

Political Violence and the Management of Outrage

The Convergence of Media and Political Power
to Conceal Human Suffering in the 'War on
Terror'

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Abstract

The United States-led 'war on terror' has resulted in high levels of civilian casualties and human suffering. The consequences of the military actions in Afghanistan, Iraq and Pakistan since 2001 might normally be the subject of outrage, not just in the target countries, but elsewhere including citizens in the US and other countries whose governments support the 'war on terror'. However this has largely not occurred because arguably, the US government, supported by the mainstream media, has used a range of techniques that alter perceptions of the war and its effect on civilians in the target countries. On the basis of four case studies where civilian casualties and suffering have occurred as a direct result of US-led military action in Afghanistan, Iraq and Pakistan, a pattern emerges showing the use of specific tactics that hide the human consequences of the 'war on terror' from Western audiences. These tactics, outlined in the backfire model as minimising outrage over an injustice, have been used by mainstream media organisations and government and military spokespersons. This is revealed by an analysis of mainstream media accounts, and official accounts released by the US Department of Defence and US State Department in relation to:

1. The bombing campaign in Afghanistan from October to December 2001
2. The first siege of Fallujah in April 2004
3. The Nisour Square massacre in Baghdad in 2007
4. The increasing use of unmanned drones in Pakistan's north-western tribal areas

These official and mainstream media versions are compared with accounts of the same events published by academics, independent journalists, non-government organisations and peace workers. In each case it is shown how the official accounts and mainstream media articles obscure or hide the human consequences of Western military actions. By using tactics to minimise outrage over these four cases of injustice, the US government, supported by a compliant mainstream media, are effectively operating to limit opposition to the 'war on terror'. The ongoing use of these tactics, combined with the increasing use of private military contractors and unmanned drones, will contribute to facilitating a state of perpetual war that is likely to extend beyond the so called 'war on terror'.

Statement of Candidate

I certify that this thesis entitled 'Political Violence and the Management of Outrage: The Convergence of Media and Political Power to Conceal Human Suffering in the 'War on Terror', is entirely my own work except where I have given full documented references to the work of others, and that the material contained in this thesis has not been submitted for formal assessment in any formal course.



Brendan Paul Riddick

8 July, 2013.

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A Note on Referencing

In place of a bibliography at the end of this thesis, full citations are given in the footnotes for the first reference to a source in each chapter. Short titles and *Ibid* are used only when a full citation appears previously in that chapter.

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Chapter 1 - Introduction

1. A Note to Self or Thesis Question?

‘Am I the Only Person to Feel Outraged?’- January 2007

The ‘war on terror’, particularly its effect on the Iraqi and Afghan civilian society, has disturbed me greatly from the start. I have felt anger, sorrow, bewilderment and many other emotions ranging from neutral to negative. Predominantly, my feelings towards the war and the role of the US, Australia and the British governments have been negative. There are many words that could be used to summarise these negative emotions, but for simplification I will use one..... outrage.

I am outraged over the indiscriminate bombing campaigns run by the US-led coalition causing vast suffering to people who have little understanding as to why they are the targets of military aggression. I am outraged that the reasons for this large scale bombing are insufficient to warrant the scale of suffering experienced by the Afghani and Iraqi people. I am outraged that the Western leaders such as Bush, Blair and Howard speak with impunity about the terror they are supposedly fighting, when the terror they are causing is far greater. I am outraged that support for the war in these three Western democracies is bi-partisan, when almost every other political issue is the subject of reflexive opposition in a political environment dominated by only two parties.

And then I wonder why it appears very few others in the media, in the country, in my neighbourhood or even members of my immediate social group feel the same

revulsion over this great injustice perpetrated on two largely innocent civilian populations. Perhaps it is not that others are unmoved by the suffering of Iraqis and Afghans. Perhaps it is the way in which the story of the war is being told: through the media, through official channels, through political parties, through business leaders. Perhaps it is the 'large-scale "perception management" or "strategic influence" campaigns' in support of operations in Iraq, Afghanistan and 'as well as in support of the broader war on terrorism'.¹ Those that are most active in the Western world's public sphere say very little about the suffering of Iraqi and Afghani people as a result of the prosecution of the 'war on terror'. This fact is important on its own but in trying to understand a demobilised Western public, perhaps it is just as important to analyse what is said about the plight of these two broken societies.

I was introduced to the backfire model by a colleague a couple of years ago. It provides a framework for understanding the inhibition of outrage. I read some articles, including one written broadly about Iraq, and the 'straightforwardness' of the model appealed to me. It outlines five tactics that might be used by a perpetrator, or the ally of a perpetrator, to inhibit outrage over an injustice. I decided that if I could locate methods and patterns for the inhibition of outrage in specific case studies of injustice that have occurred during the 'war on terror', then I might be able to understand the apparent indifference of the Western world to the suffering of Iraqi and Afghani civilians.

¹ C. Conetta, *Disappearing the Dead: Iraq, Afghanistan, and the Idea of a "New Warfare"*, Project on Defence Alternatives Research Monograph #9, 18 Feb. 2004. (Accessed online 9/6/13 - <http://www.comw.org/pda/0402rm9.html#4.2.2>)

2. Motivations and Revisions

This brief letter I wrote to myself and submitted for a research gathering of PhD students towards the end of 2010 captures my preliminary thoughts on the ‘war on terror’ as it was being conducted in Iraq and Afghanistan. What is most telling about this piece of writing is that I make no mention of Pakistan, a third nation to contain a civilian population suffering as a result of the US-led war in these three countries. The reason I didn’t consider Pakistan at the beginning of my PhD journey was because I had no idea about the air attacks in the north west region that were being carried out by unmanned drone aircraft.

The omission of Pakistan from this letter is a symbol of my broader concerns about the communication of human suffering caused by the US military and its supporters such as Australia and the United Kingdom. This kind of information rarely makes it through to Western audiences and when it does, it is framed as an anomaly. The accidental bombing of an Afghan wedding by US planes might be conceded by officials, but what is omitted from the mainstream discourse is that instances such as these, where civilians have been killed in the fight to make the world safe from terrorists, have occurred thousands of times in Afghanistan, Iraq and Pakistan.

My motivation for undertaking this research is to understand how Western populations have been shielded from the brutality of these wars and the tactics used by those in power to achieve this result. A broader concern is that the suffering of these people, which has occurred as a result of our governments’ desire to make our lives safer by launching a war against ‘terrorists’, does not form part of the

mainstream discourse in the ‘war on terror’. If I was to break down this broader motivation then my dissertation is an exercise in the following:

1. Understand the full extent of human suffering in the target countries of US-led aggression by analysing four case studies involving civilian deaths.
2. Look at the way in which these deaths have been treated by the mainstream US media outlets considered to have a large audience.
3. Make a link between this transmission of information back to the media’s reliance on official sources.
4. Examining the tactics used by official sources to hide the tragic and full extent of human suffering in the target countries; tactics which might be motivated by a desire not to lose support on the home front.

On the first point, it would take more than one lifetime to catalogue the misery resulting from the military occupation in Iraq and Afghanistan. I have selected four case studies that one might consider are at least known or mentioned in mainstream circles, and let these case studies speak as a representation of the ‘war on terror’ more generally. This makes the second point, examining mainstream media treatment of civilian casualties and suffering, at least manageable for these case studies. But of course the media’s responsibility for informing the public is linked to its relationship with official sources and much has been written on this topic. It is not my intention to explain this phenomenon again, but to clearly note examples where the mainstream media has framed an event in the manner that reflects the official version.

Whilst acknowledging the role of the mainstream press in hiding the brutality of war from its readership this dissertation is not a media analysis per se. The main focus is on the way the official sources twist, bend and distort the truth, intimidate those who try to get the truth out, and when it is out in some form, use official channels to give the newly informed audience the impression that where an injustice has taken place, it will be addressed through the legal system or a quasi-judicial arrangement. This effort by US officials to minimise outrage over the injustices caused to Afghani, Iraqi and Pakistani civilians is a constant in each case study.

3. Injustice and the Management of Outrage

This thesis will take four case studies of perceived injustice that have arisen as a consequence of the US-led war on terror and examine how the communication of these injustices have been presented to Western audiences to reduce outrage over the injustice. This problem could be framed in another way that reflects the desire of the US government to see the use of force as legitimate. The use of military force in Afghanistan, Iraq and Pakistan has resulted in harm being inflicted upon those civilian societies so for these events to appear legitimate, the US government has sought to manage how its actions are understood through government news briefings.

To show how this has been achieved the theoretical model I have used to analyse each case study is the backfire model. This model proposes that an injustice may be counter-productive for the perpetrator in the long term if the injustice is communicated effectively to a receptive audience. It should be acknowledged that other theoretical frameworks such as Chalmers Johnson's blowback also operate on similar principles whereby the tactics of US imperialism are predicted to hurt them in

the years to come. The overriding principle is perhaps a lesson many are familiar with from a young age – you reap what you sow. The focus here though is not so much predicting the downfall of US imperial ambition but to note how it might be sustained in relation to Western audiences by concealing the suffering linked to their foreign policy excursions into Central Asia and the Middle East. This is done by using what I will call the backfire model's prediction of outrage management practices or tactics. This forms part of the model's proposal that most injustices performed by powerful perpetrators do not backfire because the perpetrator is able to inhibit outrage using one or more of the five outrage management techniques outlined in the model.

The Case Studies

The four case studies in this thesis relate to the US response to the September 11 attacks which we know as the War on Terror. Whilst it is acknowledged that these attacks were a grave injustice perpetrated against civilian victims in New York and Washington, the response from the US government has led to a much greater injustice to hundreds of thousands of victims in Iraq, Afghanistan and Pakistan. It should be noted that there have been victims in other countries such as Yemen. The overriding concern here is that the use of military and lethal force in these countries has created vast suffering on a scale that is largely hidden from the mainstream populations in the perpetrator's country. A consistent and systematic effort to hide the real brutality of the war on terror from Western audiences is evident from the four case studies undertaken in this examination.

The first case study concerns the bombing of Afghanistan from October to December 2001 which was the initial response to the terrorist attacks on the US. In these first

three months after 9/11 the mass bombing of Afghanistan by US and British war planes, including the use of cluster bombs, resulted in a greater number of Afghan civilian deaths than the civilian deaths in New York and Washington.

The second case study focuses on the siege of Fallujah in Iraq in April 2004 which involved an air assault followed by ground attacks in response to the killing of four private military contractors working for Blackwater. It is widely recognised that Fallujah, and its civilian population, was decimated during two attacks in 2004 in April and November. Whilst I initially set out to cover both attacks, it was the first that provided a genuine example of backfire where the Iraqi resistance, in combination with the presence of a foreign news network, led to a withdrawal of US troops and a cessation in hostilities.

The third case study looks at the Nisour Square Massacre in September 2007 where soldiers from Blackwater fired indiscriminately into a crowded Baghdad square killing 17 civilians and wounding dozens of others. A criminal case in the US indicting five Blackwater employees was dismissed on a legal technicality before reaching court. This case is of particular note in relation to official channels, one of the outrage management tactics outlined in the backfire model, which shows how judicial procedures are used to give the appearance of justice. This case study is also significant because it highlights problems with the growth of the private military sector since the ‘war on terror’ was declared.

The fourth and final case study concerns the increased use of unmanned (drone) aircraft during the war on terror with a focus on the drone campaign in Pakistan up to

2011 and more specifically, the ‘targeted’ assassination program in Pakistan’s Federally Administered Tribal Areas (FATA). Whilst officials claim that the attacks have killed only key Taliban and Al-Qaeda personnel, independent estimates indicate that over 90% of victims are civilians without attachment to the two main organisations targeted by the program. Like the increased use of private military companies, the use of drones to conduct bombing attacks has been a new feature of warfare to arise during the war on terror. As well as looking at the injustice being perpetrated in Pakistan and elsewhere, this case study highlights the ethical and legal problems attached to targeted killing programs more generally and the likelihood that these attacks guarantee collateral damage in the vicinity of the target.

4. Methodological Approach and Chapter Outline

When designing this research project the first task was to identify cases of injustice occurring as a result of the US-led war on terror and in particular ones that were acknowledged more publicly, either in the media or in academic literature. Initially it was my intention to include the use of torture, the Abu Ghraib scandal, the practice of extraordinary rendition and the detaining of ‘terror suspects’ at Guantanamo Bay. There are numerous examples of injustice to choose from as there are in any war but in settling on the bombing of Afghanistan, Fallujah, Nisour Square and the use of drones, I wanted to establish a theme of direct military attacks on civilians as they were attempting to go about an ‘ordinary life’ or at least extract some kind of existence whilst under the occupation of the US military.

The research process involves comparing reliable and independent accounts for each of the four case studies with the accounts of the incidents given by US officials and mainstream media outlets. The first part of this task is quite difficult as a colleague

asked early on ‘how can you ever know what is really happening?’. The reality is that you cannot but through the work of independent journalists, peace workers and academics, a picture of the war emerges that is starkly different to the version given by official sources and invariably repeated by the mainstream media. After describing each case using the data and testimonies from such ‘alternative’ sources, I then use mainstream US press reports and press briefings conducted by the US Department of Defence and the US State Department to see if there is a pattern of outrage management as suggested in the backfire model. I argue that patterns of information obstruction and distortion are clearly identifiable in each case and as such represent a systematic attempt by the US government to shield audiences from a scale of human suffering that is almost unimaginable in the West. The research is primarily focussed on the US government’s attempts to limit outrage using an outrage management framework taken from the backfire model. The propaganda model is used, in conjunction with other academic literature on mainstream media compliance, to show how the media acts as a de-facto agent of the government to manage outrage. One theoretical explanation for this in relation to the propaganda model concerns the way in which the mainstream media appears to be totally reliant on official sources in the four case studies examined. Although the backfire model is the main theoretical approach, academic literature on the propaganda model and Western media compliance has also been included to provide some explanation as to why the media has published reports on the case studies in an uncritical fashion.

The first chapter summarises the backfire model and this is followed by a literature review relating to Western media compliance. This is followed by the four case studies: the bombing of Afghanistan, the attack on Fallujah, the Nisour Square

massacre, and the use of drones. The semi-final chapter is a reflective piece that in some way captures my research journey. Following the undertaking of this research on the four case studies it occurred to me that the war on terror has signalled the beginning a period of a US-led perpetual war. Whilst this is not a new realisation, I argue that aspects of the case studies reveal tactics and methods undertaken by the US government that facilitate ongoing war and this points to worrying prospects for the Middle East, Central Asia and North Africa.

5. The Backfire Model: Limitations and Reservations

When an abbreviated version of the first case study on the bombing of Afghanistan was published in *Revista de Paz y Conflictos* No. 5 in February 2012, I was contacted by Dr. Gary Olsen from the Department of Political Science at Moravian College who suggested that his research on the neuropolitics of empathy might negate my concerns over tactics to limit outrage. This reservation has been expressed by another colleague who suggested that outrage is not an existential emotion waiting to be triggered by an injustice. In other words, even if the true nature the war on terror were communicated more accurately it is not guaranteed that audiences would be outraged. I agree that this is a limitation of the model where the accurate reporting of all facts does not guarantee that the general public will be outraged. However it could also be said that this would be true for some, but not necessarily all media consumers confronted with fuller descriptions and graphic images of the devastating human consequences of the ‘war on terror’. The key point here is that if the potential for outrage is continually suppressed through techniques that distribute misinformation, then there is little chance of outrage that might serve the interests of peace in the form of a more effective and more widely supported anti-war movement.

At about the midpoint of my research project in 2010 the *Collateral Murder* video was released by Wikileaks and this was followed by substantial releases of documents on Iraq and Afghanistan that in the words of Julian Assange ‘showed the true nature of the war’. The backfire sceptics addressed me immediately wanting to know ‘where was the outrage’. Of course Wikileaks became virtually dysfunctional almost immediately after these releases. It had to change domains and physical server locations and became the subject of financial obstruction and intimidation by the US government which continues today. Wikileaks was not necessarily an easy site to navigate but this was made even more difficult with the shifting of domain names so that URL listings by independent journalists led nowhere very soon after they were published. Again this is evidence that the actions of a powerful perpetrator are difficult to overcome.

But what is equally significant is the way the mainstream newspapers reported the rise of the Wikileaks phenomenon. The *Iraq War Logs* and *Afghan War Diary*, which outlined civilian casualties acknowledged by the US government, received some media attention. However after one or two days on the front page in Australian broadsheet newspapers the Wikileaks story was relegated to pages further back in the newspaper. Significantly, when the diplomatic cables were released by Wikileaks it became front page news for weeks leading into months. The mainstream media had effectively sidelined the single most important piece of anti-war activism by focussing on diplomatic mutterings that often at worst offended individual leaders and diplomats. The response of the mainstream media here cannot be understated where the media audience was diverted away from matters relating to the official

acknowledgement of the killing of Iraqi and Afghani civilians, and directed toward matters that in some cases were little more than diplomatic 'he said, she said' gossip.

6. Originality and Contribution

This thesis represents the first attempt to examine these four specific case studies through a backfire framework with the intention of revealing systematic patterns of the distribution of misinformation in relation to the war on terror. It adds to a growing body of literature and case studies on the backfire model which has already been applied to the treatment of asylum seekers, police brutality, torture, domestic civilian massacres and genocide. It also adds to extensive literature on the communication of war through propaganda by explaining how power structures distort the truth using the five tactics for the inhibition of outrage. I hope that this piece of work will be regarded as an attempt to challenge government outrage management and be a document that in the years to come will be included in the many works that attempted to expose the injustice of the war on terror. In the same way that there can be no justifiable explanation for Vietnam in humanitarian terms, in the future the same will apply to Iraq, Afghanistan and Pakistan.

Chapter 2 - The Backfire Model

The backfire model was developed by Brian Martin of the University of Wollongong and the ideas and principles are encapsulated in his book *Justice Ignited* (2007). The model has been used by activists and academics in various contexts to analyse cases of a perceived injustice. These include the treatment of refugees and asylum seekers,¹ the abuse of prisoners,² the use of torture,³ and the conduct of soldiers during war.⁴ The basic principle of the backfire model is that the perpetration of an injustice may be counter-productive in the long term and will potentially 'backfire' on the perpetrator. Backfire usually does not occur however because of the tactics that might be used by a perpetrator to inhibit outrage from a perceived injustice. The backfire model is concerned with these tactics used by the perpetrator and conversely, the model also proposes counter-tactics which might be used to expose an injustice and amplify outrage. The two conditions which create the environment for an injustice to backfire are:

1. An action is perceived to be unjust, unfair, excessive or disproportional.
2. Information about the action is communicated to relevant audiences.⁵

¹ A.Herd, 'Amplifying outrage over children overboard', *Social Alternatives*, Vol. 25, No. 2, Second Quarter 2006, pp. 59-63.

² H.de Kretser, 'Prison litigation: barriers to justice', *Precedent*, Issue 81, July/August 2007, pp. 29-33.

³ B.Martin and S.Wright, 'Countershock: mobilizing resistance to electroshock weapons', *Medicine, Conflict and Survival*, Vol. 19, No. 3, July-September 2003, pp. 205-222.

⁴ T.Gray and B.Martin, 'My Lai: the struggle over outrage', *Peace & Change*, Vol. 33, No. 1, January 2008, pp. 90-113.

⁵ B.Martin, *Backfire Basics*, 2005(Revised 2012), p.1. (Accessed online 14/5/12 - <http://www.bmartin.cc/pubs/bf/bfbasics.pdf>)

The five main tactics or methods that a perpetrator can use to inhibit outrage against an injustice are:

1. Cover up the action
2. Devalue the target of the injustice
3. Re-interpret the event
4. Use formal channels to give the appearance of trying to achieve justice
5. Use bribery or intimidation against victims or whistleblowers.

Conversely, the five tactics that one can use to promote outrage concerning an injustice are:

1. Expose the action
2. Validate the victims
3. Interpret the action as an injustice
4. Mobilise public concern and avoid formal procedures
5. Resist and expose intimidation and bribery.

With respect to a perceived injustice being communicated to relevant audiences, the timing of this communication is crucial. There are three factors that need to be considered in relation to this timing. The first is audience receptivity which concerns the way in which an audience may already be aware of the injustice to a greater or lesser degree, or whether or not the injustice is comparable with a similar injustice

that an audience may already have mobilised against. This is what Martin refers to as the importance of ‘meaning systems’.⁶

The second factor concerns the media or information environment. The question that needs to be addressed here is whether or not there are competing news events that will overshadow the communication of the injustice. For example, Engelhardt highlights the problem of drawing attention to the thousands of Afghan civilian casualties occurring as a result of the US intervention there immediately after the death of Michael Jackson because of the saturation of media content that arose as a result of the singer’s passing.⁷

The third factor relates to the opportunities and willingness of people to act against an injustice. The questions to be addressed here concern whether or not social movements already exist to confront this particular type of injustice, such as an environmental movement in the case of an oil spill that may affect the lives of third parties not connected with oil exploration, or peace movements that are prepared to mobilise against international acts of aggression. Where activists are more willing to mobilise, or more able to mobilise, an injustice is more likely to backfire.

⁶ Martin, *Backfire Basics*, p.2.

⁷ T.Engelhardt, ‘Will What We Don’t Know (Or Care To Know) Hurt Us: Mourning Michael Jackson, Ignoring The Afghan Dead’, *TomDispatch.com*, 7/7/09. (Accessed online 7/8/09 - <http://www.tomdispatch.com/post/175092>)

As well as being a possible outcome resulting from the perpetration of an injustice, backfire can also be studied as a process.⁸ Martin uses the example of the Sharpeville massacre in South Africa in 1960, where the sustained shooting by police of a group of unarmed protestors resulted in about 100 deaths.⁹ The shooting by the South African police was perceived by international audiences to be disproportional in relation to any offence that was committed by the protestors. Using the case studies in this thesis, it will be shown that the sustained bombing attack perpetrated by the US military during the first six months of the air war in Afghanistan in 2001 could also be perceived as unjust. Similarly in Fallujah, the heavy and sustained attacks on that Iraqi city in 2004 using illegal weapons such as white phosphorous and depleted uranium could also be perceived as excessive and disproportional, causing severe suffering to the civilian residents. However in both cases the tactics employed by the US military and a compliant mainstream media have restricted the flow of information to international audiences which has effectively minimised outrage. In these case studies, and also the two concerning the Nisour Square massacre and drones, the focus of the research is on tactics to manage outrage rather than determining whether or not the events backfired on the perpetrator. Elements of backfire can be shown in the case of Fallujah but otherwise the attempts to manage outrage by the US government, using one or more of the tactics described below, have been largely successful.

⁸ B.Martin, 'Iraq Attack Backfire', *Economic and Political Weekly*, Vol. 39, No. 16, 17-23 April 2004: pp. 1577-1583 at p.1577.

⁹ B.Martin, *Justice Ignited*, Rowman and Littlefield, New York, 2007: pp. 9-21.

1. Cover Up

Although the five tactics in the backfire model do not necessarily occur in any sequential order, cover up is perhaps most likely the first response from the perpetrator of an injustice. If an action is covered up then the likelihood that the action is communicated to a receptive audience is greatly diminished. When an incident of injustice is prevented from being communicated to the audience then there is less chance that the event will backfire on the perpetrator. Methods of cover up range depending on the case study. State censorship, media control, media subservience, the non-release of state documents, the seizure of documentation such as film that contains evidence of an injustice are all methods of cover up that have been used by perpetrators. Other means of cover up might be built into the structures of modern day outsourcing. For example the private military industry is one way that a government such as the US can conduct wars by proxy. Access to a private company's documents is more restricted than to public documents which may be scrutinised by politicians or obtained through freedom of information. The communication of an injustice to a wider or receptive audience is one of the two conditions of backfire, so where an injustice can be covered up, that communication is prevented. If a cover up is successful, then it is less likely that one of the following four tactics used to inhibit outrage in the backfire model will be called upon. If the cover up is unsuccessful or only moderately successful, then the perpetrator may attempt to inhibit outrage using another tactic.

2. Devaluing the Target

The second tactic a perpetrator of an injustice may use, particularly if a cover up has been unsuccessful or only moderately successful, is to devalue the target of the attack. The intention here is to affect an audience's perception of the injustice and to view the target of the injustice in a negative light. The implication to the audience is that the victim:

- a) is not worth worrying about for one reason or another
- b) deserves the attack
- c) is a potential threat to the audience

Different examples can demonstrate how this system of devaluation can be achieved in a variety of ways. When groups of protestors are victims of police brutality, they are invariably framed as a rabble, or unemployed radicals that present a threat to 'average' or 'normal' members of society. Asylum seekers attempting to arrive in Australia by boat are often referred to as 'queue jumpers' or 'illegals' which is then said to justify their indefinite detention in Australia. Even worse, in the years following the September 11 attacks, asylum seekers fleeing the war torn countries of Afghanistan and Iraq have been suggested to be potential terrorists.¹⁰ Ordinarily, asylum seekers in Australia are framed as being a threat to 'our' jobs, and 'our' cultural homogeneity, despite the historical build up of multiculturalism in non-indigenous Australia since the Second World War.

¹⁰ *The Australian*, 22/10/09, 'Tuckey warns of terrorists among asylum-seekers', AAP. (Accessed online 9/3/10 - <http://www.theaustralian.com.au/politics/tuckey-warns-of-terrorists-among-asylum-seekers/story-e6frgczf-1225789835837>)

The devaluation of victims has a long history with many minority groups. Once having experienced victimisation or injustice, it is not uncommon for the victim to be framed within the context of their minority group according to their religion, ethnicity, sexuality, gender or class.¹¹ During wars, as will be shown in this paper, the enemy is devalued. Victims of injustice during the so-called 'war on terror' are devalued according to their religion (Islamic fundamentalists), ethnicity (Middle Eastern, Arab), and imagined associations with terrorist organisations such as Al-Qaeda. This last possibility occurred with the demonization of Saddam Hussein leading up to the invasion and occupation of Iraq by US-led forces. Despite having no affiliation or history of association with Muslim extremists and leading perhaps the most secular state in the region, immediately prior to the 2003 invasion Saddam Hussein was constantly framed as aiding and supporting known terrorist organisations.¹² At this time the world was focussed on only one terrorist organisation, Al-Qaeda, so the implication was that Saddam was in some way associated or responsible for the September 11 attacks. Although this association has been proven to be false, the tactic of devaluation was used by the US to manufacture public consent for the 2003 invasion and ensuing occupation of Iraq. Polls conducted in 2007 indicate that over 40% of Americans still believed that Iraq was in some way responsible for the terrorist attacks on New York and Washington.¹³

¹¹ Herd, 'Amplifying outrage over children overboard', pp. 59-63.

¹² Martin, 'Iraq Attack Backfire', p.1577.

¹³ J.Catone, 'Number of Americans who believe Saddam/9-11 tie rises to 41%', *The Raw Story*, 24 June 2007. (Accessed online 23/3/10 - http://rawstory.com/news/2007/Poll_41_of_Americans_believe_Saddam_0624.html)

3. Reinterpretation of the Event

Reinterpretation is the third tactic by which the perpetrator of an injustice will attempt to inhibit outrage. Reinterpretation has become a professional vocation in recent times with the mass expansion and acceptance of public relations in the form of what has become known as ‘spin doctoring’.¹⁴ Reinterpretation of an event usually involves framing the attacker as the victim, and the victim as the attacker or potential attacker. The spectre of potential attackers has led to the formalisation in recent times of the doctrine of pre-emption.¹⁵ During the period from September 2001 or what is commonly referred to as the ‘war on terror’, an attacker, in this case the US government, can speculate about the possibility of a terrorist attack and attempt to justify an attack as some kind of defence against the proposed threat. In this example the US is re-interpreted as the victim, or potential victim, rather than the attacker.

Language is an important part of reinterpretation. Civilian casualties become ‘collateral damage’. Resistance fighters become ‘insurgents’. Those imprisoned without charge at places such as Guantanamo Bay are referred to as ‘terrorists’ before any case has been proven. One or two bombs in a London underground railway station is defined as a terrorist attack, but the dropping of thousands of bombs on a daily basis over Iraqi and Afghani civilian areas is not. With reinterpretation, some facts might be accepted, but are said to mean something different, or they are denied altogether.¹⁶ If the facts cannot be denied they are reinterpreted in such a way that they seem more acceptable. Acknowledging a limited number of civilian deaths in the

¹⁴ J. Sanchez, ‘Political Spin Doctors’, *Reason*, 36. 6 (Nov 2004): p.15.

¹⁵ R.Shultz and A.Vogt, ‘It’s war! fighting post-11 September global terrorism through a doctrine of preemption’, *Terrorism and Political Violence*, Vol.15, Issue 1, 2003: pp.1-30.

¹⁶ Martin, *Justice Ignited*, p.4.

hundreds can be a preferable route for government communications agencies to take rather than contend with the real figures which might be in the thousands, or tens of thousands. Martin makes the point that media audiences are now familiar with this form of message delivery to the point that it has become easier to see through the transparent nature of lies and half truths that are produced in the reinterpretation of events relating to perceived injustices.

4. Official Channels

Official channels can be used by the perpetrator of an injustice to give the ‘appearance’ of justice. Official channels can take the form of courts of law, official enquiries, commissions or any other formal procedure that offer perceived authoritative resolutions to matters relating to social justice.¹⁷ Official channels may also be used pre-emptively in order to legitimate an attack. Official channels can also serve to open up a range of legal technicalities and loopholes that either have the potential to justify an attack or devalue the victim. A common example of devaluing the victim in the course of moving through official channels is rape trials, where it is the rape victim’s sexual history and behaviour that becomes the centre point of the trial rather than the actions of the alleged offender over the incident in question.

Unjust actions, when analysed through official channels such as scientific bodies, expert panels, commissions of enquiry, the courts or international bodies, give the impression to an audience that all is well because formal procedures are being

¹⁷ Gray and Martin, ‘My Lai: the struggle over outrage’, p.101.

followed.¹⁸ Often it is accepted that formal procedures are beyond question and that the integrity of these bodies is of the highest order although the reverse can be true.

Expert panels can be handpicked by governments to achieve a desired outcome.¹⁹ For example the Howard government's enquiry into the feasibility of the development of nuclear energy in Australia was headed by Ziggy Switkowski, a nuclear physicist. Switkowski has actively promoted the expansion of nuclear power in Australia despite a bipartisan reluctance to convert Switkowski's promotion into policy.²⁰ The purpose however of the enquiry was to legitimise the reopening of the nuclear debate in a way that was favourable to the uranium industry. Even a change of government has resulted in the opening of a fourth uranium mine by the Labor minister Peter Garret, formerly of the Nuclear Disarmament Party, with little protest or outrage from the general public concerning the dangers of nuclear energy.

Commissions of enquiry may also have very limited terms of reference.²¹ For example, an integrated impact statement promoted as an environmental enquiry into the effect of the proposed Gunn's Pulp Mill in the Tamar Valley in Tasmania contained allowances for high levels of chlorine to be released into the surrounding marine environment.²² Under its terms of reference it was not required to investigate the direct problems associated with the release of chlorine effluent into the marine

¹⁸ Martin, *Justice Ignited*, p.5.

¹⁹ *Ibid.*

²⁰ Z.Switkowski, 'Minds closed to cleanest and greenest energy of all', *The Australian*, 26 November, 2008.

²¹ Martin, *Justice Ignited*, p.5.

²² A.Campbell, Tasmanian Conservation Trust, Letter to Malcolm Turnbull, 2007. (Accessed online 10/6/10 - <http://www.tct.org.au/media/documents/Turnproppap.pdf>)

environment.²³ The potential for the chlorine effluent to form dioxins represents a serious environmental issue, and also a commercial issue for oyster growers and fisherman.

Scientific bodies may also conduct research in a way that gives a response that ensures future funding or ongoing employment.²⁴ Research into climate change that is funded by the fossil fuel industry such as large oil companies and coal mining companies is an example of the way in which ‘experts’ can be employed to give the appearance of objectivity.

International committees and bodies such as the United Nations (UN) may also contain inherent bias in one direction or another due to the fact that a handful of powerful countries have the ability to dominate outcomes and directions of what are supposedly international bodies. For example, the Security Council is not a democratic body in the sense of one country, one vote, but rather a body that is led by the five permanent member countries which are the US, Russia, China, Britain and France. Any decision by the UN Security Council is likely to be coloured by the interests of these five major powers and as such, the nature of the justice provided by the institution is open to question because of an embedded partiality.

²³ Resource Planning and Development Commission, *Proposed bleached kraft pulp mill in Northern Tasmania by Gunns Limited: Draft Scope Guidelines for the Integrated Impact Statement (IIS)*, 2005: pp.53-56. (Accessed online 10/6/10 -

http://www.justice.tas.gov.au/data/assets/pdf_file/0019/65161/Draft_Guidelines_060405.pdf)

²⁴ Martin, *Justice Ignited*, p.5.

Official channels can also be very slow. The case of the Exxon-Valdez oil spill in Alaska is an example: official channels took five years to award punitive damages which were subsequently reduced on appeal on three occasions over the following eight years.²⁵ The length of time taken with asbestosis cases in Australia gave defendants such as James Hardie an opportunity to restructure the company offshore so as to limit their legal liability in the event of a decision against them. There are two problems in relation to the length of time an act of injustice can take to move through official channels such as the courts. Firstly, the initial outrage has time to settle and this can result in the lowering of agitation from activists. Secondly, whilst a matter is moving through official channels, a perpetrator may be able to continue an unjust action until the official channel has reached a verdict. In this way official channels have a stalling effect on the resolution of matters relating to injustice.

The other problem with official channels is that governments can simply ignore the recommendations of an official enquiry. In the case of gaining UN approval for the invasion and occupation of Iraq in 2003, when the UN failed to grant this approval, the US government went ahead with their plans for invasion and occupation regardless. Martin has argued that this perhaps gave the US government a worse outcome than if it had not sought UN endorsement at all.²⁶ By seeking UN approval, the US government sought legitimacy for its plans. Ultimately though, the ruling of the official channels was ignored and the invasion and occupation of Iraq was carried out.

²⁵ J.Vicini, 'Exxon-Valdez \$2.5 billion oil spill ruling overturned, Reuters, 25 June, 2008. (Accessed online 31/3/10 - <http://www.reuters.com/article/idUSWBT00926720080625>)

²⁶ Martin, 'Iraq Attack Backfire', p.1581.

Official channels then can be used by a perpetrator of injustice to its advantage by:

- a) giving the appearance of justice being served
- b) slowing or stalling the procedures so that an injustice can continue for extended periods after it has been initially exposed, and
- c) legitimating an attack by getting a favourable ruling through official channels in the form of a legal loophole.

5. Bribery and Intimidation

The type of fifth tactic that a perpetrator of injustice may use to inhibit outrage includes bribery and intimidation. It is important to note that the five tactics listed in the backfire model are not designed with any sequential order in mind. However it could be argued that because of the risk associated with bribery and intimidation that this tactic could in many circumstances be regarded as a last resort for perpetrators wishing to inhibit outrage. These two methods of coercion are linked to cover up. Intimidation concerns the use of threats, whereas bribery uses incentives to prevent movements against injustice.

When people are aware of an injustice, they may be unwilling to do anything for fear of negative outcomes that may result for them personally. The proposal of negative outcomes by a perpetrator towards a victim is what can be categorised as intimidation in the backfire model. Intimidation can be used by a perpetrator against victims,

witnesses, campaigners, whistleblowers or ‘wavering members of an attacking group’.²⁷

Bribery can be applied similarly to intimidation with the same desired effect of silencing those whom may be in a position to act or speak against an injustice. Intimidation and bribery are strategies that involve a good deal of risk for the perpetrator,²⁸ and as such it is likely that this tactic will itself be covered up or attempted to be covered up. For this reason it can be difficult to detect examples of intimidation and bribery which, if discovered, would have the potential to discredit the perpetrator and increase the possibility that the injustice will backfire.

6. Amplifying Outrage

The inverse function of inhibiting outrage is to promote outrage. Promoting outrage is a way for activists and those seeking justice to ensure that an action does backfire on the perpetrator. This opens the possibility of bringing an end to the injustice, finding a just outcome for the victims, and/or a suitable penalty for the perpetrators. Martin refers to the tactics in promoting outrage as ‘counter methods’ or ways to ‘amplify outrage’.²⁹

Martin states that powerful perpetrators sometimes use most or all of the five methods of inhibiting outrage. The ways in which these five methods can be countered are varied, but most obviously, the task is to perform the reverse action relating to the

²⁷ Martin, *Justice Ignited*, p.5.

²⁸ Martin, ‘Iraq Attack Backfire’, p.1581.

²⁹ Martin, *Justice Ignited*, p.6.

tactic of inhibiting outrage. The five counter methods or methods for promoting outrage could be described as the following:

1. Expose information about the injustice and expose the cover up.
2. Validate the target. Assign the target some meaningful value that will encourage a receptive audience to respond in some way to the injustice.
3. Interpret the event as unjust and call it for what it is. In other words, clear the obfuscation of the English language, known today within the seemingly acceptable career path of 'spin doctoring', and make the situation appear clear and concise, rather than confused and abstract.
4. Avoid official channels which only give the appearance of justice. When an official channel is already dealing with an unjust event in a less than genuine fashion, discredit the official channel so that a receptive audience does not assume that just because an event is being processed by an official channel, it necessarily follows that justice is being served.
5. And finally, refuse to be intimidated or bribed and where possible, expose any attempt by a perpetrator to use these tactics of coercion against witnesses, victims and whistleblowers.³⁰

It is the purpose of this thesis to examine the phenomenon of outrage concerning the US-led Western response to the events of September 11, and understand the way in which it has been controlled. By understanding the way in which outrage has been inhibited by Western governments in the selected case studies of injustice, this document will serve as an instrument for understanding apathy and an apparently

³⁰ *Ibid.*, p.7.

demobilised anti-war movement in relation to injustices that have resulted from the US-led war on terror.

