is unforgettable. (Gourevitch & Morris, 2008, p. 108)

She goes on in the third letter, "The other night at 3, when I wrote you, the firefight...3 killed 6 injured—Iraqis" (Gourevitch & Morris, 2008, p. 110). Such an environment is unimaginable but it is brought to light through Harman's letters.

On her second night of duty, Harman recounted in her third letter her role in the treatment of detainees in this lengthy, yet telling passage:

They've been stripping 'the fucked up' prisoners and handcuffing them to the bars. I get to laugh at them and throw corn at them. They sleep one hour then we yell and wake them—make them stay up for one hour, then sleep one hour—then up etc. This goes on for 72 hours while we fuck with them. A sandbag was put over their heads while it was soaked in hot sauce. (Gourevitch & Morris, 2008, p. 109)

Harman's letter retells ghastly scenes in a way that frames such occurrences as seemingly "normal." Reading her accounts, the normalcy of such actions is as equally disturbing as the

scenes she describes. To be sure, what Harman is witnessing—and complicit in—are scenes illustrating a kind of shocking brutality that soldiers all take part in. What is baffling, however, is that Harman ostensibly assumes, at that juncture, that such treatment is a legitimate way of gathering intelligence. In other words, her letter does not explicitly express a sense of reservation about what is going on or what she is taking part in. Harman does, however, on some level seem unsettled by what she has witnessed when she adds that “pictures were taken, you have to see them” (Gourevitch & Morris, 2008, p. 109).

Harman’s ambivalence, however, begins to become clearer in the middle of her third letter.

Harman writes,

Its pretty sad...I kind of feel bad for these guys even if they are accused of killing US soldiers. We degrade them but don't hit and that's a plus even though Im sure they wish we'd kill them. Most have been so scared they piss on themselves. Its sad...Okay, that's bad but these guys have info, we are trying to get them to talk, that's all, we don't do this to all prisoners, just the few we have which is about 30-40 not many. (Gourevitch & Morris, 2008, pp. 109-110)

Harman’s doubt surrounding interrogation tactics becomes apparent in her expression of empathetic statements, yet this is paired with her assertion of a seeming necessity when she states, “but these guys have info.” On the one hand Harman recognizes the wrongfulness of what she sees with the admission that “we degrade them” yet attempts to vindicate the handling of prisoners by asserting that “[we] don’t hit and that’s a plus.” On the other hand, she follows this with “I’m sure they wish we’d kill them,” illustrating Harman’s realization of the wrongfulness of what is transpiring. Towards the end of the letter, however, Harman returns to justifying the treatment of detainees with her assertion that “we are trying to get them to talk...we don’t do this to all prisoners, just [a] few.” The mixture of empathy and guilt alongside the inkling of her complicity in these acts showcases a striking inward battle that is made material through the letters penned to her partner. Through a mixture of schizophrenic and

paradoxical declarations that emerge just one shift into her new assignment of Tiers 1A and 1B, Harman's questioning of what she is both witnessing and participating in emerges.

By her fourth letter—written just ten hours after the third letter and just hours into her third shift—Harman moves away from being ambivalent. It is clear that a shift has occurred in the opening of the letter. Harman writes,

Okay, I don't like it anymore. At first it was funny but these people are going to far. I ended your letter last night because it was time to wake the MI [military intelligence] prisoners and 'mess with them' but it went too far even I can't handle what's going on. I can't get it out of my head. (Gourevitch & Morris, 2008, p. 110)

The shift from a dutiful soldier following orders to a reluctant bystander becomes plain when Harman writes,

At first I had to laugh so I went on and grabbed the camera and took a picture. One of the guys took my asp and started 'poking' at his dick...then it hit me, that's a form of molestation. You can't do that. (Gourevitch & Morris, 2008, p. 110)

What is notable is in between the shift from "At first I had to laugh" to "You can't do that" is Harman's action of taking photographs of what is transpiring before her. Almost before she is cognizant of the wrongfulness, she is prompted to document what is unfolding before her. In relaying what takes place during the first hours of her third shift, Harman's previous description of "degrading" prisoners in her third letter is dwarfed by what she details in this passage:

I walk down stairs...to find 'the taxicab driver' handcuffed backwards to his window naked with his underwear over his head. They started talking to this man and at first he was talking 'I'm just a taxicab driver, I did nothing'...They slammed the door and left him while they went down to cell #4. This man had been so fucked that when they grabbed his foot through the cell bars he began screaming and crying...I don't know what they did to this guy. The first one remained handcuffed for maybe 1 ½-2 hours [and] they went back in and handcuffed him to the top bunk. He was there for a little over an hour when he started yelling again...Kelly, its awful. (Gourevitch & Morris, 2008, p. 110-111)

Harman's outrage—and her move from being a reluctant bystander to transforming into an outraged witness—comes to light when she writes, "Both sides of me think its wrong. I thought I

could handle anything. I was wrong” (Gourevitch & Morris, 2008, p. 111). Harman seems to relieve herself of the crushing responsibility of her complicit role in such actions in order to become what she feels compelled to do. Thus, undertaking the role of a witness is one Harman not only accepts, but one she embraces. This is apparent in these provocative statements:

I took more pictures now to ‘record’ what is going on...Not many people know this shit goes on. The only reason I want to be there is to get the pictures and prove that the US is not what they think. (Gourevitch & Morris, 2008, p. 111)

Moreover, Harman realizes the ramifications of such actions as she imagines herself in the place of the prisoners. She writes, “But I don’t know if I can take it...What if that was me in their shoes. These people will be our future terrorist[s]” (Gourevitch & Morris, 2008, p. 111). Beyond recognizing that the treatment of detainees will likely fuel future terrorist action, therefore negating the utility of employing such tactics, Harman reveals that she has left her positionality of a dutiful soldier following orders and assumed the role of an empathetic—albeit reluctant—witness. Harman is able to not only bear witness to the atrocities through retelling what she has witnessed, but further, she has the photographic evidence as confirmation that such instances happened.

Letters Five, Six and Seven

“Was it really desirable to have dominion in a place where right and wrong were inconsequential? Was it even possible?”

Philip Gourevitch, *The Ballad of Abu Ghraib*

On her last shift before taking a scheduled leave for home, Sabrina Harman witnessed—and was involved in—one of the most egregious and infamous nights on Tiers 1A and 1B. The on-goings were partially captured photographically by Harman. Her two superiors, however, Staff Sergeant Frederick and Specialist Graner, took photographs of each and every moment of that evening. Author Philip Gourevitch describes these specific images as,

The photography had always been a response to what was going on, not the occasion for it...the scenes that followed that night were something new... it was as if they felt that the only way to create an image that would do justice to the sheer lunacy of their experience at Abu Ghraib was by exaggeration and artifice. (Gourevitch & Morris, 2008, p. 196)

Briefly detailed, this night marked a distinctly disturbing shift in prisoner treatment that included stacking naked detainees into human pyramid formations as well as the use of coercion. Frederick and Graner, along with other soldiers, demanded that prisoners hit their heads against their cell doors, chained prisoners together while forcing them to drag their naked bodies along the cement floor of the prison and employed physical force such as punching. The most shocking facet of this night, however, was the forcing of the detainees to masturbate as well as forcing them into oral sex positions, all the while photographing these events. Once events turned in this direction, Harman, along with roommate Megan Ambuhl, left and reported the on-goings to Sergeant Snider, one rank above Frederick and Graner, who were next in the command hierarchy.

Going above their next in command was out of the ordinary, particularly for low-ranking soldiers like Harman and Ambuhl. Their actions, however, are compelling when put in context. Given that Frederick and Graner were ostensibly “leading” the evening’s events and in order to make it known to those with higher authority, Harman and Ambuhl were forced to go over their chain of command in order to report what transpired. Harman and Ambuhl reported the incidents to Sergeant Snider, who assured the women that he would “take care of it” (Gourevitch & Morris, 2008, p. 199). With that, the women believed that they had done what they could to make known the shocking turn of events of that night, working on the assumption that Snider would take it from there.

The next morning, just hours before she was to go on leave, Harman put pen to paper.

Harman's fifth letter opens ominously, signaling a distinct shift within her:

I haven't slept all night. I just can't sleep...Something bad is going to happen here. I'm leaving to come home...I'm not sure how I feel. I have a lot of anxiety. I think something is going to happen me not making it...I think too much. I hope I'm wrong but if not know that I love you and you are and always will be my wife. I hate to be so scared. I hate anxiety. I hate the unknown. (Gourevitch and Morris, 2008, p. 200)

Harman expresses two striking lines of thought in this short passage. First, she is clearly disturbed from the previous night's events. Although Harman does not detail what transpired—which is also noteworthy—the opening of the letter conveys a level of foreboding that marks a shift not seen in her first four letters. Unlike her prior correspondence to Bryant, Harman seemingly closes off from explaining why she feels the sense of dread that the letter plainly displays. As the following section will show, this heightened sense of fearful dread continues through her last letters to Kelly. Secondly, the relationship between Harman and Bryant is fully displayed in the fifth letter. Her first four letters to Kelly are simply signed “Sabrina” whereas the fifth letter is signed “I love you and I hope to see you in the next day—Your wife—Sabrina” (Gourevitch & Morris, 2008, p. 201). Their relationship, never overtly displayed in prior letters, is at the forefront of the fifth letter. Beyond looking to her partner for support, Harman seems to cry out to her partner as if seeking refuge from the experience of life at Abu Ghraib. Harman openly expresses her love and need for Bryant, which, on the one hand is incredibly touching. It is, however, also a risky move for Harman, given the military's “don't ask, don't tell” policy towards their gay membership. By openly proclaiming her love to Bryant, Harman seemingly throws caution to the wind in the face of her rapidly increasing anxiety and reaches out to Kelly in ways that clearly demarcates their relationship as an intimate one.

The second portion of Harman's fifth letter is particularly striking as it grapples to deal with advice she had received from a fellow soldier in her unit. Harman had been strongly advised to delete any photographs she had taken, which she struggled to understand. She writes, "We might be under investigation. I'm not sure, there's talk about it" (Gourevitch & Morris, 2008, p. 200). In what follows, Harman frankly explains her motivation behind taking photographs in this long, yet provocatively telling passage:

Yes, they do beat the prisoners up and i've written this to you before. I just don't think its right and never have that's why I take the pictures to prove the story I tell people. No one would ever believe the shit that goes on. No one. The whole military is nothing but lies. They cover up too much...That's the story...If I want to keep taking pictures of those events—I even have short films—I have to fake a smile every time. I hope I don't get in trouble for something I haven't done. Im going to try to burn those pictures and send them out to you while Im in Kuwait—Just in case. (Gourevitch & Morris, 2008, pp. 200-201)

In asserting her own consistency in bearing witness to the dynamics at play, Harman showcases her firm commitment to her role as a witness to the atrocities taking place at Abu Ghraib.

Beyond owning her position of witness—in the classic sense, as one proximate to the events and one prompted to document what is transpiring before her—Harman expressly declares her opposition to such tactics, thereby allowing her to explain the role of the photographs. In other words, Harman separates herself from those carrying out the violence against the Abu Ghraib detainees. Moreover, through this separation, Harman firmly positions herself as a soldier in order to record events unfolding in front of her. This is arguably a generous understanding of Harman's role as she is, inarguably, complicit in the mistreatment of the prisoners. However, what is striking at this juncture is that Harman clearly views her action of photographing the on-goings at Abu Ghraib as concomitant with that of a traditional witness who can then go on to bear witness to what she has seen with inarguable evidentiary proof to bolster her claims.

Secondly, Harman—armed with proof of the atrocities being committed by the U.S. military—moves from being a complicit bystander or reluctant participant to an active witness. As expressed in her fifth letter to Kelly, Harman showcases her commitment to bringing the atrocities to light in her fifth letter when she writes, “Im going to try to burn those pictures and send them out to you...Just in case” (Gourevitch & Morris, 2008, p. 201). It is seemingly no longer enough for Harman to have taken the photographs. In order to ensure that the truth is told, Harman feels it necessary to burn the pictures to a CD and send it to her partner Kelly “Just in case.” Just as ominously as her fifth letter begins, it closes. It is easily inferred that Harman realizes the potential her photographs hold—that in having proof, Harman can prove what might, to someone outside of the Abu Ghraib experience, seem an outlandish story without photographic evidence. Thirdly, Harman overtly proclaims her loss of faith and trust in the U.S. military. When Harman states, “The whole military is nothing but lies...They cover up too much,” she illustrates why she must assume the position of a witness. Without her photographic evidence, Harman ostensibly expresses an assumption that what has transpired at Abu Ghraib will never be revealed.

Lastly, Harman details the possibility of an impending investigation and conveys a palpable sense of fear as to what this may mean for her. She states, “I hope I don’t get in trouble for something I haven’t done” as if to imply that although she has been present during instances of detainee abuse, she is not guilty of abusing the prisoners. Harman’s responsibility of following orders did not, in her mind, make her a participant. To the contrary, she asserts that her participation was necessary to document what she was witnessing. As she claims, “If I want to keep taking pictures of those events...I have to fake a smile every time” (Gourevitch & Morris, 2008, p. 201). On the one hand, in assuming the role of a proximate witness, Harman’s presence

is necessary to capture the atrocities she wants to document. On the other hand, however, the way in which Harman frames herself is—perhaps unwittingly—a way of absolving her of her complicity in these acts. To be fair, Harman only appears in three of the photographs and only one of those is during an instance of prisoner abuse.⁷ It is impossible, however, to absolve her completely, which is a realization that comes to light in Harman’s sixth letter.

While on leave, Bryant found Harman had become another person entirely. In a 2005 interview with *20/20*, Bryant described Harman’s demeanor and mental state as, “very scared...Very jumpy, she was having anxiety attacks. She’d break down and cry. She was very clingy to me and those she loved the most” (*20/20* Interview, 2005). During leave from the prison, Harman gave Bryant a CD of all of the pictures she had taken, instructing Bryant to “hold onto those pictures until she returned” (*20/20* Interview, 2005). After viewing the photographs together, Bryant was in shock, which made a significant impression on Harman. Recalling this moment to author Philip Gourevitch Harman states,

I guess reality hit. What was going on wasn’t right, which of course you know from the beginning. But I didn’t want to take any more photos. I don’t think that taking photos helped me cope...I had had enough. (Gourevitch & Morris, 2008, p. 236)

After two weeks of leave, Harman returned to the prison to find that the “anything goes” environment at Abu Ghraib had descended to even greater depths of depravity. Harman arrived to find the use of dogs in the wake of a shoot-out with insurgents that transpired soon after she left to go on leave. Abu Ghraib had become “a very violent place” and Harman revealed to Gourevitch, “If she could have stayed away from the prison without facing a court-martial as a deserter, she would have” (Gourevitch & Morris, 2008, p. 235).

Harman’s sixth letter describes, in lurid detail, the use of dogs against a prisoner. Both of the detainee’s legs were bitten and Harman, along with a medic, rushed in to care for the prisoner’s

wounds, which necessitated stitches. Harman recalls, “Now the floor is covered with blood—I run up and get the medic bag + water and of course they took pictures...” (Gourevitch & Morris, 2008, p. 237). Following this is a remarkable and striking statement. Harman writes, “I stopped taking pictures I’m not getting in this mess anymore than I already have” (Gourevitch & Morris, 2008, p. 237). In spite of her attempts to separate herself from what has transpired and despite her efforts to bear witness to the atrocities she has witnessed by taking photographs, Harman admits to her involvement. Equally remarkable to note—and a distinct departure from the previous three months of duty at Abu Ghraib prison—Harman ceases taking pictures.

Although impossible to pinpoint why Harman abruptly stops from photographing the events she is witnessing, a close reading of her sixth letter conveys a sense of needing to intervene. In other words, instead of standing back to document that which is unfolding before her, Harman takes the unusual step of inserting herself into the scene. Her action is not one of participation but instead signals an important shift. In the face of the egregious actions of her fellow soldiers, Harman intercedes on behalf of the detainee. It is as if in response to being a *de facto* accomplice to the ensuing violence, she takes the opportunity to do otherwise—albeit momentarily—in an unusual and surprising show of agency by a low ranking soldier holding little, if any, power. Seemingly, in response to her lack of power, stepping in to aid the injured prisoner—for Harman—serves to “right the wrong” of what she is unable to prevent from happening. Perhaps in response to recognizing her complicity in the abuse of detainees, Harman’s intercession marks a significant departure from her prior conduct during such instances and arguably showcases an impulse to do otherwise. Therefore, beyond the acts of witnessing and documenting prisoner abuse, Harman takes this moment to come to the aid of the detainee. Instead of capturing this instance photographically, she leaves the role of a

documenting witness to fulfill the needs of the seriously injured prisoner. In so doing, Harman abandons the role of dutiful soldier to tend to the pressing medical needs of the prisoner.

Harman's final letter to Kelly, penned almost one month later, details a pivotal and life-changing moment. The letter opens,

Well sweetie you married a criminal...I am under investigation as of 10:00am this morning. So much for turning in those pictures in when I come home...I just didn't want to be involved in it. I knew I'd get in trouble just by being there but how else would you let people know the shit the Army does. (Gourevitch & Morris, 2008, p. 246)

This passage swings from the poles of admission to denial. It is strikingly ironic how Harman moves from labeling herself a "criminal" to asserting that this is merely the result of her presence at moments of wrong doing. Moreover, Harman's letter keenly conveys her reluctance in wanting to assume the role of a whistleblower but seems to reaffirm her desire to reveal what she had witnessed during her four months at Abu Ghraib. In stating, "how else would you let people know the shit the Army does," Harman seemingly defends her actions of taking pictures. Ironically, however, it is the picture taking—the presence of Harman in photographs—that places her in the eye of the storm. She goes on,

I don't know what's going to happen, what charges are to be for me—I was only there, not once did I touch anyone or even yell at them, of course you've heard it all before in the letters I sent you. I've blocked a lot out—and a lot more than I know has happened. They have pictures I didn't even know about (Gourevitch & Morris, 2008, p. 246)

The sense of uncertainty and fear is palpable, which seems to prompt Harman to bring to mind her history of documenting what she had witnessed throughout her time at Abu Ghraib. She quickly swings from asserting her commitment to witnessing to unqualified denial. Along with stating "I've blocked a lot out", Harman clearly reveals that much more has gone on that is coming to light. After detailing other soldiers' decision to retain an attorney, a right that Harman waived, she states,

You think I'd be scared but Im not. Its more of a glad they got them photos. Wrong place wrong time. What sucks is almost the entire company knows what happened, has seen pictures and have done nothing—so we could all be charged. (Gourevitch & Morris, 2008, p. 246)

In the face of criminal charges, Harman expresses a clear sense of defiance that is curiously followed with a palpable sense of relief. “Its more of a glad they got them photos” conveys the lifting of a burden that Harman seems to feel released from. To be sure, she no longer feels the responsibility of turning in the photos. Further, she appears to have resigned herself to the wrath of an impending investigation in stating, “wrong place wrong time” as if to accept her fate.

Harman was suspended from duty but remained in her quarters at the prison. In closing her final letter to Kelly she states, “I love you and I hope to be home soon, Sabrina” (Gourevitch & Morris, 2008, p. 247). Although her final letter affirms her love for her partner and expresses a desire to return to her, the letter is simply signed “Sabrina” a diversion from the signature in her fifth letter. Instead of referring to Kelly as “her wife” and signing the letter “your wife,” Harman returns to the tone of prior letters—one of loving friendship rather than an outright expression of romantic partnership. With Harman under investigation and facing criminal charges, it is a curious shift—one that appears to signal a seeming recognition that her sexual orientation, at this juncture, needed to remain out of sight.

Conclusion

“I didn’t think I was going to be in trouble at all, I didn’t think I did anything wrong. Like, I took photos, and I was in a photo. But I didn’t really think I was really a part of what went on, and it really didn’t matter because it was *allowed*.”

Specialist Sabrina Harman (emphasis added)

“...when the photographs of crimes committed against Iraqi prisoners at Abu Ghraib were made public, the blame focused overwhelmingly on the Military Police officers who were assigned to guard duty in the Military Intelligence cellblock...The low-ranking reservists who took and appeared in the images were singled out for opprobrium and punishment; they were represented, in government reports, in the press, and before courts-martial, as rogues who acted out of depravity. Yet, the abuse of prisoners at Abu Ghraib was de facto United States policy.”

Philip Gourevitch & Errol Morris, *The New Yorker*, March 2008

Recent scholarship highlights the need for the critical interpretation of what is witnessed. David Campbell (2003) examines how visual representations of 21st century warfare aid in the “success of military media management” in an effort to evade the pitfalls of media revelations that befell the American endeavor in the Vietnam War. Campbell demonstrates how visual texts solidify public support for military endeavors that this study builds upon, albeit from another standpoint (Campbell, 2003, p. 57). Examining visual representation from another angle, Sue Tait (2008) analyzes Internet spectatorship and the phenomenon that feeds it: the uploading of witnessed moments by soldiers in the field from laptop computers or mobile devices capturing “real” moments, uncensored by mainstream media outlets. Tait argues that the notion of witnessing cannot adequately “account for the diversity of spectatorial positions taken up by those who choose to look at online imagery of the dead and suffering” (Tait, 2008, p. 91). Similarly, albeit from a communication perspective, this study asserts that witnessing demands further refinement as the leading understandings exemplified by Durham Peters and Ellis fail to attend to the nuances of witnessing in late modernity. From a rhetorical perspective, both Marc Redfield (2007) and Michael Hyde (2005) analyze the role discourse plays in framing accounts of moments witnessed. Redfield examines the use of the idioms of “9/11” and “September 11th”

and Hyde assesses how witnessed acts of heroism act as a means for “disclosing ‘the truth’ of matters of importance” in a post-9/11 American landscape (Hyde, 2005, p. 1). Yet another standpoint, demonstrated by Bettina Prato (2006), examines how witnessing acts as a form of negotiating trauma in the context of the on-going Israeli-Palestinian conflict.

Critical scholarship also examines the contesting of interpretations of witnessed events (Oldson 2002, Chaudhary 2005, Chaouat, 2006). By example, William Oldson (2002) demonstrates how anti-Semitic rhetoric rallied Romanian nationalism in the early days of World War II to justify as well as cover over the mass-slaughter of Jewish Romanians (Oldson, 2002, pp. 301-304). Useful to the current endeavor is the work of Christopher Tinsdale (1996) and James Hedges & Marouf Hasian (2005) focusing on the issue of torture. Tinsdale examines how visual texts cover-up instances of torture in his investigation of the use of torture by the French during the Algerian War as well as details how rhetoric aids in sanctioning such action. Hedges & Hasian examine political arguments put forth during the 2004 election season that showcased a seeming “amnesia associated with prior presidential positions on torture” when candidates faced accusations that America was employing torture in the so-named war on terror (Hedges & Hasian, 2005, p. 694). Rejali (2007) further details the notion of amnesia and how it operates to justify instances of atrocity that this study returns to in the project’s concluding chapter. In sum, the inquiries of this critical scholarship covers a broad range of issues from the military’s management of the media to Internet spectatorship to tackle how moments of witnessing operated at a particular juncture. Such scholarship further troubles the notion of witnessing, but to fortuitous ends.

The current endeavor aims to add to such critical scholarship through the examination of the Abu Ghraib Prisoner Abuse Scandal and in this chapter, specifically the case of Specialist

Sabrina Harman. When asked during her *20/20* interview why she failed to stop what was happening, Harman sadly recalls, “I don’t think I had the authority to stop it. Um, I didn’t know who I could turn to” (*20/20* Interview, 2005). In spite of her lack of agency, however, Harman assumed the role of a witness, albeit reluctantly at first. Traditionally, the classic sense of witnessing refers to a subject who, through the retelling of the experience, allows others to come to know that moment. Crucial to this is the dialogic exchange between a witness and another that allows the event to be understood by those who were not privy to that distinctive experience. This chapter’s case study, however, reveals that this formulation of witnessing fails to be as tidy as this in actuality. First, although Harman does assume the role of a traditional witness allowed for by her proximity to events, this is confounded by her implicatedness in detainee abuse given her presence as such moments unfold. Therefore, Harman is not only a witness in the classic sense of the term but also her proximity simultaneously positions her as an implicated witness.

Upon her arrival to Tiers 1A and 1B, Harman encountered her fellow soldier’s compliance with the regular employment of abusive tactics aimed to ready detainees for military interrogation. Despite the prevailing view that detainee abuse aided interrogation efforts to glean vital intelligence, Harman immediately sensed the wrongfulness in what was unfolding before her demonstrated by her immediately photographing what she was witnessing. Crucial to this study, however, is that Harman brings the classical witness into late modernity through the harnessing of digital photography to document what was taking place. It is at this juncture that Harman’s case study calls into question the wide net cast by Ellis’ formulation of witnessing. In other words, Ellis’ valorization of technological access is a moot point given that in the end, Harman’s witnessing efforts instead service a bad apples rendering of the Abu Ghraib Prisoner Abuse Scandal. As opposed to bearing witness to the abusive treatment of detainees by

American military personnel, Harman's harnessing of technology fails to reveal the actuality of the Abu Ghraib moment. Therefore and further confounding Harman's traditional witnessing position, this case study also simultaneously instances a moment of witnessing's dialogic exchange as well as examples a moment of failed witnessing. Her witnessing efforts of photographing detainee abuse and detailing her experiences through her letters instance the opening of the dialogic exchange so crucial to witnessing. However, Harman's efforts needed to be heard beyond the originally intended audience of her partner. So although the dialogic exchange between Harman and her partner is opened through letter writing, when her efforts needed to be responded to more broadly, Harman was instead scapegoated. The violence of scapegoating at that moment shut down the possibility of widening the communicative exchange to bear witness to the abuses at Abu Ghraib.

As her letters make plain, Harman's low rank and reservist status provided little agency within the rigidity of military hierarchy. Demonstrated through the textual analysis of her first four letters to her partner, Harman realized that her presence alone would not offer the kind of validity necessary to expose the atrocities taking place at Abu Ghraib. On the contrary, Harman is conscious of the weight of her photographic evidence and felt strongly that she *needed* the photographs in order to prove as she states, "that the US is not what they think" (Gourevitch & Morris, 2008, p. 111). Harman's first four letters detail her initial deference that rapidly evaporates in the face of the sexual molestation of a prisoner. This instance prompts a distinctive shift—Harman's move from a soldier following orders to a soldier witnessing atrocities that necessitated documentation. From Harman's perspective, she was witnessing that which demanded exposure and the available means to document and expose the detainee abuse was through taking photographs as well as through writing letters. Her final three letters document

both the rapid descent of detainee abuse to include the use of dogs and sexual humiliation with reckless abandon as well as detail the ensuing investigation once the Army's Criminal Investigation Division became aware of photographic evidence of detainee abuse on January 13, 2004. Although Harman's final three letters affirm her acceptance of her witnessing role, these texts also detail her loss of trust in the military she sought to join. By witnessing "what is allowed," Harman is compelled to leave her role as a dutiful soldier to assume the role of a proximate witness gaining photographic evidence serving to prove her direct experience at the Abu Ghraib facility.

In summary, Harman's need for proof gestures to a deep-seated doubt and keen skepticism that merely relaying her experience would not be enough to make known the atrocities at Abu Ghraib. Also notable is that beyond her low ranking, reservist status, Harman seems to sense the quiet force of her precarious positionality within the Army as it is crucial to bear in mind that her sexual orientation added another layer of complexity to assuming the position of a witness. Harman was already at risk of being discharged given her intimate relationship with her partner Kelly and therefore it is not too great a stretch that hierarchical forces perhaps fueled Harman's initial compliance. It is why her fifth letter in particular is so notable as it overtly expresses her intimate relationship with her partner as well as clearly expresses her realization of the military's ability to cover-up evidence of wrong doing.

Instead of shrinking from the moment and over the course of four months, Harman embraces the proximate witness role in order to document the seemingly normative use of abusive tactics against detainees at the hands of U.S. service members. Just so, Harman's writings showcase the toll that following orders took, although her presence during episodes of detainee abuse does render her an implicated witness. Given Harman is only privy to a wormhole view, she is

therefore unable to comprehend the wider view of detainee abuse. Following Crary (1992), although our observing subject sees a greater reality,

There never was or will be a self-present beholder to whom a world is transparently self-evident...instead there are more or less powerful arrangements of forces out of which the capacities of an observer are possible. (Crary, 1992, p. 6)

In Harman's mind, however, the carrying out of detainee abuse by American soldiers both shatters her national ideal as well as reveals to her that America is not what it espouses to be.

Further complicating her traditional witnessing position is Harman's smiling face and thumbs-up hand gesture. Despite Harman's assertions that these actions were a necessary part of playing along to document detainee abuse and despite her presence in only three of more than 1100 pictures capturing the abuse of prisoners, Harman's witnessing efforts are ripe for use in a bad apples version of events. In the end, the tools she ostensibly employs to document the abuse at Abu Ghraib work against her. The implicated witness position that grows out of Harman's traditional role of a proximate witness quashes her efforts to bear witness to the Abu Ghraib atrocities as Harman is folded in with the bad apples narrative rapidly constructed in the wake of the global release of the abuse photos.

Notes

¹ The case surrounding this prisoner has been the subject of intense inquiry, particularly by *New Yorker* journalist Jane Mayer (*The Dark Side: The Inside Story of How The War on Terror Turned into a War on American Ideals*, 2008). As has subsequently come to light, the cause of death was listed as internal hemorrhaging with the case being ruled a homicide; the case is featured in the documentary film, *Taxi to the Dark Side* (2007).

² *Counselman v. Hitchcock*, 142 U.S., 547, 1892, see Mayer (1959) pp. 149-150.

³ Cubilie draws heavily from the work of Shoshona Felman and Dori Laub, *Testimony: Crises of Witnessing in Literature, Psychoanalysis, and History* (1992), reviewed earlier in Chapter One of this project, pp. 15-17.

⁴ This particular scene, of then-prisoner Mr. Al Shalal, became one of the most "iconic" images from Abu Ghraib; the infamous image as well as sworn testimony by Mr. Al Shalal is available at: <http://www.globalresearch.ca/index.php?context=va&aid=13379>.

⁵ Many argue that what transpired at the Abu Ghraib Prison was not abuse, but torture. Unfortunately, it is beyond the confines of the current project to discuss the notion of torture and whether or not the acts committed against the detainees held at Abu Ghraib constitute torture. Therefore, I employ the term “abuse” although admittedly my personal view would assert that the on-goings at Abu Ghraib (and elsewhere) were in fact torture.

⁶ In an effort to maintain the authenticity of the texts, I have reproduced Harman’s letters in their original format, including her spelling and grammatical errors.

⁷ A smiling Sabrina Harman appears in one of the images taken of naked detainees who were stacked in a pyramid formation. Harman is knelt down, in front of Specialist Graner who stands with his arms crossed in front of him, smiling broadly.

CHAPTER 4: THE TAGUBA REPORT—AUTHORITATIVE—ALBEIT LIMITED—WITNESSING

Introduction

“If I lie, I lose. And if I tell the truth, I lose.”

Major General Antonio Taguba

On January 19, 2004, the V Corps Commander of Coalition Forces in Iraq, Lieutenant General Ricardo Sanchez, formally requested an investigation into “the conduct...of the 800th Military Police (MP) Brigade from November 1, 2003 to the present” (The Taguba Report, 2004, p. 407). Further, the charge demanded an “all-encompassing inquiry into the fitness and performance of the 800th MP Brigade” that was reassigned to military police operations at Abu Ghraib Prison in late summer 2003 (The Taguba Report, 2004, p. 407). On January 31, 2004, Major General Antonio Taguba—a highly regarded, highly decorated, 32-year member of the military—was appointed to conduct the investigation.

Taguba’s inquiry focused on “recent allegations of detainee abuse” as well as “investigated the training, policies, procedures and command climate of the 800th MP Brigade” and was specifically tasked to find if a link existed between the allegations of abuse and the fitness of the soldiers assigned to Abu Ghraib Prison. (The Taguba Report, 2004, p. 408). Beyond soldier readiness, Taguba’s charge was to determine the source of the alleged abuse. Crucial to note, however, is Taguba’s highly limited assignment as his charge included an investigation of the 800th Military Police Brigade *only*. Taguba was therefore unable to explore further if his inquiry led him outside of those strict confines to other branches or to those higher in the chain of command. As a result, a tension develops between what Taguba can witness on the one hand, when on the other his examination began so heavily hemmed in. Taguba not only negotiates this tension through his use of the rhetorical strategies of repetition and specificity, but it is by way of

these strategies that his report witnesses the scope of culpability for the abuses at Abu Ghraib Prison.

The following chapter analyzes Taguba's report ¹ leaked to the press the moment the Abu Ghraib Prisoner Abuse Scandal broke. Given the searing and salacious nature of the photographs, Taguba's report was virtually ignored until famed reporter Seymour Hersh picked it up.² A close reading of Taguba's report demonstrates his efforts to determine what had led to the egregious abuse—in his eyes the torture—of detainees under U.S. military command. For the purposes of the current endeavor, Taguba's investigation asked, what can be witnessed in the face of what he was *permitted* to witness? On the one hand, the chapter examines Major General Taguba, who at first glance is witnessing the abuse at Abu Ghraib retrospectively. However, through his investigation, but due more to the access technology provided him, Taguba becomes a proximate witness to what transpired at the Abu Ghraib facility. So although not present during moments of detainee abuse, technology returns Taguba to those original moments thereby rendering him a proximate witness, albeit one that veers away from that position's traditional understanding. On the other hand, the chapter examines how the Taguba Report operates as a form of textual witnessing, insofar as the text attests that prisoner abuse extended far beyond those figured in the infamous images and finds that the abuse of detainees stemmed from a myriad of factors his report accounts for in great detail.

Taguba's report follows a standard format for such an inquiry as his report closely resembles the International Committee of the Red Crescent's (ICRC) February 2004 report³ and parallels the Mikolashek Report⁴ and the Fay-Jones Report.⁵ Pivotal to the forthcoming analysis is Taguba's use of two rhetorical strategies—articulated in various ways. First, Taguba's report harnesses the rhetorical strategy of specificity. This strategy is found in the use of list structures,

by directly naming persons for wrongdoing or for exemplary behavior, through the use of straightforward language and lack of jargon, the organized format of the report as well as in the employment of boldface type and italics. Second, Taguba consistently turns to the rhetorical strategy of repetition as a way to underscore observations, foreground that which he finds highly problematic, stress his recommendations, highlight what he found to be outside of military protocol, and draw attention to what he names the “disturbing” features of his investigation. This rhetorical strategy is evidenced in three ways: through the report’s use of emphasis, through language usage and through consistently reiterating the numerous factors that contributed to detainee abuse.

This chapter begins by briefly summarizing Taguba’s assessment of prior investigations into detainee detention operations by Major General Miller in September 2003 and by Major General Ryder in November 2003. Within this first section of the report, the overarching aim of transparency is immediately evident. Transitioning from the first section, the body of the chapter organizes the subsequent sections of the report according to the two rhetorical strategies Taguba employs as well as highlights the ways these strategies find articulation in the text. Just so, the chapter demonstrates the way that the Taguba Report works to frame a way of seeing the Abu Ghraib moment prior to the global release of the photos. Moreover, the rhetorical strategies of specificity and repetition impact the efforts at witnessing the Taguba Report aims to achieve. Through the use of repetition and specificity, the report not only witnesses what transpired at Abu Ghraib Prison but moreover, bears witness to the wide net of accountability that needed to be cast to account for the detainee abuse captured in the infamous photos.

Even prior to his official appointment, Major General Taguba assembled a team of detention and internment experts that examined vast amounts of evidence (The Taguba Report, 2004, p.

408). The text goes to great lengths to detail how comprehensive their investigation was, with the report immediately demonstrating the rhetorical strategy of specificity. Taguba assessed both Major General Miller and Major General Ryder's reports in light of the disturbing nature of the allegations of abuse prompting his additional investigation. Second, Taguba examined materials held by the Army's Criminal Investigative Division (CID) for their investigation into instances of abuse at several detention facilities in Iraq (The Taguba Report, 2004, p. 413). This consisted of analyzing more than fifty witness statements, including interviews conducted with military police, military intelligence, possible suspects, and statements from allegedly abused detainees held at Abu Ghraib Prison. In addition, Taguba's team viewed numerous photographs and videos of "actual detainee abuse taken by detention facility personnel" although were quickly returned to the CID's prosecution team (The Taguba Report, 2004, p. 413). Beyond assessing prior investigations, the CID's findings, and the photographic evidence, Taguba evaluated interrogation rules and counter resistance policies in place during the fall of 2003 and the early winter of 2004 as well as instances of prison rioting. Further, the team examined facility logs, journals and serious incident reports (SIRs) on detainee escapes, shootings, and disciplinary matters, as well as conducted a one-day inspection of the Abu Ghraib Prison in early February 2004 "in order to become familiar with [the] facility" (The Taguba Report, 2004, pp. 413-414).

Lastly, Taguba personally interviewed several witnesses from the 800th MP Brigade including Sabrina Harman on January 16, 2004. In her sworn statement in his report, Harman asserts that prior statements to the Criminal Investigative Division failed to include "stuff I did not remember" (The Taguba Report, 2004, pp. 418, 527). She was questioned about the photographs she took and when asked if she showed them to anyone, Harman answered, "Kelly, my *roommate*" saw the images (emphasis added, Taguba Report, 2004, p. 527). Consciously or not,

Harman reveals a seeming necessity to maintain utmost secrecy surrounding her sexuality. Particularly in the face of an official investigation, Harman's gay, female subject position⁶ places her precariously within a military context.⁷

On the heels of Chapter Three's analysis of Harman's letters, her interaction with Taguba is noteworthy. More crucial, however, Taguba's investigation looked past such factors (if there was even knowledge of her sexual orientation) to reopen the communicative dialogic exchange for persons such as Harman to bear witness to what they were privy to.

In short and as the forthcoming analysis demonstrates the Taguba Report operates as a form of textual witnessing. By way of the rhetorical strategies of specificity and repetition, the document brings to life what transpired at the prison in order to transparently reveal the actuality of detainee abuse to the highest levels of military and Bush Administration leadership. Beyond demonstrating the text to be a form of witnessing, this chapter upends traditional understandings of witnessing, albeit to fortuitous ends. In other words, this case study extends the notion of the proximate witness by showcasing how technology affords Taguba to be a proximate witness whilst retrospectively investigating a prior moment in time. On March 3, 2004 Taguba briefed Lieutenant General McKiernan, at that time the Third U.S. Army and Coalition Forces Land Component Commander, on his findings and submitted his report on March 9, 2004.

The Taguba Report's Use of Rhetorical Strategies

"They made them do strange exercises by sliding on their stomach, jump up and down, throw water on them and made them some wet, call them all kinds of names such as 'gays' do they like to make love to guys, then they handcuffed their hands together...and started to stack them on top of each other by insuring that the bottom guys penis will touch the guy on tops butt."⁸

Mr. Adel L. Nakhla, U.S. civilian contract translator in an interview with Major General Taguba

Taguba specifically notes that his inquiry contends with what he names "findings of fact" and "recommendations" that demonstrates the use of the rhetorical strategy of specificity by his use

of language as well as his use of clear headings. As a matter of protocol, Taguba begins by explaining the purpose of the Abu Ghraib Prison facility as well as lists the command hierarchy and battalions serving at the prison that capitalizes on the directness a list structure provides. In addition, he asserts his findings are “based on actual proven abuse...inflicted on detainees and backed by witness statements” that stresses that detainee abuse inarguably occurred (The Taguba Report, 2004, p. 418). Compelling witness statements from interviews with MP guards and civilian contract employees are housed in appendices at the end of the report. Moreover, Taguba’s report details virtually every facet of prison life and from which he concludes that the Abu Ghraib facility was ungoverned and that an “anything goes” environment allowed for detainee abuse to transpire.

The Rhetorical Strategy of Specificity

“There is no evidence that the command, although aware of...deficiencies, attempted to correct them in any systemic manner other than ad hoc training by individuals with civilian corrections experience.”⁹

Major General Antonio Taguba

Significant to this chapter’s close textual analysis of the Taguba Report is to showcase Taguba’s use of the rhetorical strategy of specificity. This is most clearly evidenced through the use of boldface type, although is also expressed through direct naming and the use of plain language. This rhetorical strategy, articulated in various ways and running throughout the text prefaced the report from the outset given that Taguba begins by assessing two prior investigations, which predated his by only a matter of five months (Major General Miller’s inquiry) and three months (Major General Ryder’s inquiry) respectively.

First, the Taguba Report discusses the team’s assessment of prior reviews concerning the conditions at Abu Ghraib Prison. The first, conducted by Miller in late August 2003, was charged was to “review current Iraqi Theater ability to rapidly exploit internees for actionable

intelligence” with Taguba noting that to meet this goal, “JTF-GTMO¹⁰ procedures and interrogation authorities [were] baselines” to expedite intelligence-gathering efforts about the mounting insurgency (The Taguba Report, 2004, pp. 409, 415). Taguba finds that the methods employed at the Guantanamo Bay facility became the starting point for building a similar program in Iraq—a crucial and noteworthy point. Unconvinced that the GITMO interrogation methods were applicable in another context, Taguba asserts that such methods are reserved for a highly threatening population and not, in Taguba’s mind, warranted for application for those housed at Abu Ghraib. Moreover, the military police and interrogators applied these methods by working symbiotically to create a “synergy between MP (military police) and MI (military intelligence)...[for] focused interrogation effort[s]” through “new approaches....to maximize interrogation effectiveness” instead of carrying out their separate duties of guarding prisoners and interrogating prisoners (The Taguba Report, 2004, p. 409).

At this point, Taguba transitions from evaluating Miller’s report to reviewing Ryder’s report submitted just two months after Miller’s assessment. He quickly points out that the inclusion of MP guards in the interrogation process is “in conflict with the recommendations of Major General Ryder’s recommendation[s]” (The Taguba Report, 2004, p. 410). Particularly in light of the photographic evidence demonstrating Ryder’s findings to be incorrect, Taguba points out this discrepancy, and those reading his report would quickly register that Ryder either failed to adequately assess the situation or covered over what was occurring at Abu Ghraib. Although Ryder had communicated the need “for ‘defin[ing] the role of military police soldiers...to clearly separat[e] the actions of the guards from those of the intelligence personnel,’” to the military hierarchy, this faint call fell on deaf ears (Hersh, 2004, p. 29).

Taguba assesses the impact of the confusion created by the discrepancies and wide variance in detention policies and procedure by concluding that, “US monitored prisons had flawed or insufficiently detailed use of force and other standard operating procedures” (The Taguba Report, 2004, pp. 410-411). By highlighting the lack of separation of different populations within the prison, Taguba observes that this produced a highly charged environment wherein all prisoners came to be viewed as highly suspect. Notably, Sabrina Harman’s accounts revealed this to be the case, especially on Tiers 1A and 1B as although that section of the prison presumably held the worst of the worst, it was instead housing cab drivers and young boys.

In addition, Taguba restates Ryder’s observations that the 800th MP units “did not receive Internment/Resettlement (I/R) and corrections specific training” (The Taguba Report, 2004, p. 411). In recounting Ryder’s observations that corroborates much of what Harman witnessed through her letters and photographs, Taguba foregrounds two crucial points within this first section of his report. First, Taguba observes that the climate at Abu Ghraib was highly problematic and contributed to detainee abuse. Second, he asserts that the abuse of prisoners was also the result of official directives and policy initiatives that his report examples by detailing Miller’s order for MPs to work with MI to glean intelligence. Taguba plainly articulates his concerns, which assert that these factors directly led to detainee abuse. By providing this background straightaway, Taguba provides a complete picture in an effort to account for all that lead to detainee abuse at Abu Ghraib. Moreover, however, conducting his investigation just two months after Ryder’s examination, Taguba accentuates his conclusion by stating,

Unfortunately, many of the systemic problems that surfaced during MG Ryder’s Team’s assessment are the very same issues that are the subject of this investigation. In fact, many of the abuses suffered by detainees occurred during, or near to, the time of that assessment. (The Taguba Report, 2004, p. 413)

Taguba continues in this lengthy and significant quotation, again in boldface for added emphasis:

While clearly the 800th MP Brigade and its commanders were not tasked to set conditions for detainees for subsequent MI interrogations, it is obvious from a review of comprehensive CID interviews of suspects and witnesses that this was done at lower levels...Moreover, Military Police should not be involved with setting ‘favorable conditions’ for subsequent interviews [as]...These actions...clearly run counter to the smooth operation of a detention facility. (The Taguba Report, 2004, p. 413)

In sum, the entire brigade—from commanders to low ranking soldiers—were unequipped to fulfill that which the MP Brigade was tasked to carry out. Taguba’s conclusion demonstrates that much had gone awry at Abu Ghraib Prison, despite the two reviews that should have thwarted those problems.

In quickly transitioning from the assessment of prior investigations, Taguba clearly asserts,

That between October and December 2003, at the Abu Ghraib Confinement Facility, numerous incidents of sadistic, blatant, and wanton criminal abuses were inflicted on several detainees. This systemic and illegal abuse of detainees was intentionally perpetrated by several members of the military police guard force in Tier 1A of the Abu Ghraib Prison. The allegations of abuse were substantiated by detailed witness statements and the discovery of extremely graphic photographic evidence. (The Taguba Report, 2004, p. 416)

Unambiguous in his assessment of the situation of detainees in U.S. custody, Taguba illustrates how he makes use of the rhetorical strategy of specificity by way of direct naming and clear language. First, Taguba accentuates the systemic nature of the abuse by asserting early in his report that such actions grew out of the systemic sanctioning of that behavior. Second and perhaps more crucially, Taguba claims the illegality of the methods used on the prisoners in detention at Abu Ghraib. Particularly at this historical juncture, this vital distinction flew in the face of the prevailing mentality that America’s efforts to thwart terrorism assumedly demanded unconventional approaches. Therefore, for Taguba to name the policies in place at Abu Ghraib both “systemic” and “illegal” is particularly significant.

Of the report's nine recommendations related to detainee abuse, two are particularly noteworthy. First, Taguba calls upon each detention facility commander and interrogation commander, "To publish a complete and comprehensive set of Standard Operating Procedures (SOPs) regarding [the] treatment of detainees....all personnel be required to read the SOPs and sign a document indicating that they have [been] read and underst[ood]" (The Taguba Report, 2004, p. 420). Taguba's second recommendation requests, "**That an inquiry...be conducted to determine the extent of culpability of Military Intelligence personnel....regarding abuse of detainees at Abu Ghraib**" (The Taguba Report, 2004, p. 420). Albeit brief, Taguba's demand asserts that others outside of the 800th MP Brigade were responsible for the abuse, emphasizing his contention that culpability for detainee abuse goes well beyond the limits of his charge. This passage not only examples the use of boldface type but also instances Taguba's use of direct naming and the employment of plain language, all of which are means by which the strategy of specificity finds articulation in the text.

Overall, military personnel were virtually ungoverned, untrained and unknowledgeable of their military doctrinal and legal responsibilities yet operated the Abu Ghraib Prison. Beyond being undermanned and untrained, Taguba cites the morale and quality of life for the soldiers of the 800th MP Brigade and the grim environment at Abu Ghraib Prison as additional factors that once again evidence the text's strategic use of specificity. Taguba states,

Members of the 800th MP Brigade believed they would be allowed to go home...In late May-early June 2003 the 800th MP Brigade was given a new mission to manage the Iraqi penal system....Morale suffered....[with no] attempt by the Command to mitigate this morale problem.... the quality of life for soldiers assigned to Abu Ghraib was extremely poor...There were numerous mortar attacks, rifle and RPG [rocket propelled grenade] attacks, and a serious threat to soldiers and detainees in the facility. (The Taguba Report, 2004, pp. 432-433)

Their redeployment, an extremely unsafe environment, and the lack of basic necessities such as showers or heating compounded the low morale of the soldiers, which provides legitimacy to what Sabrina Harman detailed in her letters to her partner. Nonetheless, soldiers were expected to carry out their duties. The issue of environmental forces resurfaces again, which adds even greater specificity to Taguba's prior observations. He states,

I find that psychological factors, such as the difference in culture, the soldier's quality of life, the real presence of mortal danger over an extended time period, and the failure of commanders to recognize these pressures contributed to the perverse atmosphere that existed at Abu Ghraib Detention Facility and throughout the 800th MP Brigade. (The Taguba Report, 2004, pp. 448-450)

Aside from the use of direct naming, the employment of clear yet descriptive language is additional evidence of Taguba's use of the rhetorical strategy of specificity.

Further instancing this rhetorical strategy is the use of list structures that is consistently employed throughout the text. Taguba describes the abuses as the intentional abuse of detainees by military police and lists thirteen particular kinds of abuses¹¹ lending vividness to the term "intentional abuse," and again corroborates much of which Sabrina Harman detailed in her letters to her partner (The Taguba Report, 2004, p. 416). At the end of this list, Taguba states, "These findings are amply supported by written confessions provided by several of the suspects, written statements provided by detainees, and witness statements" (The Taguba Report, 2004, p. 416). Therefore, Taguba is careful to support his claims by referring to testimony from other persons,¹² such as detainees. The report lists additional abuses gleaned from interviews with detainees:

In addition, several detainees also described the following acts of abuse, which under the circumstances, I find credible based on the clarity of their statements and supporting evidence provided by other witnesses:

- a. Breaking chemical lights and pouring the phosphoric liquid on detainees;
- b. Threatening detainees with a charged 9mm pistol;
- c. Pouring cold water on naked detainees;
- d. Beating detainees with a broom handle and a chair;
- e. Threatening male detainees with rape;

- f. Allowing a military police guard to stitch the wound of a detainee who was injured after being slammed against the wall in his cell;
- g. Sodomizing a detainee with a chemical light and perhaps a broom stick;
- h. Using military working dogs to frighten and intimidate detainees with threats of attack, and in one instance actually biting a detainee. (The Taguba Report, 2004, p. 417)

This list structure is crucial as Taguba relies on and utilizes the testimony of those proximate to the events as well as from those who endured abuse to piece together events at the prison. As a result of the dialogic exchange of witnessing, Taguba is able to compile a comprehensive examination. Of equal importance, Taguba deems detainee testimony credible that gives their efforts a kind of legitimacy that is imperative to note. The high level of authority of Taguba's charge, aside his rank and standing within the military, validates their acts of witnessing that returns the prisoners' humanity. It is the use of proximate witness testimony from a variety of sources that allows for an all-inclusive report that would be unattainable without his reliance on acts of witnessing. Moreover, the dialogic exchange so crucial to witnessing is reopened. In keeping with Oliver's model (2001), Taguba becomes an external witness when he assumes the response-ability to hear the testimony of the internal witnesses he interviewed.