Chapter 3 - Explaining the Mass Media's Compliance with Government and Officials

It is not only the perpetrators of an injustice that use tactics to inhibit outrage. There can often be an ally or group of allies that also work to reduce outrage over a perceived injustice. In the case studies selected for this thesis, a focus has been placed on the mainstream media where it has published a diluted account of an event packaged in a way that shields the media audience from the real story. It is not proposed here that a conspiratorial effort exists between the mainstream media and US officials in publishing propaganda in support of the wars in Iraq and Afghanistan. The literature summarised here focuses more on the structural limitations of modern corporate media organisations to explain the media's willingness to uncritically support the government's position.

Two of the primary structural factors highlighted in the literature concern the profit orientation of large commercial media groups and a reliance on official sources for news. I turn to Herman and Chomsky's propaganda model as a starting point to explain media subservience to political power, primarily using their 1988 publication *Manufacturing Consent*. Although many have written extensively in this field, there is an emphasis on the propaganda model because it can be used in conjunction with the backfire model to explain why the media acts as a de-facto agent for the management of outrage. This is followed by a summary of other writings on the propaganda model, some specifically in relation to the 'war on terror'. The final section is a broader summary of academic literature relating to media behaviour during times of war. The intention of this chapter is not to explain media compliance with government, but to

highlight that from previous research it is extensive. As a result, whether it is deliberate or not, the mainstream media serves as a de-facto agent for government in the minimisation of outrage by ignoring events that do not support the government's position, restating unsubstantiated and often false claims by officials, or by publishing selective accounts that do not reflect all aspects of an event.

1. The Propaganda Model

‘The Propaganda Model is an analytical framework that attempts to explain the performance of the US media in terms of basic institutional structures and the relationships in which they operate’.

Edward Herman and Noam Chomsky

Introduction to *Manufacturing Consent*, 1988 (p.xi).

Herman and Chomsky's propaganda model was first developed and published in their book *Manufacturing Consent*, in 1988. Although originally developed for the US mass media, it can be applied to any Western media system that is encompassed within the corporate media ownership structures that have come about as a result of globalisation. The model is generally not applicable to other types of media such as community radio, public broadcasting or the internet.

It is the view of Herman and Chomsky that ‘among other functions, the media serve, and propagandise on behalf of the powerful societal interests that control and finance them’.¹ This statement is worth considering when looking at the way in which the ‘war on terror’ has been reported since 2001. It explains to some degree the lack of media coverage concerning the human cost of the wars in Afghanistan and Iraq. Stories relating to civilian deaths, the breakdown of civil society, the destruction of public infrastructure, and the accompanying levels of human suffering experienced by the Iraqi and Afghani people as a result of the US intervention have been largely omitted from the mainstream media’s account of the war.

For example, Rupert Murdoch is one of the largest media owners in the global media market. Before the US invasion of Iraq in 2003, Murdoch was quoted in *Fortune* magazine as saying that a war would ‘fuel an economic boom in the West’.² Around the same time Murdoch also declared that a reduction in the cost of oil as a result of the war would be ‘bigger than any tax cut in any country’ and that the Bush administration was ‘acting very morally and very correctly’.³ A few points can be made based just on these quotes.

Firstly, Murdoch’s global media empire is positioned to enjoy greater financial rewards during a period of economic growth as opposed to an economic downturn. Increased advertising expenditure and a willingness by consumers to purchase media are income streams that would decline to some degree during an economic downturn.

¹ E.Herman and N.Chomsky, *Manufacturing Consent*, Pantheon, New York, 2002: p.xi.

² D.Thussu, ‘Murdoch’s war – A Transnational Perspective’, in Y.Kamalipour and N.Snow, (Eds.), *War media and Propaganda: A Global Perspective*, Lanham, M.D., Rowman and Littlefield, 2004: pp.93-100 at p.96.

³ J.Day, ‘Murdoch backs ‘courageous’ Blair over Iraq, *The Guardian*, 11 February, 2003. (Accessed online 6/8/10 - <http://www.guardian.co.uk/media/2003/feb/11/iraqandthemediainews>)

If a war then is viewed by Murdoch as a form of economic stimulus then it is likely that his media services would be advocates of a war that would promote this type of economic growth. It is also likely that Murdoch's media services would be reluctant to report the human cost of the war which would potentially swing public support away from this form of economic stimulus.

Existing research indicates that this was the case. Roy Greenslade from *The Guardian* noted an almost unanimous pro-war stance taken by Murdoch's 175 print media editors in 2003.⁴ Murdoch stated unequivocally in Australia's *Bulletin* magazine that his support for the US military action was unconditional.⁵ It has been well documented that Murdoch's Fox News network was an unashamed advocate of the Iraq war with one of the main presenters, Bill O' Reilly, encouraging the US military to go in and 'splatter' the Iraqis.⁶ The example of Rupert Murdoch illustrates how media institutions in the West can serve the interests of their owners and financiers and in a capitalist society this is a logical position for the media interests to take.

Herman and Chomsky regard the agendas of corporate media interests as being the primary concern of the representatives of these large organisations. They argue that these agendas are not advanced by 'crude intervention' but achieved through the 'selection of right thinking personnel' with respect to editors and journalists who will conform to the media company's policy in relation to 'what is newsworthy'.⁷ Using the example again of the Murdoch controlled media institutions and taking into

⁴ R.Greenslade, 'Their master's voice', *The Guardian*, 17 February, 2003. (Accessed online 20/7/10 - <http://www.guardian.co.uk/media/2003/feb/17/mondaymediasection.iraq>)

⁵ Thussu, 'Murdoch's war – A Transnational Perspective', p.96.

⁶ *Ibid.*, pp. 96-97.

⁷ Herman and Chomsky, *Manufacturing Consent*, p.xi.

account Murdoch's comments on the economic benefits of a war in 2003, the underlying theory in the propaganda model proposes that stories which may cause news consumers to question the interventions in Iraq and Afghanistan would not be considered newsworthy. The bombing of hospitals, roads, power stations and any other aspect of public infrastructure are likely to be under reported or ignored completely. The reporting of civilian casualties is also likely to be under-reported, and any news treatments of civilian casualties are generally re-interpreted as 'collateral damage' with the figures on these casualties vastly underestimated.

The propaganda model focuses on the inequality of wealth and power in modern democracies and how this inequality affects mass media interests and choices.⁸

Problems associated with bias in relation to mass media ownership are just one factor when considering the way in which news in Western democracies reaches its audience. The propaganda model uses a system containing five filters to describe the way in which mass media interests control what is newsworthy, marginalise dissent and allow government and private interests to get their message to the public.⁹ News and information moves through these filters so that the end product which reaches the media consumer is considerably distilled. The five filters are:

1. The size, concentrated ownership, owner wealth, and profit orientation of the dominant mass media firms.
2. Advertising as the primary source of income for the mass media.

⁸ *Ibid.*, p.2.

⁹ *Ibid.*

3. The reliance of the media on information provided by government, business, and 'experts' funded and approved by these primary sources and agents of power.
4. 'Flak' as a means of disciplining the media, and
5. 'Anti-communism' as a national religion and control mechanism.¹⁰

In 1988 when Herman and Chomsky published *Manufacturing Consent*, anti-communism was the belief system driving the West's ongoing Cold War with the USSR and its communist allies. After the 'collapse' of the Eastern Bloc regimes in 1989 and the breakup of the Soviet Union in 1991, anti-communism no longer provided an ideological basis for mobilising political resources. US military industrialists were confronted with a relative peace, punctuated by the First Gulf War against Iraq in 1991 and the NATO bombing of Serbia in 1999. However since 2001, the 'war on terror' has enabled a new and ongoing military focus in place of the cold war. In the context of the propaganda model, 'anti-communism' has been replaced by 'anti-terrorism' as the fifth filter.

The Five Filters in Detail

Herman and Chomsky note that the five elemental filters interact with and re-enforce each other. It is not a conspiratorial re-enforcement, but a structural re-enforcement.

The First Filter - The size and ownership of the mass media

The first point to make with respect to the first filter in the propaganda model is that to set up a news or media outlet is a very expensive exercise, and therefore restricted

¹⁰ *Ibid.*

to a rich business class. Perhaps then it is obvious that these media outlets will in some way serve the interests of those responsible for financing them and managing them. Literature on framing in political psychology significantly draws on this principle where news frames created by political and business ‘elites’ influence public opinion to some degree.¹¹ Enormously rich companies run the main media organisations which are subject to pressure from shareholders, directors and bankers whose focus is primarily on financial returns. If managers of such media outlets fail to produce favourable financial returns, investors will be inclined to sell their shares which will have the effect of depressing the share price.

There is a structural dependence on media outlets’ relationship with governments in terms of government licences and media ownership laws which potentially act as a disciplinary tool for governments wishing to control media organisations. There is also a dependence on government for more general business support in terms of taxes, interest rates, labour policies and anti-trust laws.¹² In this way it is understandable that the mass media in Western democracies might support a government’s policy or position on any given issue for strategic reasons.

The concentration of media systems is another consideration related to media ownership in this first filter. According to Herman and Chomsky, media centralisation in the US was substantially increased with the rise of television and national networking.¹³ As a form of media centralisation, national networking acts to limit the range of opinions or views on a particular issue. Various local opinions are replaced

¹¹ E. Callaghan and F. Schnell (Eds.), *Framing American Politics*, Pittsburgh, University of Pittsburgh Press, 2005.

¹² Herman and Chomsky, *Manufacturing Consent*, p.13.

¹³ *Ibid.*, p.5.

by the centralised national opinion. This idea can be applied to multi-national or global media empires such as Murdoch's where a national view can be replaced by a media owner's global view.

Another aspect of the media ownership filter concerns the development of electronic media which coincided with a loosening of rules that limited media concentration, cross ownership and control by non-media companies.¹⁴ Furthermore the composition of outside directors, and board linkages between directors of media companies and other large corporations, meant that active corporate executives and bankers who formed the membership of many boards are positioned to exercise some form of control over the media organisation.¹⁵

One example of a perceived non-media interest having a motivation to filter media content concerns the large parent company General Electric (GE). Whilst its income streams are well diversified, GE's media holdings include a large stake in America's NBC network. NBC has long been a dominant media player in the US and with the introduction of cable television over the last two decades its global reach is also significant. However the most 'lucrative aspect however of General Electric's business empire is in weapons manufacture'.¹⁶ So it is necessary to consider how a company that makes a great deal of wealth from the manufacture of weapons might in some way influence the reporting of war through its media subsidiary. Applying the first filter in the propaganda model, it would be reasonable to assume that the media outlets of parent companies that make considerable profits from the sale of weapons

¹⁴ *Ibid.*, p.8.

¹⁵ *Ibid.*, p.10.

¹⁶ R.Graham and M.Alford, 'The Power Behind the Screen', *The New Statesman*, 29 January, 2009. (Accessed online 26/7/10 - <http://www.newstatesman.com/print/200901290024>)

might take a pro-war position or alternatively, close off their media space to anti-war or peace organisations.

To summarise the first filter of the propaganda model, news choices are affected by the way in which news firms are large businesses. These are normally controlled by wealthy people whose primary focus is on profit oriented goals. These companies are usually 'interlocked' through cross-board membership with interests in other major corporations.¹⁷ Media companies also form part of larger organisations that have significant financial interests in other industries and as such can act as a powerful influence over media content which can be designed to serve those interests.

The Second Filter: Advertising

Without advertising support, news outlets would cease to become viable. This has the effect of making advertisers a 'de-facto licensing authority'.¹⁸ Advertising brings the consumer's cost of newspapers down, which places publications with strong advertising revenue at a price advantage. This has the effect of potentially giving newspapers with advertising advantages a wider distribution and places more radical publications at a disadvantage. Electronic mass media is almost entirely subsidised by advertising ensuring that it is provided on a 'free-to-air' basis for anyone with access to a television or radio. What this means is that any mass movement which does not have the support of mass media, and which also might be subject to active hostility from the mainstream media, must struggle against 'grave odds'.¹⁹

¹⁷ Herman and Chomsky, *Manufacturing Consent*, p.14.

¹⁸ *Ibid.*

¹⁹ *Ibid.*, p.16.

Advertisers do not want large audience numbers per se, they want an affluent audience, one that is then potentially conservative, and therefore the media content which serves a conservative agenda could lead to greater advertising revenue. Corporate advertisers would hardly engage in the sponsorship of programs that are critical of corporate activities, for example nuclear weapons manufacturing. Advertisers will also want to avoid programs which are disturbing controversies that may interfere with the 'buying mood'.²⁰ The logic of the second filter has implications for the reporting of the wars in the two main theatres in the 'war on terror', Iraq and Afghanistan. If a television news program or print news article was to graphically illustrate the injuries that occurred to either civilians or soldiers in these wars, one would suspect that the 'buying mood' would definitely be affected. Advertising for consumer products such as 'soft toilet tissue' would most likely be ignored by media consumers confronted with images of people with missing limbs or other injuries resulting from high-altitude bombing by US and British war planes. In this way, the mass media's dependence on advertising serves to limit media content and can explain to some degree the sanitised versions of the wars in Afghanistan and Iraq that are being communicated to Western media audiences.

The Third Filter: Sourcing mass media news

The way in which news is sourced by the mass media is another way information is filtered due to the structural limitations of commercial media systems. The first point that Herman and Chomsky make with respect to this filter concerns the 'bureaucratic affinity' that affects the mass media. In other words, it often seems apparent that only

²⁰ *Ibid.*, p.17.

bureaucracies can satisfy the ‘input needs’ of the mass media.²¹ As a result, news consumers are inundated with media statements and media conferences run by political institutions such as the White House, or the Pentagon, for example. One of the reasons this occurs is economic. Media organisations cannot afford to have their staff everywhere so it is a far cheaper option to place them at the feet of a politician or government official during a press conference.²²

One can easily witness the ‘herd mentality’ of modern ‘journalism’ when, for example, a politician is making a media statement outside Parliament House in Canberra. Often these announcements are made with politicians surrounded by numerous microphones representing different media organisations, all capturing the same statement. Although these media organisations are in competition with one another, they actually end up replicating each other’s news product because they all operate under similar economic restraints. This is yet another example of how news is governed by the bottom line.

Government and corporate news sources are usually deemed as being accurate or credible, so the cost of investigating the finer details of any particular story is avoided by accepting the government’s word. The chapter in this thesis on Fallujah is a demonstration of the way in which the message contained in US Department of Defence news briefings are simply mimicked by the journalists attending these ‘news’ conferences. Governments are aware of the cost saving they can represent for media organisations so they go to great trouble to ‘provide’ the news for the media.²³ This

²¹ M.Fishman, *Manufacturing the News*, University of Texas Press, Austin, Texas, 1980: p.143.

²² Herman and Chomsky, *Manufacturing Consent*, pp.18-19.

²³ *Ibid.*, pp.22-23.

service for media organisations is expressed in the form of well timed press conferences, news releases and news deadlines.²⁴ Herman and Chomsky point out that in the case of government supplied news sources such as the Pentagon, it is the taxpayers that fund this activity, meaning that the news consumer is effectively paying for the propaganda which they receive.²⁵

The Fourth Filter: Flak and the Enforcers

This filter refers to the way in which media statements or programs might receive negative responses in the form of letters, petitions, emails etc. These responses may be organised centrally, for example by a network such as the Israel lobby which has created a relationship with the mainstream US media which serves to suppress media content that might be critical of Israel and its treatment of Palestinians.²⁶ On the other hand an action could also be organised by individuals which would also have a limiting effect on a media which is structured to 'appeal' to the media consumers. Flak produced on a large scale is uncomfortable for the media and the way it affects advertising.²⁷ Flak is not a major consideration in the context of this thesis. If a media organisation was particularly critical of the conduct of Western countries in conducting the 'war on terror' then examples of flak might be present. A point for further research could involve an investigation of Western reactions to Al-Jazeera's presentation of the 'war on terror'. However in the course of this research, it was found that criticism of Western countries by Western news organisations is virtually non-existent.

²⁴ *Ibid.*, p.22.

²⁵ *Ibid.*

²⁶ J.J. Mearsheimer and S.M. Walt, 'The Israel Lobby and U.S. Foreign Policy', *Middle East Policy*, Vol.8, No.3, 2006: pp. 29-87 at pp.45-46.

²⁷ Herman and Chomsky, *Manufacturing Consent*, pp.26-28.

The Fifth Filter – Anti-Terrorism as a national religion and control mechanism

The original fifth filter, anti-communism, was described by Herman and Chomsky as both an ideology and a national religion. After World War Two and up until the end of the Cold War in 1989, communism was positioned as the ‘spectre’ that threatened property owners and ‘their class position and superior status’.²⁸ Anti communism became the first principle of Western ideology and politics after the fall of the Nazis at the end of the Second World War.²⁹ Its purpose was to help mobilise the general population against a common enemy and it served as a political control mechanism by fragmenting the left and other labour movements that in some way threatened the wealth of property and capital owners.³⁰ The anti-communist control mechanism exercised a ‘profound influence’ on the mass media as issues tended to be framed within a ‘dichotomised world’ where there existed only two ways of being – communist or anti-communist.³¹ The media was the conduit and production platform for the anti-communists which became a legitimate news practice and a powerful news filter.³²

Since the fall of the Eastern Bloc and Communism generally since the early 1990s, Herman and Chomsky’s fifth filter needs to be revised. Significant threats to Western power were not obvious during most of the 1990s. But with the events of September

²⁸ *Ibid.*, p.29.

²⁹ See J.F. Cronin, ‘Anti-Communism and Freedom’, *America*, Vol.105, Iss.4, 1961: p.172-174 and P. M. Filardo, ‘American Communism and Anti-communism’, *American Communist History*, 5:1, 2006: pp.103-113 at p.107.

³⁰ Herman and Chomsky, *Manufacturing Consent*, p.29.

³¹ *Ibid.*, p.30.

³² *Ibid.*, p.31.

11, 2001, the US and in fact most Western governments found a new common enemy – terrorism. The world became divided into two parts once again – terrorists and those fighting a war against terrorism. The updated version of a dichotomised world was immortalised by George W. Bush’s now famous words: ‘you’re either with us or against us in the fight against terror’.³³

In this simplified version of a new political order there was no attempt to explain the root causes of terrorism such as systemic inequity and the exploitation of poor countries by rich Western countries. There also appeared to be little space for neutrality. Terrorism, it was claimed, was not just a threat to property owners as communism had once been, but a somehow a threat to systems of democracy around the world. What began to occur after September 11 however was a long line of undemocratic decisions and unlawful actions that were taken by the US and other Western countries to prevent the so-called ‘terrorist threat’. These included but were not limited to:

- the bombing of Afghanistan
- the invasion and occupation of Iraq
- the extraordinary rendition of ‘terrorist suspects’ and their imprisonment at Guantanamo Bay and the use of torture to interrogate these detainees
- the use of the private military industry in place of regular soldiers in violation of anti-mercenary laws
- the use of unmanned drones to carry out assassinations of so called ‘terrorists’ whom were yet to be arrested or stand any form of trial.

³³ ‘Bush says it is time for action’, CNN.com, 6 November, 2001. (Accessed online 5/8/10 - <http://archives.cnn.com/2001/US/11/06/ret.bush.coalition/index.html>)

These cases illustrate the sorts of questionable decisions and actions that were taken in the name of saving democracy from the threat of terrorism. In this way, anti-terrorism has replaced anti-communism as a control mechanism and national religion and as such could be regarded as the new fifth filter in Herman and Chomsky's propaganda model. As will be shown in the case studies in this thesis, many acts of injustice have been perpetrated by Western governments since September 11 and generally are justified and or promoted under the banner of anti-terrorism.

2. The Propaganda/Backfire Combination

The purpose of bringing the propaganda model to what is essentially a backfire analysis is to show that way in which the mainstream media acts as an ally of the administration in terms of reducing outrage. In the first case study of this thesis it is proposed, using two examples of mainstream media outlets, that these media publications act as de-facto agents for three of the backfire tactics: cover-up, devaluation and reinterpretation. Whereas in prior backfire model analyses it is the perpetrator of the injustice that has been found to use some or all five tactics to inhibit outrage, in the following analysis of the air war in Afghanistan, it is the media that performs the first three tactics following the perceived injustice by the US government. In the case of the Afghanistan case study, the media is not the perpetrator of the injustice as such, but provides agency for covering up the events, devaluing the victims, and generally reinterpreting the event as an exercise in homeland defence. The backfire model predicts that tactics can be used by either a perpetrator or a perpetrator's allies. The propaganda model provides a theoretical explanation as to

why the mainstream media has acted as an ally of the US government in relation to several inhibition tactics during the ‘war on terror’, particularly in relation to the first, second and fifth filters of the propaganda model.

3. Literature on the Propaganda Model

Much has been written about Herman and Chomsky’s propaganda model since it was developed in the late 1980s. Criticism, support and development of the model exist widely within academic literature and the model has been applied to various case studies since its inception. Noted here are some key studies that comment on the model more generally and others that relate the model specifically to the war on terror.

Mullen focuses specifically on the reception of the model within academia, claiming that it has been ‘widely marginalised’ by those in the field of media and communication studies.³⁴ Mullen argues that the large number of critics of the propaganda model did ‘not engage with the model on its own terms’, preferring instead to level their criticism against other alleged claims by Herman and Chomsky.³⁵ The critics also did not offer alternative explanations for media behaviour with respect to the case studies used by Herman and Chomsky.

Mullen also outlines in his article a large number of scholars who have published in support of the model but whose work he claims has been largely ignored. It is also

³⁴ A.Mullen, ‘Twenty years on: the second-order prediction of the Herman-Chomsky Propaganda Model, *Media Culture and Society*, 32 (4), 2010: pp 673-690 at p.673.

³⁵ *Ibid.*, p.678.

worth noting that the propaganda model has received almost no attention in the mainstream press itself. Up until 2004 Mullen found that the model was mentioned just eleven times in British newspapers in the sixteen years it had been in print.³⁶ In concluding his analysis on the propaganda model and its academic reception, Mullen makes a number of recommendations including a review of the five filters with the aim of reformulating or expanding on the five filter approach, as well as identifying a need to explore how the propaganda model complements other models linked to media behaviours.³⁷

This thesis attempts these two tasks in so far as reformulating the fifth filter, replacing anti-communism as a national religion and control mechanism with ‘anti-terrorism’. The common feature of communism and terrorism is that they are both anti-free-market ideologies, the corporate media exists solely within free-market ideological terms although the term ‘free’ is well contested in academic circles.³⁸ Also in this thesis there is an attempt to demonstrate the way in which the backfire model can be complemented by the propaganda model by showing the way in which the mainstream media can act as a de-facto agent for the inhibition of outrage over injustice.

Boyd-Barrett argues that the propaganda model, in giving preference to structural limitations over conspiratorial intention, neglects an important aspect of media subservience to the ruling political and business classes. To demonstrate this point Boyd-Barrett defines a sixth filter – the ‘buying out’ of journalists – in an attempt to

³⁶ *Ibid.*

³⁷ *Ibid.*, p.682.

³⁸ See H.Giroux, *The Terror of Neoliberalism*, Paradigm, London, 2004, and also D.Harvey, *A Brief History of Neoliberalism*, Oxford University Press, 2005.

highlight the non-procedural abuse of journalistic practices. The historical context in which Boyd-Barrett illustrates the 'direct purchase of media influence' concerns the employment of journalists by the CIA over a period of twenty five years to 1977.³⁹ Also in the 1980s the Reagan administration used an 'illegal CIA administered' propaganda system to develop domestic support for covert military interventions in Central America. Boyd-Barrett also refers to a period in the 1990s where it was confirmed that over ninety British journalists in senior positions were paid by the CIA to perform various media related functions.⁴⁰

Boyd-Barrett uses this historical data to encourage investigation into the continued use of these practices to understand why the mainstream media, in particular Judith Miller from the *New York Times*, were overwhelming in their support of the US administration in going to war in Iraq. The shaky pretexts for war, weapons of mass destruction, Iraq's link to Al-Qaeda and by association shared responsibility for the September 11 attacks, were eventually proven to be entirely false. Boyd-Barrett describes 'an astonishing and deliberate degree of collaboration' by the media with respect to the propaganda objectives of the administration. Some of these include:

- CNN's top war correspondent Christiane Amanpour's comment in 2003 that her station was 'intimidated by the administration and its foot soldiers at Fox News'.
- Criticism by the NBC news correspondent Ashleigh Banfield that all networks were committed to showing a 'bloodless war'.

³⁹ O.Boyd-Barrett, 'Judith Miller, the New York Times and the propaganda model', *Journalism Studies*, Vol.5, No.4, 2004: pp. 435-449 at p.436.

⁴⁰ *Ibid.*, p.437.

- The former managing editor of the *Washington Post* Leonard Downie Jr.'s claim that the paper is 'inevitably the mouthpiece for whatever administration is in power'.⁴¹

The criticism at the lower level by journalists such as Amanpour and Banfield suggests that if there is a form of direct coercion of the mainstream media in terms of administrations offering financial incentives in exchange for favourable coverage then it is more likely occurring at the upper editorial and executive levels. This provides another possible explanation as to why the mainstream media might behave as a de-facto agent for an administration in terms of inhibiting outrage over specific incidents of injustice. As Boyd-Barrett notes there existed in the mainstream press almost a complete lack of interest in the imprecision of 'precision bombing' and civilian casualties in Fallujah in 2004 and there was also a significant delay in reporting the use of torture at Abu Ghraib.⁴²

Because the Abu Ghraib torture revelations and the first siege of Fallujah happened almost at the same time, it could be argued that the press coverage of Abu Ghraib was another expression of the minimisation of outrage. By this I mean that the images of torture, which largely consisted of nude men being piled on top of one another and threatened by dogs, are far less confronting for a Western media audience than images that might have come from Fallujah where the city was the target of an intensive bombing campaign and civilians were constantly under attack by marine snipers.⁴³ The images from these events - dead women and children, people trapped in the

⁴¹ *Ibid.*, pp.438-443.

⁴² *Ibid.*, p.443.

⁴³ Described in depth in Chapter 4.

rubble of destroyed buildings, the missing limbs of victims and the horrific injuries suffered by some as a result of US's employment of depleted uranium and white phosphorous weapons – would have been far more shocking than those shown of Abu Ghraib which also included hooded faceless victims of electric shock torture. It could be argued that the images from Abu Ghraib were less likely to cause outrage than those from Fallujah and as a result the selection of Abu Ghraib over Fallujah could be perceived as an attempt to minimise outrage over the broader war in Iraq.

Jeffery Klaehn has published extensively on the propaganda model and addressed criticism of the model in support of it. In an article published in 2003 he moves systematically through some of the more common criticisms to 'facilitate and encourage debate'. The first point of criticism aimed at the model says the scholars who advocate the model believe in a conspiracy. Klaehn points out that although Herman and Chomsky do not rule out conspiratorial elements, the propaganda model does not rely upon these for its validation.⁴⁴ As has been discussed earlier in this chapter, it is the structural limitations emphasised by Herman and Chomsky that contribute to the limitations of media content. With respect to the third filter, a reliance on official sources, it will be shown later in this thesis the way in which events taking place during the 'war on terror' are systematically reported by mainstream media outlets relying only on US government and military sources.

Another criticism of the model contends that it does not take into account the inner workings of newsrooms or micro processes, and nor is it able to measure news production's effect on audiences. Klaehn points out that these are not the aims of the

⁴⁴ J. Klaehn, 'Behind the Invisible Curtain of Scholarly Criticism: revisiting the Propaganda model', *Journalism Studies*, Vol.4, No.3, 2003: pp. 359-369 at p.360.

model.⁴⁵ With respect to newsroom practices, again Klaehn emphasises that the model is concerned only with structural limitations and not with the specific behaviours of journalists who might be ‘plotting’ to cover a story in a particular way.⁴⁶ On audiences, Herman and Chomsky do not assume that media consumers digest news passively or uncritically or that there are a set of specific intended effects planned in news production. Klaehn points out though that the idea that the media is influential is fairly uncontroversial.⁴⁷

A similar criticism could be directed at the backfire model in so far as how do you measure outrage? Does outrage exist in a population waiting for a trigger to ignite its expression? The measurement of outrage however is not one of the aims of the backfire model. It predicts only that a range of tactics will be systematically employed by the perpetrator of an injustice to reduce outrage in all of its forms: indignation, anger, resentment, disbelief, antipathy, opposition etc.

Klaehn also cites anecdotal support of the propaganda model in terms of the mainstream media’s ‘top down’ approach as opposed to levels of conspiratorial activity. This point was made earlier when citing the complaints of US journalists Christianne Amanpour and Ashleigh Banfield concerning the reporting of the military interventions in Afghanistan and Iraq. Klaehn notes that the well known North American media owner Conrad Black highlighted this form of self-censorship employed by editors who ‘should only disagree with us (the owners) when they are no

⁴⁵ *Ibid.*, p.360-363.

⁴⁶ *Ibid.*, p.362.

⁴⁷ *Ibid.*, p.363.

longer in our employ'.⁴⁸ This attitude was also demonstrated previously in this chapter concerning Rupert Murdoch's attitude that a war in Iraq would improve economic conditions in Western democracies and the empirical evidence gathered by Greenslade showing all 175 of Murdoch's print media services supported the war in Iraq. Klaehn's anecdotal evidence concerning Black is supported empirically by the evidence concerning Murdoch.

Scatamburlo-D'Annibale draws attention to the propaganda model in terms of the incongruity between the mainstream corporate media and a democratic society.⁴⁹ As Klaehn points out in the introduction to *In 'Sync'*, an underlying assumption of a healthy democracy is that the electorate is reasonably well informed and so the propaganda model not only questions media behaviour but also one of the fundamental principles that underpin modern Western democracies. Scatamburlo-D'Annibale argues that Herman and Chomsky's proposition, that mainstream news media functions to generate support for rich and powerful interests as opposed to informing and empowering its audience in order for them to make considered decisions, is true for the build up to the Iraq War in 2003 and the subsequent support received by the corporate media. This position is also supported by Boyd-Barrett. As has been written elsewhere the media repeated the Bush administration's position concerning Iraq's WMD's and links with Al-Qaeda unquestioningly and played a significant role in 'manufacturing consent' for war in Iraq.⁵⁰ Scatamburlo-D'Annibale documents numerous claims by members of the Bush administration leading up to

⁴⁸ *Ibid.*, p.366.

⁴⁹ V. Scatamburlo-D'Annibale, 'In 'Sync': Bush's War Propaganda Machine and the American Mainstream Media', in J.Klaehn (Ed.), *Filtering the News: Essays on Herman and Chomsky's Propaganda Model*, Black Rose Books, London, 2005: pp.21-62 at p.21.

⁵⁰ *Ibid.*, p.23.

November 2002 that implicitly promoted a full scale war with Iraq. These claims became published and broadcast daily in the mainstream media without any critical comment and many polls indicated that this was having an effect on the electorate in so far as the number of US citizens that believed Iraq was a threat to the US.⁵¹ It was many months before nearly all of these claims were proven to be false but by that stage the US military was entrenched in Iraq and the devastating effects on Iraq's civilian population of the invasion and occupation had begun.

Scatamburlo-D'Annibale points out that the mainstream media did not appear to consider that a pre-emptive war in Iraq was a violation of international law, preferring to repeat the falsified intelligence with respect to Iraq as fact.⁵² With respect to a reliance on official sources, collusive or otherwise, in a two week period leading to the invasion of Iraq, a FAIR (Fairness and Accuracy in Reporting) report found that over 76% of guests featured on all of the major US television networks were either current or ex government and military officials.⁵³ The same report found that only 1% of guests were from the anti-war movement.

Scatamburlo-D'Annibale comprehensively outlines media complicity with the US administration's fraudulent case for going to war in Iraq, a war that US neoconservative Paul Wolfowitz has since declared was and is primarily about oil.⁵⁴ The continuation of media complicity following the invasion of Iraq and the occupation of both Iraq and Afghanistan is demonstrated in the case studies of injustice perpetrated against Afghan and Iraqi civilians selected in this thesis. It is

⁵¹ *Ibid.*, pp.25-28.

⁵² *Ibid.*, pp.30-31.

⁵³ *Ibid.*, p.35.

⁵⁴ *Ibid.*

beyond the scope of this work to describe exactly how the coordination between the media and government was and is brought about, but both the historical evidence, and current evidence, points to its existence. The result is that the media becomes an effective contributor to the management of outrage over both the wars in Iraq and Afghanistan.

4. Further Literature Explaining the Mainstream Media's

Subservience to Government Interests During War

Aside from the propaganda model, much has been written to explain the mass media's subservience to government interests in Western liberal democracies and in particular, mainstream media attitudes to war. Thussu and Freedman's compilation of writings contained in *War and the Media* indicate a consistent pattern in the analyses of the mainstream media's performance during wartime. The first point that Thussu and Freedman make is that during the time between the end of the Cold War and the beginning of the 'war on terror', the international (Western mainstream) media tended not to focus on conflicts unless they involved Western countries which were normatively framed as 'peace-makers'.⁵⁵ Thussu and Freedman describe the 'war on terror' as 'open-ended', meaning that it is a war without a clearly identifiable enemy and with an objective without a conceivable end. Therefore the way in which this war is described, framed and represented in the mainstream media is a 'crucial area of enquiry for both academics and professionals'.⁵⁶ One of my aims is to add to the existing body of literature by identifying examples of mass media subservience during

⁵⁵ D. K. Thussu and D. Freedman (Eds.), *War and the Media: Reporting Conflict 24/7*, Sage, London, 2003: p.1.

⁵⁶ *Ibid.*

the 'war on terror' and contextualising it within the framework of tactics in the backfire model.

In the introduction to their text, Thussu and Freedman refer to cases already noted by other authors that support the argument that the relationships between mainstream media organisations and the military remain close during war.⁵⁷ The first referral is to Alexander Cockburn's observation that military personnel in psychological operations worked as regular employees for CNN and had in the past worked on stories during the Kosovo war.⁵⁸ The second concerns Joe Strupp's highlighting of the program run by the Pentagon for hundreds of US journalists which taught the media employees aspects of military policy, survival skills on the battlefield and specific aspects of weapons handling.⁵⁹ The third example cited by Thussu and Freedman describes the revelation that the chairman of Fox News sent a message to President Bush following the September 11 attacks instructing him to take the 'harshest measures possible'.⁶⁰

The introduction of embedded journalism in Afghanistan and Iraq since 2001 has also been a factor in explaining the mainstream media's lack of critical commentary during the 'war on terror'. Embedded journalism was the creation of the public relations (PR) groups of the then US Secretary of Defence Donald Rumsfeld, described by Miller as the 'greatest PR coup of the war'.⁶¹ The military's control of information at US Central Command (CENTCOM) is transferred to the military front by giving

⁵⁷ *Ibid.*, p.6.

⁵⁸ A. Cockburn, 'CNN and Psyops', *Counterpunch*, March 26, 2000. (Accessed online 31/1/11 - <http://www.counterpunch.org/cnnpsyops.html>)

⁵⁹ J.Strupp, 'U.S. Military Tries to Make Peace with the Press', *Editor and Publisher*, 7 January 2003, cited in Thussu and Freedman (Eds.), *War and the Media: Reporting Conflict* 24/7, p.6.

⁶⁰ J.Deans, 'Fox News Chief at centre of political storm', *Guardian Unlimited*, 19 November, 2002. (Accessed online 31/1/11 - <http://www.guardian.co.uk/media/2002/nov/19/broadcasting>)

⁶¹ D.Miller, 'The Propaganda Machine', in D.Miller (ed.) *Tell Me Lies: Propaganda and Media Distortion in the Attack on Iraq*, London: Pluto Press, 2004: pp.80-99 at p.89.

journalists a highly structured role within a specific military unit. The controls on what can and cannot be reported on become a signed agreement between the individual journalist and the military⁶². The effect is no different to the news coming out of CENTCOM, except that the message is accompanied with footage and commentary that is designed to give the impression that the coverage is real, independent, dangerous and spontaneous. Journalists certainly place their lives at risk in this situation, a seemingly invalid risk because their level of autonomy is restricted by the previously signed contract. The resulting news is a predictable flow of human interest stories about US troops with the occasional drama, but lacking in any substance with respect to the human suffering caused by war.

Knightly notes that the embedded journalists described the wars in Iraq and Afghanistan through the limited lens in which they saw it, describing the full 'shock and awe' but ignoring the 'shocked and the awed'.⁶³ The American media showed missiles leaving US planes but did not show them arriving or the results of their explosions. This task was performed by independent media organisations such as Al-Jazeera, which consistently broadcast images of dead Iraqi soldiers and civilians, men, women and children.⁶⁴

Knightly also describes the way in which embedding journalists with army units affects that journalist's objectivity in relation to the overall picture of the war. Knightly was only able to find two instances where embedded correspondents wrote critically of the US military effort in the war, going 'against the official account of

⁶² *Ibid.*

⁶³ P.Knightly, *The First Casualty*, The Johns Hopkins University Press, Baltimore, M.D., 2003: p. xii.

⁶⁴ *Ibid.*, p. xiii.

what had occurred'.⁶⁵ One of the keys for the success of the 'embedding' program was that the journalist would bond with their unit, providing stories that were sympathetic to the soldiers' human interests, whilst ignoring the wider political landscape that led to the invasion and ongoing occupation.

Jhally, Lewis and Morgan argue that television war coverage confuses viewers as much as it does inform them. Their study of the First Gulf war in 1991 found a correlation between watching television and a lack of knowledge.⁶⁶ This is reflective of the 2003 invasion of Iraq where a proportion of US citizens believed that Saddam Hussein was personally responsible for the September 11 attacks, thus justifying the ensuing military intervention in Iraq. The study conducted by Jhally et al found that if the media had performed a better job informing people during the first Gulf War in 1991 then there would have been considerably less support for the war by Americans at home.