Following this, Taguba asserts the disparity between his investigation's findings and the inquiry led by Ryder in November 2003. Although this passage illustrates his use of direct naming, it best examples Taguba's use of plain speak that evidences the transparency his report aims to achieve. He states,

Contrary to the provision of AR 190-8,^[13] and the findings found in MG Ryder's Report, Military Intelligence (MI) interrogators and Other US Government Agency's (OGA) interrogators actively requested that MP [military police] guards set physical and mental conditions for favorable interrogation of witnesses. Contrary to the findings of MG Ryder's Report, I find that personnel assigned to the 372nd MP Company, 800th MP Brigade were directed to change facility procedures to 'set conditions' for MI interrogations. I find no direct evidence that MP personnel actually participated in those MI interrogations. (The Taguba Report, 2004, p. 418)

Chiefly, Taguba's investigation points to the policies in place at that time to be in direct opposition to U.S. Army protocol as well as names MI and OGA interrogators as the source of those commands. Through the rhetorical strategy of specificity, Taguba is also able to tie their actions to Miller's September 2003 directives, all of which ran counter to Army regulations concerning enemy prisoners of war, internees and detainees, yet trumped Army doctrine at that time. By following those directives, the actions of the MPs—although wrongful—resulted from orders that came down the chain of command. Moreover, Taguba directly confronts Major General Miller's order that placed MI officers in charge of MP guards asserting, "This is not doctrinally sound due to the different missions and agendas assigned to each of these respective specialties" as this arrangement conflated two separate sets of duties, further blurring a clear chain of command vital to effective detention operations (The Taguba Report, 2004, p. 434).

Without hesitation, Taguba cites Ryder's failure to address this crucial aspect that in turn directly implicates a fellow ranking officer. By stating his conclusions are "contrary" to Ryder's, Taguba implies Ryder neglected to address the ramifications of Miller's initiatives that sowed fertile ground for detainee abuse (The Taguba Report, 2004, p. 409). Moreover, had this been confronted in November 2003, the most egregious abuse of detainees would have been prevented. Particularly in a military context, Taguba's assessment that detainee abuse continued given the shortcomings of Ryder's investigation is significant.

In his conclusion, Taguba offers one particularly noteworthy summary that specifically ties the conditions at Abu Ghraib to the abuse of detainees in U.S. custody:

Several US Army Soldiers have committed egregious acts and grave breaches of international law at Abu Ghraib, Iraq. Furthermore, key senior leaders in both the 800th MP Brigade and the 205th MI Brigade failed to comply with established regulations, policies, and command directives in preventing detainee abuses at Abu Ghraib during the period August 2003 to February 2004. (The Taguba Report, 2004, p. 444)

With brevity, Major General Taguba makes plain that although low-ranking soldiers carried out the abuse, many factors gave rise to the abuse of prisoners.

The findings and conclusions resulting from his investigation into allegations of detainee maltreatment—when paired with the rhetorical strategy of specificity—communicate a clear message. Through his use of specificity, Taguba witnesses that detainee abuse was not only sanctioned, but was systemic. Therefore, Taguba is able to reach the conclusion of the illegality of the detention and interrogation methods used at Abu Ghraib. Moreover, his use of this rhetorical strategy adds vividness to the military report, which aids in the document operating as a form of textual witnessing. In other words, the reader “sees”—or witnesses—what unfolded at the prison given Taguba’s specificity, particularly through his use of direct language and list structures that bring what transpired to life on the page. Further, Taguba’s use of the rhetorical strategy of specificity closes off the possibility for the misinterpretation of his findings or for the reader to walk away with any false impressions given the directness of the text. The analysis now turns to examine the rhetorical strategy of repetition in Taguba’s report which further details factors at the prison that gave rise to the rampant abuse of detainees under the command of American military personnel.

The Rhetorical Strategy of Repetition

“There is a general lack of knowledge, implementation, and emphasis of basic legal, regulatory, doctrinal, and command requirements within the 800th MP Brigade and its subordinate units.”¹⁴

Major General Antonio Taguba

Taguba repeatedly highlights specific factors that contributed to the environment at Abu Ghraib. First, he states that although many of the detention facilities were undermanned and over capacity, Abu Ghraib was particularly notable. Taguba cites that this condition alone would be instrumental in the rapid deterioration of life inside the prison. Second, Taguba’s significant

focus on the issues of training and the standardization of operational procedures draws attention to the fact that standard protocol was missing at *every* detention facility under U.S. control. He observes that either poor training or, in most cases, a complete lack of training failed to prepare soldiers for the assigned task. The report recurrently calls for soldiers to be fully trained in both standard operating procedures governing prisoner internment and in the provisions of the Geneva Conventions. The recurrent themes of informational access and proper training are reiterated as paramount to the efficient running of a detention facility with Taguba continually employing the rhetorical strategy of repetition to accentuate the gravity of these particular issues.

The two factors of the 800th MP Brigade's lack of training as well as repeatedly noting that the Abu Ghraib facility was both undermanned and over capacity point to three central themes Taguba returns to and consistently repeats throughout the report: the lack of training, the lack of command and the lack of communication. In relation to MPs, he asserts,

[They] **received no training in detention/internee operations**...that very little instruction or training was provided to MP personnel on the applicable rules of the Geneva Convention Relative to the Treatment of Prisoners of War...[and] that few, if any, copies of the Geneva Conventions were ever made available to MP personnel or detainees. (The Taguba Report, 2004, p. 419)

Taguba concludes that MP guards relied solely on their superiors' directives. Therefore, low-ranking soldiers had little way of knowing that in following orders they were in direct opposition to standard military doctrine.

Taguba also consistently highlights a pervasive lack of communication. This is exemplified by the 800th MP Brigade commander Brigadier General Janis Karpinski's failure to learn from a May 2003 instance of detainee abuse at another facility under her command. Taguba states,

Despite this documented abuse, there is no evidence that BG [Brigadier General] Karpinski *ever* attempted to remind 800th MP Soldiers of the requirements of the Geneva Conventions regarding detainee treatment or took any steps to ensure that such abuse was not repeated. (The Taguba Report, 2004, p. 419)

A serious incident, predating the instances at Abu Ghraib by five months, was never communicated down the chain of command to expose the reality of detainee abuse and implies that the exploitation of internees at Abu Ghraib was understood to be without limits particularly given the lack of standard operating procedural directives. Although this passage instances the strategy of specificity by directly naming Brigadier General Karpinski as well as the use of italics, this quotation also evidences the themes Taguba repeatedly returns to throughout the report: the lack of command oversight and the lack of communication. These themes are further expounded upon in the report's highly detailed accounts of detainee escapes and resurface in the findings and recommendations section related to accountability where Taguba lists four distinct failings that he asserts unquestionably abetted the abusive environment at Abu Ghraib, specifically on Tiers 1A and 1B. Moreover, Taguba goes to great lengths to note that this had been raised by previous inquiries, but not heeded.

The recurrent themes of informational access and proper training are reiterated as paramount to the efficient running of a detention facility. These in combination contributed to a havoc-ridden environment where lower-ranking soldiers took it upon themselves to contend with issues typically dealt with by those higher in rank. Taguba cites the lack of information as one of the most significant environmental factors that led to detainee abuse, noting that the lack of information continued, despite repeated calls for access to provisions governing detainee internment. Taguba's investigation found that this was due to the absence of a clear chain of command, the lack of operating procedures and moreover, that the standard operating procedures in place at that time failed to move down the chain of command. Therefore, at no time did soldiers, such as Sabrina Harman, have knowledge of—let alone training on—procedural norms governing prison operations.

Taguba persistently addresses the dysfunction within the 800th MP Brigade senior leadership that, coupled with faulty leadership, gave rise to an untenable environment that became a significant factor in detainee abuse. He observes,

Clear friction and lack of effective communication between the Commander, 205th MI Brigade [Colonel Thomas Pappas] and the Commander of the 800th MP Brigade [Brigadier General Janis Karpinski]...[with] no clear delineation of responsibility between commands, little coordination...and no integration of the two functions. Coordination occurred at the lowest possible levels with little oversight by commanders. (The Taguba Report, 2004, p. 434)

After his four-hour interview with Brigadier General Karpinski, Taguba observed:

What I found particularly disturbing in her testimony was her complete unwillingness to either understand or accept that many of the problems inherent in the 800th MP Brigade were caused or exacerbated by poor leadership and the refusal of her command to both establish and enforce basic standards and principles among its soldiers. Karpinski alleged that she received no help...blames much of the abuse that occurred in Abu Ghraib on MI personnel [who] had given the MPs 'ideas' that led to detainee abuse...[and] argued that problems in Abu Ghraib were the fault of Colonel Pappas. (The Taguba Report, 2004, pp. 435-436)

Particularly in light of her failures, Taguba demands that Karpinski not only be relieved from her duties, but that she also receive an official reprimand given her culpability for what took place under her watch. Through direct naming, Taguba once again employs the rhetorical strategy of specificity when placing blame for the failures at Abu Ghraib Prison. Simultaneously, however, this passage also instances Taguba's use of repetition insofar as he consistently emphasizes the ubiquity of leadership breakdown within the 800th MP Brigade. His investigation found that despite the repeated filing of grievances, the negligent leadership at Abu Ghraib remained and concludes that detainee abuse was the consequence of systemic failings chronically unattended to by the brigade's leadership.

Harnessing the full power of his charge, Taguba calls for virtually all of the 800th MP Brigade leadership to be relieved and officially reprimanded,¹⁵ which yet again emphasizes the far-

reaching failure of the prison's leadership. In addition, Taguba calls for the official reprimand and investigation of Colonel Pappas, who headed intelligence operations at Abu Ghraib Prison.

Further, he demands the official reprimand of a contract interrogator and a contract interpreter.

Taguba asserts that these two agents

Allowed and/or instructed MPs, who were not trained in interrogation techniques, to facilitate interrogations by 'setting conditions' which were neither authorized and in accordance with applicable regulations/policy...clear[ly] knowing the instructions equated to physical abuse. (The Taguba Report, 2004, p. 443)

These assertions are particularly remarkable given they appear to veer beyond the limitations of his charge.

Throughout the report, Taguba concludes that Abu Ghraib Prison operated without any coherent strategy to handle the massive task at hand, in spite of military assurances that soldiers were fully trained and cognizant of their procedural and legal obligations related to detainee internment. Taguba's inquiry found this not to be the case resulting in a crucial and noteworthy assertion of outright deception, reflected in this lengthy yet pivotal passage,

Sergeant Major Marc Emerson [¹⁶] contended that the Detainee Rules of Engagement (DROE) and the general principles of the Geneva Convention were briefed at every guard mount and shift change on Abu Ghraib. However, none of our witnesses, none of our personal observations, support [t]his contention...Several interviewees insisted that the MP and MI Soldiers at Abu Ghraib received regular training on the basics of detainee operations; however, they have been unable to produce any verifying documentation, sign-in rosters, or soldiers who can recall the content of this training. (The Taguba Report, 2004, p. 425)

Taguba was unable to corroborate the lack of accountability and the lack of responsibility by those higher in the chain of command as members of the brigade leadership instead asserted that soldiers had received adequate training to effectively manage a rapidly expanding prison population. The report emphasizes that several leadership witnesses made "material misrepresentations to the Investigative Team" as well as failed to "report the abuse of detainees

carried out in leadership presence” (The Taguba Report, 2004, p. 433). Taguba takes this opportunity to underscore the avoidance of responsibility by those higher in the chain of command.

The report further reveals,

The various detention facilities operated by the 800th MP Brigade have routinely held persons brought to them by Other Government Agencies (OGAs) without accounting for them, knowing their identities, or even the reason for their detention. The Joint Interrogation and Debriefing Center (JIDC) at Abu Ghraib called these detainees ‘ghost detainees’...This maneuver was deceptive, contrary to Army Doctrine, and in violation of international law. (The Taguba Report, 2004, p. 425)

Although not public knowledge at that time, Taguba reveals that Abu Ghraib was a part of America’s extraordinary rendition program. Therefore, in addition to the prison’s basic purpose of holding and overseeing a detainee population, this passage reveals that clandestine military and intelligence operations were being conducted out of the facility. Although likely unbeknownst to most members of the 800th MP Brigade, these secret operations added further complexity to the prison environment particularly given such operations were functioning outside of legal frameworks. Therefore, it is reasonable to deduce that Taguba illustrates the complexity of operations at Abu Ghraib Prison through his use of the rhetorical strategies of specificity and repetition to spotlight the “anything goes” atmosphere, further compounded by the auxiliary uses of the prison.

Conclusion

“The [signatory Nations] undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention...Each [signatory Nation] shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts...”

Section 2441, Common Article 3 of the Geneva Conventions

From its inception, Taguba's investigation into detainee abuse was highly limited given the scope of his charge. To be hemmed into only examining the 800th MP Brigade, particularly given the myriad of agencies operating at Abu Ghraib Prison, hamstrung Taguba's efforts from the start. Despite the limitations of his charge, Taguba saves his strongest admonishment for the military leadership of the 800th MP Brigade to harness the opportunity his report offers with the lack of standard operating procedures and the lack of adherence to standard military protocol named as fundamental to the breakdown of the prison's environment. His report repeatedly points to the dearth of knowledge surrounding basic soldier standards related to internment and detention with an almost complete deficiency of understanding of the Geneva Conventions, which Taguba asserts only further compounded an already stark situation. Through a distinct reliance on the strategies of specificity and repetition, the Taguba Report harnesses their rhetorical capacity that bears witness to the abuse of detainees at Abu Ghraib. Therefore, the detainee abuse captured in photographs—such as those taken by Specialist Sabrina Harman—stemmed from systemic failings, policies that flouted standard military protocol and the highly dysfunctional leadership throughout the 800th MP Brigade.

The close textual analysis of his report demonstrates the tension between what Taguba could derive from documentation and from witness interviews and what he was allowed to witness given the limited nature of his charge. Taguba consistently appears to ask—what am I witnessing?—that results in his comprehensive report on Abu Ghraib. Although written within very narrow confines, Taguba goes to the very limits of his charge that demonstrates that abuse was not as simple as a bad apples rendering of events would have it. Instead, Taguba asserts that many egregious deficiencies led to detainee abuse and therefore this was not simply the fault of those who perpetrated the abuses. Although he does not absolve those soldiers figured in the

infamous images, Taguba casts a wide net of accountability for what transpired at Abu Ghraib Prison particularly through his employment of rhetorical strategies. In sum, Taguba harnesses the rhetorical strategies of specificity and repetition that run consistently throughout the report. Instancing the deployment of these strategies are list structures, direct and descriptive language, boldface type as well as clear numbering and headings. In addition, the Taguba Report is comprehensive, highly detailed, foregoes unnecessary information, and is acutely attentive to context, with Taguba taking great care to substantiate his assertions.

Through the use of the rhetorical strategies of specificity and repetition, Taguba paints a vivid picture of life at Abu Ghraib. Moreover, he sheds light on the “anything goes” environment to illustrate how this contributed significantly to detainee abuse. The Taguba Report makes known the auxiliary uses of the prison that reveals the then secret detention operations of extraordinary rendition and ghost detainees. Further, the rhetorical strategy of repetition highlights the numerous “lacks” in accountability, responsibility and clear command structure as well as reiterates the lack of adequate training and skills afforded to the military personnel working at the prison to demonstrate that there was veritably no system of checks and balances in place to thwart the kinds of abuse that transpired. Lastly, the Taguba Report evidences the outright dismissal of standard operating procedures and legal frameworks as well as illustrates leadership shortfalls. Through the employment of these particular rhetorical strategies, the report witnesses the Abu Ghraib environment in ways concomitant with Harman’s experiences she details in her letters to her partner.

The chief implication of the use of these rhetorical strategies is the way that the document works to frame a way of seeing the Abu Ghraib moment. The kind of textual witnessing the report does casts a wide net of accountability for detainee abuse at the prison, which is brought to

the fore through the efficacy of the two rhetorical strategies Taguba employs throughout the text. Beyond bearing witness to the atrocities at Abu Ghraib, however, another significant aspect of the Taguba Report is that the text provides an opening for the wholly communicative dialogic exchange so crucial for witnessing to take place.

Taking from Kelly Oliver's (2001) discussion of witnessing, this chapter argues that more than merely a military report the Taguba Report is a textual form of witnessing. Oliver, working from Felman & Laub's examination of Holocaust survivor testimony, grapples with the impact of trauma on the subject's ability to bear witness to their experience. As Felman & Laub note, the realms of history and law rely

On the uniqueness of eyewitness testimony...the performance of testimony says more than the witness knows...only this more than knowledge can speak the truth of experience, a truth repeated and yet constituted in the very act of testimony. (Oliver, 2001, p. 86)

In other words, beyond a repetition of what transpired, the testimony of the witness brings with it a unique moment wherein the retelling of experience contextualizes a factual event. More importantly, however, is the necessity of what Oliver names the address-ability and response-ability that witnessing entails. As discussed in Chapter One, the dialogic exchange inherent in witnessing is when the inner witness relates their experience that results in constituting the subject position of the external witness when their address is responded to. In this moment, the inner witness's ability to address another and in the other's response to their address, witnessing takes place. In this moment, one becomes an external witness, or has a form of knowledge about an event that is only possible through responding to the address of the inner witness who has lived through an event.

For the purposes of the current endeavor and this chapter specifically, Oliver (2001) asserts that "oppression and domination work...to restrict or annihilate the possibility" of witnessing

(Oliver, 2001, p. 88). Thus, violence truncates—or shuts down—the dialogic exchange so crucial in fully contextualizing an historical moment. Crucial to note is Felman & Laub's conclusion that,

The historical reality of the Holocaust became, thus, a reality which extinguished philosophically the very possibility of address, the possibility of appealing, or of turning to another...The Nazi system turned out therefore to be fool-proof, not only in the sense that it convinced its victims, the potential witnesses from the inside, that what was affirmed about their 'otherness' and their inhumanity was correct and that their experiences were no longer communicable even to themselves, and therefore perhaps never took place...the true meaning of annihilation. (Felman & Laub quoted in Oliver, 2001, p. 89)

Although in no means comparable with the Holocaust, the historical reality of the atrocities at Abu Ghraib extinguished the very possibility of address. Without an avenue for the dialogic exchange of witnessing to take place, the ability to retell the experiences at Abu Ghraib that fully contextualize that historical juncture might have remained untold. In being untold, the possibility emerges that it perhaps never took place.

Crucially, the Taguba Report's heavy reliance on eyewitness testimony provides the opening for witnessing's dialogic exchange to take place with Taguba's investigation and subsequent report disallowing the violence that transpired in Abu Ghraib Prison to foreclose the witnessing process. In like manner to Sabrina Harman's letters and photographs, yet with the legitimizing authority a commissioned military report entails, the Taguba Report fully contextualizes not only what materialized at Abu Ghraib Prison in the behaviors of military personnel but also what those submitted to egregious violence experienced. Unlike Harman, however, Taguba's charge affords him a wider view. Although not a traditional witness that is proximate to the unfolding of events and despite the limitations of his charge, Taguba effectively witnesses more than Harman's proximity afforded her.

In addition to his authority, Taguba is afforded this unique witness position given the access technology provides. After viewing 1100 photographs and innumerable videos, conducting more than fifty witness interviews of both military personnel and prisoners, as well as reading classified military reports documenting detainee interrogation and detention operations, Taguba's bird's eye view allows for a thorough—albeit highly hemmed in—accounting of the Abu Ghraib Prisoner Abuse Scandal. Moreover, however, it is technology exemplified by digital imagery and embedded time stamping—that furnishes Taguba the position of a proximate witness without his presence at the moment events transpired. Similarly to Harman who straddles two witnessing positions, technological access allows for Taguba to both retrospectively witness the goings-on at Abu Ghraib as well as simultaneously be a highly informed proximate witness.

Despite briefing his superiors of his findings and submitting his recommendations, the Taguba Report nevertheless fell on mainly deaf ears. Revealed in a 2007 interview with renowned journalist Seymour Hersh, Taguba recalled the seeming nescience to the on-goings at Abu Ghraib by the highest ranks of the military hierarchy and senior Bush Administration officials. Taguba recalls, “I thought they wanted to know. I assumed they wanted to know. I was ignorant of the setting” (Hersh, 2007). Therefore, Taguba's witnessing efforts notwithstanding, the Taguba Report instances a moment of failed witnessing. Although the report bears witness to the actuality of the Abu Ghraib moment, this textual form of witnessing was unsuccessful in moving witnessing's dialogic exchange further along and thus failed to gain the response-ability necessary for witnessing to fully take place. Although Taguba reopened witnessing's dialogic exchange so that his albeit limited investigation could bear witness to the atrocities at Abu Ghraib Prison, the lack of response to the witnessing abilities of his subsequent report render this text an instance of failed witnessing.

Notes

¹ The chapter references the listing of the Taguba Report found in Greenburg, K. J., & Dratel, J. L. (Eds). (2005). *The Torture Papers: The Road to Abu Ghraib*. New York: Cambridge University Press. The associated pagination references the page numbers from this text, not the pagination found in the original text available at <http://www.fas.org/irp/agency/dod/taguba.pdf>.

² Hersh's interviews with Major General Taguba were conducted in early 2007 and are discussed in greater depth in Chapter Six.

³ The ICRC Report is detailed earlier in Chapter Two, p. 33.

⁴ Conducted by the Department of the Army Inspector General at the February 2004 request of the Acting Secretary of the Army, the Mikolashek Report was an inspection of detainee operations submitted in mid-July 2004. A full version of the report is available in *The Torture Papers: The Road to Abu Ghraib*.

⁵ Requested by Lieutenant Ricardo Sanchez and submitted in early August 2004, the Fay-Jones Report examined intelligence activities at Abu Ghraib Prison, specifically investigating the 205th Military Intelligence Brigade that operated alongside the 800th Military Police Brigade during the period of the most egregious detainee abuse. A full version of the report is available in *The Torture Papers: The Road to Abu Ghraib*.

⁶ The additional forces of gender and sexual orientation related to the case of Specialist Sabrina Harman, given the focus of this project, are only gestured to here yet offer much for future research, in like manner to the critical scholarship of Tara McKelvey (2007) *One of the Guys: Women as Aggressors and Torturers*, Kelly Oliver (2007) *Women As Weapons of War*, and Shannon L. Holland (2009) "The Enigmatic Lynndie England: Gendered Explanations for the Crisis at Abu Ghraib." in *Communication and Critical/Cultural Studies*, Volume 6, Number 3.

⁷ As an October 2009 *Associated Press* article reveals: "Pentagon statistics show that lesbians were discharged under the military's 'don't ask, don't tell' policy at a much higher rate than gay men...[with] every military branch dismiss[ing] a disproportionate number of women...about one-third of the 619 people discharged on the basis of sexual orientation [even though] they account for just 15% of troops" (Leff, 2009, retrieved from <http://news.aol.com/article/military-dont-ask-policy-ousts-more/473789>).

⁸ This quotation is cited from Taguba's Report found in Greenburg, K. J., & Dratel, J. L. (Eds). (2005). *The Torture Papers: The Road to Abu Ghraib*, pp. 498-499.

⁹ This quotation is cited from Taguba's Report found in Greenburg, K. J., & Dratel, J. L. (Eds.). (2005). *The Torture Papers: The Road to Abu Ghraib*, p. 433.

¹⁰ This is the official military reference for the Guantanamo detention facility at Guantanamo Bay, Cuba.

¹¹ The acts Taguba lists are located in Appendix A.

¹² A list of those persons providing written and oral testimony is located in Appendix A.

¹³ References a 1997 Army regulatory document that establishes strict guidelines concerning enemy prisoners of war, internees, and detainees under the control of Army Military Police. A full citation for this document is available in Appendix A, note 3.

¹⁴ This quotation, in the Taguba Report, is located in Greenburg, K. J., & Dratel, J. L. (Eds.). (2005). *The Torture Papers: The Road to Abu Ghraib*, p. 421.

¹⁵ A listing is located in Appendix A.

¹⁶ SGM Marc Emerson was the operating sergeant major for the 320th Military Police Battalion, of the 800th MP Brigade. Taguba recommended that Emerson be relieved of his duties and

reprimanded for “making a material misrepresentation to the Investigating Team stating that he personally briefed his soldiers on the proper treatment of detainees, when in fact numerous statements contradict this assertion” (The Taguba Report, 2004).

CHAPTER 5: THE SCHLESINGER REPORT—*ANIMAL HOUSE* & THE SAVING OF AMERICAN EXCEPTIONALISM

Introduction

“We submit to what we admire but we love what submits to us.”

Edmund Burke

On May 12, 2004, Secretary of Defense Donald Rumsfeld chartered an independent panel to review the Department of Defense’s detention operations in the wake of the Abu Ghraib Prisoner Abuse Scandal. Amidst the global furor precipitated after the *60 Minutes II* broadcast of the now infamous photographs and after appearances before Congressional committee hearings on the matter, Rumsfeld demanded that the four-member panel examine the causes and factors leading to problems in detainee operations. Further, the Panel’s charge demanded detention operations recommendations after their extensive investigation. The panel chair, Dr. James Schlesinger, had served under President Nixon as the Director of the Central Intelligence Agency, as President Ford’s Secretary of Defense and under President Carter as the Secretary of Energy. The panel also included Tillie K. Fowler, former senior member of the House Armed Services Committee and Republican Representative of Florida, Harold Brown, former Secretary of Defense under President Carter as well as Charles A. Horner, the former commander of the North American Aerospace Defense Command and Space command who led the air campaign in the 1991 Iraq War. Presumably given their charge, Schlesinger and his panel had access to the same materials Major General Taguba did and more, although their report fails to list the resources the members relied upon. The panel released their findings, titled “Final Report of the Independent Panel to Review DoD Detention Operations,”¹ in late August 2004.

Anticipation of the report’s findings created great media fanfare. Upon the report’s release, Dr. Schlesinger and the panel members conducted a series of interviews discussing the results of

their four-month inquiry. Before analyzing the executive summary portion of what has come to be known simply as “The Schlesinger Report,” this chapter will first examine the panel members’ media appearances discussing the report’s findings. Such an examination is crucial for two reasons. First, unlike the findings of the Taguba Report, the Schlesinger Report was widely publicized given intense media attention that disseminated the report’s results to a broad audience. On August 24, 2004, the Schlesinger panel members conducted a full press conference, attended by innumerable media outlets and thus the report’s findings were made instantly available worldwide. Further, Dr. Schlesinger and Representative Fowler appeared on a variety of news programs such as PBS’s *Newshour* and NPR’s *All Things Considered* to discuss their investigation and subsequent conclusions. Conversely, the classified Taguba Report, commissioned before the global dissemination of the notorious images, was not taken up in the same way since it was leaked at the same time the photographs were released. Effectively, the shocking images dwarfed, and to a great extent, muted Taguba’s findings.

The second crucial reason for examining the media attention the Schlesinger Report received is in stark contrast to the media’s treatment of the Taguba Report. Unlike Taguba’s investigation, Secretary Rumsfeld announced Schlesinger’s charge soon after his appearances before Congressional Armed Services Committees in early May 2004. Anticipation of Schlesinger’s findings created a build-up to the release of the panel’s report, particularly given the seeming non-partisanship and credibility of the panel’s members. Most crucial, however, was that Schlesinger’s findings were presented to both a mainstream American public as well as disseminated globally, a critical factor in cementing a particularized understanding of the Abu Ghraib Prisoner Abuse Scandal for two reasons.

First, presenting the report's results to the media provided Schlesinger the opportunity to further rhetorically craft the presentation of his findings. In addition to presenting a framed message to a vast audience, the modern media 24-hour news cycle ensures the endless repetition of that message. In other words, Schlesinger's discourse joined and headlined the news cycle loop, a loop that reiterated the panel's findings *ad infinitum*. As a result, viewers received a condensed version of Schlesinger's investigation that negated the need for one to read the Schlesinger Report. Equally significant, the modern media format condensed Schlesinger's four-month investigation and the report's findings into sound bites, a highly simplified version of the 157-page report that lends itself to the simplistic bad apples rendering Schlesinger put forward.

The Schlesinger Report: A One-Day Media Whirlwind

"There was sadism on the night shift at Abu Ghraib, sadism that was certainly not authorized...It was kind of animal house on the night shift."

James Schlesinger, speaking to the press upon release of his panel's findings, August 24, 2004

On the day of the Schlesinger Report's release, Dr. Schlesinger and the panel members held a press conference attended by scores of national and international media outlets. Aside from the press conference, Dr. Schlesinger and panel member Tillie Fowler made two additional media appearances. Both instances relayed an almost identical message.

When asked by *NewsHour's* Gwen Ifill at the start of the broadcast, "But who in the end was responsible?" Dr. Schlesinger replied,

Just the night shift....The night shift was off on its own. It was an abhorrent and horrifying crowd. One has got to understand that all of the pictures that have appeared in the press have nothing to do with interrogation. (*NewsHour* Interview, 2004)

Ifill went further and demanded, "What do you think created this?" Schlesinger responds,

That was just the night shift having fun and games, or as one of the participants said, 'We were only having a little fun.' That was totally separate from policy. There is no policy that endorses or encourages this kind of behavior. (*NewsHour* Interview, 2004)

Ifill retorts, “But your goal in this report was to find out what was the environment that allowed that to happen?” Schlesinger answers,

Yes. The environment that allowed that to happen reflected very poor leadership at Abu Ghraib and at the brigade level...There was a failure further up the chain of command to provide the necessary level of resources. That, however, is quite different from the abuses. (*Newshour* Interview, 2004)

Within the first minutes of the broadcast, Schlesinger places the responsibility for the Abu Ghraib Prisoner Abuse Scandal squarely at the feet of “the night shift.” In effect, this resuscitates the “bad apples” narrative employed by the Bush Administration when the scandal first erupted. At this point in the interview, Gwen Ifill turns to Representative Tillie Fowler and asks, “When we talk about further up the chain of command, how far are we talking about?” Fowler responds,

Well, in our report we have a section on command responsibility. We’re looking at the military chain of command because these were the people in operational control there. And we were very disappointed to see that...they did not supervise them properly....They really just weren’t paying close attention to what was going on there. (*Newshour* Interview, 2004)

To follow up, Ifill asks, “And you had two interviews with Secretary Rumsfeld, but you don’t conclude that it goes that far?” Fowler replies,

No, there is a great difference between policy in the Pentagon and operational control in the field. And we do have a section in our report on the policies that...ended up inadvertently migrating to Iraq. (*Newshour* Interview, 2004)

Fowler continues,

What happened in Abu Ghraib, as the secretary said, that was an anomaly. No matter what policies have been in place or procedures, no matter how clear they had been, that would probably have happened anyway unless you had better leadership because you had a handful of people who were sadistic people, who had no morals, who were there to entertain themselves and then to, you know, do this with prisoners. (*Newshour* Interview, 2004)

Despite the lack of brigade leadership, the resounding message is that the Abu Ghraib Prisoner Abuse Scandal is effectively the result of the deviant—and altogether out of the ordinary—behavior of a few. Moreover, Schlesinger and Fowler presented the panel’s findings in a nine-minute televised segment. Although long for a modern TV segment, what is critical is what the audience hears *first*. From the start, the audience hears that the infamous images captured what was merely the result of “fun and games by the night shift.” Second and equally crucial, the audience learns that the failures did not include senior officials or the Bush Administration, although the abuse stemmed from a failure in military leadership.

Announcing these two important points within the first minutes of the broadcast disseminates a highly particularized rhetorical framing of the Abu Ghraib Prisoner Abuse Scandal. This positioning established the scandal as an anomalous moment and as the work of a select few who have since been tried and jailed for their wrongdoings. Thus, the Abu Ghraib Prisoner Abuse Scandal becomes an open and shut case, much to the relief of a mainstream American collective. Recasting events this way, the Schlesinger investigation asserts that America does not sanction the torture prisoners. One result of Schlesinger’s rhetorical framing is that the pictures instead become the proof that the bad apples committed these acts given they are persons figured in the horrific images. Another result is that this allows for the entire episode to move into the past, enabling America to move beyond the momentary tarnishing of her image.

This is exemplified by Dr. Schlesinger’s opening commentary at the August 24, 2004 press conference. After introducing his fellow panel members and detailing their credentials, Schlesinger begins by stating, “First, there was chaos at Abu Ghraib. That was a reflection of a variety of things.” He goes on to detail four points in this lengthy, but revealing passage,

In the first place...there was a very low ratio of military police to the number of inmates...they were under-trained...Second point, the extent of the abuses....They were

freelance activities on the part of the night shift at Abu Ghraib....[thirdly]...The photographs were extracurricular activities of the night shift at Abu Ghraib...Fourth point. There was no policy of abuse. Quite the contrary...officials repeatedly said that in Iraq, Geneva regulations would apply. (Independent Panel Press Conference, 2004)

Immediately after, Schlesinger asserts,

The discussion whether or not this was just a few individuals in Abu Ghraib—this was not just a few individuals. They were unique in the sense that there 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 were no such activities during the day shift. (Independent Panel Press Conference, 2004)

Through rhetorical framing, these passages articulate two crucial assertions consistently repeated by Dr. Schlesinger during his media appearances with those themes also running throughout the Schlesinger Report. Chiefly, responsibility for the Abu Ghraib abuses falls squarely at the feet of a select group of low-ranking soldiers. First, the “night shift” took part in “freelance activities” and “extracurricular activities” with such wording trivializing the behavior as well as quietly lightening the impact of what transpired. Moreover, “freelance” and “extracurricular” imply activities done in one’s free time, thereby distancing the goings-on from the official policy at that time.

Diametrically opposed to that rendering is the description of the soldiers’ behavior as “sadism” and “unique.” This gives the sense that incidents were for the soldiers’ own pleasure as well as the rogue, one-off acts wholly distinct from the norm. As framed, the soldiers acted far outside of standard operating procedures—articulated by Dr. Schlesinger’s statement that such behavior was “not authorized,”—that strategically distances the behavior captured in the images away from official American detention and interrogation policies. Rather than describing the behavior as abusive and the result of policy in place at that time, Dr. Schlesinger and his panel’s report assert that detainee abuse is wholly the fault of those figured in the infamous pictures and inconsistently figures their behavior as either trivial (“freelance activities”) or as deviant

(“sadism, unique”). Notable is Schlesinger’s use of the term “sadism.” Instead of describing the behavior as sadistic, the soldier’s actions example “sadism.” Aside from individualizing and personalizing that which the photos revealed, this rhetorical strategy yet again distances those actions from American policy.

Secondly, the passages liken the actions captured in the notorious images to a comedic film depicting unruly antics of fraternity pledges. *National Lampoon’s Animal House* depicts a misfit group of fraternity members starting food fights, cheating on tests and creating havoc for their college administrators. By consequence, the Abu Ghraib Prisoner Abuse Scandal is significantly resituated when made synonymous with the 1978 comedy, particularly in the mind of a mainstream American collective. Of greater significance, the photographs then appear to be altogether different than what they first appeared to show (the torturing of prisoners by American soldiers). Like the film, the images merely captured soldiers’ “animal house” behavior that reframes what the pictures reveal in actuality.

Although the animal house reference does not appear in the report, both the national and international press immediately picked up Dr. Schlesinger’s likening of the Abu Ghraib moment to the comedy film. The animal house description headlined on *CNN’s* website² and was included in *The Guardian* newspaper.³ Conservative talk-show host Rush Limbaugh took up Schlesinger’s statements to exonerate his own controversial comments⁴ made when the Abu Ghraib Prisoner Abuse Scandal first broke. Limbaugh stated,

The guy that looked into this [is] claiming I got it right, it was hazing, it was an out-of-control fraternity prank, it was on the night shift. He’s comparing it to *Animal House*. (Limbaugh downplaying Abu Ghraib, 2004)

Within a day, a clear media message developed. The Schlesinger Report argued that this moment was the anomalous work of bad apples, due in part to a lack of operational control.

Therefore, the military retained responsibility for the abuse, which went no higher than the 800th Military Police Brigade.⁵ Those higher in the chain of command only failed to provide the necessary resources, thereby absolving senior officials and the Bush Administration from any culpability in the scandal. Although a close reading of Schlesinger's report presents this in greater detail, this sound bite version of events gained immediate traction within the public domain. Schlesinger's rhetorical framing renders the abuses at Abu Ghraib to be the aberrant actions of the night shift and as a result, the scandal no longer held the potential to call America's exceptionalism into question.

To demonstrate how Schlesinger's version of events rhetorically transformed this moment and eclipsed the witnessing of both Specialist Sabrina Harman and Major General Taguba, a close textual analysis of the Schlesinger Report follows. Given the length of the Schlesinger text, the analysis will focus on the executive summary, albeit thoroughly informed by a full reading of the entire report. In like manner to Chapter Four, this chapter organizes the content of the seven portions of the Schlesinger Panel's executive summary according to rhetorical strategies to demonstrate the employment of three strategies that find articulation in various ways. Moreover, these rhetorical strategies point to the text's overarching goal of obfuscation—an aim altogether contrary to the Taguba Report's goal of transparency. The report's use of rhetorical strategies negotiate the tension between upholding a bad apples rendering of events (that by extension, “rescues” the notion of American Exceptionalism at this particular historical moment) and eclipsing the witnessing efforts of Harman, Taguba and the findings housed in his report. The most notable and consistent feature running through the Schlesinger Report is the use of multiple rhetorical strategies simultaneously to quietly build a highly particularized version of events. As one proceeds through each section of the document and despite the plain

titling of each section, which conveys a transparent presentation of the results of the panel's investigation ("Overview," "Policy," "Detention and Interrogation," "Abuse"), the portions of the report instead fashion a way of seeing of the Abu Ghraib Prisoner Abuse Scandal that is diametrically opposed to that which came before the global release of the shocking pictures. Moreover, albeit discreetly, the three rhetorical strategies of omission, repetition, and implicature deftly frame the Abu Ghraib moment as concomitant with the bad apples narrative that emerged with the global release of the photos. The close textual analysis of the report illustrates the use of multiple rhetorical strategies and the communicative momentum such efforts achieve. Just so, the analysis provides a list of evidence gesturing to the Schlesinger text's overarching objective of obfuscation that furnishes a bad apples rendering of events with the kind of legitimacy an official investigation brings to bear. This results in an altogether different form of textually witnessing the Abu Ghraib moment that presents a version of events to counter the witnessing efforts that came prior to the global dissemination of the infamous images.

Before moving into the analysis of the report, a brief typology explains the three rhetorical strategies running through the report. First and in stark contrast to Taguba's report, the Schlesinger Report employs the strategy of omission, which is most notably evidenced through choices in language. The strategy is further demonstrated by the text's lack of specificity as well as its failure to engage other investigative reports on Abu Ghraib, particularly the Taguba Report and the ICRC Reports. Omission is facilitated through a sense of vagueness articulated through indeterminate phrasing such as "failure," "lack," "confusion," "absence," "insufficiencies," "deficiencies," and "inadequacies." Second is the strategy of repetition, albeit contrary to Taguba's use of this strategy. In the Schlesinger Report, repetition operates to cordon off blame, which is either assigned to the lowest military ranks or placed at the feet of inanimate forces or

objects. The strategy of repetition is also evidenced through the consistent framing of the Abu Ghraib moment as anomalous that the report achieves through rhetorical distancing and disassociation, which deftly divorces policy from actuality. Repetition is further displayed through the report's frequent use of dehumanizing language. Third, the text's strategic use of implicature⁶ is especially demonstrated through the creation of a binary opposition between a pre-9/11 world and a post-9/11 world. Moreover, the specter⁷ of 9/11⁸ operates as a starting point from which a rhetorically crafted form of indemnity provides a "post-9/11" validity for the use of methods likely deemed questionable prior to that distinct event.⁹ Implicature is also achieved through the text's inconsistencies or internal contradictions that beyond creating confusion, also might easily lead the reader to conclusions that are misled.

Of equal interest is the similarity between the rhetorical strategies found in the Schlesinger Report and the "animal house" analogy Dr. Schlesinger first mentioned during the panel's August 24, 2004 press conference. Specifically, the rhetorical strategies of omission and implicature that lead to an assumed understanding and the factor of dehumanization are analogous to characteristics of the film's narrative. The analogy of the Abu Ghraib moment with the comedy film *Animal House* brings with it a particularized way of seeing the scandal as the correlation not only minimizes detainee abuse—a theme that the Schlesinger text best achieves through the use of distancing and disassociation—but also likens the Abu Ghraib Prisoner Abuse Scandal to the fraternity pranks portrayed in the film.

The *Animal House* film depicts a group of vulgar misfits whose behavior flies in the face of what is deemed "proper" decorum. College fraternity initiations typically include pledge hazing or forcing pledges to answer to ridiculous names, which gestures towards a form of dehumanization, albeit a different form than the subjugation withstood by the prisoners at Abu

Ghraib. Although the movie ultimately glorifies youthful rebellion, the motion picture's narrative constructs an "animal house mentality" best exemplified by the mad-cap scenes of a cafeteria food fight, the expulsion of the fraternity members from the college by the Dean, and the hijacking the college's parade by driving a tank into the middle of the campus festivities. Exemplifying this mentality are the following two scenes. The first, titled "Otter's Defense," is a scene where the Delta Tau Chi fraternity members attempt to appeal their expulsion by Dean Wormer. When their attempts to speak are denied, Otter stands up and defiantly declares,

The issue here is not if we broke a few rules, or if we took a few liberties with our female party guests. But you can't hold a whole fraternity responsible for the behavior of a few sick, perverted individuals. Or if you do, shouldn't we blame the whole fraternity system? And if the whole fraternity system is guilty, then isn't this an indictment of our educational institutions in general? [I put it to you, Greg], isn't this an indictment of our entire American society? (Reitman & Landis, 1978, *National Lampoon's Animal House* [Motion Picture])

The logic proffered by Otter's argument is similar to what is achieved in the Schlesinger Report through distancing and disassociation. Although Otter's speech details that the actions of a few misfit fraternity members have wider repercussions, the Schlesinger Report utilizes a similar logic, albeit in the reverse. In other words, although the behavior of a few "bad apples" at Abu Ghraib momentarily called into question the character of the U.S. Armed Forces and the American mission in Iraq, the report deems their actions to be anomalous and therefore not a reflection of America's military—a conclusion the panel assumedly reaches after their four-month investigation.

The second scene that speaks to the likeness Dr. Schlesinger's analogy draws upon is when the fraternity members receive news of their expulsion from the college. This is interrupted when one fraternity brother enters the room appearing to have been beaten up. A fellow fraternity member exclaims, "What happened, you look grotesque!" He responds, "Some of the

Omegas did a little dance on my face....Greggie, Duggie, and some of the other Hitler youth.” To this his fraternity brother asks, “Why? What’d ya do?” He responds, “I dunno...They’re just animals I guess.” This conversation is interrupted with the news that the entire Delta Tau Chi fraternity has been “officially kicked out of school” by the Dean. Fraternity leader Bluto demands, “Why are you all just sitting around here?” to which a fellow fraternity member responds, “What are we supposed to do, you moron?” At this juncture, Bluto launches into giving an impromptu “inspirational” speech, which begins, “What, over...did you say over? Was it over when the Germans bombed Pearl Harbor?” One of the fraternity members, realizing Bluto’s blunder states, “Don’t interrupt him man, he’s on a roll.” Bluto, as if not realizing his mistake and ignorant to those around him who do, continues speaking,

When the going gets tough, the tough get going! Who’s with me? Where’s the spirit, where’s the guts...this could be the best night of our lives and you’re making it the worst...[Dean] Wormer? He’s a dead man...anyone who’s not with me can kiss my ass! (Reitman & Landis, 1978, *National Lampoon’s Animal House* [Motion Picture])

To this his fellow fraternity brothers respond,

Bluto’s right! We’ve gotta take these bastards....we have to go all out....this situation actually requires a feudal and stupid gesture, and we’re just the guys to do it....Let’s do it! (Reitman & Landis, 1978, *National Lampoon’s Animal House* [Motion Picture])

Beyond the conveyed message of rebelling against authority, this scene parallels Schlesinger’s rhetorical strategies of implicature and omission. Despite the internal inconsistencies in Bluto’s inspirational speech (“When the Germans bombed Pearl Harbor”), his fellow fraternity brothers go over his error as a kind of deference to the larger point that their expulsion is wrongful and they must take action. Not only does Bluto’s speech omit their role in their expulsion, but also, his fraternity brothers deem his overarching point to be correct despite the contradiction within the speech. Within the Schlesinger text, the use of implicature is employed as a rhetorical strategy. As the forthcoming analysis demonstrates, the report is, in effect, dependent on the

reader going over internal inconsistencies, or “infer[ring] information that is not explicitly stated” (Riley, 1993, p. 180).

An “animal house” mentality is rhetorically connected to those figured in the notorious Abu Ghraib photos. Associating fraternity antics by college-aged misfits with the actions of low-ranking soldiers working on the prison’s night shift brings with it a way of seeing the photographs as well as the scandal as akin to the rhetorically crafted message running forwarded by the Schlesinger Report. In other words, the characteristics of an animal house mentality depicted in the film, when made synonymous with the scenes captured by the infamous photographs, largely renders the two interchangeable. Moreover and by implication, the soldier’s behavior, when likened to an animal house mentality, minimizes the impact of the shocking photos in order to both rescue and reclaim America’s exceptionalism at this historical juncture. For the intended audience of a mainstream American collective, rhetorically securing an animal house frame of mind to the Abu Ghraib scandal, forecloses the possibility that the abuse of detainees was anything more than the work of so-named bad apples.

The chapter now turns to a close textual analysis of the Schlesinger Report that organizes a list of evidence according to the three rhetorical strategies (evidenced in a variety of ways), which results in laying bare the text’s overarching aim of obfuscation that resuscitates the notion of American Exceptionalism at this particular historical juncture. In sum, the rhetorical strategies employed throughout the Schlesinger Report effectively obscure the witnessing efforts of Specialist Sabrina Harman and the Taguba Report with the panel hitching detainee abuse to a select few and by containing the occurrences within a small timeframe that over the course of the report hones a highly particularized understanding of the Abu Ghraib Prisoner Abuse Scandal.

The Rhetorical Strategy of Omission

“In order to constitute torture, an act must be specifically intended to inflict severe physical or mental pain and suffering that is difficult to endure.”

The Schlesinger Report, citing a 2002 Office of Legal Council opinion on interrogation standards

Omission through Language Choice

The report details Defense Department’s efforts to develop interrogation techniques to meet the demands of a post-9/11 environment. The report finds,

Had the Secretary of Defense had a wider range of legal opinions and a more robust debate...his policy of April 16, 2003 might well have been developed and issued in early December 2002...avoid[ing] the policy changes which characterized the December 2, 2002, to April 16, 2003 period. (The Schlesinger Report, 2004, p. 911)

As phrased, “a more robust debate” might have avoided multiple policy changes over a fifteen-month period. Within the full body of the report, the Panel explains that despite approving the additional techniques in October 2002—in full use through early 2003—the Department of Defense established a working group to study interrogation techniques. In tandem with the Office of Legal Counsel, the Working Group “reviewed 35 techniques and after a very extensive debate ultimately recommended 24” (The Schlesinger Report, 2004, p. 911). Working from the group’s findings, Secretary Rumsfeld reissued a list of approved techniques listed exclusively for use at the Guantanamo Bay facility. As the report notes,

From the war’s inception through the end of 2002, all forces used FM 34-52 [the Army Field Manual informing military operations at that time] as a baseline for interrogation techniques. [¹⁰] Nonetheless, more aggressive interrogation of detainees appears to have been on-going. (The Schlesinger Report, 2004, p. 911)

Although the report admits to the use of aggressive interrogations that went beyond what was expected in the field, there is both a lack of follow-up as well as a lack of assessment of blame that also results in creating internal contradictions. The passage also exemplifies the classic rhetorical strategy of omission through the dropping of the active voice. This, along with the

lack of a responsible agent, is repeated again and again throughout the report. This passage is followed by,

It is clear that pressures for additional intelligence and the more aggressive methods sanctioned by the Secretary of Defense memorandum, resulted in stronger interrogation techniques that were believed to be needed and appropriate in the treatment of detainees defined as ‘unlawful combatants.’ (The Schlesinger Report, 2004, p. 911)

As constructed, the need for such methods stemmed from “pressures” and “methods”—both inanimate forces acting upon the situation. Furthermore, the issue of detainee categories comes to the fore as the “unlawful combatant” category seemingly allows for the unquestioned use of these interrogation techniques. Once a prisoner is categorized as such (“unlawful combatant”), employing these tactics is accounted for and is justified given the “pressures for additional intelligence.” Not only does the Panel employ the rhetorical strategy of omission that results in distancing policy from the interrogation tactics, but more crucially, this achieved through indeterminate language choices applied consistently throughout the text.

Omission achieved through Vagueness

The Schlesinger text is also distinct in its use of opaque phrasing, which creates a tangible vagueness that permeates the text. This is illustrated most notably by the phrase “purposeless sadism” applied to those figured in the infamous photographs. By definition, the purpose of sadism is for a perpetrator to enjoy the pain of their victim and therefore, it is challenging to tease out the intent of the phrase “purposeless sadism.” What is implied, however, is two-fold. First, action is again individualized and rhetorically tethered to those appearing in the infamous photos. Second, the phrase also implies that such behavior was “purposeless” that works to distance the soldiers “individual” actions from the policy-driven directives that actually informed that behavior.

Another example of omission through vagueness revolves around the issue of the humane treatment of detainees, an issue that leads in this crucial passage:

These people must be carefully but humanely processed...Such processing presents extraordinarily formidable logistical, administrative, security and legal problems completely apart from the technical obstacles posed by communicating with prisoners in another language and extracting actionable intelligence from them in a timely fashion. (The Schlesinger Report, 2004, p. 920)

By placing “careful” before “humanely,” the passage quietly illustrates that what is of greatest concern that also implies a guilty-until-proven-innocent sensibility attached to populations under American watch. What the report fails to clarify, particularly given the Bush Administration’s controversial approach towards detention, is any reference to what (if any) legal recourse was either applicable to and/or provided for those detained in Iraq under the Third Geneva Convention¹¹. Second and of equal importance to this chapter’s analysis of rhetorical strategies is the text’s repetitive use of dehumanizing language evidenced through the choice of vague terminology such as “processed” and “extracting.” Not only do these terms result in automating the processing of prison populations but also effectively debases those persons being processed by American forces.