Jhally et al also look further back to the type of media framing during the Vietnam War where US casualties were 55,000. Vietnamese casualties were around two million yet the American public's media influenced estimate of Vietnamese casualties in Jhally et al's study was around 100,000 – roughly five per cent of the actual figure.⁶⁷ What this suggests is that the devastation inflicted on the Vietnamese was significantly underestimated due to impressions gained from the mainstream media. With respect to the 1991 Gulf War, Jhally found that the mainstream media consistently communicated facts in support of the US government's policy, and

⁶⁵ *Ibid.*, p.532.

⁶⁶ S. Jhally, J. Lewis and M. Morgan, 'The Gulf War: a Study of the Media, Public Opinion and Knowledge', *Propaganda Review*, No. 8, February 1991: pp.14-52 at p.50.

⁶⁷ *Ibid.*, p.52.

played down any facts that did not support its position. They argue that public opinion polls do not necessarily reflect support for a pro-war policy, but more so demonstrate the failure of the mainstream media 'to allow the public to reach an informed opinion'.⁶⁸

Jhally's work indicates that outrage management during wartime is not a new phenomenon, and research conducted on the My Lai massacre in Vietnam specifically notes the use of outrage management tactics following that well publicised war crime.⁶⁹ Working backwards, Knightly's work on the Soviet media practices during World War two indicates a similar pattern and so too the low levels of toleration for dissent in Britain during the Great War.⁷⁰ More specifically in relation to backfire, the behaviour of the colonising powers in India during the 1930s, and occupational forces in East Timor in the 1990s show that patterns of outrage management are historically consistent.⁷¹

Robin Brown points out that since the time that Carl von Clausewitz observed that 'war was politics by other means', politics has evolved to the point that it is largely played out in the media more so than in the houses of parliament. Brown argues that war is also largely conducted through the media and the 'war on terror' is very much a media war.⁷² Representation of the war in simple binary terms such as 'good versus evil', 'Christian versus Muslim', or 'terrorism versus democracy' is an important

⁶⁸ *Ibid.*

⁶⁹ T.Gray and B.Martin, 'My Lai: the struggle over outrage', *Peace & Change*, Vol. 33, No. 1, January 2008, pp. 90-113.

⁷⁰ Knightly, *The First Casualty*, pp. 265-293 and pp.83-121.

⁷¹ B.Martin, *Justice Ignited*, Rowman and Littlefield, New York, 2007: pp. 16-30.

⁷² R. Brown, 'Spinning the War: Political Communications, Information Operations and Public Diplomacy in the War on Terrorism', in D. K. Thussu and D. Freedman (Eds.), *War and the Media: Reporting Conflict 24/7*, Sage, London, 2003: pp. 87-100 at p.87.

technique in simplifying the war down to terms that allow it to be most easily justified.

Brown observes that political news management, or spin, is an important political tool during a period where 'democratic politicians live and die by the media'.⁷³ As part of the news management process at the start of the war in Afghanistan with respect to British news management practices, Coalition Information Centres (CIC) initiated by Tony Blair staffer Alistair Campbell produced daily briefing sheets carrying the message of the day.⁷⁴ The CIC's were set up in Islamabad, Washington and London and the daily Islamabad conference created daily opportunities to rebut Taliban claims about civilian and military casualties.⁷⁵

Thussu argues that governments seek co-operation and uncritical support from mainstream media organisations to legitimise military action.⁷⁶ He comments that 'sophisticated propaganda machines ensure that the media generally support the government course of action during military operations'.⁷⁷ Thussu also highlights the way a homogenised coverage of war tends to highlight 'intelligent weaponry' using a 'chat show' format that results in the reporting being mostly bloodless with the reader or viewing audience being largely desensitised to the grim reality of war.⁷⁸ Edward Said's comments on the 1991 Gulf War are also true for the 2001 invasion of Afghanistan. Said's description of a 'high-tech virtual presentation' of the war which

⁷³ *Ibid.*, p.91.

⁷⁴ *Ibid.*, p.93.

⁷⁵ *Ibid.*

⁷⁶ D. K. Thussu, 'Live TV and Bloodless Deaths: war Infotainment and 24/7 News', in D. K. Thussu and D. Freedman (Eds.), *War and the Media: Reporting Conflict 24/7*, Sage, London, 2003: pp. 117-132 at p.128.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*, p.124.

has the effect of reducing the event to a 'Nintendo-like experience' is typical of the reporting on the current wars in Afghanistan and Iraq.⁷⁹

Thussu argues that the food and bombs paradigm has become normalised to the point that it is questionable whether or not the reporting of the air campaign in Afghanistan in 2001 would have been any different had the Pentagon directed its own twenty four hour news service.⁸⁰ The Pentagon did take steps to control the production of images of the bombing campaign by buying up all commercial satellite imagery before the war began.⁸¹ This action certainly had the effect of controlling information relating to the war which could be construed as a de-facto form of media ownership and control by the Pentagon.

Rodney Tiffen holds a similar position to Robin Brown in so far as the news media is often the arena where political battles are fought as opposed to the parliament.⁸² The importance of the political message that comes through the media therefore cannot be overstated. Like Herman and Chomsky, Tiffen argues in his book *News and Power* that media bias is not necessarily the result of the 'systematic expression' of the ideology of the newsmakers, but comes from organisational challenges that arise as a result of producing an 'irregular commodity' at regular intervals.⁸³ This position is similar to Herman and Chomsky's 'structural limitations' analysis. The economic constraints and the challenges involved with sourcing news in a way that is efficient

⁷⁹ E. Said, *Culture and Imperialism*, Chatto and Windus, London, 1993: p.365.

⁸⁰ Thussu, 'Live TV and Bloodless Deaths', p.125.

⁸¹ M.W. Herold, 2001, 'A dossier on Civilian Victims of United States' Aerial Bombing of Afghanistan: A comprehensive accounting (revised)', Cursor. (Accessed online, 10/7/09 - http://cursor.org/stories/civilian_deaths.htm)

⁸² R. Tiffen, *News and Power*, Allen and Unwin, Sydney, 1989: p.8.

⁸³ *Ibid.*, p.4.

in terms of the news company's drive for profitability acts as a filter for the content and output of news. Whilst these constraints have the effect of causing the media to be often dependent on official sources, Tiffen highlights the way in which this dependence is mutual, using Lyndon Johnson's Vietnam era comment that 'the support of the *Washington Post* is worth two divisions'.⁸⁴

Because of the economic constraints of large media organisations described by Tiffen, Brown and also Herman and Chomsky, journalists and newsmakers are under constant pressure to source news in a timely and economically viable fashion. As a result it is likely that the most readily available sources will be chosen by the news organisation. This is often large corporations and government because both types of organisations employ media departments whose chief task is to liaise with and develop relationships with the media. Smaller organisations and actors are less able to afford media departments and as a result government and big business representatives appear in the media more frequently. A perfectly logical response for these media representatives is to promote their own agenda in a space that has been indirectly reserved for them. The problem for news organisations is that if they report critically on either large business or government organisations then their media departments may become less available as a source for the news organisation. The news organisation then faces a new challenge in finding sources for the news whilst their competitors might still have access to the same sources.

Tiffen proposes that even if the maximisation of profit is completely dominant in a news organisation, it is difficult to identify how this translates into specific news

⁸⁴ *Ibid.*, p.6. (The quote is taken from M. Walker, *Powers of the Press: The World's Great Newspapers*, Quartet Books, London, 1982: p.57)

practices. It is not the purpose of this thesis to perform this translation, but to note that media theorists have identified media subservience to powerful political interests and point out that these patterns are consistent with the reporting of the selected case studies in this thesis relating to the 'war on terror'. From this point we can have an opportunity to assess the ways in which mainstream media organisations do or do not act as de-facto agents for the inhibition of outrage within the backfire model.

Bennett, Lawrence and Livingston argue that the mainstream press has developed to a point where it is so close to, and so dependent on, official sources in the US that it has become 'largely a communication mechanism for the government'.⁸⁵ Like Herman and Chomsky's profit orientation filter, Bennett et al do not view this association as necessarily intentional, but more a product of news media organisations' 'business requirements'.⁸⁶ In the process, the media's 'watchdog' function has been set aside to meet profit targets. Access to official sources is cheap and ongoing as long as the news organisation does not challenge official versions on any significant level. The primary aim of Bennett et al in this text is to provide an analysis of the news media's uncritical approach to what they describe as the US government's 'disastrous adventure in Iraq'.⁸⁷

They argue that foreign policy and international security matters, such as those related to the 'war on terror' and the associated theatres of war in Iraq and Afghanistan, give government officials the opportunity to 'define reality as they see fit' and this 'reality'

⁸⁵ W. L. Bennett, R. G. Lawrence and S. Livingston, *When the Press Fails: Political Power and the News Media from Iraq to Katrina*, University of Chicago Press, Chicago, 2007: p.1.

⁸⁶ *Ibid.*, p.2.

⁸⁷ *Ibid.*

has gone largely unchallenged by the mainstream media.⁸⁸ The mainstream media's seemingly 'self imposed dependence' on official versions of events means that the government officials delivering these versions create an information flow to the public that is highly censored and limits the public's ability to determine what is happening outside of their immediate surrounds.⁸⁹

The work from Bennett et al on Iraq builds upon Bennett's previous studies of the media that also demonstrate the extent to which a journalist's incentive to write investigative and critical pieces is diminished by the economic pressures of a news organisation's deadline.⁹⁰ This has coincided with the development of a sophisticated political media apparatus that specifically caters to these pressures resulting in a news product that is largely homogenous and compliant with the official position.

According to Bennett, there are two predominant forces that are creating this homogeneity. The first he describes as the 'generic gathering point' (official sources) which are manifested in regular scheduled press conferences and media briefings. The second is the increasing level of ownership of the media by a small number of large corporations that deliver the same 'raw news material' to a large and increasing number of news outlets.⁹¹

Any fundamental questions about media behaviour and media ethics in this news environment should be understood as questions that do not necessarily concern the

⁸⁸ *Ibid.*, p.4.

⁸⁹ *Ibid.*, p.9.

⁹⁰ W. L. Bennett, *News: The Politics of Illusion*, Longman Publishers, New York, 1996: pp.8-14.

⁹¹ *Ibid.* p.xi.

media nor alter its behaviour.⁹² Criticism of the media from an ethical perspective is normally countered by claims from media organisations to the right to freedom of expression and freedom of publication.⁹³ The problem here is that the problem of determining what is ethical and what is not is the responsibility of a powerful few on the editorial staff who in turn are significantly influenced by boardroom decisions which are prioritised not according to ethical standards, but standards that return the greatest profit to shareholders.

Essentially the ‘normative theory’ concerning media behaviour and ethics prescribes that ‘the nature of the social and political system that is in place governs this behaviour’.⁹⁴ In the post 9-11 in the US, this environment could best be described as fearful, with a strong desire for revenge that almost immediately gained ascendance over long held democratic principles relating to common law and international law. The media at the time simply reflected the Bush administration’s disdain for due process and ensuring that justice for the US was not achieved at the expense of justice for those living in the targeted areas of the proposed military assaults in Afghanistan and Iraq.

If objectivity is seen as the cornerstone of ethical media practices then Allan Barnes’ 1965 textbook provides ‘would be’ journalists with the most basic instruction: ‘tell what happened’.⁹⁵ However simply telling ‘what happened’ or ‘representing reality’ is not governed so much by ethics but by editorial conventions that define ‘who’ or

⁹² D. McQuail, ‘Overview of the Handbook’, in J.D.H Downing (Ed.), *The Sage Handbook of Media Studies*, Sage Publications, London, 2004: p. 11.

⁹³ *Ibid.*

⁹⁴ *Ibid.* pp. 11-12.

⁹⁵ C. Lumby, ‘Media Ethics’, in S. Cunningham and G. Turner (Eds.), *The Media and Communications in Australia*, Allen and Unwin, Sydney, 2006: pp. 303-314 at p.306.

‘what’ is newsworthy.⁹⁶ As we shall see in the following case studies, journalists covering the Iraq war who only attended news briefings actually comply with Barnes’ ethical instruction – they simply retold what the military authorities were saying about military offensives. Because the sites of the military offensives did not form part of the journalists’ field of inquiry it is apparent that only the words of the military and government officials are deemed newsworthy.

Dissenting voices in the lead-up to the Iraq war were allocated very little space in the media and thus these views were deemed un-newsworthy. It was also true that treading the path of dissent at this time carried with it an element of danger. It could be argued that Britain’s WMD expert Dr. David Kelly was a direct casualty of wartime influenced media behaviour when his professional and personal ethics clashed with the ‘newsroom ethics of the BBC’.⁹⁷ His death was a grim reminder of the Bush administration’s ‘you’re either with us or against us’ ultimatum in 2001 and perhaps gives some weight to the existence of what might be termed a military-media complex.

5. Conclusion

From the academic literature summarised in this chapter it is clear that in the modern corporate media environment, mainstream media organisations consistently and systematically support the government’s position, or allow it to remain unchallenged even when evidence suggests that it could be contested. As Lasswell argued in his

⁹⁶ *Ibid.* p.307

⁹⁷ R.D. Berenger (Ed.), *Global Media go to War: Role of News and Entertainment Media During the 2003 Iraq War*, Marquette Books, Spokane, 2004: p.xxx.

classic text on propaganda, 'in every modern state.... there are specialists on the repetition, elaboration and application of the political myth'.⁹⁸ In the early post World War Two Lasswell identified the key words used in the sustaining of the 'myth' in the US – 'rights, freedom, democracy, equality'.⁹⁹ Critics of modern corporate media organisations argue that the mass media are only concerned with the contemporary version of Lasswell's myth and are little more than a mouthpiece for the administration which is in power. Others are more sympathetic to the commercial pressures placed on journalists and news organisations generally. In either case it is important to note that instances where the media are compliant with institutions of power are widespread. In terms of the backfire model, the mainstream media becomes a crucial actor in the minimisation of outrage as these organisations form the most influential communication lines from a government to its general population.

⁹⁸ Harold D. Lasswell, *Language of Politics; Studies in Quantitative Semantics*, (eBook), originally published by George W. Stewart, New York, 1949: p.12.

⁹⁹ *Ibid.* p.13.

Chapter 4 - The Air War in Afghanistan

1. Introduction

Less than a month after the terrorist attacks in New York and Washington in September 2001, the US and its allies initiated an air war in Afghanistan. The large scale military effort was justified as an attempt to capture or punish the alleged perpetrators of the September 11 attacks, Al-Qaeda, as well as removing Afghanistan's Taliban leadership which was charged with supporting and assisting the actions of Al-Qaeda. This very swift response by the US government was activated without any international judicial procedures and the bombing of Afghanistan from October 2001 to April 2002 constituted an advanced military intervention against a weaker target that was comparable only with the bombing campaigns in Indo-China in the 1960s and 1970s.

This chapter aims to describe the first six months of the US-led air war in Afghanistan as a disproportional response to the events of September 11, resulting in an injustice perpetrated against Afghanistan's civilian population. The way that outrage over this act has been inhibited concerns the way in which the mainstream Western media has reported the event and in doing so, grossly underestimated the impact of the air war on Afghanistan's civil society in terms of civilian casualties, and the destruction of civil infrastructure. A comparison is made between the reporting of the air war by the mainstream corporate media, and a more thorough and detailed analysis of the event and its effect on Afghanistan's civilian population by Professor Marc Herold of the University of New Hampshire. The disparity between Herold's document and six articles chosen from *The New York Times* and *The Washington Post* during the first

six months of the bombing campaign is explained in part by applying principles from Herman and Chomsky's propaganda model.

The structural limitations of the mainstream media outlined in the propaganda model provide a link to the backfire model, showing how the US government has managed to inhibit outrage that might be directed towards it as a result of the damage imposed upon Afghanistan's civilian population. Of the five methods of inhibiting outrage that a perpetrator of injustice may use as set out in the backfire model, at least four can be identified in the US/Afghanistan air war case study. The way in which the mainstream media has reported the air war has served in the first instance to cover up the large scale human suffering that has come about as a result of the US led bombing campaign. Secondly, using the six articles taken from *The New York Times* and *The Washington Post*, it is shown that the civilians themselves have been devalued as targets by the US media. Thirdly the event has been reinterpreted to the extent that it has been framed as a 'reconstruction' effort, although the delivery of tens of thousands of bombs over a short period ultimately has resulted in large scale 'destruction'. Fourthly, the US military used tactics of intimidation against the Al-Jazeera news network to control and restrict images of human suffering being broadcast to a receptive audience. It will be proposed that the US air campaign in Afghanistan could be judged as a more sustained act of terror with far greater consequences for Afghanistan's civil society than the terrorist attacks in New York and Washington which instigated the US-led response in Afghanistan.

2. Historical Background

The territory now known as Afghanistan has for a long time been at the ‘crossroads of invading empires’.¹ From the eighteenth century through to the late twentieth century Afghanistan has been the subject of imperial conquest and occupation by Persia, the British Empire and the Soviet Union. Since 2001, Afghanistan has been occupied by US government-led forces as part of its ill-defined ‘war on terror’.

Afghanistan was, and still is, a largely tribal society. Tribal confederacies known as ‘Loya Jirgas’ have been formed at different periods on occasions where Afghans have asserted their autonomy in defiance of occupational forces. In the 1700s these collectives opposed Persian rule and in the late 1800s and early 1900s the focus of their opposition was the British Empire. After the end of the Second World War, a lengthy period of Soviet influence began as result of the decline of the British Empire and a failure of the US to recognise neutral states. During the 1960s and 1970s, the Soviets embarked on a ‘generous program of military and economic aid’ to Afghanistan.²

From the late 1970s, Afghanistan became a focus of Cold War hostilities between the US and the Soviet Union. When a communist coup in 1978 won power but failed to gain legitimacy from a majority of the Afghan population, a Soviet invasion in support of the communists ensued and this marked the beginning of a ten year occupation.³ The Soviets were strongly resisted by the Mujahudeen who received

¹ Dr. Nabi Misdaq, *Afghanistan : Political Frailty and External Interference*, Routledge, London, 2006: p.35.

² Amin Saikal, *Modern Afghanistan*, I.B. Taurus, London, 2004: p.123.

³ *Ibid.*, p.183-188.

significant military aid and support from Pakistan and the US government.⁴ The withdrawal of the Soviets from Afghanistan in 1989 occurred for two reasons. Firstly, their short term combat success resulted in long term anti-occupational resentment because the Soviet 'field operations besmirched them in the eyes of ordinary Afghans'.⁵ Secondly the overall decline of communism in the USSR and Eastern Europe made the occupation untenable.

The fall of communism was a significant event in world politics and it resulted in an international indifference in attitudes towards Afghanistan during the early 1990s. This led to a collection of illegitimate claimants to power during this time.⁶ In 1996 the Taliban, an Islamic fundamentalist group with some backing from Pakistan, took control of Kabul. Their oppressive rule lasted until 2001 when Afghanistan became the first target of US military aggression in its so-called 'war on terror'.

Almost immediately following the September 11 attacks on New York and Washington, the US government accused the Taliban of harbouring the Al-Qaeda terrorists responsible for the attacks although little proof of this fact was offered at the time. The first six months of the US air war in Afghanistan between October 2001 and April 2002 had a destructive effect on a civilian population that had been experiencing ongoing war for the previous twenty years. The Taliban offered to hand over any accused terrorists to the US on the production of evidence of their involvement in the September 11 attacks. The US government did not accept this

⁴ W.Maley, *The Afghanistan Wars*, Palgrave-Macmillan, New York, 2002: p.57& p.78.

⁵ *Ibid.*, p.46.

⁶ *Ibid.*, p.152.

offer and what followed was an intensive bombing campaign in the lead-up to a full-scale invasion.

3. An Academic Account of the First Three Months of the Air War in Afghanistan

The following description of the first six months of the US air war in Afghanistan gives weight to an account by Professor Marc Herold of the University of New Hampshire. Herold's study is the only detailed account of the effect of high altitude bombing on civilian infrastructure and civilian life between October 2001 and December 2001. His focus on Afghan civilian casualties is important because this cost was, and still is, largely ignored by the Western mainstream media. Herold's methodology is consistent with an approach that is not prone to inflating figures, nor deflating them. The data has been gathered from a range of independent news sources and some mainstream European and Asian news agencies, as well as first hand accounts from Afghani survivors. Because of the difficulty though in counting casualties in a war zone that is under heavy attack from the air, it is most likely that his figures are an under estimate. Herold's work has been used by peace organisations, cited by numerous academics and gained wider exposure in publications such as *The Guardian* and India's bi-weekly national magazine, *Frontline*.⁷ His account is important because it provides a distinct contrast to the mainstream media articles analysed later in this chapter.

⁷ See M.W. Herold, 'Counting the Dead', *The Guardian*, 8 August, 2002, M.W. Herold, 'The Massacre at Kakarak', *Frontline*, Vol.19, Iss.16, August 3-16, 2002, S. Shalom, 'Far from Infinite Justice: Just War Theory and Operation Enduring Freedom', *Arizona Journal of International and Comparative Law*, Vol.26 No.3, 2009: pp.623-697, and Revolutionary Association of the Women of Afghanistan – http://www.rawa.org/temp/runews/category/marc_herold.

The first point to make is that Herold immediately refers to the number of Afghani civilian casualties during this period in the thousands – 3,000 to 3,400, a figure which has been described by Professor Achin Vanaik as ‘carefully conservative’.⁸ Herold’s claim that a ‘heavy bombing onslaught must necessarily result in substantial numbers of civilian casualties simply by virtue of proximity to ‘military targets’’ is reflected in the data presented in his article.⁹ Herold points out that although many of these deaths were a result of human error, poor targeting and equipment malfunction, the primary cause was the low value placed on Afghan lives by ‘US military planners and political elite’.¹⁰

Herold counters the ‘dangerous notion’ that the United States can wage an air war and only kill enemy combatants.¹¹ Despite claims that new technology enables US weapons to primarily hit military targets, the bombing campaign has been aimed extensively at civilian facilities, and the ‘heavy use of cluster bombs will have a lasting legacy born by one of the poorest, most desperate peoples of our world’.¹² The extensive use of cluster bombs early in the campaign resulted in the deployment of over 248,000 bomblets in Afghanistan by US warplanes between October 2001 and March 2002.¹³ Cluster bombs are by their very nature indiscriminate anti-personnel weapons. Most of the US bombing activity was aimed at heavily populated areas

⁸ A.Vanaik, ‘The Ethics and Efficacy of Political Terrorism’, Social Science Research Council, September 2002. (Accessed online 10/6/10 - http://www.tni.org/archives/archives_vanaik_terrorism)

⁹ M.W. Herold, ‘A dossier on Civilian Victims of United States’ Aerial Bombing of Afghanistan: A comprehensive accounting (revised)’, Cursor, 2001. (Accessed online, 10/7/09 - http://cursor.org/stories/civilian_deaths.htm)

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² *Ibid.*

¹³ Human Rights Watch, ‘Fatally Flawed: Cluster Bombs and their use by the United States in Afghanistan’, Vol.14, No.7, December 2002, p.1. (Accessed online, 25/8/10 - <http://www.hrw.org/en/reports/2002/12/18/fatally-flawed>)

because it was these areas that formed the fronts in Afghanistan's ethnic wars.¹⁴

Therefore a high civilian death toll was a likely outcome when the US bombing campaign commenced in October 2001.

As well as direct casualties from the US bombing, there are also many indirect casualties. This occurs for many reasons. Firstly, the widespread 'carpet bombing' employed by the US air force has the effect of destroying roads and utility supplies such as power and water.¹⁵ When these services are cut off, public institutions such as hospitals are unable to operate. This has a multiplying effect on the people affected by the US air war. For those who have survived the bombing itself, but need urgent medical attention as a result of their injuries, a significant problem arises when the medical system has been rendered inoperable by damage caused to the power supply, water supply, and road services supplying medical equipment. So it is not just the immediate human damage caused by the bombing in terms of direct injury, but the roll-on effect of having a society's infrastructure damaged beyond repair to the point that even for those survivors, the chances of living in any degree of acceptable comfort is severely diminished. If one considers that the civilian population of Afghanistan had no connection with the September 11 attacks in New York and Washington, then it is clear that the US military intervention in Afghanistan should be viewed as unjust.

¹⁴ C. Conetta, 'Operation Enduring Freedom: Why a Higher Rate of Civilian Casualties', Project on Defence Alternatives, Briefing Report No. 11, 2002. (CIAO)

¹⁵ Herold, 'A dossier on Civilian Victims of United States' Aerial Bombing of Afghanistan'.

4. An ‘Unjust’ War

One theoretical way of trying to determine whether or not an act of war is just is to analyse the action of an actor(s) in terms of the just war tradition. This tradition is often referred to as just war theory and it is applicable to any backfire analysis involving war. Backfire analyses require the identification of a perceived injustice and just war theory allows us to establish whether or not, or to what degree, the US government intervention in Afghanistan is either just, or unjust, in broad terms. If it is found to be unjust in broad terms according to the just war tradition, then it is likely that on a micro level there will be specific cases of injustice carried out by the perpetrator, which in turn are potentially subject to the five tactics used to inhibit outrage over the injustice.

Herold’s analysis indicates that the air war carried out by the US resulted in a grave injustice against a large number of Afghan civilians. The following analysis using the just war tradition will assist in determining whether or not the decision by the US government to commit to military action against Afghanistan in the first place was broadly unjust under the terms of the just war tradition. It is plausible that when a war does not satisfy the conditions of just war theory then the attackers or perpetrators are more likely to take steps to minimise outrage because more people will be outraged over an unjust war.

Whilst the attacks on Afghanistan should be rightly viewed as unjust, Herold makes reference to James Carroll’s use of a just war framework to describe the US’s disproportionate response to the September 11 terrorist attacks. Carroll points out that the US military operation has resulted in an entire nation being made to pay an

enormous price for the actions of nineteen criminal hijackers. It is worth noting exactly how the US intervention in Afghanistan does fail each of the criteria set out in *jus ad bellum*, which in just war theory translates as the ‘right to wage war’.

The just war tradition was first developed around two thousand years ago and is divided into two main categories often referred to by their Latin roots: *jus ad bellum*, the moral justification for going to war, and *jus in bello*, the moral justification for using certain tactics in war.¹⁶ One of the earliest writers on the subject of *jus ad bellum* was Saint Augustine in the fifth century AD, described as the ‘first great formulator’ of the theory that war might be ‘just’. His work has directed western thinking about the problem of war and the justification for war up to the present day.¹⁷ The development of what became known as just war theory was notably continued by Saint Thomas Aquinas in the thirteenth century,¹⁸ Hugo Grotius in the early seventeenth century,¹⁹ and more recently over the last thirty years by Michael Walzer and Jean Bethke Elshtain. The elemental parameter governing just war theory is that it is designed to be restrictive, and that war ‘belongs to the class of things that are best avoided’.²⁰ Credible justifications for going to war necessarily require a commitment to the ideal of peace.²¹

Conditions that must be satisfied under *jus ad bellum* in just war theory, as outlined by Coady, are the following:

¹⁶ L.May, *War Crimes and Just War*, Cambridge University Press, Cambridge, 2007: pp.2-4.

¹⁷ P.Ramsay, ‘The Just War According to Saint Augustine’, in J.B.Elshtain (ed.) , *Just War Theory*, New York University Press, New York, 1992: pp.8-22 at p.8.

¹⁸ R.L.Holmes, ‘Can War be Morally Justified? The Just War Theory’, in J.B.Elshtain (ed.), *Just War Theory*, pp.197-233 at p.199.

¹⁹ May, *War Crimes and Just War*, p.3.

²⁰ C.A.G. Coady, *Morality and Political Violence*, Cambridge University Press, Cambridge, 2008: p.15-16.

²¹ Coady, *Morality and Political Violence*, p.18.

1. War must be declared and waged by a legitimate authority;
2. There must be a just cause for going to war;
3. War must be a last resort;
4. There must be a reasonable prospect of success;
5. The violence used must be proportional to the wrong being resisted;
6. The war must be fought with the right intention.²²

The principles contained within the *jus ad bellum* division of just war theory have found legal expression to some extent in the United Nations Charter, where the prohibition of force is a fundamental principle in customary international law.²³

Article 2(4) of the UN Charter states that all members should refrain from the threat or use of force, and this principle is considered to be an authoritative standard in international law.²⁴ Articles 42 and 51 of the UN Charter provide for circumstances in which the prohibition of force may be lifted. Article 42 allows for the use of force to be applied under a UN sanction when all non violent measures have been exhausted.²⁵ Article 51 allows for the use of force to be used by a state in the act of self defence against a military incursion by another state.²⁶

²² Coady, *Morality and Political Violence*, p.63.

²³ K. Peters, 'International Law and the Use of Force', *QUT Law and Justice Journal*, July 2004, Vol. 4, Issue 2: pp.185-198, at p. 185.

²⁴ *Ibid.*

²⁵ Charter of the United Nations, Chapter VII: 'Actions with respect to threats to the peace, breaches of the peace, and acts of aggression'.

(Accessed online 21/11/07 - <http://www.un.org/aboutun/charter/chapter7.htm>)

²⁶ *Ibid.*

Walzer argues that the just war tradition is a political theory that has endured unlike many others.²⁷ As proof, Walzer cites the attention paid to the language of just war theory by modern generals and political leaders.²⁸ In the first Gulf War, George H.W. Bush invoked Saint Augustine as a supporter of Operation Desert Storm,²⁹ although that intervention by the US also fails just about all the conditions of *jus ad bellum*. The point, however, is that references to just war theory are contemporary and relevant when measured against the stated desire of member nations of the UN for a sustainable peace.³⁰

Looking at each of the conditions in *jus ad bellum*, The US air war in Afghanistan fails the first point with respect to war being waged by a legitimate authority. The United Nations Security Council did not approve a military intervention of the kind undertaken by the US Except in cases of self defence, the UN must sanction a military intervention so that it might be deemed authoritative. This was not the case with the US intervention in Afghanistan which despite two resolutions passed by the UN Security Council in relation to the September 11 attacks, neither approved a military attack on Afghanistan.³¹

Point two in *jus ad bellum*, that there must be a just cause for going to war, inevitably relates to reasons concerning self-defence, or an intervention to protect the defenceless. Former US diplomat Richard Holbrooke declared unequivocally that the

²⁷ M. Walzer, *Arguing About War*, Yale University Press, New Haven, 2004: p.3

²⁸ L. Calhoun, 'Michael Walzer on Just War Theory's 'Critical Edge': More like a spoon than a knife', *Independent Review*, Vol.10, No.3, Winter 2006: pp.419-424 at p.420.

²⁹ *Ibid.*

³⁰ Charter of the United Nations, Chapter I: 'Purposes and Principles'.

(Accessed online 29/7/08 - <http://www.un.org/aboutun/charter/chapter1.htm>)

³¹ M. Cohn, 'End the occupation of Iraq – and Afghanistan', *Monthly Review*, July 2008. (Accessed online, 13/7/09 - <http://monthlyreview.org/mrzine/cohn290708.html>)

US intervention in Afghanistan is 'just' as both a response to September 11, and as some kind of punitive measure against the Taliban regime for reasons such as 'their treatment of women' and 'destruction of their own artistic heritage'.³² In addition to the use of feminist rhetoric, Holbrooke's logic demanded a military intervention in response to the destruction of the Buddha's of Bamyan by the Taliban in 2001.

Holbrooke supposes that the inability of the rest of the world to protect the intrinsic human value of the Bamyan carvings should now be redressed by a bombing campaign that would carry with it a very real threat to human life.

The just cause principle relating to self defence is best expressed in Article 51 of the UN Charter where the use of force can be used by a state in the act of self defence against a military incursion by another state. Putting aside Holbrooke's incongruous reference to 'artistic heritage', and the selective process which has resulted in the expansive use of feminist rhetoric to justify the Afghanistan intervention, the US military attacks fail condition two of *jus ad bellum*. Afghanistan, led by the Taliban, was not responsible for the criminal incursion into the US state on September 11, 2001. If action was to be directed against one nation for the September 11 crimes, it is reasonable to suggest that Saudi Arabia should have been the target of a US response, considering that fifteen of the nineteen hijackers were Saudi nationals.

Point three of *jus ad bellum* states that war should only be used as a last resort. Here it is also clear that the US intervention fails the criteria for a just war. The bombing of Afghanistan took place within one month of the attacks on New York and Washington. If one considers the length of time the Western judicial system takes to

³² R. Holbrooke, 'Just and unjust wars: a diplomat's perspective', *Social Research*, Vol.69, No.4, Winter 2002: pp.915-926 at p.920.

consider any single matter, the US decision to begin an air war against Afghanistan was taken hastily and without any public evidence to support its actions. The Taliban stated at the time that Afghanistan would willingly extradite Osama Bin Laden and Al-Qaeda members said to be responsible for the crime, but would only do so once the US was able to provide evidence of their involvement.³³ Under the rule of law this is a fair position for the Taliban to adopt but in doing so, they and the civilian population have paid a heavy price. Therefore under point three of *jus ad bellum* where war is to be used as a last resort, it is reasonable to suggest that a period of time longer than one month was required before all other means had been exhausted prior to the implementation of military force. With respect to the US intervention in Afghanistan, this was not the case.

Point four of *jus ad bellum*, that there must be a reasonable prospect of success, is an interesting aspect of the Afghan war with the benefit of some hindsight. The sheer power of the US military suggests there could be little doubt that they would win a military confrontation with the Taliban and very quickly the US was able to announce that they had asserted control over Afghanistan's air space. However long term success on the ground in Afghanistan is proving elusive after more than eleven years of US occupation. As early as 2003 it was noted by some academics in the field that the bombing campaign in Afghanistan and military responses to terrorism more generally may 'at best be a modest success and at worst counter-productive'.³⁴

³³ D. Garland, 'Afghanistan: Truth or dare', *Socialist Alternative*, Edition 116, May 2007. (Accessed online 11/11/09 -

http://www.sa.org.au/index.php?option=com_content&task=view&id=1146&Itemid=106)

³⁴ N. Crawford, 'Just War Theory and the US Counter-terror War', *Perspectives on Politics*, Vol. 1, Issue 1, March 2003: pp.5-25 at p.17.

Counter-productive in this sense refers to the way in which bombing campaigns create and add to an enemy and is discussed more fully in chapter eight.

Point five of *jus ad bellum* concerning the proportionality of the violence used in response to the wrong being resisted can be easily summarised with official statistics. It is difficult to justify using twenty two thousand bombs in the first six months of the air war in Afghanistan in response to the 9/11 attacks and it could not be regarded as a proportional response to the criminal incursions on September 11 by fifteen Saudis and four other non-Afghan nationals.

On point six of *jus ad bellum*, that the war must be fought with the right intention is a question that requires more explanation than can be afforded in this brief account of US interests in Afghanistan. After a ten year campaign questions surround the primary motives for the continuing US occupation beyond the rhetoric of guarding the world against terrorism, fighting for Middle Eastern women's rights, and inculcating the people of Afghanistan with values of freedom and democracy. There are many proposals concerning US imperial interests in the region that will not be discussed here, but may be considered when trying to understand the extent of the large scale bombing campaign that took place in 2001.

The purpose of briefly looking at the US air war in Afghanistan, which signalled the beginning of the war on terror, through the lens of the just war tradition, is to clearly identify that the commencement of US military action can be viewed as unjust by failing to satisfy the criteria set out in *jus ad bellum*. It could be considered a normal reaction for many people to intuitively react against aggressive wars. Just war theory

offers a systematic and more logical way of assessing factors which in theory can cause outrage directed towards the perpetrators of an unjust war.

5. The Reporting of the Event in the Western Mainstream Media

Following the terrorist attacks on New York and Washington, the news reporting on the event could be accurately described as saturation coverage. In the first four weeks after the September 11 attacks, for the three main US news broadcasters, ABC, CBS and NBC, their top three stories were related to the attacks themselves, the new 'war on terror', and the proposed strike against the Taliban.³⁵ The top ten stories in the weeks from September 11 to the launching of the air war against Afghanistan related to the attacks in some way.³⁶ Using the Proquest Newsstand database, a keyword search using the criteria 'victim' and 'terrorist' in the date range from 11 September 2001 to 11 October 2001 results in 142 articles in the *Washington Post* and *New York Times Late Edition* alone. The mass media was justifiably concerned with the human impact of the September 11 attacks which resulted in the deaths of nearly 3,000 civilians. The stories about the victims were highly personalised such as in the following extract from a *Washington Post* article:

'There were reasons to cry -- there were plenty of those -- but there were reasons to laugh as well, reasons to stand up and celebrate the lives of two schoolchildren who crammed their 11 years with everything they could squeeze in, from the honor roll to playground games to choir practice. That was how hundreds of family members, neighbors, classmates, teachers and D.C. leaders chose to remember Rodney Dickens and Asia

³⁵ A. Eisman, 'The media of manipulation: patriotism and propaganda – mainstream news in the United States in the weeks following September 11', *Critical Quarterly*, Vol.45, Issue 1-2, Spring 2003: pp.55-72 at p.56.

³⁶ *Ibid.*

Cottom at separate memorial services yesterday -- as the wide-eyed children they were before the deadly Sept. 11 terrorist attack at the Pentagon. Yesterday was a day of heartbreaking emotion and explosive spiritual energy, a day when schoolchildren read the letters they had written to Rodney in heaven and churchgoers sang Asia's favorite song, 'O Lord We Praise You,' along with a 50-member choir.'³⁷

The call for retribution in the mainstream media after the attacks on New York and Washington in September 2001 was almost instant. In less than two hours after the terrorist attacks, Peter Jennings of ABC News in America urged his nation to 'strike back with massive force'.³⁸ US academics Dawson and Schueller describe this type of call for punitive justice as 'the now habitual tendencies of many Americans to see themselves as dispensers of morally legitimate violence'.³⁹ The brutality of the World Trade Centre attacks was positioned in a way that represented existing legal and political institutions as being incapable of dealing with such a crime.⁴⁰ What Dawson and Schueller describe as 'lynch law' was almost certainly elevated above the rule of law. The likelihood of a military intervention having a dramatically negative effect on the Afghan people was lost in the 'rush to war'.⁴¹ Non-violent solutions to the problem of responding to 9-11 were attacked in the media which generally claimed that such propositions amounted to 'justifying the attacks or siding with the terrorists'.⁴² 'Those questioning war with Afghanistan were seen as 'un-American' or

³⁷ M. Fernandez and B. Broadway, 'Tears of Pain, Tears of Joy for 2 of the Littlest Victims; Separate Services Sing the Praises of D.C. 6th-Graders', *The Washington Post*, 23 September, 2001.