Further exemplifying vague language is the equation of a language barrier to blocking the retrieval of “actionable intelligence.” Language is quietly separated from those persons who speak it that examples both the rhetorical strategy of distancing and the strategy of enemy debasement. What is valorized instead is “extracting actionable intelligence” given the impending factor of time,¹² commonly referred to as the “ticking time bomb scenario.” Framed as such, it is the language barrier that thwarts securing intelligence critical to ensuring the safety and success of military operations and assuring the security of the American homeland. While American lives assumedly hang in the balance, those from whom “actionable intelligence” is

being “extracted” quietly fade far into the background. The use of this kind of language would perhaps be understandable if found in a military report; however, the Schlesinger Report is a civilian document. Unlike Taguba’s report, which never contained such phrasing, the Schlesinger Report consistently makes use of vague rhetorical phrasing that deftly degrades the populations under American control.

Omission through a Lack of Specificity

Working from the rhetorically crafted basis that 9/11 compelled America to operate in ways fitting to a newfound enemy threat, the report states,

The President issued a memorandum [¹³] [February 7, 2002]...determin[ing] the Geneva Conventions did not apply to the conflict with al Qaeda...Nonetheless...all were in agreement...[and]...the President ordered...that the treatment of detainees should be consistent with the Geneva Conventions. (The Schlesinger Report, 2004, p. 910)

Although on face the statements attest that all detainees would be dealt with in keeping with the Geneva principles, nuanced categorization allows many to fall outside of Geneva Convention protections. Although the report fails to include any specifics related to detainee treatment and interrogation within the text, an appendix at the end of the report lists the sixteen additional techniques¹⁴ approved by Secretary Rumsfeld in early December 2002 to supplement the Army Field Manual’s seventeen standard interrogation methods¹⁵ (The Schlesinger Report, 2004, pp. 910-911, 965). While the passage simultaneously demonstrates the disassociation of policy with the “memo” shouldering the responsibility for policy implementation, this also exemplifies the strategy of omission through a lack of specificity as well as illustrates the report’s strategic use of implicature given the result of misleading conclusions.

Critical are the next two sentences,

As a result of concerns raised by the Navy General Counsel on January 15, 2003, Secretary Rumsfeld rescinded the majority of the approved measures....Moreover, he

directed the remaining more aggressive techniques could be used only with his approval. (The Schlesinger Report, 2004, p. 911)

In actuality, as has subsequently come to light, Navy General Alberto Mora¹⁶ continuously raised concerns to the Secretary of Defense and others within the Bush Administration in early December 2002.¹⁷ In addition, Specialist Darby had turned in a CD of abuse photographs to the Army's Criminal Investigative Division on January 13, 2004, General Sanchez demanded a criminal investigation on January 14, 2004, and Brigadier General Mark Kimmitt announced the investigation of detainee abuse on January 16, 2004.¹⁸ Absent this timeline,¹⁹ however, the Schlesinger Report's framing of events implies that changing harsh interrogation methods was merely an internal decision and therefore seemingly unrelated to the parallel series of events unfolding at Abu Ghraib Prison.

The rhetorical strategy of omission, achieved through a lack of specificity, comes to light in the "Detention and Interrogation" section of the executive summary that details further Major General Miller's call for what the report describes as the "cooperation" between military police personnel and military intelligence. The report states, "This MP (military police) role included passive collection on detainees as well as supporting incentives recommended by the military interrogators...These collaborative procedures worked effectively in Guantanamo...[as opposed to] in Iraq and particularly in Abu Ghraib. (The Schlesinger Report, 2004, pp. 912-913). This paints an altogether misleading view of the relationship between the MPs and the MI agents, which is achieved through a lack of specificity. Contrary to Taguba's assessment, the Schlesinger Panel contends that MPs conducted passive collection and supported the interrogators. As the Taguba Report noted, MPs *typically* conduct the passive collection of prisoner information, instanced by sifting through prisoner trash. This was not, however, what Taguba found in actuality. By contrast, the Schlesinger Report frames the MP duties as merely a

supporting role that was compromised given the need to protect the facility given the prison's location within an active combat zone.

Omission through the Failure to Engage Prior Investigative Reports

The first of only two mentions of Taguba's report appears in the "Policies and Command Responsibilities" section wherein the Panel states,

At the tactical level, we concur with the Jones/Fay^[20] investigation's conclusion that military intelligence personnel share responsibility for the abuses at Abu Ghraib with the military police soldiers cited in the Taguba investigation. (The Schlesinger Report, 2004, p. 915)

The report offers agreement on a "tactical level" only, which militarily speaking, is akin to backing these investigations "in theory." Although this passage quietly fails to endorse the conclusions to a military audience, it implies agreement to a civilian audience. The Schlesinger Report's failure to engage other reports on Abu Ghraib is further evidenced in one of the recommendations the Schlesinger Panel proposes,

The Secretary of Defense and other senior DoD [Department of Defense] officials need a more effective information pipeline to inform them of high-profile incidents....While a corresponding flow of information might not have prevented the abuses...the Office of the Secretary of Defense would have been alerted to a festering issue, allowing for an early and appropriate response. (The Schlesinger Report, 2004)

Resulting from their four-month investigation, the Schlesinger Panel's chief recommendation is the improvement of communication. This passage is but one illustration of that which the report omits entirely, that there had been vast amounts of communication concerning Abu Ghraib, not only from the Ryder investigation and the subsequent report, but also from International Committee of the Red Crescent reports and visits, as well as the results housed in the Taguba Report. Beyond the failure to mention prior reports, what is altogether absent is what the report could have said, which Taguba's report put forward in his recommendations, or—further—the promotion of policies to prevent abuse in the future.

The Rhetorical Strategy of Repetition

“Improvisation was the order of the day.”

The Schlesinger Report, summary of the day-to-day operations at Abu Ghraib Prison

Repetition to Cordon off Blame

The Schlesinger Panel is specific to contain responsibility for detainee abuse within military circles as the report charges that this was the result of both the night shift and failed military leadership thereby absolving those higher on the chain of command. In sum, this is an assertion that consistently runs throughout the Schlesinger text, that fault *only* falls at the feet of the night shift and their immediate leadership. Despite the assertion that detention facilities were overwhelmed given the rapid growth in prison population, the Schlesinger Report contends,

Problems at Abu Ghraib are traceable in part to the nature and recent history of the military police and military intelligence units at Abu Ghraib....Although its readiness was certified...deployment of the 800th Brigade was chaotic [and] the 800th was lowest in priority...and did not have the capability to overcome the shortfalls it confronted. (The Schlesinger Report, 2004, p. 913)

As is evidenced throughout, the text rhetorically attributes a great percentage of responsibility for the Abu Ghraib abuses to a select group. This is particularly notable in the section titled “Abuses,” which is merely four paragraphs long. Unlike the Taguba Report that went to great lengths to catalogue abusive acts, the Schlesinger Report once again avoids specificity as the brevity of the “Abuses” section alone minimizes through aesthetic implication. The section repeats the numerical evidence the report provided previously and then immediately after, the report states,

The aberrant behavior on the night shift in Cell Block 1 at Abu Ghraib would have been avoided with proper training, leadership and oversight. Though the acts of abuse occurred at a number of locations, those in Cell Block 1 have a unique nature fostered by the predilections of the non-commissioned officers in charge. (The Schlesinger Report, 2004, p. 914)

Four points demand elaboration. First, specifying the “night shift in Cell Block 1” contains detainee abuse to a select few. Second, the report’s claim that the Abu Ghraib abuses “would have been avoided” through improved training and better oversight rhetorically constructs instances of detainee abuse as a “lack” and by implication, *not* the result of policy. Third, the understanding of the soldiers’ behavior as aberrant references that which is twisted, perverted and anomalous. Moreover, the instances are deemed to be of a “unique nature fostered by the predilections of the non-commissioned officers” that frames the instances as highly unusual as well as conveys a sense of deviance. Rendering the abuse the “predilection” of those involved creates the sense that they enjoyed carrying out such acts as seen in the infamous photos.

Fourth, specifically denoting “non-commissioned officers” is particularly important. Chapman (2009) explains that non-commissioned officers are the “backbone of the military” and the link between officers and enlisted military personnel who enjoy a small degree of authority and autonomy executing day-to-day military operations. Therefore, constructing the fault line of responsibility at the non-commissioned officer level once again cordons off culpability for detainee abuse to the lower ranks, albeit including persons one level above those figured in the infamous photos. By implication, such specificity yet again instances the use of distancing and disassociation as the rhetorical demarcation assigns blameworthiness to those below this line and absolves those above this line of virtually any accountability.

Repetition Placing Blame onto Inanimate Forces and Objects

Within the Policy section of the executive summary, the Schlesinger Panel attempts explanation of how the additional interrogation techniques found their way to Iraq. The 519th Military Intelligence (MI) Battalion assisted a Special Operations Unit authorized to use a host of harsh interrogation methods while on assignment in Afghanistan. Therefore, the 519th Battalion

was fully aware of the regular use of the additional tactics when those troops were then sent on to Iraq (The Schlesinger Report, 2004, p. 911). The report maintains, “A list of techniques...not explicitly set out in FM 34-52...were included in Special Operations Forces (SOF) Standard Operating Procedures (SOP) document” (The Schlesinger Report, 2004, pp. 911-912). From this the report contends that harsh interrogation methods “inadvertently migrated” to Iraq and to Abu Ghraib Prison by way of the 519th MI Battalion.

First, the report’s assertion that harsh interrogation methods “migrated” to Iraq fails to name a responsible agent and deftly implies that this was an ostensibly natural, albeit accidental, process. The term “migration”—aside from odd—repeats a seeming lack of control as well as disassociates and dehumanizes the implementation of what was actually standard operating procedure at that time. Once again, by failing to use more concrete language, such as “adopted” or “came to be used,” the report avoids the implications stemming from the standardization of harsh interrogation methods that separates the use of harsh tactics from the actuality on the ground—a theme the Schlesinger Report frequently returns to. For example, the report states,

During July and August 2003, the 519th Military Intelligence...sent to...Abu Ghraib...[and] Absent any explicit policy or guidance, other than FM 34-52...prepared draft interrogation guidelines that were a near copy of the Standard Operating Procedure created by SOF [Special Operations Forces].... It is important to note that techniques effective under carefully controlled conditions at Guantanamo became far more problematic when they migrated and were not adequately safeguarded. (The Schlesinger Report, 2004, pp. 911-912)

This passage demonstrates the report’s repeated use of distancing and avoidance as the text again implies that an inanimate entity—an absence so to speak—brought these tactics to fruition in Iraq.

Illustrating the report’s simultaneous use of multiple rhetorical strategies is the Schlesinger Report’s repeated omission of crucial events. One such event the report fails to mention is the

arrival of Major General Geoffrey Miller, which closely followed the 519th's reassignment to Abu Ghraib. At that time, Major General Miller headed interrogation operations at Guantanamo Bay (GITMO), a facility authorized to use the harsh methods from October 2002 forward. The Taguba Report clearly demonstrated that Major General Miller's September 2003 visit to Abu Ghraib Prison brought Guantanamo-styled procedures to Abu Ghraib in an effort to quell the rapidly rising insurgency in the face of mounting pressure (The Taguba Report, 2004, pp. 409-410, 412, 420, 422-423).

The Policy section demonstrates the report's consistent use of implicature, notable in the report's handling of Major General Miller's suggestions on how to "exploit internees rapidly for actionable intelligence." Although the Schlesinger Report concedes that Miller offered this as "a possible model...he recommended be established," the report also maintains that Miller noted that the model "was not directly applicable to Iraq." This implies that Miller merely offered suggestions and possible models rather than detailing what transpired in actuality. The Schlesinger Report's rendering is in stark contrast to Taguba's report, which admonished the symbiotic relationship between interrogation agents and military police to "be actively engaged in setting the conditions for successful exploitation of the internees" actively in use at Abu Ghraib Prison (The Taguba Report, 2004, p. 410). Instead Taguba asserted, "Military Police should not be involved with setting 'favorable conditions' for subsequent interviews" as well as strongly recommended "**Establish[ing] procedures...clearly separating the actions of the guards from those of the military intelligence personnel**" (use of boldface in original text, The Taguba Report, 2004, p. 412-413).

Additionally, the Schlesinger Report details that General Sanchez authorized the use of harsh interrogation techniques beyond those sanctioned by the Army Field Manual on September 14,

2003. Not only did Sanchez's memorandum immediately follow Major General Miller's visit, but the Schlesinger Report justifies Sanchez's actions given "there were 'unlawful combatants' mixed in with Enemy Prisoners of War and civilian and criminal detainees" (The Schlesinger Report, 2004, p. 912). Once again, the Schlesinger Panel's findings are in stark contrast to Taguba's findings who determined that "the intelligence value of detainees held at Guantanamo (GTMO) is different than that of the detainees/internees held at Abu Ghraib" (The Taguba Report, 2004, p. 410).

The following passage in particular illustrates both the frequent placing of blame on inanimate objects or forces as well as repeated internal inconsistencies in the Schlesinger Report. In the Policy portion of the executive summary, the report ends the section with this assessment,

The policy memos...allowed for interpretation in several areas and did not adequately set forth the limits of interrogation techniques. The existence of confusing and inconsistent interrogation technique policies contributed to the belief that additional interrogation techniques were condoned. (The Schlesinger Report, 2004, p. 912)

Once again, the report rhetorically constructs distance between the official policies authorized by Secretary Rumsfeld and the actuality of their use as directed by General Sanchez at the time that detainee abuse took place. With the report asserting that the practical application of policy was "interpretation" given a lack of explicit limitations and the Panel's insistence that this resulted in "confusion" and false "belief" regarding which interrogation techniques were approved and which were not, yet again rhetorically circumvents tying policy directly to detainee abuse. It is through the use of the rhetorical strategy of repetition that the Schlesinger Report recurrently disconnects policy and the implementation of that policy at Abu Ghraib. This is best achieved through the placement of blame on inanimate forces (the "migration" of harsh interrogation tactics resulted in the unauthorized and uncalculated application of methods by rogue soldiers in the field) as well as through the lack of any responsible agent (instead of the author of the memo,

the report instead places culpability onto a “memo”), which works to further disassociate policy from practice.

The placement of blame on an inanimate object—be it a “memo” or, as the following passage illustrates, “the photos,”—repeatedly appears throughout the text, particularly when the Panel’s report tackles the global release of the photographs. The Panel members contend,

Given this situation [the release of the photos on the *60 Minutes II* broadcast], GEN Richard Myers²¹....was unprepared in April 2004 when he learned the photos of detainee abuse were to be aired....[Myers] asked CBS to delay the broadcast [as] the lives of the Coalition soldiers would be further endangered....The story of the abuse itself was already public ...[although] GEN Abizaid and GEN Myers understood the pictures would have an especially explosive impact around the world. (Capitalization in original text, The Schlesinger Report, 2004, p. 927)

As framed, it is the photographs—and not the abuse—that emerges as the chief issue. Second, accountability for detainee abuse is instead borne by the explosive images. This further demonstrates the rhetorical shifting of culpability for the Abu Ghraib Scandal onto the photographs. Moreover, this passage insists that the “story of the abuse itself was already public” in an attempt to demonstrate transparency. Although the assertion is factual given Brigadier General Kimmit’s January 16, 2004 announcement of allegations of detainee abuse, the statement falls flat both in light of what the shocking images captured and given that the Taguba Report, submitted six weeks earlier, had already revealed the realities at Abu Ghraib Prison. Failure to include such details again instances the report’s frequent use of omission.

Repetition through Distancing and Disassociation

For the first time, in the lengthy section titled “Policy and Command Responsibilities,” the Panel finds responsibility outside of the specifically named few who seem to bear the brunt of the culpability for the Abu Ghraib abuses. The section notes, “the majority of the abuses occurred” in Iraq, with the Panel attributing this to “Interrogation policies...inadequate or

deficient in some respects” (The Schlesinger Report, 2004, p. 914). What is remarkable about this section is that the Department of Defense, CENTCOM/CJTF-7²² and those commanding Abu Ghraib Prison are at first named as answerable for these deficiencies. Unlike all prior sections, those higher up the chain of command bear a sliver of culpability, although this is softened as the section progresses. As the section continues, the Panel states,

In the absence of specific guidance from CENTCOM, interrogators relied on Field Manual 34-52 and on unauthorized techniques that had migrated from Afghanistan ...Policies approved for use on al Qaeda and Taliban detainees...not afforded the protection of the Geneva Conventions, now applied to detainees who did fall under the Geneva Convention protections. (The Schlesinger Report, 2004, p. 915)

Although the scope of responsibility widens at the start of this section, this rhetorical construction renders detainee abuse as more a mishap by officers on the ground than a policy gone awry. Most disquieting is the carte blanche employment of the techniques that appear to apply to all those detained by U.S. forces, regardless of prisoner classification. The report continues,

CENTCOM disapproved the September 14, 2003 policy, resulting in another policy signed on October 12, 2003, which mirrored the outdated 1987 version of the FM 34-52...[that] authorized interrogators to control all aspects of the interrogation, ‘to include lighting and heating, as well as food, clothing, and shelter given to detainees...left out of the current 1992 version.[²³] This clearly led to confusion on what practices were acceptable. (The Schlesinger Report, 2004, p. 915)

With changes in December 2002, September 2003, October 2003, January 2004 and April 2004, the Panel names the significant number of policy revisions as the principal reason for confusion surrounding what practices were deemed acceptable. Although this seems a reasonable explanation, the passage omits the many other abusive practices that were routine at Abu Ghraib such as forced nudity—practices Major General Taguba listed in his report and that Sabrina Harman’s letters detailed and her photographs captured.

Another example of distancing and disassociation—although their use consistently appears throughout the report—is at the end of the Schlesinger Report’s executive summary section. The Panel commends Department of Defense efforts to reform in the wake of the Abu Ghraib Prisoner Abuse Scandal that deftly distances the department from the scandal. The report asserts, “Department of Defense reform efforts are underway....The Military Services now recognize the problems and are studying...to ensure we are better prepared to succeed in the war on terrorism” (The Schlesinger Report, 2004, p. 916). The clear message is that despite the need to tweak elements such as training or troop combinations—proposals the Panel list in the body of the report—the text deftly asserts that the military continues to enjoy a strong foundation, despite instances of detainee abuse. With such remedies already underway, the report implies that such failings were only “surface” issues or “cracks” in the system as opposed to directly attributing policy driven initiatives as responsible for detainee abuse. Yet again, close textual analysis evidences that although the Panel recognizes that what took place at Abu Ghraib was deplorable, the text’s distancing efforts effectively maintains the assertion that the Department of Defense is remedying any factors contributing to the seeming scant occurrences of abuse.

Repetition of Dehumanizing Language

With the report repeatedly calling forth the 9/11 moment, detention operations are framed as an additional complexity of the ensuing Global War on Terror that again instances the shouldering of responsibility by an inanimate force or object. Moreover, however, the intersection between the War on Terror and detention operations demonstrates the text’s repeated use of dehumanizing language. This is illustrated in a lengthy yet crucial passage that begins, “Warfare under the conditions described inevitably generates detainees—enemy combatants, opportunists, troublemakers, saboteurs, common criminals, former regime officials and some

innocents as well” (The Schlesinger Report, 2004, p. 920). First, the passage quietly promotes a common-sensical logic asserting that wartime conditions “inevitably generat[e]” detainee populations that the U.S. must contend with. Notably, this is framed as a result of warfare rather than the consequence of the American invasion (here again, something inanimate is the culprit) that facilitates the separation of U.S. policy with the resulting aftereffects.

The “inevitably generated” populations are classified into specifically named categories thereby placing prison populations outside of Geneva Convention protections. Those protections are afforded to those with prisoner of war status and therefore, if a prisoner is not categorized as such, this quietly absolves adherence to Geneva protocol. To be clear, POW (prisoner of war) is not on this list and is in clear contradiction to public statements claiming that the Geneva Conventions applied to the Iraq conflict. Also striking is the final category, titled “some innocents.” Such phrasing oddly groups the innocent with the guilty as this list structure creates the sense that their capture is still necessary until those detainees are deemed “innocent” with total certainty. These rhetorically driven maneuvers assumedly afford U.S. forces much wider latitude than what Geneva Conventions dictate, provided such persons are treated “humanely.”

The Rhetorical Strategy of Implicature

“Had these non-commissioned officers behaved more like those on the day shift, these acts, which one participant described as ‘just for the fun of it,’ would not have taken place.”

The Schlesinger Report, 2004

Implicature: A Post-9/11 Worldview Validated by 9/11

It is the strategic use of implicature that enables the Schlesinger Report to rhetorically fashion a basis upon which critical distinctions are then asserted. As the executive summary opens, the panel immediately distinguishes a pre-9/11 world from a post-9/11 world that by extension, implies the demand for approaches ostensibly unnecessary until the 9/11 attacks. Therefore, the

difference is in the kind of warfare America must wage given the wholly new threat that emerged on September 11. Working from this basis, the report then separates the sadistic behavior of those figured in the Abu Ghraib images that the text quietly compares to the rest of the world. In other words, America does not abuse prisoners, unlike the bad apples at Abu Ghraib and unlike America's newfound enemy. Both differentiations strategically disassociate American policy from the ramifications of those policies. In addition, the Schlesinger Panel goes to great lengths to minimize the number of abusive instances whilst simultaneously maximizing the challenges faced by the United States military.

Moving into the body of the report illustrates the expansion of a logic that unobtrusively condones abusive actions. A pages long section titled "The Changing Threat" first details the historical backdrop anchoring and necessitating a shift in U.S. policy towards enemy engagement. The section opens,

The date September 11, 2001, marked an historic juncture in America's collective sense of security. On that day our presumption of invulnerability was irretrievably shattered...threaten[ing] America's right to political sovereignty and our right to live free from fear....In waging the Global War on Terror, the military confronts a far wider range of threats.... diverse enemies with varying ideologies, goals and capabilities....multiple enemies including indigenous and international terrorists. This complex operational environment requires soldiers capable of conducting traditional stability operations...one moment and fighting force-on-force engagements normally associated with war-fighting the next moment. (The Schlesinger Report, 2004, p. 920)

Here, a critical argument emerges. The first sentence names "9/11" as an irrevocable moment prompting America to move away from solely operating as the world's peacekeeper in order to battle a multifaceted enemy operating from an altogether different playbook. The passage quickly establishes September 11 as the point of departure for America's necessary shift in both stature and tactical approach. Further, the responsibility for this shift is placed squarely at the feet of America's newly emergent enemy. The use of capitalization denoting the so-named

Global War on Terror is also notable. This frames the post-9/11 conflict as an entity unto itself that implies that this is unlike any conflict before, which demands an approach matching the threat America faces.

The articulation of this logic is repeated further along in the “Policy” section of the report’s executive summary:

With the event of September 11, 2001, the President, the Congress and the American people recognized we were at war with a different kind of enemy. The terrorists...were unlike enemy combatants the U.S. has found in previous conflicts. (The Schlesinger Report, 2004, p. 910)

Raising the specter of September 11 once again, the two opening lines again draw a firm rhetorical boundary that separates the perpetrators of the 9/11 attacks from America’s prior enemies. The labeling of “terrorists” as a different kind of enemy implies a circumstantial necessity to contend with this threat in a manner distinct from prior confrontations.

Implicature to Contain

From the outset, the report brackets detainee abuse into a specific three-month period. The report opens, “The events of October through December 2003 on the night shift of Tier 1 at Abu Ghraib prison were acts of brutality and purposeless sadism” (The Schlesinger Report, 2004, p. 909). Although much of the abuse at Abu Ghraib Prison did take place from October through December 2003, it is crucial to note how this statement is misleading as this passage implies that outside of this timeframe, detainee abuse did not take place. Although detainee abuse was perhaps not commonplace, this rhetorically frames the abusive instances as limited to that particular moment in time. Rhetorical construction singles out the “events of October through December 2003 on the night shift on Tier 1” as well as separates these instances with a two-fold implication. First, this implies that detainee abuse was specific to that time period, on that shift and at that location. Now although abuse did take place at that time and at that location, the

abuse of detainees also took place at other times and at other locations, as has subsequently come to light. Second, this rhetorical framing places responsibility for the Abu Ghraib abuses on the shoulders of a highly select group. Such distancing results in misleading conclusions insofar as the passage implies that only these few soldiers are culpable for detainee abuse that quietly separates their behavior from the policy that sanctioned such action.

Misleading conclusions are also drawn when the report asserts, “Activities, called detention operations....[that] depend[s] upon training, skills, and attributes not normally associated with soldiers in combat units” to specifically demonstrate that operational conditions are “not normally associated with soldiers in combat units” (The Schlesinger Report, 2004, p. 920). Therefore, the 21st century war theater demands that which falls outside of conventional expectations that implies this environment will not be “normal” from the outset. In other words, American military forces are operating in “abnormal” conditions and as if by consequence, “untidy” things might conceivably occur in such circumstances.

Implicature arising from Internal Contradictions/Inconsistencies

Although this rhetorical strategy is woven throughout the report, the “Abuses” section of the report’s executive summary evidences how implicature arises from the text’s internal contradictions and inconsistencies. The “Abuses” section begins, “Concerning the abuses at Abu Ghraib, the impact was magnified by the fact the shocking photographs were aired throughout the world” (The Schlesinger Report, 2004, p. 914). Here again, the impact of the Abu Ghraib Prisoner Abuse Scandal is indirectly—albeit pointedly—attributed to the worldwide release of the images that yet again instances the use of distancing to place blame elsewhere. In other words, the inanimate pictures shoulder accountability to bear the brunt of the ensuing global furor. Looking further into the body of the report yields important results. In a section titled

“Public Release of Abuse Photos,” the report expounds on the brief “Abuses” section in the executive summary by stating,

In any large bureaucracy, good news travels up the chain of command quickly; bad news generally does not. In the case of the abuse photos from Abu Ghraib, concerns about command influence on an ongoing investigation may have impeded notification to senior officials....The officials who saw the photos...not realizing their likely significance, did not recommend the photos be shown to more senior officials...their impact was not appreciated, as indicated by the failure to transmit them... Again, the reluctance to move bad news farther up the chain of command probably was a factor impeding notification of the Secretary of Defense. (The Schlesinger Report, 2004, p. 926)

This rhetorical framing normalizes what would seem to be an odd withholding of information, as once again, it is the lowest echelons that are most culpable. Such framing ignores countless attempts to “move bad news up” demonstrated by Sabrina Harman’s efforts to inform her direct superior of instances she witnessed. More unsettling, however, is the passage’s internal inconsistency. The report’s account seems improbable and in fact contributes to a lack of understanding of the situation’s significance as much of the behavior captured in the notorious images was within the bounds of standard operating procedure at that time. This provides a more cogent backdrop as to why “bad news” failed to move up the chain of command rather than what the Schlesinger Report puts forward.

The Simultaneous Use of Multiple Rhetorical Strategies

“We cannot be sure how much the number and severity of abuses would have been curtailed had there been early and consistent guidance from higher level...Nonetheless, such guidance was needed and likely would have had a limiting effect.”

The Schlesinger Report, August 2004

One of the Schlesinger Report’s most striking features is the synchronous use of the three rhetorical strategies of omission, repetition and implicature. Given the various means by which these strategies find articulation in the text, this renders the Schlesinger Report an altogether confounding document demanding the kind of analysis rhetorical critique is uniquely suited to

undertake. On the one hand, to read the Panel's report without a thorough knowledge of the Abu Ghraib Prisoner Abuse Scandal, the text presents an ostensibly plausible rendering of this moment. On the other hand, however—which illustrates one of the overarching aims of this project—a close textual analysis, supplemented with a comprehensive knowledge of events, enables a full reading of the Schlesinger Report that places this example of textual witnessing in an entirely different light.

Although the following passage is one of the report's first examples of the text's strategic use of implicature, this excerpt more so evidences the report's simultaneous use of multiple rhetorical strategies:

The pictured abuses, unacceptable even in wartime, were not part of authorized interrogations nor were they even directed at intelligence targets. They represent deviant behavior and a failure of military leadership and discipline.

This quotation holds several crucial points. First, "pictured abuses" marks the infamous images with an odd distinction as if fault again lies in the photographs. Second, by asserting that those moments were "unacceptable" and represent "deviant behavior" rhetorically frames instances captured on film as far beyond the norm. Moreover, "deviant behavior" frames the actions as not only anomalous but also freakish and perverse, implying that the photographed instances were one-off moments carried out by abnormal persons. Third, the passage falsely asserts that the "pictured abuses...were not part of authorized interrogations" as well as misleadingly contends that this was not "directed at intelligence targets." Whether or not the prisoners were "intelligence targets," the images showcase the violence wrought by American military personnel although the passage implies that such actions would be warranted if those persons were "intelligence targets." Also notable is the subtle dehumanization of the prisoners who, from the start, are named "targets." The report's consistent rhetorical pattern of dehumanization

quietly figures those under the command of U.S. forces as wholly other through the ways the prisoners are described (“target”) as well as through prison population categories (“detainee,” “unlawful combatant,” “insurgent”).

Although the report admits to a wider knowledge of detainee abuse, this too is rhetorically contained. The panel concedes, “However, we do know that some of the egregious abuses which were not photographed did occur...and that abuses occurred elsewhere” (The Schlesinger Report, 2004, p. 909). The report fails to disclose where other cases of abuse occurred and therefore, “abuses occurred elsewhere” becomes merely a vague referent. The report continues,

Since the beginning of hostilities in Afghanistan and Iraq, U.S. military and security operations have apprehended about 50,000 individuals. From this number, about 300 allegations of abuse in Afghanistan, Iraq or Guantanamo have arisen...155 investigations into the allegations have been completed, resulting in 66 substantiated cases. Approximately one-third of these cases occurred at the point of capture or tactical collection point, frequently under uncertain, dangerous and violent circumstances. (The Schlesinger Report, 2004, p. 909)

Although conceding that abuse took place, the text’s numerical evidence indicates that the number of detainees that American forces dealt with dwarfs the number of abuse cases. Further, of the 66 “substantiated” cases an estimated 22 cases happened in “uncertain, dangerous and violent circumstances” that implies that those instances of detainee abuse were the result of the heat of the moment (The Schlesinger Report, 2004, p. 909). Three points are particularly notable. First, the passage declares that the abundance of “allegations” are merely that—alleged reports of abuse and therefore, not proof of abuse by U.S. personnel. In a Burkian sense, the passage also sets a scene that conveys detainee abuse has been blown out of proportion given a detainee has a one in 1,000 chance of experiencing any form of abuse. Particularly in the context of war, the numerical evidence frames detainee abuse as remote as well as accidental given that a third of the instances occurred in “uncertain, dangerous and violent circumstances.” Therefore,

if U.S. forces *do* commit abuse their actions are then understood as either inadvertent or become occurrences that can be accounted for by context.

This provides an interesting and rhetorically constructed form of exoneration to American personnel, particularly in light of the panel's assumed expertise, credentials, and ostensibly non-partisan examination of the Abu Ghraib Prisoner Abuse Scandal. The report asserts that actions taking place in perilous moments falls outside of the panel's understanding of what constitutes detainee abuse. Therefore, what is readily inferred is that instances originally seen as "abusive" become defensible when context is considered. By way of muted phrasing, instances of abuse are tethered to their contextual setting to quietly justify what may at first appear to be prisoner abuse, particularly to those unfamiliar with the conditions of war. More disquieting, however, this rhetorical framing discreetly sanctions behavior that at first glance seemed "un-American." Instead, such actions are in lockstep with American values given that detainee abuse fails to be abusive when occurring in "uncertain, dangerous and violent" contexts. Rather, soldiers are doing their job as best as they are able although when faced with highly extenuating circumstances, soldier reaction is framed as understandable. What the report fails to state is that highly extenuating circumstances are a fact of war that soldiers are trained for, which should therefore negate the possibility of prisoner abuse from the outset.

The Schlesinger Report's executive summary concludes with the following lengthy—albeit highly revealing—passage,

We should emphasize that tens of thousands of men and women in uniform...under austere and dangerous conditions to secure our freedom and the freedom of others...they rate as some of the best trained, disciplined and professional service men and women in our nation's history. (The Schlesinger Report, 2004, p. 917)

And closes by stating,

While any abuse is too much, we see signs that the Department of Defense is now on the path to dealing with the personal and professional failures and remedying the underlying causes of these abuses. We expect any potential future incidents...will be similarly discovered and reported out of the same...personal honor and duty that characterized many of those who went out of their way to do so in most of these cases. The damage these incidents have done to U.S. policy, to the image of the U.S. among populations whose support we need...and to the morale of our armed forces, must not be repeated. (The Schlesinger Report, 2004, p. 917)

First, the passage maximizes the number of well-performing soldiers as opposed to the few deviant military members culpable for detainee abuse at Abu Ghraib. Yet again, the report individualizes detainee abuse whilst valorizing the vast efforts of the military. Secondly, the passage's vagueness in terms of reporting future instances of abuse fails to name an agent creating internal confusion and misleading implications. In other words, the report's contention that "many of those who went out of their way to do so in most of these cases" omits the specificity needed to understand the passage's assertions. Such vagueness also covers over the actuality of what transpired at Abu Ghraib as well as eclipses the violence and subjugation suffered by those held at the prison. Third, the passage's tone implies that the American military system is effective and has *not* been revealed to be broken. On the contrary, there is an individualization of failure that once again instances the use of distancing that disassociates the Abu Ghraib moment from the wider American military's overall performance.

Although the Panel recognizes the harm that came from the Abu Ghraib Prisoner Abuse Scandal and insists that it never be repeated through the urging of the end of abusive tactics, the report's phrasing also depicts the United States as a victim of the damaging global firestorm inflicted by the release of the infamous images. The *actual* victims (the Abu Ghraib prisoners) are altogether absent, which exemplifies the repeated use of the strategy of omission and dehumanization through the negation of those violated by American military personnel. Moreover, the Panel's assertion that "This can never happen again" fails to guarantee that

detainee abuse will not take place, but instead examples the use of implicature as what is quietly demanded is that any future instances not be made public given the deleterious effects wrecked by this event.

Textual Analysis Summary

“The Schlesinger Panel’s report released today...contributes to understanding the origin of abuses against detainees, but it falls far short of establishing accountability and addressing systemic problems with US interrogation and detention policy... it appears to condone some of the very policies that led to abuses in the first instance.”

Barbara Ayotte and Leonard S. Rubenstein, Physicians for Human Rights

The Schlesinger Panel’s view of the events is difficult to reconcile given the information prior investigations provided (The Ryder Report, ICRC Reports and the Taguba Report) that the Schlesinger Panel assuredly had access to. This is made all the more telling with the release of the United States Senate Armed Services report (2008) titled, “Senate Armed Services Committee Inquiry into the Treatment of Detainees in U.S. Custody,” which asserts,

The abuse of detainees in U.S. custody cannot simply be attributed to the actions of ‘a few bad apples’ acting on their own. The fact is that senior officials in the United States government solicited information on how to use aggressive techniques, redefined the law to create the appearance of their legality, and authorized their use against detainees. (Senate Armed Services Report, 2008)

In sum, the Schlesinger Panel’s consistent use of several rhetorical strategies that run throughout the report constitute the text’s persuasive success. First, the rhetorical strategy of omission is consistently employed, evidenced through language choices, vague phrasing, by the report’s failure to engage other reports and the text’s lack of specificity. Second, the strategic use of repetition cordons off blame to a small group of “deviant” persons that simultaneously implies the anomalousness of the Abu Ghraib moment. Rhetorical framing repeatedly distances and disassociates official policies and standard operating procedures sanctioned at that time from the abuse of detainees at Abu Ghraib Prison. Also instancing the strategy of repetition is the

assignment of culpability for detainee abuse to inanimate forces that concurrently divorces policy from actuality. Equally, the repetitive employment of dehumanizing language, indicated by prisoner categories such as unlawful combatant and instanced by descriptions such as “target,” quietly provides for far greater latitude beyond Geneva Convention protections as well as virtually negates the humanness of those held at Abu Ghraib. Third, the rhetorical strategy of implicature is uniformly illustrated throughout the text, most specifically through the construction of a post-9/11 world as distinct from life pre-9/11. Moreover, as constructed, this binary opposition serves to harness 9/11 as a form of validation for the untidiness of the so-named War on Terror. The strategy of implicature gains traction through the numerous and confusing internal contradictions that readily lead the reader to draw misleading conclusions.

Through the failure to directly address what was captured in the infamous Abu Ghraib images, the report achieves a highly particularized rendering of the Abu Ghraib moment. Not only does the analogy between the film, *National Lampoon's Animal House* and the Abu Ghraib Prisoner Abuse Scandal bring with it a way of seeing this moment at a certain historical juncture, but, moreover, the Schlesinger text, by way of rhetorical strategies, operates as a textual form of witnessing, although one which constructs a way of witnessing the abuse of detainees at Abu Ghraib Prison from a distinct point of view. Dr. Schlesinger and the Panel members act as agents that retrospectively witness the Abu Ghraib moment through a highly particularized lens extending from the premise that the 9/11 attacks altered the global landscape enough to render intelligible that which would have been previously assumed to be unnecessary. This is articulated by the deft employment of three rhetorical strategies that separately but more so in tandem operate to point to the Panel's specific and overarching message ostensibly resulting from their four-month investigation. By rendering the scenes in infamous Abu Ghraib photos to

be merely the work of “bad apples,” the Schlesinger Report witnesses the behavior as that which falls far outside of the norm and thus, more crucially, frames the Abu Ghraib moment as antithetical to America’s image of itself as an exceptional nation.

Applying Kelly Oliver’s (2007) notion of decontextualization to the Abu Ghraib images aids in understanding how the photos paradoxically uphold the bad apples narrative. Oliver asserts,

It is not just the fact that visual images are distributed within the discourse of a particular political spin that mandates what we can and cannot see, but also that the images themselves already determine what we can and cannot see by presenting events in a specific way from a particular perspective and in media that create the illusion of immediate access to reality. (Oliver, 2007, p. 76)

Although images appear to witness reality to the viewer, it is in the “decontextualizing” of images from their original circumstances that disallows the viewer a fully informed reading of visual texts.

Oliver continues,

More significant because more deceptive are the ways in which what we are shown, what we do see, involves concealing and not seeing...We see what we want to see, what we have come to expect, what we are told to see. (Oliver, 2007, p. 72)

With nothing to draw from to evaluate the images, viewers are subject to and dependent upon the framings that are offered as explanation for what one is seeing. Summarized briefly here, Oliver’s notion of the decontextualization of images renders the subject, to a large extent, incapable of knowing what to do with images such as the Abu Ghraib photos. As Oliver concludes, with specific reference to the infamous Abu Ghraib pictures,

Not only does this spectacle displace the reality of death and violence, but also more importantly it effaces any responsibility for that violence...[as] The viewer can easily disavow the ways in which s/he is implicated by the images. (Oliver, 2007, pp. 78, 100)

Overall, the decontextualization of images undercuts subjects' ability to digest and understand visual texts such as the Abu Ghraib images, thereby facilitating the harnessing of imagery and discourse to frame visual moments into politically expedient formats.

It is arguable that the Panel had a low expectation for a close read of their text and an even lower expectation for a rebuttal of their claims. On face, the Schlesinger Report appears to evidence inadequate argumentation. A close textual analysis, however, reveals that something much larger is behind the rhetorical curtain. Evident throughout the text, the three rhetorical strategies aid in constructing a way of seeing the Abu Ghraib Prisoner Abuse Scandal that is consistent with American Exceptionalism. In other words, the report's use of the strategies rhetorically fashions a lens through which one witnesses the Abu Ghraib moment as anomalous, which reasserts the claims inherent to the image of America as an exceptional nation. Demonstrating the effectivity of the Schlesinger text, a bad apples narrative is not only made legitimate by the panel's report, but the text also extends the narrative's impact on the way the Abu Ghraib photographs were seen (and for many, the way the images continue to be seen). Moreover, by making the Abu Ghraib moment synonymous with an animal house mentality, the narrative connected to detainee abuse endures as the predominant understanding of the scandal by a mainstream American collective.

In grappling with how the Schlesinger Report recast events in this way despite mounting evidence to the contrary, therefore begs the question, why did this version become the generally accepted understanding of the Abu Ghraib Prisoner Abuse Scandal? How did Schlesinger's version of events resonate as a sound and credible way to understand what America witnessed when the infamous images hit the global domain four months previously? Why did the

Schlesinger Panel's depiction of events top a long list of other equally viable, and more accurate, explanations?

Of service are the crucial insights on the utility of rhetoric offered by Lloyd Bitzer (1968) in his seminal piece, "The Rhetorical Situation":

A work of rhetoric is pragmatic; it comes into existence for the sake of something beyond itself; it functions ultimately to produce action or change in the world; it performs some task. In short, rhetoric is a mode of altering reality, not by the direct application of energy to objects, but by the creation of discourse, which changes reality through the mediation of thought and action. (Bitzer, in C. Burghardt, 2000, p. 60)

Thus, one of the predominant questions of the study became, to what end does a bad apples rendering of events serve? What does *this* rhetorical framework deliver that any other available exigency failed to provide at this particular historical juncture?

"Bad Apples & Cruel Optimism:" The Saving of American Exceptionalism

"When we talk about an object of desire, we are really talking about a cluster of promises we want someone or something to make to us and make possible for us...To phrase 'the object of desire' as a cluster of promises is to allow us to encounter what's incoherent or enigmatic in our attachments...as an explanation for our sense of *our endurance in the object...*"

Lauren Berlant, author emphasis, from "Cruel Optimism: On Marx, Loss and the Senses."

"Here we are confronted by the overwhelming questions of the name and of everything 'done in the name of'...which makes it a site of repeatability, of idealization."

Jacques Derrida, *Force of Law*

Beyond his inquiry into the notion of "the name," Jacques Derrida (2002) acknowledges that the act of naming services, or is done "in the name of," an entity invariably eclipsed by the ensuing reverberations naming entails. Stated otherwise, unearthing the motivation catalyzing an act of naming makes known what is at stake behind the rhetorical scaffolding. The project's analysis demonstrates that by default or by design, assigning culpability for the Abu Ghraib moment to a select few emerged as the most viable alternative at that historical juncture. More disquieting and subsequent revelations notwithstanding, this rendering remains the principal

interpretation of instances of detainee abuse. Following Hooks & Mosher's critique, "Beyond skepticism of accounts that lay the blame on several low-ranking guards, [academic scholarship] has done little to fill the void," an overarching aim of this project was answering this call to draw back the "rhetorical curtain" on the immense efforts exerted to maintain this version of events. (2005, p. 1628).

To aid this effort, I turn to Lauren Berlant's (2007) assertions in "Cruel Optimism: On Marx, Loss and the Senses." Her notion of cruel optimism describes a somewhat stubborn belief in what Berlant names an "object of desire." This object is also "the condition of *maintaining* an attachment to a problematic object" (author emphasis, Berlant, 2007, p. 33). In other words, it is only in the continued belief in an object that ensures that subjects remain invested in that ideal. Crucial to the current endeavor is Berlant's investigation of maintaining continuous subject investment in the face of evidence to the contrary. Berlant asserts,

[It is]...the fear...that the loss of the object/scene of promising...will defeat the capacity to have any hope about anything. Often this fear of loss of a scene of optimism as such is unstated and only experienced in a sudden incapacity to manage startling situations. (Berlant, 2007, p. 33)

Berlant's "scene of optimism" is a site of articulation within the social landscape that acts as a populist reservoir ²⁴ drawn upon by subjects to maintain belief and their continued investment in that belief. Further, it is only at the on-set of a "startling situation" that the need for this precept comes to the fore. Thus, the gnawing need for a scene of optimism becomes acute when the potential loss of that object appears on the social horizon.

As Berlant asserts,

Some 'scenes of optimism' are clearly crueller than others: where cruel optimism operates...always involves some splitting off of the story...[and] therefore, one must embark on an analysis of rhetorical indirection as a way of thinking about...the projection into an enabling object that is also disabling. (Berlant, 2007, p. 34)

Therefore, investigating a scene of optimism prompts the examination of the rhetorical constructions facilitating subjects' continued investment in and attachment to a site of cruel optimism. Moreover, a critical inquiry scrutinizes the discourse inspiring continued subject investment in the ideal and further, makes known what is at stake behind such efforts.

Such inquiry has a two-fold effect. First, close analysis reveals the rhetorical frameworks preserving and perpetuating subjects' ways of seeing the object of desire. Exemplified in this project's analysis of the Schlesinger Report, detainee treatment is grounded in an epistemological understanding of the 9/11 moment. In other words, to prevent another 9/11—on face a vitally imperative goal—justifies that which would have been previously unthinkable. Applying Berlant to this example, in order to maintain “American Freedom” (scene of optimism), so-named “harsh interrogation methods” become both reasonable and—of equal importance—sustainable in the minds of many.

Second, close critical analysis reveals the paradoxes inherent to a scene of optimism. So although on the one hand the scene appears to be unshakable, especially given the vast historical precedence of investment in the scene, it is also, on the other hand, revealed to be a mere placeholder for what subjects would like actuality to actually deliver. The notion of the “American Dream” exemplifies Berlant's notion of cruel optimism. Despite the statistical reality that the American Dream is unattainable for many, it remains a potent site of subject investment, expressly in moments of economical upheaval (de Tocqueville 1862, MacLeod 1987, Miller 1993, Evans 1997, hooks 2000, Cohen 2001).

Going one step further in applying what Berlant grapples with in her essay, is the question, what is *behind* such efforts? Berlant contends that,

Cruel optimism is...a deictic, a phrase that points to a proximate location [allowing the critic] to inhabit and to track the affective attachment to what we call ‘the good life,’^[25]

which is for so many a bad life that wears out the subject who nonetheless, and at the same time, finds their conditions of possibility within it. (Berlant, 2007, p. 35)

Therefore, on the one hand, a scene of optimism encapsulates much of what subjects hope to gain from their investment and is the payoff—so to speak—for their belief in the object of desire. On the other hand, however, the scene of optimism simultaneously becomes that which is increasingly detrimental to the subject. Paradoxically, a scene of optimism deftly consumes the subject as well as oddly becomes the horizon line within which all subject choices fall. By example, a subject invested in the American Dream (scene of optimism) toils countless hours “in the name of” this object of desire in order to finance a mortgage, car payment and the like. Over time, however, this results in chronic stress, causes illness, and fuels innumerable other repercussions. Nevertheless and notwithstanding, it is only by operating within the paradigmatic boundaries of the notion of the American Dream that this so-named “good life” is imaginable and thus possible.²⁶

To demonstrate the mechanics behind subjects’ continued investment in an object of desire Berlant turns to Karl Marx, writing in *Economic and Political Manuscripts*,

They relate themselves to the thing for the sake of the thing, but the thing itself is an *objective human* relation to itself and to man, [in practice I can relate myself to a thing humanly only if the thing relates itself humanly to the human being]. (it is unclear as to whether the use of italics is Berlant’s emphasis or original author’s emphasis, Berlant, 2007, p. 38)

Framing a scene of optimism anthropomorphically allows the “humanness” of an object of desire to foster subject identification with it. This results in solidifying the perpetuity of the object of desire given the unwitting ways that subjects cling to that notion. Aiding in understanding why subjects steadfastly buy into these scenes, Berlant asserts,

Cruel optimism is...a concept pointing toward a mode of lived imminence, one that grows from a perception about the reasons people...choose to ride the wave of the system

of attachment that they are used to....a white noise machine that provides assurance. (Berlant, 2007, pp. 35-36)

Therefore, it is the fragility of privilege that prompts subjects to tenaciously remain invested in a scene of optimism that ensures its inevitable persistence. Moreover, the impending loss of an object of desire or shattering of a scene of optimism appears to be that which further entrenches subjects to idealize the object, revelations to the contrary notwithstanding. Exemplified by the near collapse of the global economy in the fall of 2008—a moment at which capitalism was at the brink being called into serious question—the unremitting ²⁷ belief in the capitalistic way remained virtually unscathed despite it being revealed as the system that brought about its own near demise.

For the purposes of the current endeavor, Berlant's assertions aid in understanding what was at stake in the moment the notorious Abu Ghraib images were released around the globe. The project's analysis gestures towards a fierce maintaining of the mythos of American Exceptionalism through the rapid construction of a bad apples rendering of the events at Abu Ghraib Prison crystallized in the infamous photographs. American Exceptionalism, first detailed by Alexis de Tocqueville (1862) is the site of immense critical scholarship. The current endeavor borrows from the scholarship of Philip Abbott (2005) and Robert Wuthnow (2006). Abbott explains, "*American exceptionalism* as a political doctrine that asserts that America is a unique phenomenon in world history is rarely challenged in American political thought" (Abbott, 2005, p. 6). Abbott asserts that except in extraordinary instances such as President Hoover's challenge during the Great Depression, Milton Friedman's application of the notion to the Reagan Revolution, and Walter Berns relating of the concept to patriotism post-9/11, American Exceptionalism remains firmly embedded in the American collective psyche (Abbott, 2005, pp.

221, 281). Conversely, Wuthnow expresses misgivings on the state of American Exceptionalism. He writes,

The deep narratives that shape our sense of national purpose and identity are so firmly inscribed in our culture....American culture has undergone the kind of democratic renewal imagined as necessary to keep democracies strong....[while] At the same time, observers at both ends of the political spectrum argu[e] that American democracy is in danger...our collective thinking is grounded in widely accepted narratives that almost always go unexamined. (Wuthnow, 2006, pp. 1-3)

Revealed by modern technology, the Abu Ghraib moment first appeared as witnessing something significant. With the release of the images, the question arose, what do these pictures represent? Is, as Sabrina Harman and Major General Taguba asserted, this a moment of revelation showcasing that America—like everybody else—will resort to torturing prisoners in order to prevail? Or, conversely, as the Schlesinger Report champions, is this merely the work of a few so-named bad apples? At that historical juncture, what could be named a “rhetoric of culpability,” contradicted by Harman and the Taguba Report, was upheld by the Schlesinger Panel’s findings, and thus prevailed. The question remains, however, what called for such efforts? Through the application of Derrida and Berlant’s assertions, a pathway is cleared to reveal that the scene of optimism behind such efforts is the beguiling notion of American Exceptionalism. As the opening section of the full body of the Schlesinger Report titled “The Changing Threat” lays bare,

The date September 11, 2001, marked an historic juncture in America’s collective sense of security. On that day our presumption of invulnerability was irretrievably shattered...threaten[ing] America’s right to political sovereignty and our right to live free from fear. (The Schlesinger Report, 2004)

9/11 robbed the nation’s impenetrability and the citizenry’s reliance on the unadulterated freedom of movement. Immediately thereafter, the United States was wrought by a palpable and foreboding sense of trepidation that although momentarily galvanized the country, also lay fertile

ground for sweeping legislation such as The Patriot Act, further accentuating the terror the attacks had aimed to inspire.