³⁸ R. Jensen, *Citizens of Empire: The Struggle to Reclaim Our Humanity*, City Lights, San Francisco, 2004: p.xxii, cited in A. Dawson and M. J. Schueller (Eds.), *Exceptional State: Contemporary US Culture and the New Imperialism*, 2007, Duke University Press, London: p.14.

³⁹ A. Dawson and M. J. Schueller (Eds.), *Exceptional State: Contemporary US Culture and the New Imperialism*, 2007, Duke University Press, London: p.14.

⁴⁰ *Ibid.*

⁴¹ A.R. Dimaggio, *Mass Media, Mass Propaganda: Examining American News in the 'War on Terror'*, 2008, Lexington Books, New York: p.253.

⁴² *Ibid.*, p.263.

unpatriotic'.⁴³ Immediately following the attacks on New York and Washington, Osama Bin Laden was framed as the terrorist mastermind that in some way controlled the actions of any number of terrorist actions throughout the world. His capture in Afghanistan was promoted as the 'most important step' in reducing the threat of radical Islam.⁴⁴

The following section focuses on the mainstream media's lack of concern for the human costs of the military intervention in Afghanistan. Whilst the intervention was in part positioned as an attempt to institute a form of democracy to a region without any history of democracy, it remains questionable as to whether the best way to achieve this transformation in Afghanistan, or anywhere else for that matter, is through an intensive and highly destructive military bombardment from the air.

Most news reports didn't mention civilian casualties that came about as a result of this bombing, preferring to focus on the high-tech weaponry per se, rather than the damage caused by the weapons. In the three months between October and December where bombs equal to approximately 14,000 tons had been used,⁴⁵ the effects of the bombing represent a significant part of the story of the war. Where the mass-media omits this side of the story it can be considered a de facto cover-up. According to the editor of the *Columbia Journalism Review*, Neil Hickey, the bloodless coverage conformed to the Pentagon's determination to eliminate images and descriptions of

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ M.W.Herold, 'Urban Dimensions of the Punishment of Afghanistan by US Bombs', in S.Graham (Ed.), *Cities, War and Terrorism: Towards an Urban Geopolitics*, Blackwell Publishing, Malden, M.A., 2004: pp.312-329 at p.316.

civilian bombing casualties which would no doubt have eroded public support for the war in the US and other parts of the world.⁴⁶

However some articles in two of North America's most prestigious newspapers did mention civilian casualties but these stories used other techniques to minimise outrage. A total of six articles from *The New York Times* and *The Washington Post* have been chosen to illustrate these techniques. The articles were chosen on the basis that they specifically address the problem of civilian casualties during the first six months of the air war which corresponds with a three month period studied in greater detail by Herold. The consistent pattern in *The New York Times* and *Washington Post* articles show that the mainstream media outlets were willing to acknowledge civilian casualties, however the interpretation greatly underestimated the extent of the harm inflicted upon the civilian population when compared with Herold's more thorough and detailed account.

According to the *New York Times*, the first detailed assessments of the US air war in Afghanistan became available in early April where reports claimed that of the 22,000 bombs and missiles which were dropped on Afghanistan, 75% hit their targets.⁴⁷ This means that approximately 5,500 bombs missed their targets, legitimate or otherwise, and potentially impacted on non-military targets. It is reasonable to suggest that this is an extraordinarily high number over a six month period in terms of the risk it poses to

⁴⁶ N.Hickey, 'Access denied: Pentagon's war reporting rules are toughest ever', *Columbia Journalism Review*, Jan/Feb, 2002: pp.26-31 at p.27.

⁴⁷ E. Schmitt, 'Improved US Accuracy Claimed in Afghan Air War', *The New York Times*, 9 April, 2002.

the civilian population of Afghanistan. Despite this, the US Defence Secretary Donald Rumsfeld is quoted in this article describing ‘this war the most accurate ever’.⁴⁸

Although the stated aim of the air campaign was to ‘topple the Taliban government and destroy Al-Qaeda operations in Afghanistan’, journalist Eric Schmitt concedes that there is no definitive measure to assess the effectiveness of an air campaign, describing attempts to do so ‘as much an art, as it is science’.⁴⁹ Although Schmitt quotes Rumsfeld’s statement about accuracy without critical comment, the ‘art versus science’ argument unintentionally serves to negate Rumsfeld’s position. One of the purposes behind an air war is not to place the lives of ground soldiers at risk when attempting to strike military or civil infrastructure targets on foreign soil. It is unlikely that the perpetrators of an air war, in this case the US, would endanger ground force military personnel by sending them into an area after it has been bombed to measure the air campaign’s effectiveness. The purpose of an air war such as the one in Afghanistan is to maximise the military effect whilst minimising the risk to significant numbers of its own personnel. So although the article claims that this air war is accurate, implying a minimisation of suffering for the civilian population, it inadvertently negates the main theme of the article by using the ‘art versus science’ accounting method. It is clear that whilst Schmitt is prepared to acknowledge a twenty five per cent failure rate of US bombs to hit their intended targets, he fails to raise the potentially negatively impact that the ‘errant’ bombs may have upon Afghanistan’s civilian population.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

There are several ways in which civilian casualties might occur as a result of an air bombardment of the scale that was launched by the US-led attack on Afghanistan. The first is that legitimate military targets may be hit, but those targets may be in close proximity to civilian infrastructure as well. Secondly, poor military intelligence can lead to the incorrect targeting of civilian areas that are mistaken for military facilities. Thirdly, poor execution from those responsible for firing the weapons can lead to legitimate military targets being missed altogether. Another possibility is that the use of cluster bombs, a specifically designed anti-personnel weapon, can result in small unexploded bomblets being spread over a wide area. These bombs create problems for civilians during and after conflict in much the same way as land mines. A significant problem in Afghanistan during the early stages of the bombing in 2001 was that one type of cluster bomb used by the US was the same colour as food parcels that were also being dropped from the air.⁵⁰ As a result Afghani civilians who were encouraged to collect the yellow food parcels were at risk of coming into contact with an unexploded bomblet.

In July 2002, it was reported in *The New York Times* that the American air campaign ‘had produced a pattern of mistakes that killed hundreds of Afghan civilians’.⁵¹ This would seem to be a very low number considering that in April it was conceded the high number of bombs that missed their targets. When one considers that the location of military targets in Afghanistan were in urban areas as a result of the Soviet era legacy,⁵² it could be expected that even those bombs that successfully hit military

⁵⁰ Human Rights Watch, ‘Cluster Bombs in Afghanistan’, October 2001. (Accessed online 29/6/10 - <http://www.hrw.org/backgrounder/arms/cluster-bck1031.htm>)

⁵¹ D. Filkins, ‘Flaws in US Air War Left Hundreds of Civilians Dead’, *The New York Times*, 21 July, 2002.

⁵² Herold, ‘A dossier on Civilian Victims of United States’ Aerial Bombing of Afghanistan’.

targets would likely have caused considerable civilian damage. However journalist Dexter Filkins refers to only ‘hundreds’ of Afghan civilians that were killed during this period. Filkins makes this claim despite reporting later in the article that US commanders admitted that they had ‘not kept track of civilian deaths’.⁵³ Taking into account that over 20,000 bombs were dropped on Afghanistan in six months, it would take a considerable length of time to collect data on the ground to determine the extent of the damage that had been inflicted on Afghan civilians, commonly referred to in the Western media as collateral damage. It is therefore necessary to point out that Filkin’s estimate of ‘hundreds’ of civilian casualties is most likely a guess, which significantly underestimates the effect of the first six months of the bombing campaign. Whilst the article does acknowledge some level of civilian casualties, its concessions are far lower than those in the data collected by Herold. This has the effect of minimising the audience’s perception that the air attack on Afghanistan carries with it a high risk of death and injury for Afghan civilians.

Also in July 2002 *The New York Times* published an article where Rumsfeld continued with the claim that the loss of civilian life in the Afghanistan air war had been low although admitting that ‘it’s an unfortunate fact of war that, inevitably, innocent civilians are killed’.⁵⁴ Journalist Thom Shanker quoted Rumsfeld as saying that he took some comfort in the knowledge that civilian losses in this war had been fewer than any in modern history.⁵⁵ Two significant points should be drawn from a RAND corporation study prepared for the US Air Force in relation to the public reaction of the public to civilian casualties. The first is that the DOD refuses to give

⁵³ Filkins, ‘Flaws in US Air War Left Hundreds of Civilians Dead’, *The New York Times*.

⁵⁴ T. Shanker, ‘Rumsfeld Calls Civilian Deaths Relatively Low’, *The New York Times*, 23 July, 2002.

⁵⁵ *Ibid.*

any estimate of civilian casualties caused by them and secondly, that it is impossible to investigate civilian casualties without on-site examinations.⁵⁶ Rumsfeld's claims about accuracy and the abstract use of a timeframe such as 'modern history' illustrates a 'fact-free' assessment of by the mainstream media of the damage caused by the US bombing campaign in Afghanistan. Whilst it could not be clear that the number of civilian deaths was lower than in any other conflict in modern history, when examining Herold's data it was clear that the number of 'reported' civilian deaths in the mainstream media was possibly fewer than any in modern history.

Further in the article Rumsfeld went on to say that the numbers of casualties that the US had been able to find, 'or anyone else had been able to find', were fewer than first reported.⁵⁷ One of the reasons for this is explained in Schmitt's April 9 article that described the 'maximum damage' that US Air Planners had achieved using bomb detonators with adjusted timing devices designed in relation to the construction of Afghan buildings.⁵⁸ It is logical that where a bomb has been designed specifically to achieve 'maximum damage' on Afghanistan's buildings, it is likely that casualties would be difficult to find. For example if a bomb destroys a building where say, one hundred people work, killing all, it is quite likely that less than one hundred bodies would be recovered due to the 'maximum damage' design of the weapon. In this example although reported casualties might be high, it is likely that the number of bodies found are far fewer. In this way the statement from Rumsfeld in Shanker's article that actual casualties are less than reported casualties can be explained. Again the effect of the statement is to underestimate the real cost in terms of civilian deaths.

⁵⁶ Eric V. Larson and Bogdan Savych, *Misfortunes of War: Press and Public Reactions to Civilian Deaths in Wartime*, RAND Corporation, Santa Monica, 2006: p. 125 and p. 128.

⁵⁷ *Ibid.*

⁵⁸ Schmitt, 'Improved US Accuracy Claimed in Afghan Air War', *The New York Times*.

Rumsfeld balances the estimated 'minimal' loss of Afghan civilian life against the removal of the Taliban and Al Qaeda from Afghanistan:

'Today the Taliban are no longer in power; Al Qaeda are on the run. A humanitarian crisis has been averted and the Afghan people have been liberated. And Afghanistan is once again a free nation'.⁵⁹

The effect of such broadly positive statements about the consequences of the air war on Afghanistan's civilian population is again to communicate to a US media audience that the bombing campaign is for the benefit the Afghani people. However Herold's account shows that a humanitarian crisis on the largest scale was created as a result of the air war in the final months of 2001. The *Washington Post* during the same period took a similar position to the *New York Times* with respect to underestimating the effect of the air war on Afghanistan's civilian population.

On 4 January 2002, the *Washington Post* referred to reports that 'dozens' of civilians were killed in an air attack in Afghanistan.⁶⁰ Rumsfeld again was quoted as saying that this conflict contained far less collateral damage and unintended consequences than any conflict in history. Pulitzer Prize winning journalist Karen De Young, stated unequivocally in the article that Taliban reports of civilian casualties were 'exaggerations with little basis in fact'.⁶¹ Paradoxically in the same paragraph De Young makes a reference to Herold's count of civilian casualties in the first three

⁵⁹ Shanker, 'Rumsfeld Calls Civilian Deaths Relatively Low', *The New York Times*.

⁶⁰ K. De Young, 'More Bombing Casualties Alleged; U.N. Aide 'Concerned'; Rumsfeld Defends Airstrike Targeting', *The Washington Post*, 4 January, 2002.

⁶¹ *Ibid.*

months of the war which are in the thousands. However the emphasis in the article is on the ‘dozens’ and ‘hundreds’ of civilians that have been killed as a result of US air strikes. Where a denial of casualties is not possible, such as the case of an attack described by De Young that occurred near the mountain caves of Tora Bora, the Pentagon claimed that ‘ostensibly innocent victims were Al-Qaeda relatives or civilians knowingly sheltering terrorists’.⁶² In place of denial in this instance, the Pentagon has used the tactic whereby the victim is devalued, in this case by speculatively associating the victims with Al-Qaeda.

De Young confirms the problem with civilian death counts that was also acknowledged in the *New York Times*’ articles. That is, that there is little opportunity to check claims of civilian deaths which generally rely on technical observation from the air. The question that needs to be raised then concerns the purpose served by quoting figures on civilian casualties in publications such as *The Washington Post* or *The New York Times*. The recurring pattern appears to be that the media outlets are prepared to report that damage has occurred, but on a relatively small scale, denoted by its vague calculations of civilian casualties in terms of ‘dozens’ or ‘hundreds’. It is then implied that perhaps no damage has occurred because there is no real way of counting the dead, which is obvious in the short term because one of the aims of an air war is not to risk foot soldiers and it is unlikely in any case that they might be employed counting casualties on the ground. By publishing speculative figures in terms of a dozen or one hundred, the article is reinterpreting the event to perhaps suit a pro-war agenda. The effect is to create a false impression that minor damage is

⁶² *Ibid.*

occurring, when in reality, far more significant levels of damage were occurring and this was being covered up by the misrepresenting the numbers of civilian casualties.

In February 2002 a *Washington Post* article by Molly Moore conceded that precision guided missiles in Afghanistan ‘almost always hit their targets, but sometimes have killed the wrong people’.⁶³ This statement is then qualified by the claim that civilian casualties in Afghanistan are yet to be independently verified which serves the purpose of negating the previous sentence. In the following sentence Moore states that the Taliban placed the numbers of civilian casualties in the thousands but ‘anecdotal evidence’ suggests the figures are much lower.⁶⁴ There is no suggestion from Moore as to what value this anecdotal evidence might be but the effect once again is to limit the audience’s perception of the scale of civilian suffering as a result of the US bombing campaign.

When considering the Taliban estimates for civilian casualties which were in the thousands, this would seem plausible considering that over 5,000 bombs failed to hit their target in the first six months. It is likely that this number of errant bombs would injure or kill a number of people in the thousands because these weapons are not designed to target one individual per missile, but are designed to destroy buildings and infrastructure. So if we consider that a building would ordinarily hold more than one person, in a country where large families live together under the one roof, one misdirected bomb will most likely injure or kill more than one person. The Taliban claim then that ‘thousands’ of civilians have been killed by errant bombs, would seem

⁶³ M. Moore, ‘Fleeing US Bombs, Villagers Found No Place to Hide; Missiles killed 21 in Two Families, Survivors Say’, *The Washington Post*, 13 February, 2002.

⁶⁴ *Ibid.*

to be more accurate than the *New York Times*' or *Washington Post*'s estimates of 'dozens' or 'hundreds'. Moore's article does describe the human impact of the air war in Afghanistan, interviewing a handful of civilian victims of the US-led assault. What is omitted in the story however is that the reader should be instructed to multiply these individual stories many times over to get a more comprehensive picture of Afghan suffering as a result of the first three months of the bombing campaign.

The last paragraph of this particular article however exemplifies the culture of cover-up and reinterpretation in relation to the Western mainstream media reports on the US attacks on Afghanistan. As if to counter its own attempt at showing the problems with the US air war in Afghanistan by publishing the stories of human suffering, Moore uses an alarming quote by one of the Pentagon's joint chief's of staff who reinterprets civilian deaths at Tarin Kot as 'Taliban propaganda':

'On those two villages.... I don't know exactly what you're talking about. But every instance of those kind of allegations, we can usually spot bomb craters near things. And when we make a mistake, we tell you when we make a mistake'.⁶⁵

This quote from Air Force General Richard B. Myers at the end of the article reminds the reader, that despite the human suffering caused by the US air force, a 'bully like' attitude from the US military is the final and lasting message. Once again the pattern is to admit US error resulting in civilian suffering on the one hand, but this suffering is either minimal (cover-up) or the work of enemy propaganda (reinterpretation).

⁶⁵ *Ibid.*

Appearing in *The Washington Post* in June 2002, an article by Michael Schrage demonstrates the extent to which the Western mainstream media was able to reinterpret the US air war in Afghanistan. The basic claim in this article is that the US is a 'victim' of its own superior technology because it is creating 'unrealistic' expectations amongst its allies and enemies about the accuracy of its weaponry.⁶⁶ Regardless of the superiority of technology, the 'unrealistic demand' referred to by Schrage is outlined in the Geneva Convention that civilians and non-combatants should be protected under the laws of war.⁶⁷ The first point to make about Schrage's article is that the US is only required to meet 'normal' expectations expected under the Geneva Convention, not exceed them or meet 'unrealistic' expectations. Because the US has an air force that is capable of targeting many locations across the world, it is going to be at risk of injuring civilians when using weapons from its technologically superior aircraft. Schrage's re-interpretation of the air war positions the US air force as 'victims' of expectation, which deflects the attention from the victims of the actual bombs. This type of political framing demonstrates Chong and Druckman's theoretical understanding of the way in which elites seek to influence public opinion on a particular issue by framing it in a certain way that emphasises 'certain considerations above others when evaluating that issue'.⁶⁸ An air assault such as the one performed by the US in Afghanistan is likely to be indiscriminate and it is inconsequential whether the US is using 'smart bombs' or other 'precision' weaponry. Schrage claims that it is ironic that the problem of precision weaponry will be turned

⁶⁶ M. Schrage, 'Too Smart for Our Own Good', *The Washington Post*, 2 June, 2002.

⁶⁷ U.N.H.C.H.R., 'Geneva Convention relative to the Protection of Civilian Persons in Time of War'. (Accessed online, 9/7/09 - <http://www.unhchr.ch/html/menu3/b/92.htm>)

⁶⁸ D. Chong and J.N. Druckman, 'Framing Public Opinion in Competitive Democracies', *American Political Science Review*, Vol. 101, No. 4, November 2007: pp. 637-655.

against the US in the form of unfair expectations, but the real irony is that Schrage is representing the US as a victim of its own military aggression.

The full extent of Schrage's reinterpretation of the air war in Afghanistan becomes clearer in the second half of the article where he claims that 'our bombing mistakes are their propaganda victories'. Schrage is openly admitting to US air force mistakes and even taking ownership of these mistakes with the use of the word 'our'. Schrage's use of the words 'mistake' and 'propaganda' require closer scrutiny. A mistake is an error of some kind, positioned openly and admissibly by Schrage in this article in relation to US air force errors in Afghanistan. Propaganda, in this context, concerns information of a bias or misleading nature to promote a political cause.⁶⁹ More broadly, it is a manipulation of the truth or an outright lie to convince an audience of the validity of a particular government's action. Propaganda is designed to distort the truth. Schrage admits that real mistakes, such as an errant bomb landing on a civilian area, are occurring in this war. If the Afghan leadership were to report such an event, it is not propaganda, but a statement of truth as confirmed by Schrage's admissions that these events are occurring. Schrage's reinterpretation of the reporting of civilian casualties from errant US bombs as propaganda victories for the opposition is negated by his own admission that these events are actually occurring. They are therefore not propaganda but statements of truth.

Schrage attempts to build on his flawed 'propaganda victory' argument by proposing that Afghan forces are deliberately setting up these 'victories' by placing civilians close to likely military targets, or positioning military command centres amongst

⁶⁹ Oxford Dictionaries Online, AskOxford.com. (Accessed online 29/6/10 - http://www.askoxford.com/concise_oed/propaganda?view=uk)

civilian infrastructure. This is sometimes referred to as the ‘human shield argument’. Schrage’s quote from Colonel Charles Dunlap attempts to explain this argument and is a further demonstration the culture of reinterpretation and the way in which the mainstream media acted as a mouthpiece for the US military with respect to its war effort in Afghanistan:

‘If killing civilians can complicate a democracy’s war effort, then those intent on waging a neo-absolutist war will not hesitate to induce ‘collateral damage’ situations’.⁷⁰

Schrage supports Dunlap’s position by stating that the US technological edge creates ‘perverse incentives for enemies to use non-combatants as hostages and exploit America’s precision weaponry for their own ends’.⁷¹ In this example Schrage is claiming that opposition forces in Afghanistan are trading civilian lives for propaganda victories. Where earlier in the article he admitted that civilian deaths were caused by ‘our errors’, his position changes by proposing that US bombing errors as not necessarily errors, but an example of the enemy firstly knowing where the bombs are going to land, and then secondly, positioning civilians there so that their injury and or death can be used as a propaganda tool against the US war effort. The problem with Schrage’s argument is that reports of civilian casualties by the Taliban can only be regarded as propaganda if they did not occur or were greatly exaggerated. Schrage’s admission to ‘our military mistakes’ indicates that civilian casualties did occur and therefore the reporting of them by the Taliban could not be regarded as propaganda or a ‘propaganda victory’.

⁷⁰ Schrage, ‘Too Smart for Our Own Good’, *The Washington Post*.

⁷¹ *Ibid*.

Schrage's framing of the U.S as 'victims' in the one sided air war continues in this article where he claims that the 'deliberate blurring of civilian and military targets is a grotesque violation of the laws of war'. Schrage in this instance is placing responsibility for civilian casualties not with the US bombers, but with the intended targets of the weapons. Schrage's reference to the 'laws of war' is another example of reinterpretation in that the US intervention in Afghanistan is in violation of Article 2 in the United Nations Charter, as well as the self defence clause in Article 51 which forms the basis of the principle of refraining from the use of force under international law.⁷²

In what could be construed as an attempt to blur the legal context of the air war in Afghanistan, Schrage claims that as 'the undisputed leader in military technology', the US must ensure that this supremacy 'doesn't devolve into a legal liability'.⁷³ The question of legal liability does not normatively revolve around issues concerning technological superiority, but with the decision to use illegal military force in another country in response to a domestic terrorist attack.⁷⁴ Although Schrage claims that the Afghanis are improperly intermingling civilians with legitimate military targets, in the absence of a declaration of war against Afghanistan the definition of a legitimate military target is not clear.

Schrage, who at the time of writing was also a consultant to various branches of the US Defence Department, offers a very 'un-defence-like' solution to counteract the so-

⁷² Charter of the United Nations, Chapter I: 'Purposes and Principles' and Chapter VII: 'Action with respect to threats to the peace, breaches of the peace, and acts of aggression'.

⁷³ Schrage, 'Too Smart for Our Own Good', *The Washington Post*.

⁷⁴ F. Boyle, 'Is Bush's War Illegal?', *Counter Punch*, September 17, 2002. (Accessed online, 9/7/09 - <http://www.counterpunch.org/boyle0917.html>)

called problem involving Afghani violators of the laws of war whom he alleges place civilian lives at risk. Schrage's system involves notifying civilian populations of military targets nearby that are potentially the next bombing target. He suggests that that perhaps 'all the cell phones in a given geographical area would receive a message warning of an impending strike'. There are three immediate practical problems with Schrage's solution; the limited number of Afghani civilians that use a mobile phone, the state of Afghanistan's mobile network infrastructure during the type of intensive bombing attack it has been subjected to, and thirdly, how in Schrage's system of notification are the notifiers able to distinguish between civilian mobile phones and those belonging to 'legitimate' military personnel.

The idea of notifying people around an intended target that they are about to be bombed is also questionable from a strategic point of view. Schrage suggests that the 'military element of surprise might be traded off against the benefit of public notification to minimise civilian deaths.' The military strategy Schrage is proposing is to forego a decisive military advantage in order to gain a propaganda advantage. As is suggested earlier in the article, Schrage's concern with killing civilians is not the actual killing, but that it gives the other side a 'propaganda victory'.

This is reaffirmed in the next sentence: 'Once a system of civilian notification is in place, regimes that turn their own citizens into hostages would find it more difficult to win propaganda wars'. Schrage claims that if 'managed well, notification would confer military benefits as well as war crimes protections'. Again the article becomes focussed on legal liability, clouding the broader legal issues surrounding the war against Afghanistan. The extreme limits of reinterpretation are demonstrated in this

article where the US military is represented as a propaganda victim and civilian casualties are defined as a legal liability.

Well after the initial bombing period had ended, there was a dramatic shortage of reporting on the deterioration of Afghanistan and its civil structure and infrastructure, which one could say was precarious enough in the first place.⁷⁵ The responsibility for the deterioration of social order was blamed on Afghan ‘militants’ trying to unsettle the project for democracy that was framed within the context of being a project of US altruism.⁷⁶ In reality, the reasons for the total breakdown of civil order in Afghanistan had far more to do with the destruction caused by the mass bombing campaign of the US which severely damaged Afghani society on a physical, psychological and political level. With the country totally destabilised, the only purpose that the survivors from the US air war could rightly apply themselves to was ridding the US from their country and fighting internally for localised power that had been left vacuous after the US had removed the Taliban. What is remarkable is that the US’s role in creating this vacuum, and hence being responsible for the ensuing violence, is generally neglected by the mainstream media. Fighting in Afghanistan’s post invasion society as noted by Dimaggio is framed as Islamic militants fighting for power whilst the US is attempting to install democracy using among other methods, intensive bombing campaigns.⁷⁷

⁷⁵ A.R. Dimaggio, *Mass Media, Mass Propaganda: Examining American News in the ‘War on Terror’*, 2008, Lexington Books, New York: p.253.

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*, pp.253-254.

6. Applying the Backfire Model

This section summarises the examples mentioned so far where the first three tactics of the backfire model can be applied to the *New York Times*' and *Washington Post*'s account of the first six months of the air war in Afghanistan. The model is used to describe how these two publications acted as de-facto agents for covering up the injustice perpetrated by the US-led military against the Afghan civilian population, devaluing the victims of the bombing, and reinterpreting the attacks in a way that drew attention away from civilian casualties and suffering. This section also introduces a fourth tactic – intimidation – in relation to the US military's approach to Al-Jazeera, a non-Western news organisation that was operating in Afghanistan at the time. This is a more specific application of the model where the tactic was used by the perpetrator of the perceived injustice, as opposed to the Western media organisations which acted as de-facto agents for cover-up, devaluation and reinterpretation.

Cover Up

Herold points out that to have any chance of making the air war in Afghanistan appear just, it is 'imperative to completely block out access to information on the human costs of the war.'⁷⁸ This was achieved initially when the Bush administration 'bought up all commercial satellite imagery available to the general public'.⁷⁹ However it was the mainstream media's approach to the air war that effectively provided the US government with a de-facto agency for cover-up. The limited number of articles that published figures on civilian casualties vastly understated them, hiding a significant aspect of the story from media audiences. Whilst this indicates that the media is

⁷⁸ Herold, 'A dossier on Civilian Victims of United States' Aerial Bombing of Afghanistan'.

⁷⁹ *Ibid.*

giving implicit support for the war, examples of explicit support for the US-led war on terror are also evident.

The chairman of News Corporation, Rupert Murdoch, was one highly active media owner who openly endorsed the US-led military interventions in the Middle East after the events of September 11 with his media outlets playing a 'central role in preparing and then retaining public opinion in favour of the invasion' of Iraq.⁸⁰ Murdoch was quoted in *Fortune* magazine as saying that a war in Iraq could 'fuel an economic boom in the west'.⁸¹ This type of statement from one the world's most senior corporate media owners is a strong indication that human suffering occurring beforehand in Afghanistan was unlikely to be one of the central themes in the reporting of the war by mainstream media outlets.

The propaganda model assists in attempting to understand the mainstream media's response to the human tragedy in Afghanistan. If one uses Murdoch's previous statement about war being good for the economy, it is possible to see how journalistic autonomy might be replaced by corporate interest. The result is a subservient presentation of the government's one sided view of the 'war on terror' with the possibility of media interests achieving economic gain through higher sales and higher advertising revenue. As pointed out by the public relations executive James E. Lukaszewski, 'media and terrorism are like soul mates', in so far as the sensational

⁸⁰ D.Thussu, 'Murdoch's war – A Transnational Perspective', in Y.Kamalipour and N.Snow, (Eds.), *War media and Propaganda: A Global Perspective*, Lanham, M.D., Rowman and Littlefield, 2004: pp.93-100 at p.95.

⁸¹ *Ibid.*, p. 96.

nature of terrorist activity drives news ratings up, which in turn leads to an increase in commercial success for news networks and publications.⁸²

A compliant mainstream media can be said to have served as a de-facto agency for covering up the human tragedy that occurred as a result of the initial US air bombardment of Afghanistan. The control of satellite imagery was one of the more direct ways in which the US air war in Afghanistan was covered up by the administration. However the intervention in Afghanistan was never going to be completely covered up because it was the initial theatre in the 'war on terror' which meant that other tactics were also used.

Devaluing the Victims

The way in which the victims of the air war in Afghanistan have been devalued centres around the association of victims with either the Taliban or Al-Qaeda. Where civilian casualties cannot be denied or covered up, they are referred to as being connected with Al-Qaeda or the Taliban. Proof of this association in the *New York Times* and *Washington Post* articles is not offered. Alternatively, civilian casualties are referred to as 'Taliban propaganda', or 'Taliban claims' of civilian casualties. As has already been discussed, the effect of this type of devaluation in the mainstream media is that the victims are not seen as worthy of concern. Victims are described only in terms of statistics and there is an absence of human faces and the notion that nearly all of these victims come from families where the survivors must live with loss and grief.

⁸² J.E. Lukaszewski, 'The media and the terrorist: a dance of death', 1987 (Revised 1998). (Accessed online 30/6/10 - <http://www.e911.com/speeches/mediaandterrorists.html>)

Re-interpreting the Meaning of Terror

The US air campaign in Afghanistan reveals a system of state terror conducted in the name of fighting terrorism. In other words the US government, supported by allies such as Britain and Australia, has demonstrated that its primary response to the asymmetrical violence sporadically imposed upon the West by terrorist organisations is ongoing state sponsored terror against weak nations such as Afghanistan. In fact conventional understandings of terrorism are an example of systematic re-interpretation that excludes states as the perpetrators of terrorism.

Research literature on terrorism tends to follow an agenda set by the state and mass media institutions with a concentration on non-state terrorism and only a few treatments of state terrorism.⁸³ Typical definitions of terrorism as violent action against civilians for political ends suit the state whereas a more balanced definition would be violence against civilians to achieve political goals, which would ultimately identify states as the leading terror organisations.⁸⁴ The 1993 Oxford dictionary definition can be paraphrased as the systematic use of violence and intimidation against a government or community to achieve a political goal. If we apply that definition to the US-led air war in Afghanistan from October 2001 to April 2002 then it is clearly a sustained act of terrorism that has caused significant casualties and large scale damage against a largely innocent civilian population.

One of the broader features of the US government's intervention in Afghanistan under the doctrine of pre-emption is that an air offensive is being recast as homeland

⁸³ E.O.F.Reid, 'Evolution of a body of knowledge: an analysis of terrorism research', *Information Processing and Management*, Vol.33, Issue1, January 1997: pp.91-106.

⁸⁴ *Ibid.* p.92.

defence.⁸⁵ This system of reinterpretation has pervaded the mainstream discourses regarding the US response to terrorism since the events of September 11. The project to civilise Afghanistan is not one marked by civilisation, but brutalisation. The reconstruction rhetoric ignores the destructive reality of an intensive and sustained bombing campaign. The process of liberation from the Taliban has been accompanied by indiscriminate humiliation. What the US government defines as ‘freedom’ for Afghanistan has been attempted to be gained through the mass terror of high altitude bombing.

The process of reinterpreting the ‘war on terror’ is played out in the six newspaper articles discussed in this chapter. The aspects of re-interpretation found in the *New York Times* and *Washington Post* concern the under-estimation of civilian casualties from thousands to ‘dozens’ or ‘hundreds’, the myth of technical accuracy in an air war, the reinterpretation of the US military being victims of expectation because of their technical supremacy, and the reinterpretation of civilian casualties as ‘propaganda victories’ for the Taliban and/or a legal liability for the US government. One of the effects of reinterpretation is to divert attention from the damage that is occurring, or to admit that it is occurring but on a relatively small scale.

Intimidation

Intimidation is a fourth tactic that might be used by a perpetrator of an injustice and can be introduced at this point. One way in which the US military attempted to minimise outrage over the war in Afghanistan was by attacking the Arab news agency Al-Jazeera. Free of the controls of US government propaganda and broadcasting

⁸⁵ D. Pease, ‘Between the Homeland and Abu Ghraib’, in A. Dawson and M. J. Schueller (Eds.), *Exceptional State: Contemporary US Culture and the New Imperialism*, 2007, Duke University Press, London: pp.60-87 at p. 70.

mainly to an Arab audience but with content freely available on the internet, Al-Jazeera showed 'intensely terrifying scenes of war', broadcasting uncensored images of the human suffering in Afghanistan and Iraq.⁸⁶ When the war in Afghanistan began, US Secretary of State Colin Powell used his influence to exert pressure on Qatar to 'rein in' Al-Jazeera's reporting of the war.⁸⁷ When this approach was not as successful as hoped, Al-Jazeera's Kabul office was targeted and hit by US missiles.⁸⁸ Al-Jazeera posed a genuine threat to the Bush administration's desire to shield the American public, as well as Al-Jazeera's primary audience in the Middle East, from witnessing the human suffering in Afghanistan. The attempted prevention of the communication of this suffering to a receptive audience shows the link between cover-up and intimidation in the backfire model.

It should also be noted that it is not just foreign journalists or those associated with Al-Jazeera that have been the targets of intimidation by the US military in Afghanistan. US journalist Doug Struck was detained at gun point by US soldiers when he attempted to investigate the scene of a missile attack that was said to have killed a number of civilians.⁸⁹ The soldiers held Struck for over twenty minutes and when he asked them what would happen if he proceeded to the bomb site without their permission they replied that he 'would be shot'.⁹⁰ Again this is an example of intimidation by the US military to restrict the outflow of information about the effects of the war.

⁸⁶ D. Hanley, 'Two Wars in Iraq: one for US audiences, the other for the Arab speaking world', *Washington Report on Middle East Affairs*, Vol. 22, Iss.4, 2003: p6.

⁸⁷ Z.Sardar and M.W. Davies, *Why Do People Hate America?*, Allen and Unwin, Sydney, 2003: pp.202-203.

⁸⁸ *Ibid.* and Hanley, 'Two Wars in Iraq', p.6.

⁸⁹ Committee to Protect Journalists, 'Attacks on the Press 2002: Afghanistan', 31 March, 2003. (Accessed online 11/5/11 - <http://cpj.org/2003/03/attacks-on-the-press-2002-afghanistan.php>)

⁹⁰ *Ibid.*

Official Channels

There does not appear to be any strong examples or evidence of the US government using official channels as a way of minimising outrage through giving the appearance of justice. The United Nations did not sanction the intervention which began in October 2001, and there appeared to be little effort made by the US government to use official channels in any way to legitimise the intervention before the bombing began. However, some connection with official channels has occurred since. In December 2001, the International Security Assistance Force (ISAF) was created as a UN mandated force to assist the newly created Afghan Transitional Authority.⁹¹ Whilst it is not known what influence the US government had in creating this force, its international composition and link with the UN has the effect of giving legitimacy to the US attacks. Since 2003, the North Atlantic Treaty Organisation (NATO) assumed control of the ISAF and the fighting force in Afghanistan is referred to as a NATO force. Conducting the war in Afghanistan under the NATO flag gives the impression that the intervention is supported by a large multi-national force despite the fact that the initial action was a unilateral one taken by the US and supported by countries such as Australia and Britain. The current troop contributions from most member countries are minimal: 65% of troops are sourced from the US.⁹²

7. Conclusion

This chapter has aimed to achieve three goals. Firstly, using Herold's analysis and data, it has shown that the first stage of the US-led air war in Afghanistan was unjust

⁹¹ International Security Assistance Force (ISAF), 'History'. (Accessed online 2/7/10 - <http://www.isaf.nato.int/history.html>)

⁹² International Security Assistance Force (ISAF), 'Troop numbers and contributions'. (Accessed online 2/7/10 - <http://www.isaf.nato.int/troop-numbers-and-contributions/index.php>)

in terms of the high number of civilian casualties. Secondly, it has demonstrated that by using a just war theoretical framework the decision to embark on this war by the US was unjust in broad terms, meaning that a likely outcome was numerous individual cases of injustice or perceived injustice. Thirdly, the bombing of Afghanistan immediately after the September 11 attacks on New York and Washington resulted in the deaths of a significant number of innocent civilians not accounted for in the sample articles taken from *The New York Times* and *The Washington Post*. Each newspaper acted as a de-facto agent for cover-up, reinterpretation and devaluation. The silencing of Al-Jazeera and the threatening of Doug Struck illustrate the way in which intimidation can be used to prevent the communication of unjust events to a receptive audience. The formation of the ISAF under NATO control following the initial US bombing campaign shows the way in which official channels have been used since the initial attacks to legitimise an aggressive military action by a very powerful nation against a far weaker state.

One of the limitations of this analysis is explaining the media's role as a de-facto agent for the inhibition of outrage. Herman and Chomsky describe in the propaganda model the way in which mass media organisations serve elite interests or the interests of those in power. Evidence for Herman and Chomsky's theory is strong with respect to Rupert Murdoch's support for the war as espoused in *Fortune* magazine, however it does not explain the role of the *Washington Post* which is not owned by Murdoch.

Gathering evidence for understanding the mechanisms of the mass-media's subservience to the government during war time is difficult. It seems fairly straightforward to identify that it is occurring, but difficult to know in great detail how or why. In the following chapter on the first siege of Fallujah in Iraq in 2004, an

attempt has been made to match up US Department of Defence news briefings with articles written by journalists attending these briefings, with the result being that the news articles appear to unquestioningly reflect the official line.

Chapter 5 - The Attack on Fallujah – April 2004

1. Introduction

The battle of Fallujah in April 2004 was a significant event in the invasion and occupation of Iraq by the US military. Occurring one year after the initial assault on Baghdad by US and British planes, Fallujah became a symbol of Iraqi resistance after successive US military units failed to take control of the city. Following the killing of four private military contractors and images of their brutal death being broadcast around the world, the US military executed a large scale military attack on Fallujah which impacted heavily on Fallujah's civilian population. Over 700 civilians were killed, more than 1,500 were seriously wounded and the attacks resulted in considerable damage to buildings and infrastructure.

In this chapter I look at outrage management in two parts with the first being the maximising of outrage by US officials and a compliant mainstream media in relation to the Blackwater killings. This event became the public justification for the attack on Fallujah which was to follow. In the second instance I look at how the excessive attack on Fallujan civilians by the US military was treated by US officials and the mainstream media. The comparison is noteworthy because some the tactics used to maximise outrage over the killing of four private soldiers are the reverse of those used to minimise outrage over the deaths of hundreds of Iraqi civilians that included women, children and the elderly.

The role of the Arab news organisation Al-Jazeera is an important factor in this analysis. A news team led by Ahmed Mansour managed to film and broadcast the

attack and its effects on the civilian population and these images were received by a wide Arab audience. Whilst the Al-Jazeera team were subjected to acts of violence and intimidation, their efforts contributed to an agreed ceasefire which in part was due to the US military losing 'control' of the information that was coming out of Fallujah. Within two weeks this was followed by a full withdrawal of US operations.

2. The Public Lynching of Private Military Personnel

The first siege of Fallujah in April 2004 occurred one year after the US-led invasion of Iraq which became the second militarised zone in the 'war on terror' following the occupation of Afghanistan. Fallujah had been one of the Iraqi cities that vigorously opposed the US occupation and was regarded as a central point of the Iraqi resistance.¹ The road into Fallujah was controlled by multiple resistance groups and US patrols were unable to travel into the city for any length of time because of the inevitability of a roadside bomb attack.² Although Human Rights Watch found that there was distinct lack of support for Saddam Hussein in Fallujah, the city's inhabitants were equally opposed to the US occupation.³

On more than one occasion US troops had moved into the city and then been forced to retreat to its outskirts. In March 2004, the First Marine Expeditionary Force re-entered the city in an attempt to assert its authority over the resistance movement.⁴ The resistance continued however and the Marines' level of control was tenuous. Already

¹ M.Carr, 'The Barbarians of Fallujah', *Race and Class*, Vol.50, No.1, 2008: pp.21-36 at p.24.

² D.Jamail, *Beyond the Green Zone: Dispatches from an unembedded journalist in occupied Iraq*, Haymarket Books, Chicago, 2007: p.81.

³ *Ibid.*, p.81 and p.110.

⁴ J.Scahill, *Blackwater: The Rise of the World's most Powerful Mercenary Army*, Nation Books, New York, 2008: p.156

other military units had entered the city and then been forced to its outskirts prior to the entry by the Marines.

Supporting the US and coalition regular soldiers in both Iraq and Afghanistan was an increasing number of private security contractors working within the burgeoning private military sector, an issue discussed in detail in the following chapter. One of the largest of these private military companies working under contracts with the Pentagon and US State Department at this time was Blackwater. The roles of private security contractors varied greatly from non-combat to combat operations. At this time Blackwater was in charge of providing security for the US appointed head of the Coalition Provisional Authority in Iraq, Paul Bremer. On 31 March 2004, four Blackwater employees were given the more innocuous task of guarding a convoy of kitchen equipment and food that was to be transported into Fallujah in support of the Marines' operation there. The convoy was ambushed by resistance fighters and the four Blackwater employees were killed by machine gun fire in the first instance. Their bodies were dragged from the vehicles and set alight before being mutilated by a Fallujan mob and hung from a bridge over the Euphrates River.⁵ Journalists and photographers were present to capture the final moments of this shocking incident and images of the blackened bodies were published around the world.

Fears that the Bush administration would use these images in the same way that the images from 9-11 were used were well founded.⁶ In the same way that the destruction of the twin towers was repeatedly shown in the Western media which had the effect of

⁵ *Ibid.*, pp. 160-168.

⁶ Jamail, *Beyond the Green Zone*, p.107.

generating outrage and justifying an attack on Afghanistan, images of the bodies of the Blackwater soldiers were incessantly broadcast by the US media.⁷ It appeared the event would provide justification for a large scale attack on Fallujah that would be intended to cripple the resistance movement in an area where the US military had limited control.⁸

Although the killing and lynching of the Blackwater employees in Fallujah was a 'routine act of brutality' in the Iraq war,⁹ the event became a worldwide media spectacle which was used in parts of the mainstream media to justify the wholesale destruction of the city. *The New York Times* branded the killing of the Blackwater employees as an act of barbarism, as did *The Washington Post*.¹⁰ These newspapers and the Western mainstream press in general normally reserved these terms and labels for the Iraqis, ignoring the 'high tech' barbarism that had been inflicted on civilians in Iraq in the carrying out of high altitude bombing operations. Also ignored by the Western media in this context was the diplomatic barbarism applied by the West for twelve years prior where economic and trade sanctions resulted in the deaths of 500,000 Iraqi children.¹¹ The selective framing of barbarians versus the 'civilised West' ignored the reality of US barbarism in Iraq which was soon to be demonstrated on a massive scale in Fallujah.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ Carr, 'The Barbarians of Fallujah', p.22.

¹⁰ *Ibid.*

¹¹ E.Herman, 'The price is worth it', Montclair State University. (Accessed online 24/2/11 - <http://chss.montclair.edu/english/furr/pol/wtc/hermantheprice.html>)

This selectivity was evident when Fox News presenter Bill O' Reilly demanded after the killing of the Blackwater employees that 'Fallujah itself' should be destroyed. If anything this shows that the news networks were unaware or unwilling to acknowledge the ironic notions contained within their descriptions of 'murderous Iraqis' as they called for actions that would likely result in the mass-murder of civilians in Fallujah that would almost certainly include women, children and the elderly.¹² Other news outlets were similarly unaware of the irony contained in their description of the people of Fallujah as savages and barbarians. Tammy Bruce called for another Hiroshima or Dresden, saying that 'beasts of violence and destruction understand one thing: destruction..... I contend it is now time to raze Fallujah'.¹³ Jack Wheeler, a former advisor to Ronald Reagan said quite plainly that 'Fallujah must be destroyed, that every man woman and child given twenty four hours to leave and have Fallujah turned into a ghost town. Then it should be physically obliterated from this Earth'.¹⁴ There was no mention in the media of Blackwater's military role in Iraq. The private soldiers were misrepresented as Western civilians when all of them had extensive military histories. They were carrying out a military mission and in possession of military weapons and in December of 2006 *The Washington Post* admitted that the roles of these Blackwater 'contractors' were the same as 'mercenaries'.¹⁵

¹² Carr, 'The Barbarians of Fallujah', p.22.

¹³ T.Bruce, 'Raze Fallujah', *FrontPageMagazine.com*, 2 April, 2004. (Accessed online 24/02/11 - <http://archive.frontpagemag.com/readArticle.aspx?ARTID=13534#>), cited in Carr.

¹⁴ J.Wheeler, 'Fallujah delenda est', *Newsmax.com*, 2 April, 2004. (Accessed online 24/02/11 - <http://archive.newsmax.com/archives/articles/2004/4/2/100042.shtml>), cited in Carr

¹⁵ A. Mansour, *Inside Fallujah: the unembedded story*, Olive Branch Press, Northhampton MA, 2009:p.30.

3. The Attack and Siege of Fallujah – April 2004

Prior to the large scale military assault on Fallujah there were no Western journalists in the city. The following account of what occurred comes from sources that were closest to the event. Ahmed Mansour was the only journalist able to penetrate the military cordon set by the US before the attack began. Mansour led a team from the Qatar based news agency Al-Jazeera from within the city during the siege. Dahr Jamail, an independent US journalist, was in Baghdad during the siege but was unable to penetrate the military cordon. His account of events is based on interviews inside Fallujah immediately after the April battle. Patrick Cockburn, an Irish journalist and Middle Eastern correspondent since the late 1970s, also interviewed Fallujans seeking shelter in Baghdad in early April. Donna Mulhearn was an Australian aid and humanitarian worker who was present in Fallujah during the April siege and her version of events corresponds with the experiences of Fallujans documented by Mansour, Jamail and Cockburn. Also useful is Matt Carr's peer reviewed article on Fallujah appearing in *Race and Class* in 2008.

By 5 April the city limits of Fallujah was surrounded by 11,000 U.S. troops blocking all access into and out of the city.¹⁶ On the outskirts of Fallujah, large concrete blocks and coils of concertina wire were being erected and behind them were many 'Humvees' and Bradley armoured fighting vehicles. Fallujah was surrounded by the US military.¹⁷ As the siege began in earnest, Fallujah's power and water supply was cut off and the cordoning of Fallujah appears to have been an attempt to keep all

¹⁶ *Ibid.*, p.69.

¹⁷ Jamail, *Beyond the Green Zone*, p. 67.

males of 'fighting age' within the city limits.¹⁸ This was regardless of whether these males were resistance fighters or not. Many males trying to escape the city were moving their families and themselves to a safer area as a full-scale assault appeared imminent in light of the killing of the Blackwater guards.

Mulhearn and other Western aid workers tried to escape the city through one of the check points at the edge of Fallujah. The queues of cars were extremely long and the aid workers were only able to negotiate their passage through the checkpoint after identifying themselves as Westerners. Their attempts to negotiate the safe passage of the Iraqi families however were not achieving results. The US soldiers at this checkpoint agreed to allow all women and children through but the men had to return to the city. Mulhearn was told by one of the soldiers that they wanted 'them all there in together so we can finish them off at once. It's much easier that way'.¹⁹ The soldier in charge at this particular checkpoint reaffirmed this alarming statement saying that he had received orders that no men were to leave. It was pointed out to these soldiers that generally women in Iraq do not drive a car, making it virtually impossible for any Iraqis to leave the city if all men were turned back. Eventually one man was allowed per car to leave the city so long as his only passengers were women and children. All men not travelling with families were turned back. Mulhearn believes that the escape of these people was only made possible because of the aid workers' 'Western presence'. It is likely that at the numerous other US military checkpoints around the city those Iraqi families attempting to flee to safety were not as fortunate.²⁰

¹⁸ *Ibid.*, p.122.

¹⁹ D.Mulhearn, 'The Road to Fallujah', *Griffith Review*, Issue 17, Spring 2007: pp.133-150 at p.149.

²⁰ *Ibid.*, pp.148-150.

The first attacks on Fallujah from the air were centred on a residential area in the north western part of the city where houses were heavily bombed. Witnesses described to Mansour the way in which these bombs exploded and then distributed numerous smaller bombs in the area, indicating that the US aircraft had used cluster bombs.²¹ Various parts of Fallujah were heavily bombed on the first evening and the US attempted to enforce a night time curfew by firing at civilian vehicles that travelled on the road at night.²² For any victims of the air attack it was very difficult to be treated for injuries because US troops were occupying the bridge that connected much of Fallujah to the General Hospital.²³ The hospital was eventually bombed and closed down forcing doctors to operate in makeshift clinics working without anaesthetic and disinfectant as well as lacking vital equipment to perform the type of surgery required for substantial wounds.²⁴ Without electricity or generators, doctors worked by the light of 'candles, torches and cigarette lighters'.²⁵

Patrick Cockburn interviewed people from Fallujah who were taking shelter in an abandoned Baghdad air-raid shelter. They described how they survived for one week during the siege in Fallujah. When trying to leave the city they were kept waiting at US military checkpoints for over eight hours as U.S soldiers searched every car. Cockburn's interviewees were outraged that the US officials claimed the 600 dead and 1200 wounded were fighters as a family mourned the death of a 70 year old man outside a traditional mourning tent. Cockburn was directed to the shelter by Dr. Abed

²¹ Mansour, *Inside Fallujah*, p.90.

²² *Ibid.*, p.96.

²³ *Ibid.*, p.93.

²⁴ Mulhearn, 'The Road to Fallujah', p.133.

²⁵ *Ibid.*

al-Illah, a representative of the US appointed Iraqi governing council. Of the 600 reported dead in Fallujah, Doctor Illah claimed that about 350 were women and children. One was eight months old and many could have been saved if they received the most basic medical attention. This attention was hindered by the bombing of Fallujah's main hospital and the taking over of another by US marines to use as a base. Although Dr. Illah was a 'veteran opponent' of Saddam Hussein, he expressed extreme anger over the slaughter of civilians in Fallujah.²⁶

Other accounts of the number of civilians killed in Fallujah during the first two weeks of April agree on the figure reported by Cockburn. Mulhearn puts the figure at seven hundred, noting that the cemeteries were at capacity and local soccer fields were being used as makeshift graveyards.²⁷ A local Sheikh reported 500-600 civilian deaths but this figure is regarded as conservative because of the difficulty of counting casualties in the US-controlled section of the city.²⁸ There also would have been challenges in accounting for bodies that were buried beneath the rubble of destroyed buildings as a result of the bombing. Although families had been instructed by the US military to leave the city, the bombing continued as these civilians attempted to leave.²⁹ As well as the risk posed to the evacuating Fallujans by the bombing, there was the persistent risk of being shot by a Marine sniper.

²⁶ P. Cockburn, 'Do we look like fighters? ask Fallujah families with their disabled, their old and their children', *The Independent*, 13 April, 2004.

²⁷ Mulhearn, 'The Road to Fallujah', p.133.

²⁸ Ibid., p.138.

²⁹ Jamail, *Beyond the Green Zone*, p.125.

Mansour described the horror of the attempted evacuation in these circumstances where the look of impending death on the faces of the people was as disconcerting as the sight of dead bodies.³⁰ The people in the crowd were not fighters but men, women, children and the elderly. There was also the unfortunate sight of lost children in these crowds, experiencing the trauma of isolation from their parents as well as the fear stemming from the military attack. Mansour's team personally assisted an old woman with her grandchildren to find a vehicle in which to escape. Their hopelessness was apparent because the size of the crowds meant that every vehicle was filled to capacity. Eventually they were able to secure a position on the roof of a truck. Two hours later whilst filming outside a field hospital, a vehicle approached carrying dead bodies that were 'piled atop each other in a sickening mass of flesh and blood', characterised by small body parts that belonged to children.³¹ Before long Mansour realised that the victims included the grandmother and grandchildren they had helped two hours before, as well as many other children who were also travelling on the truck.³² Other first hand reports of civilian deaths and injuries by Mulhearn included a 'ten year old boy with bullet wound to the head... a grandmother with an abdominal bullet wound caused by US snipers, and young men with severe burns and limbs blown off'.³³ Mansour, an experienced war correspondent, was unable to explain why so many of the dead bodies that he encountered in Fallujah were children, more so than any other war he had covered before.³⁴

³⁰ Mansour, *Inside Fallujah*, p.171.

³¹ *Ibid.*, p.173.

³² *Ibid.*, pp.172-173.

³³ Mulhearn, 'The Road to Fallujah', p.133.

³⁴ Mansour, *Inside Fallujah*, pp.175-176.

Another aspect of the Fallujan assault by the US was the targeting of ambulances as they attempted to move around the city. Iraqi doctors at a medical clinic asked Mulhearn and her three fellow Western humanitarian aid workers if they could accompany an ambulance travelling across town carrying food and medical supplies to a hospital that had been cut off. When the ambulance had last travelled to this part of Fallujah it had been fired upon by US troops. When the aid workers accompanying the ambulance began to pass through the US controlled part of town they identified themselves as Westerners using a loudhailer. The response from the US soldiers was to open fire on the Western aid workers and a second attempt by the aid workers also attracted gunfire.³⁵ The ambulance was unable to reach its destination and returned to the clinic without being able to deliver the essential supplies to the hospital.

British independent journalist Lee Gordon was in Fallujah on April 9 and made references to a lack of medicine in the city and that ambulances were being fired upon by US soldiers.³⁶ At one clinic the only working ambulance there had bullet holes down the side of the car and on the driver's side windscreen. The driver was bandaged around the head where he had been treated for a wound caused by a sniper's bullet.³⁷ Maki al-Nazzal, the manager of one of the makeshift medical clinics based at a mechanic's garage, said that the US soldiers had first shot the ambulance, and then after looking over the car shot the driver.³⁸ Christy Clemons, the CPA spokesperson representing the US military, stated at the time that the US were 'escorting ambulances' and cooperating with Iraqi health workers. The secretary general of the

³⁵ Mulhearn, 'The Road to Fallujah', pp.134-135.

³⁶ Jamail, *Beyond the Green Zone*, p.130.

³⁷ *Ibid.*, p.138.

³⁸ *Ibid.*

Iraqi Red Crescent rejected this claim and said that ‘no Red Crescent’ ambulances had been allowed to enter the city since April 13. The official US claim that they were providing humanitarian assistance to the citizens of Fallujah was not endorsed by a single refugee or doctor interviewed by Jamail.³⁹

Mansour also observed US attacks on ambulances. The first photo his team took was of a man being transported to a hospital close to a US military position. Although the vehicle that he was travelling in was carrying the Red Cross and Red Crescent symbols it was fired upon resulting in the death of the ambulance patient.⁴⁰ Carr also noted that ‘numerous eyewitnesses reported that US soldiers were firing on un-armed civilians and that ambulances and hospitals were prevented from giving treatment to wounded patients’.⁴¹ Volunteers from a Christian Peacemaker Team accompanied an ambulance to pick up a woman going into premature labour. US snipers began firing at the ambulance and although the ambulance crew were not injured, they were not able to collect the pregnant woman due to the damage caused to the vehicle.⁴²

The targeting of ambulances no doubt exacerbated an already parlous situation for Fallujan civilians. Many were killed and injured from the aerial bombing which included the use of cluster bombs. Once US snipers had positioned themselves in various locations around the city, just moving outside became a risk. This risk was

³⁹ *Ibid.*, p.162.

⁴⁰ A. Goodman, ‘Al Jazeera Reporters Give Bloody First Hand Account of April ’04 U.S. Siege of Fallujah’, *Democracy Now*, 22 February, 2006. (Accessed online 3/5/10 - http://www.democracynow.org/2006/2/22/exclusive_al_jazeera_reporters_give_bloody)

⁴¹ Carr, ‘The Barbarians of Fallujah’, p.27.

⁴² ‘Christian Peacemakers report killings of women and children by U.S. troops in Fallujah’, Staff writers at *Ekklesia*, 14 April, 2004. (Accessed online 13/4/10 - http://www.ekklesia.co.uk/content/news_syndication/article_040414fallujah.shtml)

proven as many civilian casualties arriving at the medical clinics were suffering from gunshot wounds caused by snipers. Mansour and his team were confined to a house for over two days because any movement outside the house attracted fire from a sniper positioned across the road. In the neighbouring house, the owner's eighteen year old daughter had been shot through the window of the house by the same US snipers.⁴³ Being restricted in this way in a city where the electricity and water supplies had been cut off meant that the acquisition of food and supplies was very difficult.⁴⁴ The final indignation for the those Fallujans who attempted to leave this scene of devastation was the risk of being injured or killed by the bombing as they made their way to the city's exit check points only to be held up for hours by US military personnel. For most of the men who were turned back and told to return to Fallujah the situation was much worse. Lee Gordon's summary that the US military was 'committing the most heinous crimes possible in Fallujah'⁴⁵ was a message that was not well publicised in the West.

Considering that the public justification for the attack on Fallujah was in retaliation for the lynching of the four Blackwater employees it can be concluded that the military assault was inherently unjust. The attack was an explicit violation of Article 33 in the fourth Geneva Convention with respect to the 'Protection of Civilian Persons in Time of War' which prohibits collective punishment and methods of intimidation.⁴⁶

⁴³ Mansour, *Inside Fallujah*, p.151.

⁴⁴ Jamail, *Beyond the Green Zone*, p.159.

⁴⁵ *Ibid.*, p.130.

⁴⁶ Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, *International Humanitarian Law - Treaties & Documents*. (Accessed online 2/3/11 - <http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/6756482d86146898c125641e004aa3c5>)

The US military had also committed a violation of Article 35 in relation to the entitlement of civilians who wish to leave a territory at the outset or during a conflict.⁴⁷

In the following section an analysis of the US Department of Defence (DOD) news briefings from early April 2004 will show the way in which Western audiences were shielded from the tragic reality of the attack on Fallujah. Using the backfire model's systematic approach to categorising the culture of deception, it will be shown that US officials methodically refined its version of events to limit outrage over the death and suffering of civilians in Fallujah. These news briefings also present an opportunity to clearly identify instances of media compliance in the process of reducing outrage. News reporters present at the DOD news briefings consistently repeated verbatim the sentiments of the military and CPA officials at these briefings giving broader Western audiences the impression that the events in Fallujah were consistent with promoting 'democracy' throughout Iraq.

4. Official Accounts of Fallujah 2004

Some notes on methodology

The focus in this section is on the US Department of Defence or CPA news briefings attended by journalists. All DOD news briefings and 'significant interviews' are documented online with transcripts and made available at the DOD website.⁴⁸ As well as current news briefings, the DOD website contains an archive of DOD news events

⁴⁷ *Ibid.*

⁴⁸ U.S. Department of Defense, News Transcripts. (Accessed online 2/11/09 - <http://www.defense.gov/transcripts/>)

dating back to 1994. These archives are a valuable resource when trying to determine how the US military and US government present their version of an event at the time the event occurred. By following the dates of the events in Fallujah in April 2004 we can see how the US government and their Defence Department used tactics to maximise outrage over the killing of the Blackwater soldiers, and minimised outrage over the killing of over 600 hundred Fallujans in response. Within the transcripts of the CPA news briefings it is possible to identify the journalists present as each question is asked of a military or government spokesperson. By going to the news stories published by these journalists on the corresponding dates it can be determined whether or not the media outlet is simply restating the same message as the military or government spokesperson. Where this occurs the media organisation in question can be clearly identified as an ally of the government in terms of reducing outrage or, as in the case of the Blackwater killings, encouraging outrage.

Maximising Outrage: U.S. Versions of the Lynching of the Blackwater

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As previously mentioned the tactics in the backfire model used to minimise outrage can be used in reverse to have the effect of maximising outrage. The communication of the killings of the Blackwater employees in Fallujah demonstrates use of one of these tactics in reverse in conjunction with their standard application. On 31 March 2004, a CPA news briefing was presented by Brigadier General Mark Kimmitt, Deputy Director for Coalition Operations, and Dan Senior, Senior Advisor to the CPA.⁴⁹ The news briefings characteristically open with an address by one of the presenters followed by questions from journalists. In Kimmitt's opening address he

⁴⁹ DOD News Transcript, CPA News Briefing, 31 March, 2004. (Accessed online 16/2/10 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=2395>)

acknowledged that ‘two vehicles carrying four coalition contractors were attacked in Fallujah’ on that morning.

The first question comes from a person Senor only refers to as Rachel so it is unclear if she is a journalist or one of the government officials that also attend these briefings in order to ask questions of the military. Rachel incorrectly refers to the Blackwater employees as ‘civilians’ when asking Kimmitt a question and this misinterpretation of the role of Blackwater employees is not corrected by the US official. Jair Lipecki from Reuters directs the next question to Senor asking if the Blackwater contractors had a military escort. Senor makes a broad comment about the role of contractors working with Iraqis on civil matters without acknowledging their military role. It should be noted that with respect to Lipecki’s question, the Blackwater employees were the military escort for a food convoy, a point not mentioned by Senor. Another question comes from a person that Senor only addresses as Lisa, who refers to the Blackwater employees as foreigners. This second misinterpretation of the Blackwater employees is again not corrected. Whilst Kimmitt and Senor insist that they are unable to state the nationality or identity of the four dead contractors, Kevin Johnson from *USA Today* gave Kimmitt an opportunity to correct the mislabelling of the contractors as civilians by asking if the term ‘civilian’ is correct. Kimmitt allows the misunderstanding of the Blackwater soldiers’ role by confirming with Johnson that the term civilian ‘is correct’.⁵⁰ Following this Sewell Chan from the *Washington Post* refers back to the ‘civilian foreigners’ asking whether or not they were given adequate military protection. Kimmitt responds by discussing the ‘terrorists’ and ‘former regime’ elements in Iraq as going after ‘soft targets’. He compares the attacks on the

⁵⁰ DOD News Transcript, CPA News Briefing, 31 March, 2004.

Blackwater soldiers with a hypothetical case concerning Iraqi women who might be attacked whilst ‘working for the coalition, washing clothes to make their lives better’.

Throughout this news briefing the reinterpretation of the role of the Blackwater soldiers being a civilian role assists to create a picture that the attacks on them were unjust. The deception is added to by Kimmitt and Senor’s reluctance to reveal their nationality or employer, two pieces of information that might point to their role as armed escorts working alongside the US military. Kimmitt’s comparison with the Iraqi ‘washerwoman’ promotes the idea that these contractors were not only valuable but perhaps also vulnerable and undeserving of the attack by the Fallujan resistance. In this CPA news briefing US officials have demonstrated the use of backfire tactics and one of these has been used in reverse. Firstly, not releasing the nationality or employer of the private soldiers indicates a cover up. If it was known that these contractors were armed, American, and working for Blackwater then it would be more difficult to persist with the reinterpretation of their roles as being ‘non-military’. The reinterpretation of the Blackwater employees as civilians makes their deaths seem unjust, and the comparison with the hypothetical ‘washer woman’ has the effect of assigning the victims an innocuous role. This is an example of validation, which is the tactic of devaluation being used in reverse. Combined with the reinterpretation of the role of the Blackwater employees as a civilian role and the concealment of their nationality and employer the officials at the CPA news briefing are demonstrating the use of backfire tactics to maximise outrage.

On the following day, Sewell Chan’s article in *The Washington Post* goes into great detail about the deaths of the Blackwater employees. Whilst he refrains from calling

them civilians, the level of detail he uses to describe their deaths expands graphically on the comments made by Kimmitt and Senor the previous day. Features of the deaths supplied by Chan portray a macabre scene where the private soldiers were killed by having bricks thrown upon them, their corpses jumped upon, legs and arms cut off, the bodies set alight and dragged around the town behind cars, and the final indignation, hung up on a bridge whilst crowds threw stones and beat them with sticks. Chan's article describes the crowd as 'dancing and cheering', presumably celebrating what Chan labelled a 'gory' scene.⁵¹ The graphic descriptions presented by Chan are a vehicle for amplifying outrage to a mainstream Western media audience. Whilst indignation over these attacks can be easily understood, Chan does not mention that the Blackwater soldiers were armed and carrying out a military task. Importantly the article omits that they were combatants in a military occupation which places them at risk to the atrocities of war. This omission is a type of cover up that was also demonstrated in the CPA briefing.

The next CPA news briefing on 1 April was again hosted by Kimmitt and Senor, with Senor's opening address describing the murder of the Blackwater employees as a 'painful outrage' for the coalition.⁵² He emphasises that 'their deaths will not go unpunished'. Kimmitt's address begins by offering sympathy for the deaths of the 'four civilians'. This is the first time that the Blackwater soldiers are explicitly referred to by US officials as 'civilians'. Jill Carroll, a US reporter working with Italian news agency ANSA, asks about the Blackwater killings not going

⁵¹ S. Chan, 'Descent Into Carnage in a Hostile City; In Fallujah, Mob unleashes its Rage', *The Washington Post*, 1 April, 2004.

⁵² DOD News Transcript, CPA News Briefing, 1 April, 2004. (Accessed online 16/2/10 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=2400>)

‘unpunished’ to which Kimmitt replies that control of Fallujah will be re-established through the ‘pacification’ of the city. Sarah Rosenberg from the ABC network asks about eyewitness reports concerning a cordon around the city being set by US Marines. Kimmitt rebuts Rosenberg’s implication that the Marines are ‘sealing off the city’ as a ‘mischaracterisation’ of the event.⁵³

For the second consecutive day Kimmitt uses the tactic of validation by attempting to place value on the victims of the attack ‘whose only purpose is to come into a town to deliver food’.⁵⁴ Colin McMahon from the *Chicago Tribune* asks Senor specifically about the role of Blackwater in Iraq. Senor’s first response is that he does not have this information, which he then appends by conceding that they do have a role protecting Paul Bremer. Kevin Johnson from *USA Today* requests similar information from Kimmitt about the contractors’ exact role in Fallujah but is not given an answer.

The answers provided by Kimmitt and Senor at this CPA news briefing illustrate methods of increasing outrage over the Blackwater lynching. From a backfire point of view it is interesting that Senor describes the event explicitly as an ‘outrage’.

Kimmitt’s ‘reinforcement’ of the private soldiers’ status as ‘civilians’ is a misrepresentation of their role which potentially gives them a higher value when determining whether their killing was undeserving. Adding to this he describes their task in Fallujah as ensuring food delivery, implying humanitarian motives. What is concealed here is that the food was for US troops, not the people of Fallujah, which ordinarily would make the food convoy a legitimate military target. By

⁵³ DOD News Transcript, CPA News Briefing, 1 April, 2004.

⁵⁴ DOD News Transcript, CPA News Briefing, 1 April, 2004.

contextualising the Blackwater soldiers as civilians delivering food, the US officials are allocating value to them as victims. The use of the word ‘pacification’ in the Fallujah operation and the war in Iraq generally is a euphemism for a planned military assault. Kimmitt denies that the city is the subject of a military cordon, indicating that he is attempting to cover up the impending siege. Senor’s refusal to describe the actual role of Blackwater in Iraq is a ‘stonewalling’ technique that reinforces the misrepresentation of their status as ‘civilians’.

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Again Sewell Chan was in attendance at the briefing and his article in *The Washington Post* the next day is mostly a summary of the news briefing including verbatim quotes from Kimmitt and Senor.⁵⁵ The similarities between the news article and the news briefing transcript demonstrate a mainstream media outlet’s compliance with the official line. Like Kimmitt, Chan refers to the Blackwater employees as ‘civilians’. Chan acknowledges that it was unclear as to the contractors’ role in Fallujah, but does not mention that these questions were studiously avoided by both Senor and Kimmitt. The only real difference between the CPA document and the news article concerns a couple of Iraqi residents expressing their dismay at the actions of the Fallujans. This could be viewed as an attempt to increase outrage over the attacks by implying that because some Iraqis are indignant over the attacks, US citizens should be as well.

Ed Sanders from the *Los Angeles Times* was also present at the April 1 news briefing and he uses a similar approach to Chan by interviewing Iraqis who ‘expressed

⁵⁵ S. Chan, ‘U.S. Vows to Find Civilians’ Killers’, *The Washington Post*, 2 April, 2004.

outrage' over the attacks in Fallujah.⁵⁶ As well as quoting uncritically and extensively from the news briefing, Sanders also interviews family members of the deceased Blackwater employees. There is a strong emphasis on the human story attached to these deaths which justifiably serves to assign value to the victims. One was described as 'a man with principle' and a 'proud father' whilst another's successful career achievements were highlighted. When victims are assigned value, their suffering and or death appear unjust. Sanders demonstrates the tactic of validation here having the effect of establishing injustice and encouraging outrage over the killings.

Another point that should be made here is the way in which the bulk of Chan's and Sanders' articles are reliant on official sources. Another article by a CPA news briefing attendee, Colin McMahon, is also very similar in structure and content to the news briefing.⁵⁷ This is a demonstration of Herman and Chomsky's third filter and also the findings of Tiffen, Thussu, Bennett, Lawrence and Livingston where news organisations have developed in such a way that they are highly dependent on government sources for news. From a backfire tactics perspective, the attempts to maximise outrage over the Blackwater killings by the US officials in the CPA news briefings are transmitted to a much wider mass-media audience via news outlets such as *The Washington Post* and *Los Angeles Times*. The likely increase in the public's outrage over the Blackwater killings could then have the effect of justifying an attack on Fallujah in the same way that increasing public outrage over the 9-11 attacks justified an attack on Afghanistan in 2001. Whilst outrage in the West over the death and mutilation of the four Blackwater employees was amplified by US officials and

⁵⁶ E. Sanders and T. Perry, 'U.S. Vows to Find Killers', *Los Angeles Times*, 2 April, 2004.

⁵⁷ C. McMahon, 'U.S. Threatens 'Overwhelming Attack' on Fallujah', *Chicago Tribune*, 2 April, 2004.

the mainstream media using the tactics of exposure, interpretation and validation, in the following section I look at the way US officials and the mainstream Western media then minimised outrage over the killing of hundreds of Fallujah civilians in the April attacks carried out by the US military.

Minimising Outrage: Civilian Casualties and the Destruction of Fallujah

The CPA news briefings carried out after the military assault on Fallujah began in April all contain elements of outrage management. Unlike the approach taken to the broadcasting of news about the deaths of the Blackwater soldiers where outrage was maximised, the effects of the ensuing military assault on the civilian population were minimised primarily using the tactics of cover up and reinterpretation. The following examples taken from the DOD transcripts cover each CPA news briefing available from 5 April to 13 April. The questions come from Western journalists, foreign journalists requiring translators, and members from the Pentagon's military newspaper *Stars and Stripes*. Many of the questions from the foreign journalists cover civilian casualties and civilian suffering. The questions from Western journalists do not. This omission by Western journalists combined with the presence of the Pentagon's *Stars and Stripes* employees at times gives the impression that the news briefings are more of a passive internal enquiry creating a fertile space for the inhibition of outrage.

In his opening address on 5 April, General Kimmitt describes a 'series of traffic control points to establish a cordon around the city'.⁵⁸ There was no mention of the concertina wire, concrete blocks and armoured vehicles surrounding the city which

⁵⁸ DOD News Transcript, CPA News Briefing, 5 April, 2004. (Accessed online 9/7/10 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=2421>)

showed that the ‘cordon’ did not represent an orderly civilian checkpoint but a military siege. Kimmitt stated that the purpose of the cordon and a 1900-0600 curfew was so that there could be a commencement of ‘civil-military projects in Fallujah’.⁵⁹ Kimmitt refers to the type of civil-military projects concerning work on schools, health clinics and the water system. He states that the ‘Marines are capable of putting down their paintbrushes and picking up their weapons to defend the people of Iraq’.⁶⁰

In this first briefing since the siege began Kimmitt uses the tactics of cover up and reinterpretation to describe the initial period of the siege of Fallujah. When discussing his ‘traffic control points’ Kimmitt not only omits the military nature of these check points, he also does not mention that no men under the age of 45 were allowed to leave the city. They would be eventually subjected to a large scale bombing attack in what could be described as a form of ‘gendercide’ for young Fallujan men. Here there are elements of both cover up and reinterpretation. The omission of details relating to the military equipment on the borders of the city and the US military’s refusal to allow young men to leave indicates a cover up. The siege line designed to enclose all young men regardless of their combatant status is misleadingly referred to in the news briefing as a ‘traffic control point’.

In an article by one of the attending journalists at the CPA briefing on 5 April, John Burns writing for the *Pittsburgh Post*, there are examples showing the mass distribution of the military’s reinterpretation of events in Fallujah. Burns’ article on 6

⁵⁹ DOD News Transcript, CPA News Briefing, 5 April, 2004.

⁶⁰ DOD News Transcript, CPA News Briefing, 5 April, 2004.

April described the siege line as an ‘encirclement of the city’.⁶¹ Burns also reiterates the rebuilding of civilian infrastructure rhetoric that is a constant feature of the CPA news briefings. One notable difference between the Burns article and the DOD news transcript is that Burns does mention US helicopter gunships firing into a residential neighbourhood killing five people. This demonstrates some level of autonomy by Burns instead of relying solely on the CPA news briefing from the day before.

In the next CPA news briefing on 7 April Kimmitt states that the cordon around Fallujah has been implemented to curtail movement in and out of the city with ‘the exception of humanitarian supplies’.⁶² When asked by an unnamed foreign reporter about the risk posed to civilians in Fallujah resulting from the US assault Kimmitt responds by stating that he is ‘horrified’ that the resistance fighters in Fallujah would fight amongst the population and try to involve them in the conflict. This comment implies that people in Fallujah resisting the onslaught from the US military have a choice as to where they will fight. The essence of this battle involved one military power invading a foreign city defended by its inhabitants. The idea put forward by Kimmitt that the resistance fighters are putting the lives of civilians at risk is a reinterpretation of the event when the risk posed to civilians primarily came from US air attacks and ground troops. He also suggests that the so called extremists in Fallujah might prefer a ‘Talibanization’ of their country where ‘anarchy and chaos rule’.⁶³ The use of the term ‘Talibanization’ is a familiar technique used to devalue those who oppose the ‘enforcement’ of democracy in Iraq and also Afghanistan.

⁶¹ J.Burns, ‘Showdowns Loom in Iraq Showdown’, *Pittsburgh Post*, 6 April, 2004.

⁶² DOD News Transcript, CPA News Briefing, 7 April, 2004. (Accessed online 9/7/10 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=2467>)

⁶³ DOD News Transcript, CPA News Briefing, 7 April, 2004.