Fast forward to the release of the images capturing detainee abuse at the Abu Ghraib Prison in April 2004. Riding high from the ease with which Saddam Hussein's regime had seemingly fell, and with the declaration of "mission accomplished" in May 2003 ostensibly ending major combat operations in Iraq, the searing photos ripped through the image of America as an exceptional nation. The arrival of the images momentarily offered the potentiality of bringing American Exceptionalism to its knees had revelations that have subsequently come to light been aired at that historical juncture. As Harman revealed in her fourth letter to her partner,

I took more pictures now to 'record' what is going on...Not many people know this shit goes on. The only reason I want to be there is to get the pictures and prove that the US is not what they think. (Gourevitch & Morris, 2008, p. 111)

If, as Berlant asserts, "cruel optimism is...a phrase that points to a proximate location [that] track[s] the affective attachment to...'the good life,'" the impetus behind the bad apples framing of the Abu Ghraib moment was the acute need to rescue a national—and arguably global—scene of optimism: American Exceptionalism.

Referentially speaking, the good life has come to be synonymous with the notion of American Exceptionalism particularly given the image of America held close by many. America—the beacon of light, the city on the hill—encapsulates a kind of hopefulness and potentiality that renders it unique. Therefore, the gruesome Abu Ghraib images momentarily called into question America's exceptionalism and materialized the potential loss of this notion. Hovering dangerously on the social horizon were two alternatives of how to read—or witness—this event. Either the images captured the depraved acts of a few *or*—more forebodingly—divulged something deeply disturbing about America itself. This project contends that the first

alternative—that what transpired at Abu Ghraib merely represented the work of bad apples—*had* to prevail. The other alternative—the crumbling of American Exceptionalism through the revelation that America is, in actuality—just like everyone else—was a wholly intolerable loss that needed to be avoided at all possible costs. Hence the exhaustive efforts exerted to construct—and to a great extent maintain—this simplistic narrative.

The bad apples label, when paired with the photographs, assumedly contextualizes what we are witnessing when the images are consumed. In other words, when a “rhetoric of culpability” is tethered to the infamous photographs, the Abu Ghraib moment comes to be understood as the acts of depraved individuals in the mind of a mainstream American collective. Therefore, the tidiness of the bad apples narrative acts in the name of saving this scene of optimism. To rescue American Exceptionalism from being called so seriously into question that its ability to survive such a crisis appeared bleak, the swift construction of a referential basis upon which to witness this moment provided a “testimonial” to the inconceivability of America being anything less than exceptional. By way of rhetorical construction, the images become contextualized in a backdrop that “speaks” to what a mainstream American collective yearned to hear in order to protect their scene of optimism. Framing the Abu Ghraib moment as such allows for the mirage of American Exceptionalism to appear real despite the myriad of unsettled and nagging inconsistencies to the contrary.

As Berlant asserts in this lengthy yet pivotal passage,

What’s cruel about these attachments [is that] whatever the content of the attachment is, the continuity of the form of it provides something of the continuity of the subject’s sense of what it means to keep on living on and to look forward to being in the world....Cruel optimism is the condition of *maintaining* an attachment to a problematic object...in that investments in them and projections onto them are less about them than about what cluster of desires and affects we can manage to keep magnetized to them. (Berlant, 2007, p. 33)

Therefore, it may not be so much the “notion” of American Exceptionalism but rather, as Berlant points out, the “clusters of promises” that America’s exceptionality holds for the many that invest in it as a way of affirming and maintaining their belief in the uniqueness of the nation. These affectively driven attachments, that Peggy Phelan (1993) names “passionate attachments,” rise at the moment that the cluster of promises might be lost.

By extension, losing the “continuity of the subject’s sense of what it means to keep on living” is intimately knitted into a scene of optimism. Particularly in the wake of 9/11, it is not too big a stretch to assert that the loss of American Exceptionalism—and losing what that scene of optimism holds—would constitute an event²⁸ irrevocably altering a paradigm that many in America use a basis from which to “look forward to being in the world” (Berlant, 2007, p. 33). Consequently, this project asserts that the endurance of this scene of optimism at that particular historical juncture motivated the seemingly real need to safeguard American Exceptionalism from being called into serious question by what the Abu Ghraib images might potentially reveal America to be.²⁹

Notes

¹ The full report is available in *The Torture Papers: The Road to Abu Ghraib*, 2005, pp. 908-975 with citations herein referencing this source.

² Available to view at <http://www.cnn.usnews.com>

³ Available to view at <http://www.guardian.co.uk/world/2004/aug/24/iraq.usa/>

⁴ Limbaugh’s original comments are in Chapter Two, p. 15.

⁵ This refers to the 800th Military Brigade—the focus of Taguba’s inquiry—commanded by Brigadier General Janis Karpinski.

⁶ Riley (1993) asserts, “implicature and indirectness are commonplace in professional communication because they allow speakers to reconcile two opposing goals...[and] are often used to mitigate negative news...to allow the addressee to save face” (Riley, 1993, p. 179). The notion of implicature draws from the work of Paul Grice who “attempts to account for how we are able to infer information that is not explicitly stated either orally or in writing” (Riley, 1993, p. 180).

⁷ The use of this term draws from Jacques Derrida's (1994) notions of specters and spectral haunting that he details in *Specters of Marx: The State of Debt, the Work of Mourning and the New International*.

⁸ See Redfield, M. (2007). "Virtual Trauma: The Idiom of 9/11." *Diacritics*, 37, 1, pp. 55-80 for a thorough discussion of the rhetorical utility and rhetorical effectivity of the 9/11 epithet.

⁹ While versed in Alain Badiou's (2002) understanding of the notion of the event, space limitations disallow attending to such assertions although much scholarship tackles whether (or not) "9/11" constitutes, in a Badiouian sense, an "event."

¹⁰ The Army Field Manual's list of approved interrogation techniques is listed in Appendix B.

¹¹ Although the entire Third Geneva Convention would apply to those held by American forces in Iraq, Section VI, Chapter 1, Article 78, "Complaints Respecting the Conditions of Captivity," Chapter 2, Article 79, "Penal and Disciplinary Sanctions," and Chapter 3, Articles 81-82 and 99-106, "Judicial Proceedings" would seem particularly relevant. The Third Geneva Convention is available at: [http://www.mineaction.org/downloads/Emine Policy Pages/Geneva Conventions/Geneva Convention III.pdf](http://www.mineaction.org/downloads/Emine_Policy_Pages/Geneva_Conventions/Geneva_Convention_III.pdf)

¹² In his seminal piece, "No Apocalypse, Not Now (full speed ahead, seven missiles, seven missives)", Jacques Derrida (1984, 2007) examines the rationale behind an implied lack of time used by policymakers to justify swift military action. By equating the speed of decision making with the protection and security of the citizenry, Derrida warns that such logic is dangerously caught up in—and a product of—momentary context. Derrida asserts that the context is fabled from its inception, but when harnessed for political action, contains apocalyptic potential.

¹³ The original memorandum correspondence can be found in *The Torture Papers: The Road to Abu Ghraib*, 2005, pp. 3-366.

¹⁴ See Appendix B

¹⁵ See Appendix B

¹⁶ Navy General Alberto Mora was awarded the 2006 John F. Kennedy Profile in Courage Award for his tireless three year efforts to battle senior Bush Administration officials regarding the implementation and use of so-named "harsh interrogation tactics" detailed in this press release announcing his award <http://www.jfklibrary.org/JFK+Library+and+Museum/News+and+Press/Former+Navy+General+Counsel+Alberto+Mora+and+US+Representative+John+Murtha+Honored+with+the+2006+JFK.htm>

¹⁷ An article detailing Navy General Mora's actions is available at: http://www.gwu.edu/~nsarchiv/torturingdemocracy/interviews/alberto_mora.html

¹⁸ The chronology of events is fully detailed in Chapter Two, pp. 41-42.

¹⁹ Also notably absent are a series of crucial events such as the July/August 2003 arrival of the 519th Intelligence Battalion armed with a Special Forces standard operating procedure manual condoning harsh interrogation tactics, Major General Miller's visit to Abu Ghraib Prison in late August 2003 to bring Guantanamo-styled interrogation tactics to Iraq (as detailed in the Taguba Report), as well as General Sanchez's order in mid-September 2003 approving and posting a list of harsh interrogation techniques that were in use at the prison until mid-January 2004.

²⁰ Typically referred to as the Fay-Jones Report, charged with investigating the intelligence activities at Abu Ghraib, the release of their report closely coincided with the release of the Schlesinger Report in August 2004.

²¹ The Chairman of the Joint Chiefs of Staff is the highest-ranking military officer in the United States Armed Forces and the principal military advisor to the President, the National Security Council and the Secretary of Defense. The project argues that for Chairman Myers to be “unprepared” to answer for what the photographs illustrates a drive to avoid the consequences of American policy.

²² The military abbreviation for the United States Military Central Command and the Coalition Joint Task Force Seven, a unit of CENTCOM charged with overseeing Coalition forces in Iraq.

²³ The revised 1992 version of the Army Field Manual (FM 34-52) incorporated the provisions set out in the International Ban on Torture, of which the United States is a signatory and that went into effect on June 26, 1987; in light of the Schlesinger Panel’s assertion, this is an important contextual element to consider insofar as widespread military knowledge of the ban on those methods far predated the established legal start date of internationally accepted interrogation practices.

²⁴ In *On Populist Reason*, Ernesto Laclau (2005) succinctly details that it is rhetoric that fashions populist discourse as well as makes a populist vision that concretely details the reiteration of populism in a myriad of historical contexts.

²⁵ Giorgio Agamben (1998) investigates the notion of the “good life,” known in ancient Greek terminology as “*bios*,” in *Homo Sacer: Sovereign Power and Bare Life*.

²⁶ Discussing the similar notion of achievement ideology, see also MacLeod, J. (1987). *Ain’t No Makin’ It*.

²⁷ Toby Miller (1993) makes a similar argument concerning the role of discourse in relation to debates over the status of citizenship. See *The Well-Tempered Self: Citizenship, Culture, and the Postmodern Subject*, particularly chapter one, “Civic Culture and the Postmodern Subject.”

²⁸ The use of the term “event” is employed here specifically. From a Badiouian perspective, such a loss might match Badiou’s understanding of an event. Badiou (2002) asserts that an event is so profoundly upending that the subject experiences a kind of conversion insofar as in the wake of the event, the subject is irrevocably altered, unable to carry on as they did before the event transpired. It is imaginable that the complete loss of American Exceptionalism—for many—would match up with Badiou’s assertions surrounding what constitutes an “event.”

²⁹ Paula Ioanide (2008) expertly details other crucial facets of this phenomenon in her dissertation titled, “Enforcing American Fantasies: Racial Violence and Ethical Witnessing in the Post-Civil Rights Era.”

CHAPTER SIX: LOOKING TO THE FUTURE—WITNESSING, VISUAL RHETORIC, & RHETORICAL CRITIQUE

Introduction

“What is an act of violence that is called torture? Where does it begin? Where does it end? What is the suffering inflicted or undergone in that case? What is its body, its phantasm, its symbol?”

Jacques Derrida, from “‘Geopsychoanalysis’ and the rest of the world.”

Slavoj Žižek (2004) discusses features of the simplistic narrative surrounding the Abu Ghraib moment. Chiefly, Žižek asserts that given “reports of abuse were systemically ignored...it was only when and because U.S. authorities were faced with disclosure to the media” that an admission was forthcoming (Žižek, 2004). As this project demonstrates, there was much more to the forthcoming admission than met the eye. As detailed in Dan Stanton’s *Horse Soldiers: The Extraordinary Story of a Band of U.S. Soldiers Who Rode to Victory in Afghanistan*, Abu Ghraib had its precedents. He writes,

On December 7, 2001, a week after walking out of the Qala-i-Janghi basement, [John Walker] Lindh¹ was transferred to Camp Rhino, a U.S. marine base in Kandahar. He was blindfolded, stripped naked, and strapped on a cot that was placed inside a metal trailer. At night, the desert temperatures plummeted. Loud music was playing outside the dark, nearly airless container. Periodically, someone would bang on the metal walls and yell insults. (Stanton, 2009, p. 349)

This scene matches the scenes captured in the notorious images out of Abu Ghraib Prison. In addition, the Obama Administration’s April 2009 release of the so-named “Torture Memos”² prompted the following editorial commentary:

To read the four newly released memos on prisoner interrogation written by George W. Bush’s Justice Department is to take a journey into depravity. Their language is the precise bureaucratese favored by dungeon masters throughout history. They detail how to fashion a collar for slamming a prisoner against a wall, exactly how many days he can be kept without sleep (11), and what, specifically, he should be told before being locked in a box with an insect—all to stop just short of having a jury decide that these acts violate the laws against torture and abusive treatment of prisoners.³ (*New York Times* Op-Ed, 2009)

What has come to light in the years following the Abu Ghraib Prisoner Abuse Scandal is that this moment was not as simplistic as the rhetorically constructed bad apples narrative offered in the wake of the airing of the abuse photos on the *60 Minutes II* broadcast in late April 2004. As detailed in the 2008 Senate Armed Services report titled, “Senate Armed Services Committee Inquiry into the Treatment of Detainees in U.S. Custody,”

The abuse of detainees in U.S. custody cannot simply be attributed to the actions of “a few bad apples” acting on their own. The fact is that senior officials in the United States government solicited information on how to use aggressive techniques, redefined the law to create the appearance of their legality, and authorized their use against detainees. (Senate Armed Services Report, 2008)

Project Summary

“Photographs cannot create a moral position, but they can reinforce one—and help build a nascent one.”

Susan Sontag, in *On Photography*

At the moment of their release, the shocking images could have been understood in two ways—as an anomalous instance or as the revelation of something deeply disturbing about America itself. This dissertation joins the multitudinous efforts—by academic scholars and journalists—to bear witness to what took place at Abu Ghraib (and elsewhere) particularly related to the treatment of those held by American forces (Hooks & Mosher 2005, Gourevitch & Morris 2008, Mayer 2009). Therefore, instead of merely asking what did we *see* when we viewed the Abu Ghraib images, the question this project posed was, what did we *witness*? From that perspective, the current endeavor explored three interpretations that coalesced around two antithetical versions of events.

This study examined two pieces of discourse before the release of the notorious images (Harman’s letters and The Taguba Report), tracks some of the public discourse at the moment the photos were released, and analyzed the Schlesinger Report. In so doing, the project drew on

and contributes to two areas of communication scholarship in rhetorical criticism and witnessing studies. This examination of the Abu Ghraib Prisoner Abuse Scandal demonstrates the intersection of visual rhetoric (the infamous photographs), rhetorical criticism (analysis of discourse), and witnessing (instanced by Harman's letters, The Taguba Report, and The Schlesinger Report). In sum, the study traced the impact of a bad apples narrative on how a mainstream American collective came to see both the Abu Ghraib moment and the notorious photographs depicting the abuse of detainees at the hands of American military personnel. Moreover, the project not only demonstrates the efficacy of the bad apples narrative in framing a highly particularized understanding at certain historical junctures but also illustrates the effectivity of this "rhetoric of culpability." In other words, a bad apples narrative brings about a way of seeing wherein the infamous images are viewed in the "right" way—one consistent with the notion of American Exceptionalism. Also aiding this effort was the "animal house" analogy that made the Abu Ghraib moment synonymous with the characteristics of the film's narrative—resulting in the two becoming interchangeable in the minds of a mainstream American collective.

This chapter discusses the three-fold implications this research holds for witnessing studies as the project extends the understanding of the notion of witnessing beyond it being a fully *communicative* process. By way of rhetorical analysis, the study examined the way that texts (Harman's letters, The Taguba Report, and The Schlesinger Report) construct ways of seeing that fashions a lens through which the Abu Ghraib moment is witnessed. Just so, two distinct—and antithetical—versions of events emerge, resulting in large measure to the particularized use of a variety of rhetorical strategies. Lastly, the chapter gestures to future research demanded by the project's conclusions as well as poses remaining questions unexplored.

The inquiry offers a three-pronged methodological approach and combines those methods with diverse theoretical assertions for the comprehensive consideration of this complex moment. First, the analysis of the Abu Ghraib moment draws upon witnessing studies research that divides, more or less, into two specific understandings. The traditional model understands witnessing to provide a glimpse of a larger reality by one proximate to an event that makes that moment known to others. Advancements in technology, however, troubled this tidy understanding as scholarship long assumed consumers of events to merely be spectators. Ellis (2000) conversely asserts that for all intents and purposes, those with technological access become witnesses to events they consume through mediated communication.

Second, the project built upon the field of visual rhetoric, a discipline investigating the ways in which visual texts foster ways of seeing (Benjamin 1935, Berger 1977, Birdsell & Groarke 1996, Stafford 1997, Brouwer 1998, Neiva 1999, DeLuca & Demo 2000, Finnegan 2001 & 2005, Biesecker 2002, Cloud 2004, Morris & Sloop 2006, Jack 2009). By extension, visual texts are framed through the pairing of discourse with images wherein subjects come to see—or witness—those moments. As Morris & Sloop (2006) demonstrate in an essay on photos of same-sex kissing, when images such as these enter into the social, critical analysis examines how they are,

Understood or interpreted and read...[wherein] we witness multiple ways in which...forces function ‘automatically’ and politically to discipline [the image]...to make it absent when possible and to punish those who make it visible. (Morris & Sloop, 2006, p. 91-92)

As Morris & Sloop also note, images depicting a moment when public behavior counters cultural norms become the target of the various forms of social discipline rallied by viewers. Such research informed this study’s examination of the impact a bad apples narrative had on an American collective’s way of seeing the Abu Ghraib images. Moreover, as recent Congressional

efforts demonstrate, arguments to “contain” the further release of detainee abuse photographs centered around the endangering repercussions their dissemination would have on American troops in Afghanistan and Iraq.

As critical scholarship demonstrates, images constitute both a powerful form of public discourse and contribute to the co-production of political meaning (Finnegan 2001, Hariman & Lucaites 2007). Also at play are a host of socio-cultural forces brought to the fore when an image emerges (Finnegan, 2001, Cloud 2004). Of great critical interest are moments when “viewers mobilize images as inventional resources for argument” that is further complicated by the “constructedness” of vision providing the subject only so many ways to see (Berger 1977, Crary 1992, Neiva 1999, Finnegan, 2005, p. 35). Further, the growing activeness of the receiver and their exposure to events through various mediated forms of technology gives way to a paradox: although technological access brings subjects into contact with greater amounts of knowledge than ever before, what subjects see is filtered by a myriad of social forces. Therefore and as this study demonstrates, discourse heavily contributes to the particularized framing of visual rhetoric that in turn fosters subjects’ ways of seeing.

Lastly, the component of technological advancement is crucial to the current inquiry. Although images allow one to visit a moment, images also allow those moments to live on that renders images potentially dangerous if not contained (Barthes, 1981). As was the case with the Abu Ghraib photos, digital images can be replicated infinitely that disallows their containment. By extension, digital imagery raises questions around authenticity that prompts subjects to ask, what I am seeing *real*? Related to the scandal, some questioned the authenticity of the Abu Ghraib photos, a reaction which became all the more plausible after the British tabloid *The Daily Mirror*’s admission⁴ of publishing fabricated abuse pictures in May 2004.

The Rising Attention to the Image & The Complications of Decontextualized Images

“...it is clear that none of the pictured abuses at Abu Ghraib bear any resemblance to approved policies at any level, in any theater.”

An excerpt of *The Church Report* (2005) by Vice Admiral Albert Church III

Hariman & Lucaites (2007) argue that the visual has recently attracted as much attention from rhetorical scholars as had been lavished on language. In late modernity, iconic images bear witness to what America purportedly represents at particular moments, visually retell the American national narrative, and condense what Lauren Berlant names a “cluster of promises.” In other words, beyond crystallizing iconic moments, these compact visual statements perform a crucial communicative role of condensing normative assumptions that powerfully relay what it means to be an American at specific historical junctures.

Of use is Jordyn Jack’s (2009) concept of a “pedagogy of sight.” Through her analysis⁵ of Robert Hooke’s (1665) text *Micrographia*, Jack asserts that Hooke’s text, “accomplish[es] a pedagogy of sight—a rhetorical framework that instructs readers how to view images in accordance with an ideological or epistemic program” (Jack, 2009, p. 192). Through her analysis of the scientific community’s discourse at that time and the engravings figured in the book, Jack finds that together this produced a singular voice teaching audience members “how to see” the images presented in Hooke’s scientific text. Moreover, this rhetorical framework of visual imagery and discourse operated to uphold *a priori* social understandings being heavily challenged at that juncture. Jack asserts,

[A] pedagogy of sight is never a matter of providing neutral instructions...[it] serve[s] to inculcate...readers not just to recognize...but to see in specific ways... whether scientific, religious, civic, or otherwise, a pedagogy of sight...is the explicit attempt to teach a new way of seeing to an audience. (Jack, 2009, p. 193)

Jack's pedagogy of sight illustrates that images, specifically when paired with discourse, teach audiences new ways of seeing as well as demonstrates the critical role of rhetoric when harnessed to the visual that teaches audiences how to see that which is before them.

This project asserts that it is both the visual *and* rhetorical components—the entirety of the associated text—and in the text witnessing that to an audience—that the subject comes to learn how to see that instance. Pivotal, therefore, is the opportunity to construct the initial rendering of a text that allows for that particularized framing to be the prime way that text is understood thereafter. Although the images from Abu Ghraib were and continue to be read in various ways, depending on the discourses, this study details that over time what initially emerges to explain the Abu Ghraib Prisoner Abuse Scandal becomes virtually synonymous with the moment itself, despite contrary evidence available at that moment and in spite of what has subsequently come to light in the years following.

Further, this study bears out Barthes' (1981) contention that the image remains long after the moment, and pairing this with Mitchell's (2005) notion of the unspeakable provides another productive contribution to the study of visual communication. Mitchell asserts that although unspeakable images fall from view given how disruptive they are, those visual texts cannot be forgotten completely. In like manner, although the iconic Abu Ghraib images fell from view soon after Schlesinger's report was released, the Abu Ghraib moment stubbornly continues, to the dismay of many. The controversy surrounding the Abu Ghraib images resurfaced with American Civil Liberties Union's efforts to win the release of photographs and records pertaining to detainee abuse in Afghanistan and Iraq through a Freedom of Information Act petition in 2004. A 2008 New York Appeals Court ruling demanded their immediate release despite the government's argument that their release would "endanger the lives and safety of

U.S. and coalition forces” (Biskupic, 2009). In late 2009, Senators Lindsay Graham and Joseph Lieberman led Congressional efforts to halt the photos’ release as many of the photos detailed events at Abu Ghraib Prison thereby reigniting a debate as to whether or not the pictures should be made public. Thwarting their release, Congress granted Secretary of Defense Robert Gates special authority to exempt the photographs from the Freedom of Information Act demand in an October 2009 Congressional spending bill. Although the ACLU took the case to the United States Supreme Court, in November 2009, the justices ruled that the images would remain unseen.

The Need to Expand Witnessing Studies: The Notion of Re-witnessing and An Attempt to Answer Whether We are All “Implicated” Witnesses

“For society can exist only if it penetrates the consciousness of individuals and fashions it in its image and resemblance.”

Emile Durkheim

“Unbelievable! What were these people doing? This is big. I knew it was going to be very sensitive because of the gravity of what was in front of us.”

Major General Antonio Taguba’s first thoughts upon seeing the Abu Ghraib photographs

Returning to issues raised in the study’s introduction, the project’s three-fold implications for witnessing studies renders untidy the dividing lines between the two main understandings of witnessing. With the project demonstrating how texts such as letters and military reports operate as forms of witnessing this illustrates that witnessing operates in a myriad of ways beyond traditional understandings. Representative of one branch of witnessing studies is John Durham Peters who tethers witnessing to proximity in an effort to maintain the uniqueness of firsthand experience. Through the research process, this project parted ways with Durham Peters’ overly rigid formulation of witnessing given if one maintained this understanding, what would become of Sabrina Harman’s attempts to witness the atrocities transpiring before her? Given the vast success at the silencing of her efforts, this project finds that Durham Peters fails to attend to the

complexities of late modernity's multi-mediated world. Although heavily hemmed in by his limited charge—a “witness in a box”—Taguba witnessed far more than the traditional witnessing position that Harman assumed and afforded her in documenting the unfolding events at Abu Ghraib.

Contrary to Durham Peters and illustrating another formulation of witnessing, John Ellis attends to the intersection of witnessing and technology. As this study progressed, Ellis' assertion that technological access renders all those who consume unfolding events to be witnesses became too wide a net that fails to attend to the nuances of witnessing demonstrated by this project's analyses. As opposed to Durham Peters' overly tidy formulation, Ellis' understanding flounders for two specific reasons. Chiefly, despite viewing moments of atrocity and trauma that Ellis asserts will prompt subject engagement, subjects often fail to take on the responsibility Ellis' formulation assumes they will. This particular point is especially turned on its head by Tait's (2008) examination of subjects seeking out traumatic imagery for their own use. Further, it is called into question by the tethering of a bad apples narrative to the Abu Ghraib images that resulted in a politically expeditious rendering of events. If, under Ellis' framework, all subjects become witnesses to events consumed through mediated technology, how might the subject be fully informed of these moments given visual representations are almost always accompanied by a corresponding discourses? More to this point and as the work of Crary (1992, 1999) and Oliver (2007) reveals through the filtering abilities of social forces and the decontextualization of images, the subject is rarely afforded a comprehensive understanding of an unfolding moment given that instances are often unable to be read outside of one's subject position.