In this first part of the news briefing, Kimmitt's reference to 'humanitarian supplies' is a false claim. As previously mentioned ambulances and medical supplies were not allowed through the military check points, an aspect of the operation that has been covered up by Kimmitt. Later in the briefing Kimmitt responds to Gregor Mayer from the German Press Agency about the subject of civilian casualties. Kimmitt emphasises that US weapons are 'extraordinarily precise' and that civilian targets are avoided. Kimmitt proposes that civilian casualties are generally created by the fighters so as to create a spectacle for 'shock value'.⁶⁴ The notion of precise weaponry, particularly in relation to the air bombardment sustained in Fallujah, is a misrepresentation of the nature of air attacks. When these attacks are directed at a residential neighbourhood civilian casualties are likely to occur. Saying civilian casualties are being caused by the defenders or resistance fighters of Fallujah is not only a misleading claim, it also serves to devalue those who are defending their city against an invading army.

The next CPA news briefing on 8 April was presented by Lieutenant General Ricardo Sanchez, commander of the Coalition ground forces. In Sanchez's opening address, like Kimmitt, he refers to precise combat operations to target Iraqis that are directing violence toward the Iraqi people. The mission of the Marines in Fallujah according to Sanchez is to 'improve the quality of life for the citizens of Fallujah'.⁶⁵ He states that he is working on humanitarian assistance initiatives in Fallujah and specifically mentions food and medical assistance. In this first part of the briefing Sanchez hides the point that no vehicles, humanitarian or otherwise, had been allowed to enter the

⁶⁴ DOD News Transcript, CPA News Briefing, 7 April, 2004.

⁶⁵ DOD News Transcript, CPA News Briefing, 8 April, 2004. (Accessed online 19/11/10 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=2472>)

city and that his stated aim of the mission to improve the lives of Fallujans is in direct conflict with the non-military accounts of events inside Fallujah. Sanchez's reinterpretation of the military's role in Fallujah is in line with Kimmitt's comment referring to the Marines' 'paintbrushes'. Unlike Kimmitt and Senor, Sanchez concedes that the city is 'under siege at this point'.⁶⁶

A foreign journalist from Dar Es Salaam proceeds to ask Sanchez some more difficult questions about civilians lacking food and medical treatment and that their suffering is a violation of the Geneva Convention. Sanchez's response to this is very brief, saying that he is not aware of any violations of the laws of war. When pressed again by another foreign journalist about food and medical supplies not being allowed into Fallujah Sanchez claims he cannot verify the reporter's claim. On each occasion when Sanchez is questioned about civilian suffering his tactics are to give only brief answers that are either a denial or pledge of ignorance. The non-acknowledgement by US officials of civilian casualties up until this point could be regarded as a cover up by omission. Again another foreign journalist pursues the issue of civilian casualties with Sanchez in this news briefing, describing massacres of Fallujan citizens that include children. The journalist then asks whether the killing of 300 Fallujan citizens is as 'barbaric' as the killing of the Blackwater employees. Sanchez claims he has already answered that question and moves immediately to Sewell Chan from *The Washington Post*. Chan's question returns the briefing to its more passive state by enquiring about US casualties. Sanchez seems to be more at ease answering this question and gives a full answer. This news briefing again reaches a pressure point when a foreign journalist points out that humanitarian and food aid, along with the

⁶⁶ DOD News Transcript, CPA News Briefing, 8 April, 2004.

electricity and water, have all been cut off and that US helicopters are firing at aid vehicles. Sanchez is forced to emphatically deny all of these elements of the Fallujan assault, although the testimonies of Mulhearn, Mansour and other witnesses suggest otherwise.

Following this news briefing, Sewell Chan's article in *The Washington Post* on 10 April mentions 450 'Iraqis' killed in Fallujah and 1000 wounded. He does not clarify whether these people are civilians and raises questions about the numbers because 'the reports could not be independently verified'.⁶⁷ Later in the article Chan is more precise about the number of US casualties. Chan draws very little from Sanchez's news briefing, perhaps because of the intense line of questioning coming from the foreign reporters. Chan's article only draws on the question he asked of Sanchez about US casualties and fails to mention any other aspect of the briefing which included claims of mass civilian casualties, the blocking of food and medical aid into the city, the shooting of vehicles trying to distribute aid, and the question of war crimes. The failure by Chan to acknowledge that these important aspects of the attack on Fallujah were raised with Sanchez illustrates a deepening of the cover up in relation to the *Washington Post* readership. Where Sanchez denied these allegations before a small audience of journalists, Chan's article, presented to a mass audience, ignores them all together.

⁶⁷ K. Vick and S. Chan, 'U.S. Battle to retake cities', *The Washington Post*, 10 April, 2004

At the CPA news briefing on 9 April the main emphasis from US officials is on the cease-fire so that Fallujan civilians could 'tend to the wounded and dead'.⁶⁸ The suspension of 'offensive operations' announced in the briefing did not correlate with evidence from witnesses in Fallujah who described the ongoing attack from the air which resulted in more casualties arriving at makeshift clinics.⁶⁹ A caveat included in Kimmitt's announcement of the ceasefire was that US soldiers would retain the right of self defence. Sewell Chan's online article at *Washington Post.com* on the same day echoes the humanitarian reasons for the ceasefire; to permit women and children to leave and to allow food and medicine to be brought into the city.⁷⁰

The claim by US officials and repeated by Chan is a reinterpretation of the ceasefire in three ways. Firstly, women and children had great difficulty leaving the city as they required men to drive the vehicles. Secondly, no vehicles were allowed into Fallujah during the siege including those carrying food and medical supplies to assist with treating the wounded. And thirdly, the cease fire was driven by the fact that land supplies had been cut off to the troops in Fallujah because resistance networks had taken control of supply routes.⁷¹ In other words the cease fire was for the benefit of US soldiers and not Fallujan civilians attempting to leave the city or those trying to tend to the injured. Most eyewitness accounts state that in fact the ceasefire did not even occur and that the US aircraft were still actively dropping bombs throughout this

⁶⁸ DOD News Transcript, CPA News Briefing, 9 April, 2004. (Accessed online 19/11/10 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=2479>)

⁶⁹ Jamail, *Beyond the Green Zone*, p.139.

⁷⁰ P.Constable, S.Chan and W.Branigin, 'U.S. Recaptures Kut, Prepares to Resume Fighting in Fallujah', *Washington Post.com*, 9 April, 2004. (Accessed online 10/3/11 - <http://www.washingtonpost.com/ac2/wp-dyn/A63479-2004Apr9?language=printer>)

⁷¹ Mansour, *Inside Fallujah*, p.182.

period.⁷² Kimmitt's comment during this news briefing about US soldiers and 'self defence' is an obvious reinterpretation of the broader reality in Iraq. In Fallujah as elsewhere it is the Iraqis who are engaged in self defence against an attacking US military. It should be noted that Senor, who along with Kimmitt had previously refuted or ignored the subject of civilian casualties, stated in this briefing that it is 'obvious to most Iraqis that we go to extraordinary lengths to minimize civilian casualties', that there was 'virtually no structural damage' in Fallujah and that questions on civilian casualties should be directed to 'those that have provoked the violence'.⁷³

By 12 April the question of civilian casualties in Fallujah was finally raised explicitly by Radel Azawi of the BBC. Whilst Kimmitt gave a precise figure for US casualties he claimed to have 'no reliable authoritative figure' and would not know until 'Iraqi control is allowed back in Fallujah'.⁷⁴ Another foreign journalist also questions Kimmitt about the majority of casualties being civilians to which Kimmitt's response is to 'set that aside for a moment'.⁷⁵ Pressed again by Ali Saheed from Al-Jamuriya newspaper about civilian casualties resulting from the bombing Kimmitt again requests that we 'hold judgement on the number of civilian casualties'. What becomes clear in the news briefings is that as the battle in Fallujah is progressing, the questioning from foreign journalists was becoming more focussed on the killing of civilians. The US officials' dismissive attitude to these questions on civilian casualties

⁷² Mansour, *Inside Fallujah*, p.182-190 and Jamail, *Beyond the Green Zone*, p.139.

⁷³ DOD News Transcript, CPA News Briefing, 9 April, 2004.

⁷⁴ DOD News Transcript, CPA News Briefing, 12 April, 2004. (Accessed online 19/11/10 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=2485>)

⁷⁵ DOD News Transcript, CPA News Briefing, 12 April, 2004.

could be perceived as a way of covering them up or reinterpreting them as significant. US journalists were far gentler with Kimmitt, Senor and Sanchez in so far as there was not a single question from a major US news organisation about civilian casualties. By design or coincidence the mainstream media's inability or unwillingness to raise this issue has contributed to the cover up to wider media audiences. The CPA briefing on 13 April simply stated that 'in Fallujah the current situation remains stable'.⁷⁶

5. Al-Jazeera - Intimidation and Backfire

Although the work of Mansour's team in Fallujah did not reach broader Western media audiences it was widely broadcast to Arab and Middle Eastern audiences through the Al-Jazeera network. The work performed by the Al-Jazeera team proved to be an effective weapon for promoting outrage against the invading US forces. The live reports showing the effects of the bombing in civilian areas and the large number of civilians that were killed or wounded became a public relations disaster for the US government in terms of winning 'hearts and minds' in Iraq and surrounding Arab nations.⁷⁷ The broadcasts from Mansour demonstrated to Arab audiences the capacity for the US government to act as a 'rogue outlaw state – executing one of the worst attacks on a civilian population'.⁷⁸ Because of the work of Mansour, the Pentagon lost control of the information coming out of Fallujah and this affected their ability to suppress outrage.

⁷⁶ DOD News Transcript, CPA News Briefing, 12 April, 2004.

⁷⁷ N.A., *Publishers Weekly*, October 26, 2009: p.44.

⁷⁸ M.I. Niman, 'Yes, We Murder Journalists', *The Humanist*, Vol.66, Issue 2, 2006:pp.7-9 at p.7.

In the process of exposing the US military attack on Fallujah and its effects on the civilian population, the Al-Jazeera crew were subjected to a campaign of intimidation by the US military. In a letter from Mansour dated 29 April and posted on the website of the Arab Commission for Human Rights, Mansour described the threats and attacks directed at his team by the US military in Fallujah which presumably had the aim of putting an end to their coverage and regaining control of the information leaving the city.⁷⁹

There were verbal attacks publicly aired by US officials, including General Kimmitt. Mansour's crew came under heavy fire from tanks which forced his crew to relocate away from their 'well known location'.⁸⁰ The following day US fighter jets targeted their new location and bombed the house where they had stayed the night before resulting in the death of the owner of the house. Each time the crew made a broadcast they came under attack from US planes. Presumably the location of their broadcast signal was detected by the US military and these attacks forced them to stop broadcasting for a 'few days'.

Attacks and intimidation by the US military on Al-Jazeera from 2001 were not uncommon. As previously documented the Kabul office in Afghanistan was bombed and the heads of the newsagency in Doha were pressured by US Secretary of State Colin Powell around the same time. As well, US forces bombed the Baghdad offices of Al-Jazeera in 2003 after the network had given its GPS coordinates in order to

⁷⁹ A. Mansour, 'Letter', 29 April, 2004, Arab Commission for Human Rights. (Accessed online 18/3/11 - <http://www.achr.nu/newen26.htm>)

⁸⁰ *Ibid.*

avoid an ‘accidental attack’.⁸¹ A hotel in Basra that was used ‘exclusively by Al-Jazeera’ had also been bombed the day before the Baghdad attack. During this time several Al-Jazeera reporters were imprisoned in Abu Ghraib and Guantanamo Bay where there were claims of torture.⁸²

Intentions at the highest level to silence Al-Jazeera were revealed in Britain’s *Daily Mirror* in November 2005 when George W. Bush approached British Prime Minister Tony Blair about the possibility of bombing Al-Jazeera’s head office in Doha, Qatar, despite the fact that Qatar was an ally of the US government.⁸³ Direct efforts to block information coming out of Fallujah and Al-Jazeera more generally were expressed by former Reagan-era Secretary of Defence Frank Gaffney when he published a story on the Fox News website arguing ‘that Al-Jazeera must be taken off the air one way or another’.⁸⁴

6. U.S. Withdrawal and Backfire

Although Mansour and his team escaped the attacks by the US military without injury, their broadcasting role in Fallujah did come to an unexpected end. When US officials met with Iraqis in Fallujah to negotiate the ‘ceasefire’ on 10 April, the first condition of the suspension of the hostilities was that Mansour’s team had to leave

⁸¹ Niman, ‘Yes, We Murder Journalists’, p.8.

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ *Ibid.*

Fallujah.⁸⁵ In a classified US army document released by Wikileaks US officials concede that one of the primary reasons they were unable to continue in Fallujah was because of ‘the political pressure to halt military operations’ as a result of the broadcasts on ‘Arab satellite news channels’.⁸⁶ The US military document also acknowledges that it was an ‘absence of Western Media in Fallujah that allowed the insurgents greater control of information’.⁸⁷

It is recognised in this official document that the Al-Jazeera team were significant actors in the conflict. From a backfire perspective their broadcasting of events from Fallujah to a wider audience:

1. Exposed the US military’s attack on civilians and also infrastructure where according to the classified US military document ‘approximately 150 airstrikes destroyed 75 buildings including two mosques’.⁸⁸
2. Highlighted that the attack heavily impacted on civilians who are supposed to be protected under international law during times of war. Where the death of a soldier during war is normally accepted, the deaths of hundreds of women, children, elderly people and non-combatants are not as easily accepted. In other words, a civilian’s death seen as more unfair than a soldier’s.

⁸⁵ A. Goodman, ‘Al-Jazeera reporters give bloody first hand account of April ’04 U.S. siege of Fallujah’, *Democracy Now*, 22 February, 2006. (Accessed online 3/5/10 - http://www.democracynow.org/2006/2/22/exclusive_al_jazeera_reporters_give_bloody)

⁸⁶ U.S. Army National Ground Intelligence Center, ‘Complex Environments: Battle of Fallujah 1, April 2004: p.13. (Accessed online 17/3/11 - http://www.wikileaks.ch/wiki/Complex_Environments:_Battle_of_Fallujah_I,_April_2004)

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*, p.7.

3. Interpreted or presented the event for what it was – a large scale military assault by a powerful army that resulted in the death and injury of innocent people.

It could be argued that the actions of Mansour and his crew in exposing the injustice, giving value to civilian life and interpreting the event correctly, and then broadcasting this information to a wider Arab audience did cause the first battle of Fallujah to backfire on the US military. It is certain that it was a significant factor in the US military agreeing to a ceasefire. Although witnesses claimed that bombing and shootings were still carried out during the ceasefire and even US officials agreed that the ceasefire was a ‘misnomer’,⁸⁹ the efforts of the Al-Jazeera team had no doubt influenced the decision making process of the US military. By 30 April the operation in Fallujah was terminated altogether and control of the city was led by a Sunny militia unit that included many of Fallujah’s resistance fighters.⁹⁰

7. Aftermath

Following the US military’s withdrawal from Fallujah, Nik Rosen, a US journalist entered the city and found a poetry festival attended by an ‘enthusiastic audience’ that included Iraqi police, religious leaders, tribal leaders and businessmen all celebrating Fallujah’s ‘heroic defiance in hyperbolic verse’.⁹¹ The cultural celebration did not seem befitting of the ‘murderous barbarians’ described in the Western media and by US officials. Across Iraq Fallujah had become a symbol of victorious Arab resistance

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*

⁹¹ Carr, ‘The Barbarians of Fallujah’, p. 28.

over the Western invaders. Whether or not this victory would have been possible without the exposure of US actions by Mansour's team is up for questioning, but it could be conceived at this point that the assault on Fallujah had backfired on the US military.

The relative peace in Fallujah only lasted until November 2004 when a second large scale military assault, this time without the presence of independent or non-Western journalists, was far more damaging. It is noted in the classified document that in April there were no journalists embedded with the US military. In November there were '91 embeds representing 60 media outlets'.⁹² In addition, Iraq had a newly formed 'sovereign' government headed by Iyad Allawi, an Iraqi with close ties to British intelligence services and the CIA.⁹³ The new government's communications and media commission issued an instruction to all news organisations after the November operation in Fallujah to 'stick to the government line on the US-led offensive in Fallujah or face legal action'.⁹⁴ In the wake of the April battle of Fallujah it was clear that control of media output was a primary concern for the US military and the US installed Iraqi government. A repeat of the exposure of the events in April did not occur in November.

8. Conclusion

The US military's attack on Fallujah is a worthy case study in backfire on many levels. Firstly was the way in which US officials and mainstream Western media

⁹² U.S. Army National Ground Intelligence Center, 'Complex Environments: Battle of Fallujah 1, p.14.

⁹³ Jamail, *Beyond the Green Zone*, p 233.

⁹⁴ *Ibid.*

organisations amplified outrage over the deaths of the four Blackwater soldiers. This was achieved by repeatedly misrepresenting their military role as a civilian role, with their civilian status giving them value as victims. Their nationality, employer and the military nature of their work were concealed from journalists attending the CPA news briefings and the journalists failed to mention this suppression of information by US officials. In the news articles following the CPA briefings, journalists quoted US officials extensively and uncritically and these news publications generated anger and indignation over the event to a much wider audience.

Similar tactics were used by US officials to reduce outrage over the damaging effect their operations in Fallujah were having on the civilian population. This was mainly accomplished through the suppression of details concerning civilian casualties, the targeting of ambulances, the number of child casualties, the effects of the bombing on buildings and infrastructure, the refusal to allow civilians through military check points, the use of cluster bombs and the shooting of civilians by Marine snipers. US officials also reinterpreted many aspects of their operations which included the labelling of the siege lines as traffic control points, the emphasis on the humanitarian and civil aims of the operation when none were apparent, and the use of terms such as 'pacification' to describe a concentrated military assault.

Devaluation of the victims was not so apparent because US officials did not concede that there were victims. There was a small amount of evidence showing the devaluation of the resistance fighters where US officials made dubious claims about their preference for 'Talibanization' over democracy and that they were responsible for civilian casualties, not the US military. This has the effect of reducing the

civilian's value to an extent because they have been interpreted not as victims of excessive US military force, but victims of a fanatical group of their countrymen.

Nor was there strong evidence that official channels were used by the US officials to minimise outrage however they avoided answering questions on civilian casualties by referring questions to Iraqi 'health officials'.⁹⁵ The US officials when describing the battles often referred to the marines fighting alongside the Iraqi Civil Defence Corps (ICDC). In one instance General Kimmitt claimed that 20-30% of the operation in Fallujah is being carried out by the ICDC describing 'brave Iraqis fighting for their country....trying to regain Fallujah for the people of Iraq'.⁹⁶ By referring to Iraqi officials working in health and defence, the US officials are trying to give the operation some legitimacy even though the claims about the ICDC fighting in Fallujah are untrue, and the health officials referred to belong to a government installed by the invading power.

Violence and intimidation were evident in the attacks on Mansour and the Al-Jazeera team working in Fallujah. On this occasion this form of coercion was unsuccessful, resulting in the broadcasting to a wide Arab audience of an excessive attack against a civilian population. The attack backfired on the US military in the short term, as they made a full withdrawal from the city after just over three weeks of fighting. The US military amended their outrage management strategy the following November during the second battle of Fallujah, ensuring that independent and foreign journalists were not present during operations. At the same time over 91 embedded journalists

⁹⁵ DOD News Transcript, CPA News Briefing, 12 April, 2004.

⁹⁶ DOD News Transcript, CPA News Briefing, 9 April, 2004.

accompanied the US military in its second attempt to 'gain control' of Fallujah which in part required them to 'gain control' of the information that would be broadcast from the city during the operation.

Chapter 6 - The Nisour Square Massacre: Problems with an Expanding Private Military Industry

1. Introduction

The killing of seventeen innocent civilians at Nisour Square in Baghdad in September 2007 was unique up until this point in the occupation of Iraq. For the first time it was widely published and broadcast that a private military company had been involved in a shooting which resulted in a significant loss of life. Unlike the killing of civilians during the air war in Afghanistan or during the siege of Fallujah there was no involvement of US military personnel. This raised broader questions about the role of privately armed soldiers in Iraq working for the US government. The company involved was the same company that had four of its employees killed which triggered the attacks on Fallujah – Blackwater.

This chapter analyses the use of outrage management tactics in relation to the Nisour Square massacre. Whilst the company itself and the private military industry said very little about this incident, the US government took the lead in its attempt to reduce indignation over the shootings. The chapter begins with a brief introduction to the private military industry outlining its history, its various roles which include the use of lethal force, and in particular the exponential growth of the industry following the declaration of the so called ‘war on terror’. This is followed by a brief history of Blackwater and some documentation on the company’s activities in Iraq which have resulted the deaths of Iraqi civilians. Many of these incidents only came to light well after the Nisour Square massacre with the release of the *Iraq War Logs* by Wikileaks.

The first half of the chapter concludes with a description of the massacre at Nisour Square recounted by witnesses, some of whom were related to the victims.

The second half of the chapter concentrates on the tactics used to reduce outrage over the Nisour Square shootings. Interestingly, the task of cover up and reinterpretation was performed not so much by the company involved, but by the US administration. There was no evidence to suggest that any attempt was made to devalue the victims in this incident. Condolence payments were made to the victims' families which could be construed as a form of bribery. The most notable aspect of this case study in comparison with the previous two is the function of official channels. At the time of writing there were three processes of achieving justice through official channels that could be identified. The first was through a private military industry association code of conduct, the second a US Congressional hearing and finally the US court system. In each case neither Blackwater nor the employees responsible for the shootings faced any significant consequences over the incident. In other words, official channels were proven to be ineffectual in achieving justice for the victims of the massacre.

2. Private Military Companies: A Working Definition

Private military companies (PMCs) are 'business organisations engaged in the trade of professional services intricately linked to warfare'.¹ Also known as Private Military Firms (PMFs) and Private Security Companies (PSCs), PMCs offer a range of services that, until recently, were supplied by public sector defence departments.

These include, but are not limited to, armed operational support, military training and

¹ P.W. Singer, *Corporate Warriors: The rise of the Privatized Military Industry*, Cornell University Press, Ithaca, 2003: p.8.

advice, logistical support and intelligence gathering operations.² PMCs are a global phenomenon, operating extensively across the world, with a particularly heavy concentration in Iraq and Afghanistan, where private forces outnumber the American military forces.³

Private Military Companies range in size from small consulting firms employing retired generals to large multinational corporations operating extensively in what has become a global market.⁴ The number of companies currently operating across the world is difficult to estimate. Using figures from online directories it can be established that somewhere between 100 and 150 companies are currently participating at some level in military or security related activities across the world.⁵ Of these more than fifty are members of the private military industry body known as the International Stability Operations Association which was formerly known as the International Peace Operations Association.⁶ Private military companies form part of many larger umbrella corporations that incorporate private military and private security services within a broader spectrum of other business services.⁷

² D.D. Avant, *The Market for Force: The Consequences of Privatising Security*, Cambridge University Press, Cambridge, 2005: pp.16-17.

³ Overseas Civilian Contractors, 'Quick Facts: Private Security Contractors (PSCs) in Iraq', 11 February, 2011. (Accessed online 7/6/11 - <http://civiliancontractors.wordpress.com/2011/02/06/quick-facts-private-security-contractors-pscs-in-iraq/>)

⁴ P.W. Singer, 'War, Profits and the Vacuum of Law: Privatized Military Firms and International Law', *Columbia Journal of Transnational Law*, Volume 42, 2004: pp.521-550 at p.521.

⁵ PrivateMilitary.org, 'The Private Military and Private Security Industry – Corporate Directory, Firm Profiles, Services'. (Accessed online 6/6/11 - <http://www.privatemilitary.org/companies.html>) and Sourcewatch, 'Private military Corporations/list of PMCs'. (Accessed online 7/6/11 - http://www.sourcewatch.org/index.php?title=Private_Military_Corporations/list_of_PMCs)

⁶ International Stability Operations Association, 'Current Members'. (Accessed online 7/6/11 - <http://www.stability-operations.org/index.php>)

⁷ PrivateMilitary.org, 'Corporations with links to the PMC industry'. (Accessed online 6/6/11 - <http://www.privatemilitary.org/corporations.html>)

The rise of PMCs occurred as a result of significant political and economic shifts that occurred across the world in the late 1980s and early 1990s. The end of the Cold War led to a reduction in large standing armies that were no longer required for what was once regarded as an inevitable confrontation between East and West. As many as seven million servicemen during this time were placed in the employment market with a skill set that was defined by their military function in national armies.⁸ In addition, the end of the Cold War led to a break down in the East/West security structure, where the discontinuation of support mechanisms provided by 'super-power patronage' led to a higher level of low intensity conflict, particularly in sub-Saharan Africa.⁹ Another example of a collapse in security during this time occurred in the Balkans. Civil war and the eventual breakup of Yugoslavia could in part be attributed to a presumption that leaders in the seceding states of Croatia, Slovenia and Bosnia no longer held concerns for the status quo being maintained by the military link between Belgrade and the USSR. The dissolution of East/West security structures, combined with military downsizing at the end of the Cold War, led to a security vacuum, particularly in developing nations.

At the same time that traditional Cold War power arrangements were dissipating, neoliberal trends in the privatisation of public sector services had been growing at an increasing rate. The rapid privatisation of banking, transport, telecommunications and other public services indicated that the neoliberal ideal of transferring government

⁸ F. Schreier and M. Caparini, 'Privatising Security: Law, Practice and Governance of Private Military and Security Companies', Geneva Centre for the Democratic Control of Armed Forces (DCAF) Occasional Paper No. 6, 2005: p.3.

⁹ K. Lim, 'Military privatisation and its impact on the nature of warfare', *Melbourne Journal of Politics*, Vol. 32, Annual, 2007: pp.6-24 at p.6.

enterprises to the private sector had become a powerful force.¹⁰ The privatisation of military services in the late 1980s and early 1990s was a continuation of this trend and to a large extent was made possible by the 'legitimising practices and norms' which had transformed the provision of other services that had traditionally been supplied by government.¹¹

The combination of trends in privatisation and the changes to security structures brought about by the end of the Cold War created an environment in which private military companies could flourish. The varied nature of increased violence and insurrections in Africa, for example, came about with the 'sudden abdication of super-power commitments' to support regimes with a shared ideology.¹² The security vacuum, created by the collapse of the global order which was shaped by the Cold War, instigated a demand for military services that the private sector was able to provide.¹³ In addition, the military downsizing that occurred after the end of the Cold War provided the private military industry with a large pool of labour which private military companies could draw upon.¹⁴

Since this initial period of development nearly twenty years ago, the private military industry has grown rapidly. Prior to the September 11 attacks in New York and Washington in 2001, the activities of the private military sector were generally limited

¹⁰ B. Moller, 'Privatisation of Conflict, Security and War', The Danish Institute for International Studies, Working Paper, 2005: p.3. (Accessed online 17/10/07 - <http://www.diiis.dk/sw9347.asp>)

¹¹ M. Chwastiak, 'War Incorporated: Private, Unaccountable and Profitable', University of New Mexico, Anderson School of Management, April 2007: p.5. (Accessed online 26/2/08 - http://www.mngt.waikato.ac.nz/ejrot/Vol_10_cms2007specialedition/chwastiak.pdf)

¹² J. Isima, 'Demilitarisation, Non-State Actors and Public Security in Africa: A Preliminary Survey of the Literature', *Journal of Security Sector Management*, Vol.2, No.4, December 2004: pp.1-15 at p.3.

¹³ Singer, *Corporate Warriors*, p.49.

¹⁴ *Ibid.*, p.50.

to low level conflicts in Africa, Central America and the former Yugoslavia.¹⁵ Since September 11 there has been a dramatic increase in the demand for the services offered by private military companies. Although PMCs operate in numerous countries, by far the heaviest concentration is attached to US operations in Iraq and Afghanistan where 98% of the world's private military/security contractors are employed.¹⁶ In 2008 the estimated annual revenue of the industry was between 20 billion and 100 billion US dollars and the total value of private military contracts in the following years has remained consistent with this figure.¹⁷ The private military sector's role has become so great in national forces such as the US, that military functions that were once the sole domain of the public sector, have now become totally dependent on the supply of services by the private military industry.¹⁸

3. PMC Activities in Iraq

The pretexts for the invasion and occupation of Iraq in 2003 by a US-led coalition have proven to be false. The suspected stockpiles of weapons of mass destruction were not found and it has been well established that there was no connection between Iraq and the Al-Qaeda attacks on New York and Washington in 2001. 'After the fact'

¹⁵ For examples see: T. K. Adams, 'The new mercenaries and the privatisation of conflict', *Parameters*, Summer 1999, Vol. 29, Issue 2: pp.103-116; S. Beder, 'BP: Beyond Petroleum?' in E. Lubbers (Ed.), *Battling Big Business: Countering Greenwash, infiltration and other forms of corporate bullying*, Scribe, Carlton, 2002: pp. 26-33; S. Brayton, 'Outsourcing War: Mercenaries and the Privatization of Peacekeeping', *Journal of International Affairs*, Spring 2002, Vol.55, No.2: pp.303-329 at p.310.

¹⁶ Overseas Civilian Contractors, 'Quick Facts: Private Security Contractors (PSCs) in Iraq', 11 February, 2011. (Accessed online 7/6/11 - <http://civiliancontractors.wordpress.com/2011/02/06/quick-facts-private-security-contractors-pscs-in-iraq/>)

¹⁷ R.E. Valero, 'Private Military Industry Continues to Grow', *Government Executive.com*, 9 January, 2008, (Accessed online 7/6/11 - <http://www.govexec.com/dailyfed/0108/010908nj1.htm>), and Sourcewatch, 'Private Military Corporations', 10 June, 2010. (Accessed 7/6/11 - http://www.sourcewatch.org/index.php?title=Private_Military_Corporations)

¹⁸ P.W. Singer, 'Can't win with 'em, Can't go to war without 'em: Private Military Contractors and Counterinsurgency', Brookings Institute Policy Paper No.4, September 2007:p.2.(Accessed online 27/2/08- <http://www.brookings.edu/~media/Files/rc/papers/2007/0927militarycontractors/0927militarycontractors.pdf>)

arguments that claim the military assault was a humanitarian intervention to save Iraq's citizens from the tyranny of Saddam Hussein are described by human rights groups as misleading to the point that the continued use of this argument threatens future humanitarian interventions that may be genuine.¹⁹ Other critics of the operation assert that the invasion and occupation were motivated by the desire of the US to maximise control over the production and transportation of oil in the Middle East region.²⁰ This is just one aspect of the militarised form of globalisation that has been implemented in Iraq since 2003. But beyond the control of just one industry, oil, another reason for the US-led invasion is part of a much broader neoliberal project to create a democratic/liberalised model in the region that would enable the opening of markets to the West and set an example for other Middle Eastern nations to follow.²¹ This would begin to offset what has been described as the Middle East's deficiency in levels of 'free market democracy'.²²

The main economic arguments for the transformation of Iraq's state run economy to a radically altered free market economy are consistent with western neoliberal orthodoxy. The private sector was said to be seriously constrained by public ownership, the public sector inefficient and corrupt, and there was a need for an injection of foreign investment.²³ The changes in Iraq instigated by the post invasion governing body, the Coalition Provisional Authority, were extensive. In Iraq's private sector over 25,000 businessmen were forced out of business as a result of the

¹⁹ K.Roth, 'War in Iraq: Not a Humanitarian Intervention', in R.Wilson (Ed.), *Human Rights in 'The War on Terror'*, Cambridge University Press, New York, 2005: pp.143-156.

²⁰ R.Mahajan, *Full Spectrum Dominance: US Power in Iraq and Beyond*, Seven Stories Press, New York, 2003: p.163.

²¹ N.Klein, *The Shock Doctrine: The Rise of Disaster Capitalism*, Penguin, Camberwell, 2007: p.328.

²² *Ibid.*

²³ K.Mahdi, 'Neoliberalism, conflict and an oil economy: the case of Iraq', *Arab Studies Quarterly*, Vol.29, No.1: pp.1-20 at p.1.

‘dumping of foreign commodities’.²⁴ The virtual closing down of Iraq’s public sector including the defence and police agencies led to an unemployment rate of between fifty and sixty per cent by the end of 2003.²⁵ This created an acute security problem for the occupying forces attempting to implement neoliberal change as they were unable to draw on the existing security structure in Iraq to maintain law and order.

The resulting security vacuum has been filled by a combination of national soldiers from the US-led coalition and the mass employment of private military contractors, whose number now exceeds that of the US military.²⁶ The role of private military companies in Iraq has reached a point that military operations in that country are totally dependent on their presence.²⁷ One of the major problems with this reliance concerns the legal vacuum in which PMCs operate in Iraq created by CPA Order 17 giving all overseas contractors immunity from prosecution under Iraqi law.²⁸

4. Blackwater: A Brief History

For various reasons, Blackwater became one of the more well known private military companies during the Iraq occupation. The public lynching of four of their employees in Fallujah drew attention to the private industry more generally and from this time, the activities of Blackwater have fallen under the close scrutiny of many including

²⁴ D. Whyte, ‘The Crimes of Neo-Liberal Rule in Occupied Iraq’, *The British Journal of Criminology*, Vol.47, Issue 2, March 2007: pp.177-195 at p.182.

²⁵ J. Madrick, ‘An extreme plan for Iraq’, *The New York Times*, 2 October, 2003.

²⁶ Overseas Civilian Contractors, ‘Quick Facts: Private Security Contractors (PSCs) in Iraq’, 11 February, 2011. (Accessed online 7/6/11 - <http://civiliancontractors.wordpress.com/2011/02/06/quick-facts-private-security-contractors-pscs-in-iraq/>).

²⁷ Singer, ‘Can’t win with ‘em, Can’t go to war without ‘em’, p.2.

²⁸ Coalition Provisional Authority Order Number 17 (Revised), pp. 3-5. (Accessed online 6/6/11 - http://www.iraqcoalition.org/regulations/20040627_CPAORD_17_Status_of_Coalition_Rev_with_Annex_A.pdf)

Jeremy Scahill, an investigative journalist from *The Nation*. In some ways Blackwater has become a symbol of the private military sector as a whole.

Blackwater was formed by Erik Prince in the late 1990s initially as a training facility in North Carolina. Prior to creating Blackwater Prince was a US Navy Seal, rising to the rank of Lieutenant in 1997 after serving overseas in Bosnia, Haiti and the Middle East.²⁹ Prince is a 'committed disciple of free-market economic theory and privatisation' and his incorporation of the Blackwater Lodge and Training Centre in 1996 was aimed at meeting an 'anticipated demand for the government outsourcing of firearms and security training'.³⁰ From 1998 Blackwater provided training to a range of law enforcement and government employees and by 2000 its training centre was heavily populated by government law enforcement officials.³¹ The first big contract for Blackwater came after the bombing of the US warship USS Cole in 2000 after which the company received \$35.7 million for training sailors to 'better realise a war fighters' approach to security'.³²

After the September 11 attacks, Blackwater's profile with the US government received a significant boost. Following the invasion of Afghanistan, Blackwater expanded its business to include armed security services in conjunction with its training services. Blackwater employees were based in Kabul and following the invasion of Iraq they won the most high profile security contract which was protection of the head of the Coalition Provisional Authority in Iraq, Paul Bremer. By September 2004 Blackwater formed part of a private military force in Iraq that numbered

²⁹ J. Scahill, *Blackwater: The rise of the world's most powerful mercenary army*, Nation Books, New York, 2008: p. 75

³⁰ *Ibid.*, p. 96.

³¹ *Ibid.*, pp. 97-101.

³² *Ibid.*, p. 104.

20,000.³³ In a short space of time the company had grown from a shooting range in North Carolina to supplying armed combatants performing a role similar to that of mercenaries in the main theatre of the 'war on terror'. This resulted in the further expansion of Blackwater as they opened offices in Baghdad, Amman and Kuwait City.³⁴

5. Civilian Casualties and Blackwater

The secretive nature of the private military industry or, more accurately, the lack of accountability means that civilian casualties prior to the Nisour Square massacre were fairly hard to trace. The release of the *Iraq War Logs* by Wikileaks in 2010 threw some more light into the activities of PMCs and in particular Blackwater. Pratap Chatterjee, writing for *The Guardian*, noted that there were nine occasions where Blackwater employees had fired upon and killed civilians in 2005 and 2006. One of these resulted in the killing of the personal guard of the Iraqi vice president.³⁵ Andrew Moonen, the Blackwater employee accused of shooting the Iraqi guard, was 'spirited' out of the country and did not face charges in Iraq.

The Bureau of Investigative Journalism in London archived key documents from the *Iraq War Logs* that detailed another four incidents between 2005 and 2007 involving Blackwater and the killing of civilians.³⁶ In these cases the official US documents describe the shooting of civilian vehicles by Blackwater employees resulting in the

³³ P.W. Singer, 'The Contract the Military Needs to Break', *The Washington Post*, 13 September, 2004.

³⁴ Scahill, *Blackwater*, p. 144.

³⁵ P. Chatterjee, 'Iraq war Logs: Military Privatisation Run Amok', *The Guardian.co.uk*, 23 October, 2010. (Accessed online 20/1/2011 -

<http://www.guardian.co.uk/commentisfree/cifamerica/2010/oct/23/iraq-war-logs-us-military>)

³⁶ C.Woods and L.Keating, 'Was Blackwater responsible for 10 civilian deaths', 23, October 2010, *The Bureau of Investigative Journalism*. (Accessed online 20/4/11 -

<http://www.iraqwarlogs.com/2010/10/23/blackwater-shoots-at-civilians-on-14-separate-occasions/>)

deaths of taxi and ambulance drivers and other Iraqi civilians.³⁷ However the incident that really brought Blackwater's profile to the forefront of questioning about the role of private military personnel in Iraq was the killing of 17 civilians at Baghdad's Nisour Square in September 2007. This incident was broadcast and published widely in the mainstream media and resulted in demands from the Iraqi government that Blackwater leave the country. This demand was not met by the US government and Blackwater had its contracts renewed following the Nisour Square incident.³⁸

6. The Nisour Square Massacre

On 16 September 2007 in Baghdad's Nisour Square 17 civilians were killed and more than twenty wounded when Blackwater employees from four 'all terrain' vehicles and two accompanying helicopters fired indiscriminately into the crowded square.³⁹ It was described by the FBI, the Pentagon, and the Iraqi government as one of the most 'egregious examples of unprovoked violence by private security contractors'.⁴⁰ The fifteen minutes of sustained indiscriminate gunfire caused outrage in Iraq where the Iraqi government called for the immediate expulsion of Blackwater.⁴¹

³⁷ The official military documents originally published by Wikileaks can now be found at the Iraq war Logs page set up by the Bureau of Investigative Journalism. (Accessed online 20/2/11 - <http://www.iraqwarlogs.com/PDF/7/1.pdf> , <http://www.iraqwarlogs.com/PDF/7/2.pdf>, <http://www.iraqwarlogs.com/PDF/7/3.pdf>)

³⁸ J. Scahill, 'Blackwater's Private Spies', *The Nation*, 5 June, 2008. (Accessed online 8/8/11 - <http://www.thenation.com/article/blackwaters-private-spies>)

³⁹ J. Daskal, 'Blackwater in Baghdad: 'It was a horror movie'', Human Rights Watch, 14 December, 2007. (Accessed online 27/4/11 - <http://hrw.org/english/docs/2007/12/14/usint17554.htm>)

⁴⁰ G. Thompson, 'From Texas to Iraq, and Centre of Blackwater Case', *The New York Times*, 19 January, 2008.

⁴¹ Democracy Now, 'Can Iraq (or Anyone) Hold Blackwater Accountable for Killing Iraqi Civilians? A Debate on the Role of Private Contractors in Iraq', 18 September, 2007. (Accessed online 19/8/08 - http://www.democracynow.org/2007/9/18/can_iraq_or_anyone_hold_blackwater)

In 2008 a legal team that was pursuing Blackwater in a civil lawsuit conducted a series of extensive interviews with witnesses and victims from the Nisour square shooting. The testimony from a traffic guard in Nisour Square, Ali Khalaf Salman, described in great detail how the incident unfolded. He explained that the first people to be killed were a medical student and his mother, a doctor. Four heavily armoured vehicles were travelling down the wrong side of the road and apparently without reason, shot the young medical student through the head. The mother began screaming 'my son, my son' as the traffic guard ran toward the car raising his hand to signal to the Blackwater soldiers to stop shooting. At this point a Blackwater guard in a fourth car then shot the mother. Because the car driven by the young man was automatic, it kept rolling after he was killed and the Blackwater guards then opened fire with larger machine guns causing the car to explode. This set off a series of shootings by the Blackwater guards which left seventeen Iraqi civilians dead. Aerial shots obtained by *The Washington Post* revealed that the rolling car did not come anywhere near the Blackwater cars.⁴²

Another victim was a nine year old boy named Ali Kinani whose father, Mohammed Kinani, gave evidence to a Federal Grand Jury that in 2008 investigated Blackwater's conduct and the conduct of other PMCs in Iraq. Like Ali Khalaf Salman's testimony, Mohammed Kinani's version of events also describes the indiscriminate shooting of civilians by Blackwater employees. When Mohammed Kinani's car pulled up at Nisour Square the traffic was not moving. This was not necessarily unusual and Ali's father thought that it was another US military checkpoint. He was told by another motorist that he thought a man had been shot in the car in front and it appears this was

⁴² Testimony from witnesses transcribed at http://www.democracynow.org/2008/6/2/blackwater_jeremy_scahill_on

the medical student described by Ali Khalaf Salman. The Blackwater guards had previously motioned to Mohammed to stop and he thought they were US army personnel. There appeared to be no danger present for either Mohammed or the Blackwater guards and then suddenly, one of the Blackwater gunners fired on the medical student's car until it blew up. Following this the guards began shooting in all directions as if they were 'fighting in the field'. At this point the guns were turned on Mohammed and his family. According to Mohammed, it appeared as if the Blackwater guards were trying to kill everybody in sight, both people in their cars and people running for safety. The guards shot a man dead and he was lying in a pool of blood. They then shot at others and returned to shooting the dead man on the ground in some kind of 'wild frenzy'. Mohammed did not realise his son was dead until it was all over. He had thought that his family had been blessed until discovering the body of his son in the back of the car. He had been shot through the head.⁴³

7. The U.S. Department of Defence Response: Cover Up by Deferment

The shooting of Iraqi civilians by the Blackwater soldiers was undoubtedly a significant event in the US military occupation of Iraq. I was interested to see how the incident was portrayed in the US Department of Defence news briefings and whether or not the statements from officials would be imbued with the same outrage management tactics as was the case with the first siege of Fallujah. Surprisingly, there were no DOD news briefings carried out or documented for three days after the incident had occurred. Finally on 20 September a news briefing was given by the

⁴³ Testimony of Mohammed Kinani transcribed at http://www.democracynow.org/2010/1/29/exclusiveblackwaters_youngest_victim_father_of_9

Pentagon press secretary, Geoff Morrell. At this time Morrell was the chief spokesperson for the US Secretary of Defence Robert Gates.

The Nisour Square massacre raised wider questions about the role of private ‘security contractors’ in Iraq more generally. During this news briefing Morrell answered such questions with a level of nonchalance. He confirmed that a ‘comprehensive review’ of the role of private military contractors was not taking place although admitting that during a minor review following the Nisour Square incident, Robert Gates wanted to know:

‘To what extent do we rely on security - private security contractors? How many? Who are they? He (Gates) was also curious to know the rules of engagement for their work in Iraq on our (DOD) behalf and the command and control structure over them’.⁴⁴

This is a fairly revealing statement from Morrell indicating that the US Secretary of Defence claimed to know very little about the mass employment of private military contractors, whose number at the time in Iraq exceeded that of the US military.⁴⁵ This could be viewed as a type of cover-up where US officials appear to be ‘playing dumb’ by purporting a lack of knowledge about a very large and privately run armed contingent engaged in the military occupation of Iraq. Gauging from Morrell’s response to this initial enquiry it appears that the US government has not only outsourced military tasks to the private sector but in this instance has also outsourced its responsibility for them.

⁴⁴ DOD News Transcript, CPA News Briefing, 20 September, 2007. (Accessed online 16/5/11 <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4038>)

⁴⁵ M. Rosenthal, ‘Contractor Accountability’, *The New York Times*, 11 October, 2007.

Perhaps of greater concern though is the way in which the DOD spokesperson is able to almost completely deflect any accountability for the incident by deferring all questions to the State Department. Morrell clearly states in the briefing that ‘this is not an issue that involves the Department of Defence. The question involves a State Department contractor’.⁴⁶ This demonstrates to some extent the complexities of the privatisation of force in Iraq where official responsibility for the actions of the industry can be clouded by the abdication of responsibility from one government department to another. In this way the privatisation of force can become an effective vehicle for cover up where government officials decline to answer questions about the behaviour of private contractors on the grounds that their department is not responsible for the contractors’ activities.

By declaring a ‘war on terror’ the US has moved into a period of perpetual war without a logical endpoint. The rise of the private military industry is a feature of this state of perpetual war and is a demonstration of the idea that although the nation state is considered to be the central site of power, it has released this power to an extent by outsourcing what it describes as security tasks.⁴⁷ The cloudy nature of this direct partnership between government and the private sector creates a potentially limitless area for cover up when the chain of command and responsibility for private soldiers is unknown or obfuscated. As Morrell has admitted in this news briefing, even the Secretary of Defence does not have an overall grasp of the exact role of private military contractors or the extent of their use.

⁴⁶ DOD News Transcript, CPA News Briefing, 20 September, 2007.

⁴⁷ M.Welch, ‘Fragmented power and state-corporate killings: a critique of Blackwater in Iraq’, *Crime, Law and Social Change*, Vol.51, Issue 3, 2009: pp.351-364 at p.352.

Later in this news briefing Morrell inadvertently admits that a system of oversight and investigation for private military companies involved in incidents resulting in civilian casualties does not really exist. When asked directly about the reporting requirements or investigative processes when such incidents occur Morrell casually suggests that such a procedure might only be triggered by the media: 'I would guess that you [the journalists] all would know about it and would know the actions we're taking as a result of it'.⁴⁸ The one firm point that Morrell does make is that although private military contractors have immunity from prosecution under Iraqi law as a consequence of CPA Order 17 which was 'adopted, at least, blessed by the Iraqi government', private military contractors do not 'have immunity from US law'.⁴⁹

The next DOD news briefing on 25 September contains a strong focus on whether the Iraqi Interior Ministry will remove the immunity for private contractors under Iraqi law.⁵⁰ Attention here is not being drawn to the civilians which were killed at Nisour Square, but to the possibility that at some stage in the future private military contractors may be subjected to the Iraqi legal system. This becomes a pattern for the DOD news briefings to follow whereby attention is diverted away from the incident involving the killing of Iraqi civilians, and directed towards the protection of private military contractors from prosecution under Iraqi law. This type of diversion could be construed as form of cover up where the issue of civilian casualties is virtually ignored.

⁴⁸ DOD News Transcript, CPA News Briefing, 20 September, 2007.

⁴⁹ DOD News Transcript, CPA News Briefing, 20 September, 2007.

⁵⁰ DOD News Transcript, CPA News Briefing, 25 September, 2007. (Accessed online 16/5/11 <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4040>)

The diversion continues at the next news briefing on 26 September where both journalists and Geoff Morrell act as advocates for no change to the military contractors' legal immunity in Iraq.⁵¹ What becomes apparent during this briefing is that the Department of Defence is dependent on the availability of '137,000 plus' military contractors in Iraq and according to one journalist the immunity deal for contractors is a 'key condition' for doing work in Iraq and they 'would not be comfortable with their employees being subjected to Iraqi justice'.⁵² Some pressure builds on Morrell during this briefing when he is questioned about the nature of the US military's dependence on contractors, their legal immunity under Iraqi law, and the fact that at this point no military contractors had 'been prosecuted under US law' since the beginning of the occupation.⁵³ Morrell's response here concerns the US government's ability to void contracts as a way of overseeing the behaviour of private military contractors in Iraq. This type of market mechanism is often promoted as a regulatory measure for the private military industry when it is pointed out they operate in a legal vacuum.⁵⁴ When asked about the accusation that Blackwater was involved in gun running in Iraq, 'transporting weapons and other equipment to Iraq and Afghanistan without proper clearances' Morrell had clearly become exhausted and instructed the journalists to 'take it up' with the State Department.⁵⁵ This technique of deferring to another department it seems had become the default defensive position of the Department of Defence. At the 27 and 28 September DOD news briefings the

⁵¹ DOD News Transcript, CPA News Briefing, 26 September, 2007. (Accessed online 16/5/11- <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4041>)

⁵² DOD News Transcript, CPA News Briefing, 26 September, 2007.

⁵³ DOD News Transcript, CPA News Briefing, 26 September, 2007.

⁵⁴ See D. Brooks, cited in Democracy Now, 'Can Iraq (or Anyone) Hold Blackwater Accountable for Killing Iraqi Civilians? A Debate on the Role of Private Contractors in Iraq', 18 September, 2007. (Accessed online 19/8/08 - http://www.democracynow.org/2007/9/18/can_iraq_or_anyone_hold_blackwater) and J.J.Messner, 'Ethical Security: The private sector in peace and stability operations', in S.Gumedze (ed.) *Private Security in Africa: Manifestations, Challenges and Regulation*, 2007:p.62. I.S.S. Monograph Series Number 139.

⁵⁵ DOD News Transcript, CPA News Briefing, 26 September, 2007.

Blackwater incident was only given a passing mention and during the entire two week period after the Nisour Square massacre, DOD officials were able to obfuscate the issue by deferring to the State Department or focus on the importance of maintaining legal immunity for contractors in Iraq. Both tactics were mechanisms for a form of cover up in so far as no details of the event were discussed in the briefings despite the fact that it had been the single largest incident involving civilian casualties and a private military company operating in Iraq.

8. The U.S. State Department Response: Reinterpretation and Deferment to Official Channels

With very little information on the Nisour Square incident being made available by the US Department of Defence and their ongoing deferment of questions to the Department of State, archived news briefings from this department provided me with another data source to determine whether or not a pattern of outrage management tactics was being applied to the Nisour Square massacre. Like the Department of Defence, the Department of State also makes available daily news briefings in an archived form on its official website.⁵⁶ An analysis of these briefings shows that although the government officials did not make any real attempt to cover up the incident since it had already been reported in the mainstream media, the officials representing the Department of State consistently reinterpreted the event as an act of self defence, or deferred answering questions to a time in the future after an official investigation had taken place. In this sense the department deferred to official channels.

⁵⁶ US Department of State - Archive – Daily Press Briefings. (Accessed online 6/6/11 - <http://2001-2009.state.gov/r/pa/prs/dpb/2007/sep/index.htm>)

On 17 September, the day after the shootings, Sean McCormack, a spokesman for the Department of State, gave a news briefing taking questions from journalists.⁵⁷ These news briefings take a very similar form to the DOD news briefings except that the full identities of the journalists and their affiliations are not published in the transcripts. When asked specifically about the incident and details of the shooting, McCormack responds by saying that he cannot offer anything in public. When asked if other incidents involving Blackwater had been reported in recent months the US official claimed that ‘you know, I couldn’t tell you’.⁵⁸ McCormack uses this tactic again of ‘playing dumb’ when asked if the individual contractors from Blackwater involved in the incident had been suspended by responding that he ‘didn’t have any insight into that’.⁵⁹ It is remarkable that the spokesperson for the Department of State can claim not to know either of these details about Blackwater when they are the company responsible for guarding the highest ranking officials in that department. This type of stonewalling from McCormack could be considered as a form of cover-up.

The first clear sign in this press briefing that outrage management tactics are being used comes when McCormack states clearly that there was a ‘fire fight’ and that ‘some innocent life was lost’. On the second point, McCormack’s statement was entirely accurate; there was a loss of innocent life. On the first point though, McCormack is providing a misleading detail that potentially directs the audience away from the notion that the shootings at Nisour Square were unwarranted and unjustified. By using the term ‘fire fight’ McCormack is implying that the shooting

⁵⁷ US Department of State – Archive – Dailiy Press Briefing, September 17, 2007. (Accessed online 8/6/11 - <http://2001-2009.state.gov/r/pa/prs/dpb/2007/sep/92136.htm>)

⁵⁸ US Department of State – Archive – Dailiy Press Briefing, September 17, 2007.

⁵⁹ US Department of State – Archive – Dailiy Press Briefing, September 17, 2007.

involved two parties fighting against one another. As has been already discussed this was not the case. The Blackwater employees were not under fire and the shootings were a case of one group of armed men, the Blackwater employees, shooting a group of unarmed people which were the Iraqi victims of the shooting.

The ‘fire fight’ misrepresentation was reported in both *The Washington Post* and *The New York Times* within two days of the shootings.⁶⁰ Partlow’s *Washington Post* article claimed that the convoy Blackwater was guarding came under attack from insurgents.⁶¹ Tavernise’s *New York Times* article also made a similar claim about a ‘fire fight’ and that US officials did not explicitly state that Blackwater was responsible for any civilian deaths.⁶² Again this is a demonstration of the mainstream media mimicking official sources but it is not certain that either Partlow or Tavernise drew directly from McCormack’s news briefings because the journalists at State Department news briefings are not identified in the archived transcripts.

In this news briefing the question of legal accountability for the shootings is raised. In order to allay fears that private military companies are not operating with impunity in a legal vacuum McCormack agrees with a reporter that the contractors are answerable to US law. He also denies that the PMC employees operate with a form of immunity under Iraqi law saying that he ‘suspects’ that this is not the case.⁶³ As has been

⁶⁰ J. Partlow, ‘State Dept. Convoy Attacked in Baghdad, Sparking a Shootout; Security Guards Kill 9 Civilians, Iraqi’s Say’, *The Washington Post*, 17 September, 2007 and S. Tavernise, ‘U.S. Contractor Banned by Iraq Over Shootings’, *The New York Times*, 18 September, 2007.

⁶¹ Partlow, ‘State Dept. Convoy Attacked in Baghdad’, *The Washington Post*.

⁶² Tavernise, ‘U.S. Contractor Banned by Iraq Over Shootings’, *The New York Times*.

⁶³ US Department of State – Archive – Daily Press Briefing, September 17, 2007.

already documented it was well known that under CPA Order 17 contractors working for the US government could not be prosecuted under Iraqi law.

On the following day there were still many questions aimed at McCormack over the shootings at Nisour Square, the legal jurisdiction applying to the shootings, and Blackwater's level of involvement in Iraq more generally. McCormack again reinterprets the massacre as an act of self defence by the Blackwater employees as a result of 'an attack on our convoy'.⁶⁴ He also takes a contradictory position on the question of the applicability of Iraqi law. McCormack states that the Iraqis will look at their laws and see how they might be applied on the one hand, but on the question of making the Blackwater employees available to the Iraqi legal authorities he claims that there might be a problem with 'issues of diplomatic immunity'.⁶⁵ In the news briefing the day before McCormack implied that there was no immunity for the PMC employees, however when questioned more directly in this briefing his position on this issue appears to change. It can be seen here that from one day to the next the State Department is saying different things about the legal playing field for private military personnel operating in Iraq. McCormack reiterates that 'this convoy was attacked' and that the actions of the contractors were 'defensive in nature'.⁶⁶ On another three occasions during this news briefing McCormack states clearly that the Blackwater employees came under attack despite a journalist claiming that Blackwater 'fired first'. Even the notion that Blackwater fired first is misleading because they did not come under any fire at all at Nisour Square. They fired first, and last.

⁶⁴ US Department of State – Archive – Dailiy Press Briefing, September 18, 2007. (Accessed online 10/6/11 - <http://2001-2009.state.gov/r/pa/prs/dpb/2007/sep/92231.htm>)

⁶⁵ US Department of State – Archive – Dailiy Press Briefing, September 18, 2007.

⁶⁶ US Department of State – Archive – Dailiy Press Briefing, September 18, 2007.

In both the previous news briefings on September 17 and 18 McCormack had not answered specific questions about the incident because he wanted to 'see that an investigation takes place in an objective way'.⁶⁷ However McCormack's desire for objectivity was compromised on each occasion by an insistence that the Blackwater guards were attacked in the first instance, a claim that was false. In the same way the Department of Defence refused to answer questions about the incident by deferring to the State Department, the State Department used the same tactic but instead deferred to an investigation that would be undertaken. This investigation was announced at the Department of State news briefing by Sean McCormack the following day, 19 September. A commission was being established to investigate personnel security detail operations in Iraq as a consequence of the Nisour Square shootings. However this commission would not be 'conducting a specific investigation into this [Nisour Square] incident'.⁶⁸ This shows the way in which official channels can be used to give an appearance of justice. A more detailed description of the inability of official channels to achieve justice is discussed in the following section. What has occurred here is that the State Department has avoided questions on the basis that it might prejudice an investigation, then engaged in prejudicial comment by falsely stating that the Blackwater soldiers were fired upon. This is then followed by the Department of State announcing an investigative commission with the extraordinary caveat that the commission won't be responsible for investigating the incident itself but the wider problem of security, and one might suppose privately run security, in Iraq.

⁶⁷ US Department of State – Archive – Daily Press Briefing, September 18, 2007.

⁶⁸ US Department of State – Archive – Daily Press Briefing, September 19, 2007. (Accessed online 11/6/11 - <http://2001-2009.state.gov/r/pa/prs/dpb/2007/sep/92462.htm>)

The State Department news briefings thus followed a predictable pattern in terms of reinterpreting the event as an act of self defence and deferring to official channels. This occurs despite suggestions from journalists at the briefings that eyewitness evidence and a preliminary Iraqi investigation found that the Blackwater soldiers were not fired upon at Nisour Square.⁶⁹ It was also clearly stated that there would not be a DOD investigation because Blackwater was working for the State Department.⁷⁰ At the September 20 and September 25 news briefings the Nisour square incident was not mentioned. On September 24 the tactic of deferment to official channels was firmly in place and no questions were answered on the grounds that ‘an investigation....hasn’t finished up’.⁷¹

9. Nisour Square and Official Channels

In terms of reducing outrage, what is most noteworthy about the Nisour Square killings is the way in which the incident passed through official channels in the US. In Iraq there was no attempt to seek justice in any official capacity and this could be attributed to Order 17 legislated by the CPA under Paul Bremer’s leadership which meant that foreign private security companies in Iraq could not be prosecuted under Iraqi law. In effect, Order 17 gave all military contractors a form of diplomatic immunity.⁷² The way in which the Nisour Square massacre moved through official channels to give an impression that justice was being pursued can be divided into three areas. The first concerns the action taken by the International Peace Operations

⁶⁹ US Department of State – Archive – Dailiy Press Briefing, September 19, 2007.

⁷⁰ US Department of State – Archive – Dailiy Press Briefing, September 19, 2007.

⁷¹ US Department of State – Archive – Dailiy Press Briefing, September 24, 2007. (Accessed online 11/6/11 - <http://2001-2009.state.gov/r/pa/prs/dpb/2007/sep/92642.htm>)

⁷² Coalition Provisional Authority Order Number 17 (Revised), pp. 3-5. (Accessed online 6/6/11 - http://www.iraqcoalition.org/regulations/20040627_CPAORD_17_Status_of_Coalition_Rev_with_Annex_A.pdf)

Association in relation to Blackwater's violation of the association's code of conduct.

The second and third relate to US government channels where investigations were conducted through Congress and the US legal system.

An Industry Body – The International Peace Operations Association

At the time of the Nisour Square massacre the International Peace Operations Association (IPOA) was a private military industry association that included Blackwater as one of its member companies. The IPOA's mission was to 'promote high operational and ethical standards' of firms active in what it described as the 'Peace and Stability Industry'. All member companies subscribed to the IPOA's Code of Conduct which according to the website represents a 'constructive effort towards better regulating private sector operations in conflict and post-conflict environments'.⁷³ Although undergoing a name change since this time, the IPOA, now known as the International Stability Operations Association, operates under the same principles.⁷⁴ At the time of the Nisour Square shootings the IPOA advocated a combination of internal industry regulation and governmental legislation as the guiding principles in the future regulation of the private military sector.⁷⁵ IPOA statements on government regulation are broad and imprecise. In terms of self regulation, IPOA members were bound by the Code of Conduct which contained a ten section enforcement mechanism.⁷⁶ Furthermore, the IPOA's then director J.J. Messner advocated market advantages for IPOA companies operating within the boundaries of

⁷³ The International Peace Operations Association, 'Mission'. (First accessed online 1/7/08 - http://ipoaonline.org/php/index.php?option=com_content&task=view&id=14&Itemid=31), now available at: The International Stability Operations Association, 'About ISOA'. (Accessed online 10/8/11 - <http://ipoaworld.org/eng/aboutisoa.html>)

⁷⁴ International Stability Operations Association, About ISOA. (Accessed online 10/8/11 - <http://ipoaworld.org/eng/aboutisoa.html>)

⁷⁵ Messner, 'Ethical Security', p.68.

⁷⁶ The International Peace Operations Association, 'Standards and Laws/Enforcement Mechanism'. (Accessed online 30/6/08 - http://ipoaonline.org/php/index.php?option=com_content&task=view&id=135&Itemid=135)

the IPOA Code of Conduct, where ‘clients gain a level of confidence by utilising IPOA companies’.⁷⁷ The general principle is that by becoming a member of the IPOA, and hence becoming aligned with their Code of Conduct, PMCs will enjoy business benefits associated with ‘client confidence’ as a result of ethical behaviour in accordance with the Code of Conduct. In this way Messner’s promotion of the IPOA’s Code of Conduct emphasises its value in terms of market forces, rather than as a separate regulatory obligation.

The first genuine test of the IPOA’s Code of Conduct and principle of self regulation came with the Nisour Square massacre. On 5 October, 2007, the IPOA released a statement in relation to the Baghdad shootings to announce they were addressing Blackwater’s compliance with IPOA Code of Conduct.⁷⁸ On 12 October, the next statement from the IPOA announced that Blackwater was formally withdrawing from the IPOA effective from 10 October.⁷⁹ Following this incident there was no reference to Blackwater in any context from the IPOA, except for a prominent full-page advertisement for the company on page two of the IPOA Journal, which ran for eight months following the Baghdad incident until June 2008.⁸⁰

The Nisour Square massacre demonstrated that the IPOA’s Code of Conduct, underpinned by the industry’s principle of self regulation, was completely inadequate. Rather than complying with the code, Blackwater simply abandoned the association

⁷⁷ Messner, ‘Ethical Security’, p.68.

⁷⁸ International Peace Operations Association, ‘IPOA Press Release on Blackwater USA’, 5 October, 2007. (Accessed online 5/5/11 - <http://ipoaworld.org/eng/press/132-20071005blackwaterusa.html>)

⁷⁹ International Peace Operations Association, ‘IPOA Statement Regarding the Membership Status of Blackwater USA’, 12 October, 2007. (Accessed online 3/5/11 - <http://ipoaworld.org/eng/press/131-20071012blackwatermembershipwithdrawal.html>)

⁸⁰ See page 2 in *Journal of International Peace Operations*, Volume 3, Numbers 4-6. All issues available online - <http://www.privatemilitary.org/peaceops.html>)

with little or no effect on their ability to gain further work with the US State department. A short time after the Baghdad shootings Blackwater went on to sign contracts with the US State department worth \$144 million,⁸¹ keeping the company on track to maintain the average revenue it had received from the US government over the previous three years, which was approximately \$200 million per year.⁸² As an official channel for regulation and accountability, the IPOA proved to be a relatively simple obstacle for Blackwater. The relinquishing of its membership of the association appeared to have little effect on Blackwater's ability to obtain work, or gain prominent advertising space in the IPOA journal. Messner's argument that IPOA membership had some form of intrinsic market value triggering self regulation was shown to be unconvincing in this case.

U.S. Congressional Hearing

Following the Nisour Square incident, Blackwater's owner Erik Prince was called to testify before the House Committee on Oversight and Government Reform. In his testimony before Congress, Prince continued with the false claim that his employees were fired upon by Iraqi insurgents, and that the causes of death for the 17 civilians were possibly caused by ricochets, traffic accidents or from stray bullets from the US military which had arrived at the scene an hour later.⁸³ The primary reason Prince was called to testify before the House Committee on Oversight and Government Reform on this occasion was because of the Nisour Square incident. However the committee was instructed by the FBI not to question Prince about the civilian massacre because

⁸¹ Scahill, 'Blackwater's Private Spies', *The Nation*.

⁸² J. Neff, 'Inspector questions Blackwater contracts', *The News and Observer*, 29 July, 2008. (Accessed online 3/5/11 - <http://rinf.com/alt-news/business-news/inspector-questions-blackwater-contracts/4210/>)

⁸³ Democracy Now, 'Blackwater's Youngest Victim: Father of 9-Year Old Killed in Nisour Square Gives Most Detailed Account of Massacre to Date'. (Accessed online 6/5/11 - http://www.democracynow.org/2010/1/29/exclusiveblackwaters_youngest_victim_father_of_9)

they were conducting their own investigation. The FBI's reasoning for not asking Prince questions on Nisour square was that the committee's investigation might 'contaminate' the FBI's investigation.⁸⁴ In this instance, Prince has been called before an enquiry because of a perceived injustice, and then not questioned about the injustice at the enquiry. This is a demonstration of the way in which an official channel can be used to give the initial perception that investigative practices are being employed to create a just outcome when in reality, as in this case, they become a vehicle for the continued obfuscation of justice and the path to justice.

The U.S. Legal System and the Nisour Square Massacre

The first report on the incident was professed to be the State Department's view of the Nisour Square incident. The report claimed that the Blackwater guards were ambushed, that there was enemy fire, and that Blackwater were defending American lives in a war zone.⁸⁵ Although written on government stationery with a State Department letterhead, the report was drafted by a Blackwater employee named Darren Hanner.⁸⁶ For two weeks there was no attempt to bring in a law enforcement agency to look at the State Department report and it was viewed only by State Department employees.⁸⁷ It is reasonable to assume that these employees were involved in a conflict of interest. If Blackwater were to be implicated in any crime there would most likely be consequences for the State Department's security arrangements in Iraq. The executive director of the counsel for the Crimes of War Project in Washington, Morris Davis, claims that neither Blackwater nor the US

⁸⁴ Democracy Now, 'Blackwater: From the Nisour square massacre to the future of the mercenary industry', 2 June, 2008. (Accessed online 5/5/11 -

http://www.democracynow.org/2008/6/2/blackwater_jeremy_scahill_on)

⁸⁵ *Ibid.*

⁸⁶ W.A. Cohn, 'As Blackwater Rises, the Rule of Law Recedes', *DePaul Rule of Law Journal*, Fall 2010, pp.1-39 at p.8, and Democracy Now, 'Blackwater: From the Nisour square massacre to the future of the mercenary industry', 2 June, 2008.

⁸⁷ Cohn, 'As Blackwater Rises, the Rule of Law Recedes', p.8.

government has an interest in highlighting the problems associated with their co-dependence. In his opinion, as far as the government was concerned, building successful cases for prosecution against PMCs in Iraq is not a high priority.⁸⁸ Evidence of 'political cronyism' was also evident with the State Department inspector general Howard J. Krongard accused of impeding Justice Department investigations of Blackwater over the Nisour Square shootings. Krongard had failed to disclose to a Congressional hearing that his brother was on Blackwater's advisory board.⁸⁹

Investigations by Iraqi officials, the FBI and US military all refuted the State Department's claim that the Blackwater employees were fired upon at Nisour Square. Not only were the killings labelled a 'criminal event', but it was also found that Blackwater employees had 'tampered' with evidence at the site of the shootings indicating an attempted cover up.⁹⁰ The greatest legal obstacle for prosecutors and victims of the shootings was the 'highly unusual' granting of legal immunity for Blackwater employees giving evidence.⁹¹ What this meant was that any Blackwater employee involved in the Nisour Square incident could give evidence or statements but this evidence could not be used against them in a US court. The employees were already operating under immunity from the Iraqi legal system under the CPA's Order 17. Cohn describes the 'immunity for statements' deal as a strategy to immunize the Blackwater employees in the first instance as opposed to gathering evidence in the pursuit of justice.

⁸⁸ N. Amies, 'Wikileaks revelations unlikely to shore up collapsing Blackwater cases', *Deutsche Welle*, 26 October, 2010. (Accessed online 2/3/11 - http://www.dw-world.de/dw/article/0,,6147861_page_2,00.html)

⁸⁹ Welch, 'Fragmented power and state-corporate killings', p.357.

⁹⁰ Cohn, 'As Blackwater Rises, the Rule of Law Recedes', p.7.

⁹¹ *Ibid.*, p.8.

In good faith, this type of immunity is aimed at protecting Fifth Amendment rights concerning self incrimination whilst allowing investigators to continue gathering evidence.⁹² Individuals suspected of crimes are not normally given immunity and it is well known that prosecutors 'face significant barriers' in bringing cases against those that have been immunised.⁹³ Whilst the Blackwater employees were the most likely suspects in this criminal event, granting them immunity in exchange for evidence would be akin to granting the same immunity to a murder suspect in exchange for a statement. Raising further suspicion about the nature of the official investigation and a conflict of interest for the US State Department, the grants of immunity were offered by the State Department's investigative arm despite the State Department not having the authority to do so.⁹⁴ Regardless, the status of limited immunity for the Blackwater employees remained. When questioned about the events at Nisour Square by Jeremy Scahill at a New York University conference in 2008, Blackwater vice president Martin Strong claimed that the company did not conduct an investigation and claimed to have 'no idea' what happened. All that could be done he said was wait for a government investigation.⁹⁵

The starting point for a legitimate investigation came in December 2008 when five Blackwater employees were formerly charged with manslaughter by US federal prosecutors over the Nisour Square massacre.⁹⁶ However before the case was due to go to trial in February 2010, a US federal judge, Ricardo Urbina, dismissed all

⁹² D. Johnston, 'Immunity Deals Offered to Blackwater Guards', *New York Times*, 30 October, 2007.

⁹³ Welch, 'Fragmented power and state-corporate killings: a critique of Blackwater in Iraq', p.355.

⁹⁴ *Ibid.*

⁹⁵ Democracy Now, 'Blackwater: From the Nisour square massacre to the future of the mercenary industry', 2 June, 2008.

⁹⁶ Cohn, 'As Blackwater Rises, the Rule of Law Recedes', p.12.

charges against the Blackwater employees just two months before the planned trial. A New York lawyer specialising in international law, Scott Horton, said that the dismissal of charges by Urbina could be explained by the relationship between the granting of limited use immunity to the Blackwater employees, and the way in which the prosecution built its case.⁹⁷ The statements made by the Blackwater employees under immunity were used by the US Justice Department to build their 'entire case' before the grand jury which indicted the Blackwater five.⁹⁸ According to Horton, although the Justice Department was well aware that the statements could not be used, and that they had other evidence from eyewitnesses which they could use, the prosecution appeared to have deliberately 'sabotaged' their own case despite warnings from senior lawyers in the Justice Department. A report from a congressman who attended Justice Department briefings before the case began indicated that the prosecuting attorneys were putting together a case that appeared to be 'defending' the Blackwater employees rather than prosecuting them and this was reflected in Judge Urbina's decision to dismiss the case.⁹⁹

10. Condolence or Bribery?

For Mohammed Kinani, the previously mentioned father of the youngest victim of the massacre, Ali Kinani, US officials offered a form of monetary justice which one could assume amounts to an admission of some guilt. Following Ali's death the US embassy in Baghdad offered the Kinani family a condolence payment of \$10,000. This is despite the fact that Blackwater denied all responsibility for Ali's death resulting from

⁹⁷ Democracy Now, 'Judge Dismisses All Charges Against Blackwater Guards in Nisour Square Massacre', 4 January, 2010. (Accessed online 5/5/11 -

http://www.democracynow.org/2010/1/4/judge_dismisses_all_charges_against_blackwater)

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

the Nisour square incident. Shortly after Mohammed Kinani's story appeared on an *ABC News* (US) website, one of Iraq's most esteemed lawyers Ja'afar al Moussawy contacted Mohammed and organised a meeting between him and Blackwater's regional manager. Moussawy had previously been the chief prosecutor of the Supreme Iraqi Criminal Tribunal which had brought Saddam Hussein to court and sentenced the former leader to the death penalty. Through this meeting between Kinani and Moussawy, Blackwater offered Mohammed a further \$20,000 although still did not publicly admit to any responsibility or guilt over the incident. Kinani refused this payment and following this a US legal team representing Mohammed Kinani filed a civil lawsuit in the US against Blackwater over the death of his son at Nisour Square.¹⁰⁰ As of May 2011 there has been no outcome to these civil proceedings. Blackwater, which changed its name to Xe Services in March 2010 because its 'brand had been tarnished by its work in Iraq', has sought to have the civil case dismissed on the grounds that the US government should be held responsible for the 2007 shootings, not the company.¹⁰¹

11. Conclusion

The Nisour Square incident is another example in the 'war on terror' where outrage management tactics have been employed to conceal or disguise the killing of innocent civilians. On this occasion the US military was not formally responsible for the injustice, but a private military company working for the US government. The tactics to reduce outrage were primarily carried out by the relevant US government

¹⁰⁰ Democracy Now, 'Blackwater's Youngest Victim: Father of 9-Year Old Killed in Nisour Square Gives Most Detailed Account of Massacre to Date', 29 January, 2010.

¹⁰¹ T.Breen, 'Blackwater Seeks Dismissal of Iraq Shooting Suit', *Associated Press – ABC News / U.S.*, 17 December, 2010. (Accessed online 5/5/2011 - <http://abcnews.go.com/US/wireStory?id=12417735>)

authorities, not the company. This indicates that although the US government and military are outsourcing the use of lethal force to private companies some level of responsibility rests with the government in relation to the actions of those they employ. What is most telling is that throughout this entire process Blackwater made very little public comment about the Nisour Square massacre and so too the International Peace Operations Association. This is one issue of concern in relation to the outsourcing of the use of lethal force. Private companies are not accountable to the public although they are contracted to assist in the waging of war in the public's name. From this example it appears that only the State can be compelled to speak to the people and in this case government representatives used four of the five tactics in the backfire/outrage management model.

Because the event was reported in the mainstream media almost as soon as it happened, DOD and State Department officials were unable to cover up the massacre. However they successfully avoided answering questions about the details of the shootings by using a combination of methods that could be described as deferment, stonewalling and diversion. The DOD deferred answering questions to the State Department and the State Department in turn deferred to an official investigation that was yet to take place. The stonewalling tactics were generally delivered through a claim of ignorance by the officials that were being questioned. Diversionary tactics occurred when the focus of the news briefings were directed towards ongoing legal immunity for contractors working in Iraq, rather than on the civilian casualties resulting from the incident itself. On the broader issue of PMCs in Iraq even the Defence Secretary's spokesperson claimed that the Secretary knew little about the operations of these companies in Iraq. In this way government officials were able to

successfully cover up details about the incident although the incident itself had become public knowledge.

Reinterpretation of the event was undertaken by the State Department spokesperson who claimed that the incident was a two way fire fight where Blackwater was defending its convoy from attack. Eyewitness reports and onsite investigations by the FBI and US military refute these claims and it is generally accepted that the Blackwater employees were not fired upon. The misrepresentation that the actions of Blackwater at Nisour Square were an act of self defence were repeated in both the *New York Times* and *Washington Post* which delivered this version of events to a wider media audience. Although there was no direct evidence of devaluation of the Iraqi victims at Nisour Square, the deception that the Blackwater employees came under attack from 'insurgents' could be considered a form of devaluation because it was not made clear whether or not the victims of the shootings were insurgents or attached in some way to the insurgents.