Second and following Oliver (2001), witnessing is a wholly communicative process, so although examined by those outside of communication studies, the concept especially lends itself to rhetorical critique. This project particularly demonstrates that witnessing can bypass social forces in order to bring a full rendering of events to the fore. This is an especially salient point given that far too often the violence of silencing obstructs critical knowledge from being brought to light. Third, the notion of implicated witnessing demands additional research in light of both technological advancements and technological access that allow subjects vast exposure to happenings taking place around the globe.

This project takes to task Ellis' definition given it fails to attend to the myriad of subjects that might operate otherwise, as detailed by Tait (2008). Ellis' broad understanding demands refining by future research that probes further the notions of implicated witnessing and virtual witnessing briefly detailed here. It is also at this juncture that Durham Peters' tidy conceptualization of witnessing unravels. The case studies of Specialist Sabrina Harman and Major General Taguba upend Durham Peters' efforts to maintain the uniqueness of direct experience by tethering witnessing to proximity. So although Harman's proximity renders her a witness within Durham Peters' formulation, her implicatedness usurps her ability to bear witness to the detainee abuse she documented. Equally disrupting to Durham Peters' formulation is the unique position afforded to Taguba through technology. Through digital imagery and films with embedded time stamping that verifies the date and time of the captured moment, Taguba's access to instances of detainee abuse renders him a proximate witness. Taguba's position turns Durham Peters' model on its head in two ways. Chiefly, technology allows Taguba to witness the abuse of detainees at Abu Ghraib as if he was a proximate witness in spite of Taguba not being present at the original moment. Secondly and despite Durham Peters' assertion that it is proximity that

affords the subject to bear witness to their experience, this falls flat given that Harman and Taguba's efforts instance moments of failed witnessing. It is particularly the case of Major General Taguba that confounds Durham Peters' formulation of witnessing that in light of this study's analysis necessitates further refinement.

Nearly three years after his investigation, Taguba related his experiences in a series of interviews conducted by famed reporter Seymour Hersh in early 2007. According to Hersh, Taguba was cognizant early on that the Abu Ghraib inquiry risked his career, particularly in light of a comment made to him by a senior general that the abused detainees were "only Iraqis" (Hersh, 2007). In the wake of Taguba submitting his report, General John Abazid, then head of Central Command in Iraq, told Taguba, "You and your report will be investigated" (Hersh, 2007). In response to Abazaid's verbal admonition, Taguba told Hersh,

I wasn't angry about what he said but disappointed that he would say that to me. I'd been in the Army thirty-two years by then and it was the first time that I thought I was in the Mafia. (Hersh, 2007)

Taguba recounted a meeting called in early May 2004 by Defense Secretary Rumsfeld attended by several high-level Bush Administration officials such as Deputy Secretary of Defense Paul Wolfowitz, Under-Secretary of Intelligence Stephen Cambone, and General Myers, chairman of the Joint Chiefs of Staff. Taguba recalls the seeming ignorance to the on-goings at Abu Ghraib and the heightened level of animosity directed towards him. Taguba stated, "I thought they wanted to know. I assumed they wanted to know. I was ignorant of the setting" (Hersh, 2007). Therefore, Taguba's efforts instance a moment of failed witnessing insofar as this particular audience was unwilling to hear what Taguba had to say that shut down the dialogic exchange necessary for witnessing to take place.

After extended questioning about his findings, Taguba was asked if the acts he investigated were abuse or torture. He responded, “I described a naked detainee lying on the wet floor, handcuffed, with an interrogator shoving things up his rectum. That’s not abuse. That’s torture” (Hersh, 2007). Taguba detailed that the room fell silent and he realized that those present were “in denial” concerning the findings of his report (Hersh, 2007). According to Taguba, none of the officials had read his report despite it being submitted through official Pentagon channels, even with Taguba’s briefing to Lieutenant McKiernan one month earlier. When Taguba urged the officials to view the photographic evidence, a lieutenant general in attendance told him, “I don’t want to get involved by looking, because what do you do with that information, once you know what they show?” (Hersh 2007). In fact, an email summary of the photographs and videos had been dispatched through the military hierarchy within two days of the Army Criminal Investigative Division’s receipt of graphic photographic evidence of detainee abuse in mid-January 2004. The secure emailed review stated that the photographic evidence included acts involving,

Male detainees pos[ing] nude while female guards pointed at their genitals; having female detainees expose themselves to guards; having guards perform indecent acts with each other; and guards physically assaulting detainees by beating and dragging them with choker chains. (Hersh, 2007)

Everyone present at the meeting must have had knowledge of both the photos and of Taguba’s report. Rumsfeld, however, told Taguba he had not received his report, despite another official, General Schoomaker saying he had received it (Hersh, 2007).

Just days after the meeting, Secretary Rumsfeld testified before both the Senate and the House Armed Services Committees in the wake of the Abu Ghraib Prisoner Abuse Scandal. During his testimony, Rumsfeld claimed to have no knowledge of the abuse. He stated,

There were rumors of photographs in a criminal prosecution chain back sometime after January 13th....I don't remember precisely when, but sometime in that period of January, February, March...The legal of it was proceeding along fine. What wasn't proceeding along fine is the fact that the President didn't know, and you didn't know, and I didn't know. (Hersh, 2007)

Moreover, when pressed about Taguba's findings submitted in March, Rumsfeld held that,

It was not yet in the Pentagon...It breaks out hearts that in fact someone didn't say, 'Wait, look, this is terrible. We need to do something.' I wish we had known more, sooner, and been able to tell you more sooner, but we didn't. (Hersh, 2007)

In recounting this to Hersh, Taguba recognized that Rumsfeld's testimony was "simply not true" (Hersh, 2007). More troubling to Taguba was the presence of senior military officials, which added legitimacy to the denials. From that moment forward, Taguba remained out of the public eye and removed himself altogether from the ensuing furor over the Abu Ghraib Prisoner Abuse Scandal until his retirement in January 2007.

The interview with Hersh revealed what Taguba considered "serious misrepresentations" by Bush Administration officials in the wake of the release of the photos (Hersh, 2007). In this significantly revealing quote, Taguba asserts,

From what I knew, troops just don't take it upon themselves to initiate what they did without any form of knowledge of the higher-ups...These M.P. troops were not that creative, somebody was giving them guidance, *but I was legally prevented from further investigation into higher authority*. I was limited to a box. (emphasis added, Hersh, 2007)

Taguba's interview with Hersh exemplifies an instance of re-witnessing and Oliver's dialogic exchange once again comes to the fore. In light of his original efforts falling on deaf ears, the dialogic exchange between Taguba and Hersh reopens the communicative exchange shut down by the lack of response by others. In other words, Hersh's interview enables Taguba to return to the position of a proximate witness—Oliver's internal witness—who can "bear witness" to the Abu Ghraib atrocities as well as attest to their concealment. With Hersh taking on the role of Oliver's "external witness" who welcomes being addressed by the "internal witness" of Taguba,

witnessing's dialogic exchange opens up again. The interview with Hersh allows Taguba to “re-witness” the findings of his investigation as well as bear witness to the efforts to silence his efforts to detail the actuality of the Abu Ghraib moment.

The Echoes of Abu Ghraib: Current Reverberations⁶ Gesturing to Future Research

“The thrust of a media event—the value it advocates—is unmistakably identified, its long-term content depends on the interpretations constructed by the various concerned parties.”

Daniel Dayan & Elihu Katz, *Media Events: The Live Broadcasting of History*

The project demonstrates how a myriad of texts witnessed the Abu Ghraib moment as well as demonstrates the complexity of the notion of witnessing. Moreover and in relation to communications studies, the current endeavor investigated the two disparate versions of the Abu Ghraib Prisoner Abuse Scandal. One version—the bad apples rendering of events witnessed by the Schlesinger Report—eclipsed the other version as well as the witnessing efforts of both Specialist Sabrina Harman and Major General Taguba. Although current research is beginning to grapple with the concept of witnessing, much remains for future scholarship concerning the intersection of image, rhetoric and witnessing.

In sum, this project's notion of re-witnessing offers opportunities for future research for witnessing studies specifically, and communication studies more broadly. Similarly, Cubilie's notion of implicated witnessing illustrated in this project also suggests opportunities for future scholarship. By example, a social text such as the Waterboard Thrill Ride⁷ demonstrates how subjects contend with the significance of an event such as the Abu Ghraib moment. Launched in mid-2008, this amusement park game simulates the controversial interrogation technique of waterboarding and for \$1 participants can initiate an instance of waterboarding and watch it performed by and on motorized mannequins. This tactile and interactive text visualizes the practice and although one may not be able to revisit the Abu Ghraib moment directly as it was in

the past, the subject is able to witness harsh interrogation tactics by way of the Waterboard Thrill Ride. This exemplifies the kind of expansion within the field of witnessing studies to include such inculcations particularly given their rhetorical force to speak to subjects.⁸

The study also expanded upon prior research concerned with textual forms of witnessing (Chaudhary 2005, Chaouat 2006). Two additional examples of textual witnessing are the 2004 exhibition titled, “Inconvenient Evidence: Iraqi Prison Photographs from Abu Ghraib,” shown at the International Center of Photography in New York City and at the Andy Warhol Museum in Pittsburg, Pennsylvania and the traveling museum exhibition titled “Without Sanctuary: Photographs and Postcards of Lynching in America.”⁹ Both exhibitions represent visual forms of bearing witness to atrocities, with the first focused on the Abu Ghraib Prisoner Abuse Scandal and the second grappling with America’s violent historical past. Conversely, there are those who seek out instances of atrocity. This phenomenon, investigated by Tait (2008), is known as “disaster porn.” A concern posed by Tait and others—one that this project also shares—is that “viewing images may now stand in for action itself” (Tait, 2008, p. 108, Halttunen 1995, Ellis 2000, Chaudhary 2005). This assertion markedly questions the level of responsibility Ellis assumes subjects will take on as a result of witnessing visual texts and therefore opens a variety of issues ripe for future scholarship.

Lastly, Jordyn Jack (2009) describes the concept of virtual witnessing drawn from Shapin & Schaffer (1985). Jack applies this concept to the wider London scientific community who attested to and ratified the research findings even though they were absent from the laboratory experiments. Instead of being proximate witnesses, members of this community utilized texts such as Robert Hooke’s *Micrographia* to facilitate,

Virtual witnessing...the production in a *reader’s* mind of such an image of an experimental scene as obviates the necessity for either direct witnessing or [scientific]

replication...Virtual witnessing allowed the Royal Society to extend its reach beyond the immediate vicinity...so that others could witness...even if they lived far away. (author emphasis, Jack, 2009, p. 195)

The rich visuality and highly descriptive discourse converted scientific texts into “virtual” laboratories. Despite being separated by distance, the texts so convinced the reader of the experiments’ success, that the findings were “witnessed” by members who then attested to the validity of the results. For a contemporary instance of virtual witnessing, I turn to a series of paintings¹⁰ by renowned Columbian artist Fernando Botero first exhibited in 2005.

Upon hearing about the atrocities at Abu Ghraib, Botero set to work reading all he could about the Abu Ghraib moment *without ever* seeing any of the notorious images. Botero produced over 30 paintings¹¹ that eerily render the scenes captured by digital cameras at the prison. Botero’s pieces, known as disturbatory art, were heralded for showcasing the suffering endured by the nameless Iraqis violated at the hands of American military personnel (Danto, 2006). Albeit interesting in Jack’s (2009) investigation, Botero’s Abu Ghraib paintings demonstrate the applicability of virtual witnessing to late modernity. In addition, virtual witnessing also evades the problematic territory Ellis hovers dangerously close to as his understanding casts too wide a net by asserting that all subjects consuming events via technology become witnesses. Although unexplored in this project, the notion of virtual witnessing demands future inquiry as the concept allows for the further refinement of notion of witnessing with implications for witnessing studies and for communication studies.

Questions left unanswered by this project are, how might we understand the witness given that a subject cannot un-see what one has seen? Of equal importance, how might we productively trouble the way scholarship currently understands texts that bear witness to moments of atrocity? Moreover, how might the notion of witnessing be troubled in ways that are

productive for future research endeavors? Further, how might moments of atrocity be received and understood in ways that exhibit transparency rather than conceal and distance their actuality? Lastly, scholarship offers an avenue to investigate what is behind efforts to conceal or refigure images of atrocity.

For Darius Rejali (2007), such efforts are symptomatic of the “Architecture of Amnesia” (Rejali, 2007, p. 540). Through his exhaustive historical tracing of the consistent propensity for the use of torture, he notes that such instances are seemingly “discovered” after their occurrence. Moreover, the seeming “shock” of those discoveries belies actuality insofar as torture repeatedly occurs throughout history. Torture particularly litters the modern historical landscape as Rejali notes,

The Allies were ‘shocked’ that torture was ‘still happening’ in the colonies...Water torture? Forced standing? Torture by the CIA? Those practices were based on German torture techniques from World War II...[also] common and thus traceable to medieval torture practices. (Rejali, 2007, pp. 540-541)

As detailed in his interview with Seymour Hersh, Major General Taguba revealed that Bush Administration officials knew a great deal more than their public statements led the American collective to believe. Given all that has come to light in the years following the Abu Ghraib moment, particularly revelations surrounding official U.S. policies of extraordinary rendition, secret prisons and the evasion of International Red Cross investigations through the policy of “ghost detainees,” a vast amount of research stretches before the fields of rhetorical studies and witnessing studies, all of which offer much to endeavors that grapple with such contentious and politically explosive occurrences. As this project instances, although such examinations are wrought,¹² it is incumbent upon academic scholarship to witness these moments.

Notes

¹ John Walker Lindh, a 20-year old American from California, was captured while fighting for the Taliban early in the American invasion of Afghanistan in late fall 2001. To a mainstream American collective, Lindh's allegiance to an arch enemy of the United States rendered him virtually "unintelligible" in the wake of the 9/11 attacks.

² This is detailed in a *New York Times* Op-Ed piece titled "The Torturer's Manifesto" available at <http://www.nytimes.com/2009/04/19/opinion/19sun1.html>

³ A February 2010 Justice Department report found Jay Bybee and John Yoo culpable of faulty reasoning although not guilty of professional misconduct in relation to their roles as the chief architects of the so-named "Torture Memos." See the following *New York Times* article:

<http://www.nytimes.com/2010/02/20/us/politics/20justice.html?scp=1&sq=bybee yoo&st=cse>

⁴ The tabloid's doctoring of digital imagery is detailed in the following article:

<http://www.cbsnews.com/stories/2004/05/14/world/main617564.shtml>

⁵ Jack (2009) draws heavily upon Shapin & Schaffer's (1985) *Leviathan and the Air Pump: Hobbes, Boyle, and the Experimental Life*.

⁶ This particular use of terminology is borrowed from Joan Scott (2001, 2002) discussed in both "Fantasy Echo: History and the Construction of Identity" and "Feminist Reverberations."

⁷ The ride is the brainchild of Steve Powers who describes it as "an investigation" stating, "There's no better place than an amusement park to confront horror and things we're fearful of." <http://www.nytimes.com/2008/08/06/arts/design/06wate.html>.

⁸ These instances bring to mind Judith Butler's (1997) assertions of the performativity of speech in *Excitable Speech: The Politics of the Performative* as well as the work of Michel Foucault (2001) in *Fearless Speech*.

⁹ Information of both exhibitions are available at the following:

http://museum.icp.org/museum/exhibitions/abu_ghraib/abu_ghraib_brochure.pdf,

<http://www.withoutsanctuary.org/main.html>

¹⁰ To view Botero's series, see the following video clip showcasing the over 30 paintings the artist produced: <http://www.youtube.com/watch?v=VoleMx-sxqQ>

¹¹ Fernando Botero has offered to donate the series to several American museums although not one has accepted his offer (Danto, 2006).

¹² Exemplifying the wrought nature of such inquiries, see also "Seven Paragraphs," a February 15, 2010 Op-Ed piece in *The New York Times* available at: <http://www.nytimes.com/2010/02/15/opinion/15mon1.html>

APPENDIX A

1. The acts Taguba lists are as follows:
 - a. Punching, slapping, and kicking detainees; jumping on their naked feet;
 - b. Videotaping and photographing naked male and female detainees;
 - c. Forcibly arranging detainees in various sexually explicit positions for photographing;
 - d. Forcing detainees to remove their clothing and keeping them naked for several days at a time;
 - e. Forcing naked male detainees to wear women's underwear;
 - f. Forcing groups of male detainees to masturbate themselves while being photographed and videotaped;
 - g. Arranging naked male detainees in a pile and jumping on them;
 - h. Positioning a naked detainee on a MRE Box, with a sandbag on his head, and attaching wires to his fingers, toes, and penis to simulate electric torture;
 - i. Writing "I am a Rapest" (sic) on the leg of a detainee alleged to have forcibly raped a 15-year old fellow detainee, and then photographing him naked;
 - j. Placing a dog chain or strap around a naked detainee's neck and having a female soldier pose for a picture;
 - k. A male MP guard having sex with a female detainee;
 - l. Using military working dogs (without muzzles) to intimidate and frighten detainees, and in at least one case biting and severely injuring a detainee;
 - m. Taking photographs of dead Iraqi detainees.

2. The following persons provided statements, both written and oral, to Taguba's investigation:

* denotes a witness listed as a suspect in Taguba's report

** denotes a witness listed as a detainee in Taguba's report

SPC Jeremy Sivits *
 SPC Sabrina Harman *
 SGT Javal S. Davis *
 PFC Lynndie R. England *
 Adel Nakhla
 SPC Joseph M. Darby
 SGT Neil A. Wallin
 SGT Samuel Jefferson Provance
 Torin S. Nelson
 CPL Matthew Scott Bolanger
 SPC Mathew C. Wisdom
 SSG Reuben R. Layton
 SPC John V. Polak
 Amjed Isail Waleed **
 Hiadar Saber Abed Miktub-Aboodi **
 Huessin Mohssein Al-Zayiadi **
 Kasim Mehaddi Hilas **
 Mohanded Juma Juma (sic) **
 Justafa Jassim Mustafa **

Shalan Said Alsharoni **
Abd Alwhab Youss **
Asad Hamza Hanfosh **
Nori Samir Gunbar Al-Yasseri **
Thaar Salman Dawod **
Ameen Sa'eed Al-Sheikh **
Abdou Hussain Saad Faleh **

3. The Army regulatory document concerning enemy prisoners of war, internees and detainees is available at www.usapa.army.mil/pdffiles/r190_8.pdf

4. Taguba calls for the relieving and official reprimand of:
Brigadier General Karpinski, LTC Phillabaum, Commander of the 320th Battalion, LTC Jordan, Director on Interrogation, Mjor DiNenna, Army Operations Staff, 320th Battalion, CPT Reese, Commander, 372nd Company, 1LT Raeder, Platoon Leader, 372nd Company, SGM Emerson, Operations Sergeant, 320th MP Battalion, 1SG Lipinski, 1st Sergeant, 372nd Company, SFC Snider, Platoon Sergeant, 372nd Company.

APPENDIX B

“Secretary of Defense Approved Tiered System”

The 16 additional interrogation techniques approved/in use from December 2, 2002-January 15, 2003, available in Appendix D, The Schlesinger Report, 2004

Note: As category level increases, so does the assumed severity of the interrogation technique with all interrogations tactics falling into either Category I (mild), Category II (harsh), Category III (severe).

1. Yelling (Category I)
2. Deception (Category I)
3. Multiple Interrogators (Category I)
4. Interrogator Identity (Category I)
5. Stress positions, like standing (Category II)
6. False Documents/reports (Category II)
7. Isolation for up to 30 days (Category II)
8. Deprivation of light/auditory stimuli (Category II)
9. Hooding (transportation & questioning (Category II)
10. 20 interrogations (Category II)
11. Removal of ALL comfort items, including religious items (Category II) [capitalization in original text]
12. MRE-only diet (Category II)
13. Removal of clothing (Category II)
14. Forced grooming (Category II)
15. Exploiting individual phobias, e.g., dogs (Category II)
16. Mild, non-injurious physical contact, e.g., grabbing, poking or light pushing (Category II)

The United States Army Field Manual (FM-34-52) list of standardized interrogation tactics approved and utilized since 1992 as listed in Appendix D, The Schlesinger Report, 2004

1. Direct Questioning
2. Incentive/removal of incentive
3. Emotional love
4. Emotional hate
5. Fear up harsh (includes yelling)
6. Fear up mild (includes yelling)
7. Reduced fear
8. Pride and ego up
9. Pride and ego down
10. Futility
11. We know all
12. Establish your identity
13. Repetition approach
14. File and dossier
15. Rapid Fire
16. Silence
17. Change of Scene

Approved interrogation techniques from January 16, 2003-April 15, 2003 as listed in Appendix D, The Schlesinger Report, 2004

1. FM 34-52 Techniques
2. Yelling (Category I)
3. Multiple Interrogators
4. Interrogator Identity

Approved techniques from April 16, 2003-Present as listed in Appendix D, The Schlesinger Report, 2004

Techniques with * require SOUTHCOM approval and SECDEF notification [SOUTHCOM denotes the United States Southern Command overseeing all military operations in the Southern Hemisphere; SECDEF denotes Secretary of Defense]

1. FM 34-52 Techniques
2. Mutt and Jeff [also known as “good cop/bad cop”] *
3. Isolation for up to 30 days *
4. MRE-only diet *
5. Environmental manipulation
6. Sleep adjustment
7. False flag [covert operations designed to appear as they are being carried out by other entities]

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ABSTRACT**THE INTERSECTION OF IMAGE, RHETORIC, AND WITNESSING: A
RHETORICAL ANALYSIS OF THE ABU GHRAIB PRISONER ABUSE SCANDAL**

by

ELIZABETH J. DURHAM SMITH**May 2010****Advisor:** Dr. Mary Garrett**Major:** Speech Communication**Degree:** Doctor of Philosophy

This project looks at the Abu Ghraib Prisoner Abuse Scandal and the ways those figured in the notorious images were named as “bad apples” to explain the shocking scenes to a mainstream American collective as well as expands more traditional understandings of witnessing through the examination of this complex moment. Beyond the narrowly legal and political issues, the photographs from Abu Ghraib also raise questions about how images of atrocities are received, interpreted, and contested with this project rephrasing the question “what do we see when we look at the images from Abu Ghraib?” to that of “what did we *witness*?” In the case of Abu Ghraib, technology enabled the abuses at Abu Ghraib Prison to be documented, the result being the now infamous photos. However, these images quickly became a site of fierce debate: were we witnessing something anomalous or getting a glimpse of something deeply disturbing about America itself? Varying interpretations have prevailed, and the project explores three of these interpretations: that of Specialist Sabrina Harman, a primary witness attempting to “bear witness” in the classical sense of the term; the Taguba report, compiled before the scandal and argues that the images merely captured the result of policies fostering an “anything goes” post-

9/11 environment related to prisoner treatment; and the Schlesinger Report, commissioned by the Department of Defense, that became the “official” version whose interpretation is still held by many people. The predominant issue of the study asks, how was the Schlesinger Report able to recast events in this way, and why was it so quickly accepted? The rhetorical analysis unpacks the harnessing of visual rhetoric and discourse to reveal the deft construction of a plausible mainstream understanding of this highly disconcerting instance. By consequence, the naming the scenes captured in the notorious photographs as the work of “bad apples” rescued America’s “exceptionalism” at the brink of it being critically called into question as the tethering of a “bad apples” moniker to the infamous pictures forestalled the potential of a national—and perhaps global—sociopolitical crisis, thereby emerging as the most viable alternative at that historical juncture.

AUTOBIOGRAPHICAL STATEMENT

My graduate research agenda has focused predominantly on how myths, such as American Exceptionalism, are fought over socio-politically to produce normative identities, which I examine through rhetorical analysis. My current approach, illustrated in the dissertation project, expands more traditional understandings of the notion of witnessing through the examination of the Abu Ghraib Prisoner Abuse Scandal.

With the thrust of my research focusing on the negotiation of American national identity in a post-9/11 age and in approaching to these issues by ascertaining how visual images communicate cultural meanings, my research is situated at the forefront of critical communication studies given the highly visual and mediated nature of the American social arena. I have presented six competitively selected conference papers and will deliver my seventh at the Rhetoric Society of America's 2010 Biennial Conference in May 2010. In addition to a 2009 Summer Dissertation Fellowship by Wayne State University's Graduate School, I was generously granted the 2010 Edward M. Wise Dissertation Fellowship by Wayne State University's Humanities Center that proved pivotal in the completion of the dissertation project as well as providing additional time to submit selections from the dissertation and other on-going research projects for scholarly publication.

Over the last five years, Wayne State University's Department of Communication has selected me to teach a vast array of courses such as Persuasive Speaking, Public Speaking, Business Communication, and Contemporary Persuasive Campaigns and Movements as both a Graduate Teaching Assistant and as an Adjunct Faculty member and in August 2006, the department awarded me the Elizabeth G. Youngjohn Award for Undergraduate Teaching. Lastly, I have enjoyed service opportunities to both my department and to the wider university, currently serving on the Department of Communication's Research Committee as well as recently holding a student representative post on the President's Commission for the Status of Women.