The most striking aspect of this case study is the way in which official channels were used to give an appearance of justice without actually delivering it. The IPOA's mechanism for self regulation, a favoured model of its neoliberal proponents, was completely undermined. The association's Code of Conduct to which Blackwater was bound proved to be meaningless and ineffectual. Blackwater's straightforward move to avoid investigation by relinquishing its membership had no visible impact on its work in Iraq and the IPOA did not pursue Blackwater following the company's resignation from the association. If anything the opposite occurred where Blackwater

was afforded prominent full page advertising in the IPOA journal for the next eight months and soon after signed further contracts with the US government.

The congressional and judicial procedures in the US in terms of its investigations into the massacre appear to be farcical. Although Blackwater's president was called to a congressional hearing to face questions over the incident, the committee conducting the hearing was instructed not to ask questions about Nisour Square so as not to prejudice other official investigations. When five employees were indicted to appear before US courts it appears that a favourable result had already been secured through immunity deals connected to their statements. These statements were then used as primary evidence by the prosecutors when legal opinion suggested that the immunity deals meant the statements could not be used. As a result of this technical breach the charges against the five were dismissed before reaching court. Despite a long and drawn out process for the victims' families, official channels may have given the impression to a watchful public that a path to justice was being undertaken but in reality it achieved very little. The outcome of civil proceedings in the US over the shootings is still not known. In the case of the Nisour Square massacre, official channels have been shown to be more cosmetic than effective in achieving justice for the victims and their families.

Finally the condolence payments made to the victims' families could be seen as a form of bribery. In particular, if Mohammed Kinani had accepted the offer of \$20,000 from Blackwater on top of the \$10,000 he had received from the US embassy then one might presume that it would be unlikely he would be continuing with civil

proceedings. There was no evidence of acts of intimidation or violence taken out against witnesses or victims after the shootings at Nisour Square.

The Nisour Square massacre raises much broader questions about the role of a private military industry in terms of outrage management. Their function is consistently reinterpreted as a security role or civilian role which belies the fact that many employees have a long and distinguished military background and are employed to carry out tasks that require them to use the same weapons as regular soldiers. Private military companies also provide a mechanism for cover up when an incident such as Nisour Square occurs by allowing government officials to plead ignorance over a company's actions. The way in which Blackwater changed its name to Xe Services is also a means of disguising a company's prior history to some extent. Whilst many would associate Blackwater with Nisour Square, the renaming of the company to Xe Services is a reinvention which potentially shields it from adverse opinion attached to the shootings. In addition, private military contractors are not included in official US body counts meaning that the actual human cost of the war to US citizens is concealed to some degree. Some of these broader issues of the private military sector in relation to outrage management and the ongoing 'war on terror' will be examined in chapter eight.

Chapter 7 - Drone Attacks: Unmanned Aircraft and the 'War on Terror'

1. Introduction

In November 2002, an unmanned aircraft known as a Predator Drone launched a hellfire missile aimed at a motor vehicle travelling through Yemen.¹ The six occupants were subsequently turned 'to dust' and US officials assured media audiences that all six men in the vehicle were members of Al-Qaeda.² This represented a turning point in the use of technology and war and perhaps marked the beginning of what some have said may become a 'robot revolution'.³ Whereas drone aircraft had been previously used for reconnaissance and surveillance, cases of armed attacks by an unmanned plane had not been previously documented.

In the same way that the 'war on terror' provided a theatre of war for a new 'for profit' private military industry to flourish, it has also provided a starting point for the conducting of war without risk to one set of actors – those operating unmanned aircraft from computer consoles far away from the site of an attack. The use of drones is the fourth case study in this thesis that highlights civilian casualties resulting from the US-led 'war on terror' and the way in which outrage over these killings and the use of armed unmanned aircraft more generally has been managed. The chapter follows a progression starting with a description and brief history of drones, the

¹ L.Calhoun, 'The Strange Case of Summary Execution by Predator Drone', *Peace Review*, 15:2, 2003: pp.209-214 at p.209.

² *Ibid.*

³ P.W. Singer and J.J. Myers, 'Wired for War', Carnegie Council Public Affairs Program, 5 February, 2009. (Accessed online 24/3/11 - <http://www.carnegiecouncil.org/resources/transcripts/0114.html#>)

effects of their weapons, the victims of drone attacks, ethical and legal problems over these extrajudicial killings, a focus on Pakistan as a third theatre of war after Afghanistan and Iraq, an attempt to quantify civilian casualties and finally the responses to concerns about the use of drones by the US Department of Defence. Like the three previous case studies a similar pattern exists whereby the communication of the killing of civilians by the US military, or those contractors working on behalf of the US government, is significantly obstructed using outrage management tactics.

2. Predator Drones: What are they?

Predator drones are one type of unmanned aircraft that are employed by the US military. They are around 27 feet in length and are made of light weight 'composite materials'.⁴ Drones fly out of airstrips in a war zone, but once in the air they are controlled by operators located over 7,000 miles away in the US. In Afghanistan the take-off and landing procedure is conducted by on-site operators. The drone is then connected to a control station in Nevada via satellite communications.⁵ The control panels for drone pilots look similar to a '1980s two player video game' and their implementation has led to a change in war fighting personnel.

Peter W. Singer, a researcher with the Brookings Institution, interviewed groups of 19 year old drone pilots who have not had to leave their state in order to fight in the wars in Iraq and Afghanistan. These pilots, or 'cubicle warriors' as Singer refers to them, spend an ordinary 8-12 hour day at work in an office environment and then return to

⁴ P.W. Singer, *Wired for War: The Robotics Revolution and Conflict in the 21st Century*, The Penguin Press, New York, 2009: pp.32-33

⁵ *Ibid.*, p.33.

their homes for ‘dinner with the family’.⁶ The US air force now trains more drone operators than fighter pilots who actually spend time in the air.⁷

Predator planes that were originally designed for surveillance and reconnaissance were first used in the Balkan war in the 1990s. When the war in Afghanistan began in October 2001 the US military contained only a small number of drones. By 2008 the total number of drones in the US military inventory was 5,331. Most of these are used for reconnaissance and only the predator drones are armed.⁸ This sharp increase in the use of drones is shared between two US government run programs. The first is managed by the US military in war zones in Iraq and Afghanistan. The second is a more covert operation run by the CIA. The program is classified and very little information is provided about the target selection process or how many people have been killed.⁹ What is known is that much of the CIA program is directed at targets in north western Pakistan and reports of fatal attacks emerge from there regularly.¹⁰

Predator drones can fly in the air for periods up to 24 hours at heights of 26,000 feet.¹¹ Each costs around \$4.5 million which is relatively small in comparison to F-22 fighter jets which cost over \$350 million. About one quarter of the cost of a predator drone is taken up by a ‘rotating ball’ which is located under the nose of the aircraft and carries ‘two variable-aperture TV cameras’.¹² The cameras provide the vision for the

⁶ Singer and Myers, ‘Wired for War’, Carnegie Council Public Affairs Program.

⁷ P. McGeough, ‘America’s deadly robots rewrite the rules’, *Sydney Morning Herald*, 13 February, 2010: p.13.

⁸ Singer, *Wired for War*, p.37.

⁹ J. Mayer, ‘The Predator war’, *The New Yorker*, Vol. 85, Iss. 34, 26 October, 2009.

¹⁰ P. Bergman and K. Teidemann, ‘About the Drone Data’, *New America Foundation*. (Accessed online 8/12/2011 - <http://pakistanurvey.org/about/drones>)

¹¹ Singer, *Wired for War*, p.33.

¹² *Ibid.*

operators of the aircraft located in the US. Although the lower costs represent one benefit of predator drones, by far their most obvious benefit is that they do not require onboard pilots. This means that they can be used in high risk missions where there is a chance the plane may be shot down and they can also remain in the air for long periods without the concern of pilot fatigue.

After the September 11 attacks when the drone program was increased dramatically, the first commander of US forces in Afghanistan Tommy Franks described the Predator as being the ‘most capable sensor in hunting down and killing Al-Qaeda and Taliban leadership’.¹³ A service airman stated that his role as a drone pilot was to ‘sanitise the battlefield’ and to ensure that US troops ‘aren’t walking into danger’.¹⁴ With the addition of hellfire missiles to the Predator which had the effect of combining ‘reconnaissance with firepower’,¹⁵ the battlefield was undoubtedly becoming sanitised for the drone pilots but not necessarily for the targets.

3. The Effect of Hellfire Missiles

Although drone attacks are said to be part of a targeted assassination program directed at suspected terrorists belonging to Al-Qaeda and also members of the Taliban, the effects of the hellfire missiles used by drones are much greater than an ordinary assassin’s bullet aimed at one person. Hellfire missiles are designated anti-tank weapons with a range of 9000 metres.¹⁶ These missiles are also designed to penetrate

¹³ *Ibid.*, p.34.

¹⁴ *Ibid.*

¹⁵ *Ibid.* p.37.

¹⁶ No Author, ‘Up to \$1B+ for Hellfire II Missiles’, *Defence Industry Daily*, 15 May, 2011. (Accessed online 15/10/11 - <http://www.defenseindustrydaily.com/3567M-for-Hellfire-II-Missiles-05043/>)

buildings with a large blast radius.¹⁷ The missiles were originally equipped with a shaped charge for armour penetration and then replaced with a 'blast/fragmentation warhead.... with enhanced blast which flows more efficiently than standard explosives' capable of reaching around corners, striking enemy forces that hide in caves or bunkers and hardened multi-room complexes.'¹⁸

These 500 pound bombs are based on the 1950s era Mk 82 bombs which according to Marc Herold have an 'effective casualty radius' of 60 metres and a lethal blast range radius of 20 metres.¹⁹ What this means is that 100% of people within the 20 metre radius will die from a hellfire missile blast and 50% of people within the 60 metre range will become casualties as a result of the blast. Using this data it seems that a drone firing a hellfire missile to assassinate an 'individual' cannot be performed without causing significant collateral damage. The risk to people and property inside the blast radius is increased by the fact that the identification and selection of targets is taken from a camera on the drone a few thousand feet above ground level. Decisions relating to these images are then made by drone operators and those inside the console area located in the US. It is reasonable to conclude that this would significantly increase the chance of making a target identification mistake in comparison with a positive identification made by a soldier on the ground.

¹⁷ *Ibid.*

¹⁸ D. Hambling, 'Why was Pakistan Drone strike so deadly', *Wired*, 24 June, 2009. (Accessed online 23/10/11 - <http://www.wired.com/dangerroom/2009/06/why-was-pakistan-drone-strike-so-deadly/>)

¹⁹ M.W. Herold, 'Afghanistan War Produces High Civilians Killed Per Bomb Dropped Ration', 6 January, 2002. (Accessed online 24/9/11 - <http://cursor.org/stories/civpertons.htm>)

4. Drone Attacks: Targets, Victims and Intelligence

In February 2002 a drone attack reportedly killed three ‘suspicious’ Afghans along the country’s eastern border. The victims were found to be innocent civilians collecting scrap metal.²⁰ The men were targeted because one was a ‘tall man in robes who was thought to be Osama Bin Ladin’.²¹ This kind of speculative intelligence taken from a Predator’s camera vision from a few thousand feet above the target is an obvious shortcoming of the drone program. The distance between the attacker and the attacked allows for errors that would be eliminated by face to face communication or identification by US soldiers on the ground.

The previously mentioned attack which took place in Yemen in November 2002 was a targeted assassination. The vehicle that was destroyed was said to only contain terrorists but little remained of the vehicle or its inhabitants to prove their identity, let alone their alleged role as terrorists. As Laurie Calhoun from Harvard University argues, the ‘dust of innocent people bears an uncanny resemblance to the dust of terrorists’.²² In an attack such as this it is possible that the vehicle was carrying ordinary citizens of Yemen – perhaps a family that included women or children. Human error, false intelligence or technological failure could very plausibly lead to the destroying of vehicles not occupied by terrorists.

Most of the drone strikes around the Afghan/Pakistan border areas rely on intelligence from tribal members that can often be questionable. Senior figures in the CIA have

²⁰ Mayer, ‘The Predator war’, *The New Yorker*.

²¹ *Ibid.*

²² Calhoun, ‘The Strange Case of Summary Execution by Predator Drone’, p.209.

admitted that often the choice of target is arbitrary and that intelligence is derived as much from tribal rivalry as it is from any connection with supposed US enemies.²³ A tribal leader can have a rival removed for them by passing on faulty intelligence to US officials on the ground who are responsible for coordinating drone attacks.²⁴ In this scenario the 'tribal rival' is unable to plead their case with the drone pilot located over 7,000 miles away in the US.

In August 2009, the leader of the Taliban in Pakistan, Baitullah Mehsud, was filmed by a Predator drone which had been 'hovering undetected two miles above the house' he was occupying.²⁵ Two hellfire missiles were launched at the house which resulted not only in the elimination of Baitullah Mehsud but eleven other family members and colleagues. Although Baitullah Mehsud had been accused of multiple crimes including the assassination of former Pakistani Prime Minister Benazir Bhutto, there are two questions that remain after this targeted assassination. The first is if Baitullah Mehsud was clearly wanted by Pakistani law enforcement authorities then a positive identification from the drone footage could have contributed to his arrest or capture on the ground. Rather than capture the Taliban leader, the decision to carry out a drone assassination is similar to conducting an execution without trial. The second concerns the justification for the deaths of those within the vicinity of the hellfire missile's explosion. Did the crimes of Baitullah Mehsud warrant the deaths of the family members killed in this drone attack? Although it is argued by intelligence officials that drones have a better record than fighter jets with respect to target accuracy, the

²³ J. Hari, 'Rise of the Killer Drones', *The Weekend Australian Magazine*, 30-31 October, 2010: pp.20-23 at p.20.

²⁴ *Ibid.*

²⁵ Mayer, 'The Predator war', *The New Yorker*.

campaign to kill Baitullah Mehsud took sixteen missile strikes over fourteen months before he was successfully targeted. During this time between 200 and 300 people were killed by drone strikes in Waziristan in the pursuit of Baitullah Mehsud.²⁶ The following table outlines some of the details of these attacks taken from Pakistani and international news stories. These figures represent as many as 150 deaths caused by drone attacks in the pursuit of Baitullah Mehsud.

Table 1 -Number of deaths from drone attacks targeted at Baitullah Mehsud.²⁷

Date of drone attack	Number of people killed
14 June, 2008	1
2 January, 2009	4
14 February, 2009	30
1 April, 2009	10-12
29 April, 2009	6-10
9 May, 2009	5-10
12 May, 2009	8
14 June, 2009	3-8
23 June, 2009	Up to 86

Because of the nature of drone attacks casualty estimates vary significantly. One general estimate of total casualties caused by drones using media reports between 2004 and 2010 shows that between 830 and 1210 individuals have been killed during

²⁶ *Ibid.*

²⁷ Data from Mayer, 'The Predator War', *The New Yorker*.

this period as a result of drone attacks.²⁸ According to the report entitled ‘The Year of the Drone’ reliable media sources claim that 550-850 of these victims have been Islamic militants which means that the civilian or non-combatant casualty rate is around one third of all victims. However this information is countered by David Kilcullen, an Australian advisor to the US State Department. Kilcullen claims that only 2% of drone victims are Jihadis and that the other 98% are ‘innocent victims of 9-11’.²⁹ Whilst this is perhaps a startling admission from an official US government advisor, it should be noted that these are not so much innocent victims of 9-11 but innocent victims of the US response to 9-11.

Examples of attitudes to innocent victims of drone strikes from US military officials are demonstrated in an anecdote from Peter W. Singer. A US general spent two hours watching drone footage where alleged insurgents were moving around a compound of houses openly armed. In the general’s view the entire compound became a legitimate target because any civilians present ‘had to know that it (the compound) was being used for war’ and an order to strike the compound was given.³⁰ In opposing this view of the general interviewed by Singer, these observations from a drone console thousands of miles away do not eliminate the need to take precautions against collateral damage for a number of reasons. Firstly, it cannot be certain that any children present would be aware that the compound was being used for war. Secondly, any adult from the compound may know that it is being used for military

²⁸ P. Bergen and K. Teidemann, ‘Year of the Drone: An analysis of U.S. Drone Strikes in Pakistan, 2004-2010’, *New America Foundation*, Counterterrorism Strategy Initiative Policy Paper: p.1. (Accessed online 3/3/11 - <http://counterterrorism.newamerica.net/sites/newamerica.net/files/policydocs/bergentiedemann2.pdf>)

²⁹ Hari, ‘Rise of the Killer Drones’, p.21.

³⁰ Singer, *Wired for War*, pp.347-348.

purposes but be powerless to stop it. This may apply to those present who might be elderly, the disabled or infirm, or women who are without any power to remove military elements from the surrounds of their home. Those present at this compound may also not be in a position to escape or relocate to another location whilst the ‘insurgents’ are carrying out their military or resistance duties. There is also the possibility that civilians are being held in the compound against their will. None of these can be confirmed by watching the drone footage taken from an aircraft circling thousands of feet above. If the compound were to be approached by Special Forces troops there is a chance that innocent lives might be saved, but there is also a chance that Special Forces soldiers might be killed. Using drones to attack such targets removes the risk of death and injury to US military personnel, but increases the risk of death and injury to innocent people around the targets.

Despite the rather unusual claims from The White House’s John Brennan that ‘targeted strikes conform to the principle of humanity’ and that ‘it is hard to imagine a tool that can better minimize the risk to civilians than remotely piloted aircraft’,³¹ mistakes from drone attacks have been well documented. On 4 February, 2002, Daraz Kahn was killed in a drone attack because he was tall. From 7,000 miles away, the drone pilot thought the tall man was Bin Laden who was allegedly taller than average Afghans.³² In 2005, US officials admitted that at least on two occasions Predator drone attacks killed individuals who were mistakenly believed to be Bin Laden.³³ In 2006 two Predator drones fired missiles into a Pakistani village called Damadola. The

³¹ ‘The Ethics and Efficacy of the President’s Counterterrorism Strategy’, Remarks of John O. Brennan, Assistant to the President for Homeland Security and Counterterrorism, 30 April, 2012. (Accessed online, 12 June 2013 - <http://www.lawfareblog.com/2012/04/brennanspeech/>)

³² Singer, *Wired for War*, pp.397-399.

³³ *Ibid.*, p.399.

target was Ayman al-Zawahiri, Al-Qaeda's alleged second in command, but instead the victims were 18 Pakistani civilians.³⁴ Of these were six children and six women.³⁵ The deaths were the result of 10 hellfire missiles which bombarded houses in the village. Nothing was left of the houses and as news of these attacks spread Pakistan 'erupted into outrage'.³⁶ Tens of thousands of people protested on Pakistan's streets after this incident, calling for the removal of President Pervez Musharraf whilst chanting 'death to America' and 'stop killing our children'.³⁷ The CIA refused to comment on these deaths caused by CIA controlled drones.³⁸

5. Problems with Extrajudicial Killings

In addition to the problems associated with the victims' identity there are also problems relating to the extrajudicial killing of people located in another country. If we take the killing of Mehsud in the first instance, it can be certain that a CIA operative would not be able to legally enter Pakistan and assassinate a citizen of that country. A case where this type of behaviour was deemed illegal concerned a CIA contractor who was charged with murdering two Pakistani nationals in Lahore whilst working for Xe Services (formerly Blackwater).³⁹ Questions then arise as a result of a similar process of murder by an unmanned aircraft. In the example of Mehsud, the use of drones has resulted in significant collateral damage. It was claimed that the majority of these victims were related in some way to Taliban and Al-Qaeda forces

³⁴ *Ibid.*

³⁵ S. Gul and K.M. Royal, 'Burning the barn to roast the pig? Proportionality concerns in the war on terror and the Damadola incident', *Willamette Journal of International Law and Dispute Resolution*, Vol. 14, 2006: pp.49-72 at p.50.

³⁶ *Ibid.*, pp.49-50.

³⁷ Singer, *Wired for War*, p.399.

³⁸ Gul and Royal, 'Burning the barn to roast the pig?', p.50.

³⁹ E. MacAskill and D. Walsh, 'US gives fresh details of CIA agent who killed two men in Pakistan shootout', *The Guardian*, 22 February, 2011: p.18.

but it is impossible to prove this after the event when little remains of the victim after a hellfire missile attack.

Interestingly at the time of Mehsud's death there had been some form of outrage expressed in the *Wall Street Journal* and the *New York Times* over a proposed 'capture or kill' assassination program targeted at Al-Qaeda operatives.⁴⁰ The furore increased when it was released that the program would use contractors working for Xe Services. Legal experts argued that if the program went ahead it would contravene a 1976 Order signed by Gerald Ford which banned US intelligence services from 'engaging in assassination'.⁴¹ However the drone program, which is also serviced by Xe Services employees who maintain and load the hellfire missiles, has been able to continue and expand.

An Australian human rights lawyer, Phillip Alston, authored the 'Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions' presented to the UN General Assembly in May 2010.⁴² The report was critical of the drone program overall but notably it was ignored by US representatives on a UN Human Rights Council.⁴³ Alston notes that a targeted killing, which is the 'intentional, premeditated and deliberate use of lethal force by states or their agents against individuals not in their territory or custody', is reflective of a range of criminal acts that have been

⁴⁰ Mayer, 'The Predator war', *The New Yorker*.

⁴¹ *Ibid*.

⁴² P. Alston, 'Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions', U.N. General Assembly, Human Rights Council, Fourteenth Session, 28 May, 2010. (Accessed online 23/6/11 - <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>)

⁴³ Mayer, 'The Predator war', *The New Yorker*.

justified as part of the response to the threat of terrorism.⁴⁴ These criminal acts include but are not limited to:

- Invading and occupying a country under the doctrine of pre-emption
- Extraordinary rendition
- Torture
- The use of mercenaries
- Indefinite detention without trial

Drones are now a central part of targeted killing programs with fewer risks to the state employing this type of force. Alston's report points out that these states often 'fail to specify the legal justification for their policies', nor do they ensure that these programs are legal and that the targeting is accurate.⁴⁵ The report also notes that often states 'refuse to disclose who has been killed and with what collateral consequences'.⁴⁶ Alston also highlights that there are two drone programs run by the US government; one by the military in Iraq and Afghanistan and the secret program run by the CIA which has contributed to a high number of civilian casualties in Pakistan numbering up to at least one thousand.⁴⁷ It is also highly unlikely that a drone killing in a nation's home territory would meet human rights law limitations on the use of lethal force.⁴⁸ For example if the Norwegian mass murderer Anders Brieivik was to have taken shelter in a known location in Oslo after the killings it is not possible to envisage an unmanned aircraft firing a hellfire missile at that location

⁴⁴ Alston, 'Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions', p.3.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*, p.7.

⁴⁸ *Ibid.*, p.25.

regardless of the seriousness of the crime. Aside from breaching the judicial process there is a likelihood that more lives would be lost in the drone strike.

6. The Situation in Pakistan

Whilst the US-led war on terror in Afghanistan brought an end to the Taliban regime centred in Kabul, it did not bring about an end to the movement more generally.⁴⁹ In what is described as the ‘porous borders’ between Afghanistan and Pakistan, the US has asserted that the Taliban moves freely between the two countries in this border region and as a result the war in Afghanistan has flowed into Pakistan.⁵⁰ This has resulted in more civilian casualties and suffering in these regions of Pakistan and it is likely that an increase in radicalisation has also occurred in that part of the country. US drone attacks targeted at alleged members of the Taliban and Al-Qaeda in Pakistan should be viewed in this context and it should also be recognised that Pakistani radicalisation and fundamentalism has occurred because of US action and most significantly, ‘relentless drone attacks’.⁵¹ Reports of fatal air strikes in Pakistan’s Federally Administered Tribal Areas (F.A.T.A.) appear regularly and, as has already been implied, nearly all the victims remain faceless because of the destructive nature of the hellfire missiles used and also because Pakistan’s tribal areas are unsafe for travel by media and human rights organisations.⁵²

⁴⁹ Sikanda Ahmed Shah, ‘War on terrorism: Self defence, Operation Enduring Freedom, and the legality of U.S. drone attacks in Pakistan’, *Washington University Global Studies Law Review*, Vol.9, Iss.1, 2010: pp.77-130 at p.81.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*, pp.81-86.

⁵² Mayer, ‘The Predator war’, *The New Yorker*.

In the first ten months of Barrack Obama's presidency 41 CIA missile strikes were directed at Pakistan and various estimates during this time point to between 326 and 538 deaths, many of which have been women and children.⁵³ Many US officials including vice president Joseph Biden are of the view that escalating drone attacks is a way to maintain engagement on this front without escalating troop involvement.⁵⁴ Mary Dudziak, a Professor of Law at the University of Southern California, argues that the introduction and escalation of drone attacks 'further isolates' the American people from the reality of war.⁵⁵ Others are in agreement with Biden in that a troop escalation is unpalatable for most Americans so the solution to maintaining this conflict is to expand the use of 'discriminate drone strikes' in Pakistan which would further disrupt extreme elements on the border of Afghanistan.⁵⁶ As has been noted already though, the notion of 'discriminate' drone attacks is not achievable when considering the extensive effect of a hellfire missile over a 60 metre blast radius. However some reports suggest that the expansion of the drone program over Pakistan's Federally Administered Tribal Areas (FATA) is a probable consideration for US officials.⁵⁷ This is despite the fact that the legislative Parliamentary Committee on National Strategy in Pakistan has called for an immediate end to these attacks in what it describes as a violation of Pakistan's sovereignty.⁵⁸

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ S. Simon and J. Stevenson, 'Afghanistan: How much is enough?', *Survival*, Vol.51, No.5, 2009: pp.47-67 at p.64.

⁵⁷ Sikanda Ahmed Shah, 'War on terrorism', p.113.

⁵⁸ *Ibid.*, p.114.

In the first eight months of 2011 over 400 people have been killed in drone attacks in Pakistan.⁵⁹ The ‘covert’ or CIA run drone program in Pakistan is the most ‘visible’ aspect of US military engagement in Pakistan.⁶⁰ Under both the Obama and Bush administrations the drone program has increased in Pakistan and is one of the most significant ways that US military activity contributes to civilian deaths particularly in the north western tribal regions.⁶¹ The drone campaign began in 2004 in an attempt to kill Al-Qaeda and Taliban forces in this part of Pakistan. Up until the assassination of Osama Bin Laden in May 2011, drone attacks in Pakistan were the most well known aspect of the war in Pakistan although that is relative to the small amounts of knowledge and publicity given to US military engagement in Pakistan. The assassination using Special Forces troops to kill Bin Laden rather than a predator drone, which is the usual method for eliminating suspected terrorists in Pakistan, is especially instructive.

The reasons for using Special Forces over a drone attack to kill Bin Laden can be divided into a few categories that reflect broader questions about drone attacks in general. Firstly, the Obama administration was concerned about possible collateral damage resulting from a drone attack in the neighbourhood of Abbottabad where Bin Laden was reportedly located.⁶² The Bin Laden compound was surrounded by civilian residences and taking into consideration the blast radii of hellfire missiles civilian

⁵⁹ N.C. Crawford, ‘War Related Death and Injury in Pakistan, 2004-2011’, *Costs of War*, September 2011: p.1. (Accessed online 28/9/11 - <http://costsofwar.org/sites/default/files/articles/16/attachments/Crawford%20Pakistan%20Casualties.pdf>)

⁶⁰ *Ibid.*, p.4.

⁶¹ *Ibid.*, p.5.

⁶² G.S. McNeal, ‘The Bin Laden aftermath: Why Obama chose SEALs, not drones’, *Foreign Policy*, 5 May 2011. (Accessed online – 23/10/11 - http://afpak.foreignpolicy.com/posts/2011/05/05/the_bin_laden_aftermath_why_obama_chose_seals_not_drones)

casualties would have most likely occurred as a result of an attack. Also by using a drone to complete the assassination there could be no way of being certain that Bin Laden was even in the complex at the time of a drone attack and as Associate Professor of Law Gregory McNeal points out, ‘nation states are not simply permitted to drop bombs in the hope they will hit the right target’.⁶³

This raises the fundamental question of making positive identifications when executing drone attacks. In the case of Osama Bin Laden a positive identification would be critical in convincing the attacker (the US government) and relevant audiences (including the US people) that the target was in fact dead. This raises a number of questions over the many drone attacks that have been directed at ‘lesser’ members of Al Qaeda and the Taliban. One would consider that a positive identification is required for these assassinations also and the implication is that this cannot be guaranteed using video footage taken from the drone’s ‘ball’ at a few thousand feet above the target. Close to 273 drone attacks in Pakistan between 2004 and 2011 have resulted in between 1,717 and 2,680 deaths.⁶⁴ Taking into consideration the problems surrounding the positive identification of targets, the likelihood of collateral damage arising from the use of hellfire missiles and the question of Pakistani sovereignty, this is most likely another example of an injustice suffered by civilians as a result of the US response to the threat of terrorism.

⁶³ *Ibid.*

⁶⁴ ‘Year of the Drone: An Analysis of U.S. Drone Strikes in Pakistan, 2004-2012’, *New America Foundation*. (Accessed online 22/12/11 -<http://counterterrorism.newamerica.net/drones>)

Neta Crawford from Boston University claims ‘the drone attacks are unpopular in Pakistan because they are associated with civilian casualties’.⁶⁵ On 23 April, Pakistan’s internationally renowned cricketer Imran Kahn led a protest in Peshawar, Pakistan, against US drone attacks in his country. Protestors blocked NATO military supply routes on the road linking Pakistan to Afghanistan. Imran’s protest was motivated by the US attacks on his nation’s sovereignty and the killing of civilians by unmanned aircraft.⁶⁶ Daniel Byman from the Brookings Institution places the total civilian death count from drone attacks in Pakistan at around 90% of all deaths occurring from drone attacks.⁶⁷ This figure is roughly compatible with David Kilcullen’s previously mentioned figure of 98%.⁶⁸ Whereas in Iraq and Afghanistan innocent victims of the US military are sometimes offered compensation such as in the case of the Nisour Square massacre, this is not the case in Pakistan.⁶⁹

7. Total Number of Deaths from Drone Attacks

Because of the secretive nature of the drone programs it is difficult to ascertain complete figures for the dead and wounded resulting from drone attacks. Various non-governmental organisations have attempted to quantify the number of deaths in Pakistan since the program began there in 2004. The Bureau of Investigative Journalism (BIV) has published figures that establish 291 drone attacks as part of the CIA program which have occurred since 2004. Of these, 236 drone strikes have

⁶⁵ Crawford, ‘War Related Death and Injury in Pakistan, 2004-2011’, p.7.

⁶⁶ Manzoor Ali, ‘Imran Khan delivers ultimatum on drone strikes’, *The Express Tribune*, 24 April, 2011. (Accessed online 1/1/11 - <http://tribune.com.pk/story/155105/nato-supplies-halted-ahead-of-pti-protest/>)

⁶⁷ D.L. Byman, ‘Do Targeted Killings Work?’, Brookings Institution, July 14, 2009. (Accessed online 8/6/12 - http://www.brookings.edu/opinions/2009/0714_targeted_killings_byman.aspx)

⁶⁸ Hari, ‘Rise of the Killer Drones’, p.21.

⁶⁹ Crawford, ‘War Related Death and Injury in Pakistan, 2004-2011’, p.7.

occurred under the Obama administration which have resulted in as many as 2,863 deaths.⁷⁰ It is claimed in the BIV report that only 775 of these victims are civilians and that 164 have been children. Whilst this would indicate that a high number of victims are militants or legitimate targets, only 126 militants have been named.

The Long War Journal (LWJ) gives a total figure of 2,108 deaths for Taliban, Al-Qaeda and allied extremist groups in Pakistan since 2004.⁷¹ It claims that only 138 civilians have been killed during the same time, a figure that is the inverse of the findings from the Brookings Institution and counter-insurgency specialist David Kilcullen. Another problem with this figure is that LWJ cite the names of senior Taliban and Al-Qaeda figures killed in the program but this figure is less than 70, leaving un-named over 2000 alleged insurgent deaths.⁷² If we consider the case of Osama Bin Laden where a positive identification was considered essential to confirm his assassination, the absence of a positive identification for other drone casualties should be treated as collateral damage or non-combatant deaths. Pakistan Body Count (PBC) uses this principle when calculating non-combatant casualties by classifying all of them as civilians unless a positive identification or some other form of proof can be verified. The co-ordinator of PBC Dr. Zeeshan Usmani rejects the Western form of counting casualties that includes such vagaries as suspected terrorists or terrorist sympathisers. His argument is that 'while the West like(s) to call everyone a

⁷⁰ C. Woods, 'Drone War Exposed – the complete picture of CIA strikes in Pakistan', *The Bureau of Investigative Journalism*, 10 August, 2011. (Accessed online 6/9/11 - <http://www.thebureauinvestigates.com/2011/08/10/most-complete-picture-yet-of-cia-drone-strikes/>)

⁷¹ B. Roggio and A. Mayer, 'Charting the data for US airstrikes in Pakistan, 2004 – 2011', *The Long War Journal*, 17 November, 2011. (Accessed 22/12/11 - <http://www.longwarjournal.org/pakistan-strikes.php>)

⁷² B. Roggio and A. Mayer, 'Senior al Qaeda and Taliban leaders killed in U.S. airstrikes in Pakistan, 2004-2011', *Long War Journal*, 28 October, 2011. (Accessed online 12/11/11 - <http://www.longwarjournal.org/pakistan-strikes-hvts.php>)

‘terrorist’, we take the opposite approach to classify everyone as ‘civilians’ until proven otherwise’.⁷³ The inability of the LWJ to verify militant casualties by name explains the discrepancy in civilian casualty counts between LWJ and PBC. Pakistan Body Count give a figure of 2,836 total deaths from drone attacks and 1,113 wounded,⁷⁴ and of these victims around 80% are civilians.⁷⁵ The PBC method for counting civilian casualties more closely resembles the definitions and principles used under the Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War.⁷⁶

The Campaign for Innocent Victims in Conflict (CIVIC) lists figures for civilian deaths from drone attacks in 2009 alone at 700.⁷⁷ Whilst acknowledging that any accounting method for victims of drone attacks in north western Pakistan will have significant limitations for a variety of reasons, CIVIC undertook ‘on the ground’ case studies of nine drone attacks in 2009 which led to 30 civilian deaths, 14 of which were women and children.⁷⁸ If we consider this sample in the context of total drone strikes in the vicinity of 300,⁷⁹ then figures of total civilian casualties of more than one thousand could be viewed as a low estimate or at least somewhere in between the low estimates around 300 and the high estimates over 2,000.⁸⁰ Although there is a considerable difference between these high and low estimates for civilian casualties

⁷³ Crawford, ‘War Related Death and Injury in Pakistan, 2004-2011’, p.16.

⁷⁴ Pakistan Body Count, 2012. (Accessed online 8/6/12 - <http://www.pakistanbodycount.org/>)

⁷⁵ Crawford, ‘War Related Death and Injury in Pakistan, 2004-2011’, p.14.

⁷⁶ Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva’, 12 August 1949. (Accessed online 29/8/11 - <http://www.unhcr.org/refworld/docid/3ae6b36d2.html>)

⁷⁷ C. Rogers, ‘Civilians in Armed Conflict: Civilian harm and conflict in Northwest Pakistan’, Campaign for Innocent Victims in Conflict, 2010: p.14. (Accessed online 3/10/11 - <http://www.civicworldwide.org/storage/civicdev/documents/civic%20pakistan%202010%20final.pdf>)

⁷⁸ *Ibid.*, p.60.

⁷⁹ Woods, ‘Drone War Exposed’, *The Bureau of Investigative Journalism*.

⁸⁰ Crawford, ‘War Related Death and Injury in Pakistan, 2004-2011’, p.15.

caused by drone strikes in Pakistan, there is general agreement on the total number killed between 2004 and September 2011 which is roughly between 2,200 and 2,600.⁸¹

8. Summary and Context

Whilst any civilian casualty is a crime under international law, this figure of roughly 2,500 victims from drone strikes needs to be considered within the following contexts:

- The drone program has expanded significantly under the Obama administration, with 227 attacks occurring in Pakistan alone since January 2009. Prior to that the Bush administration had authorised only 46.⁸² Although elected on an anti-war platform, the Obama administration has demonstrated a willingness to sacrifice civilian casualties in Pakistan in exchange for eliminating almost all risk to US personnel by using unmanned drones. The growth of the program could certainly be considered to reflect success in terms of keeping US casualties to a minimum.
- The effect and impact of hellfire missiles is significant, with over 50% of people normally killed within a 60 metre radius. This throws significant doubt over claims of precision targeting and low civilian casualty ratios. Although the program is framed as an assassination program targeting specific individuals, the effect of hellfire missiles makes control of the number of

⁸¹ *Ibid.*, p.13.

⁸² Roggio and Mayer, 'Charting the data for US airstrikes in Pakistan', *The Long War Journal*.

innocent victims difficult if not impossible to control. Collateral damage and the killing of innocent victims is virtually assured.

- There is an inability to make positive identifications using the drone's camera technology; images are initially taken from a few thousand feet in the air and then adjudicated from a distance of 7,500 miles using satellite technology. The margin for error in identifying targeted militants must be significantly greater than for operations conducted by Special Forces such as in the assassination of Osama Bin Laden. This means that even when a target is successfully executed, it cannot be certain before the killing, and with nobody on the ground even less certain after the killing, that the right person has been killed.
- Extra-judicial killings are criminal acts. Even if the targeting and execution process achieved a 100% accuracy rate with no collateral damage, automated killings being carried out by one nation state against citizens in another is unquestionably a criminal act and would not be considered legal in the US legal system. As demonstrated by the arrest of the Blackwater operative for murder in Lahore, killing is an offence within Pakistan's legal system. Whilst the Blackwater operative was apprehended and charged, how is the Pakistani legal system to treat the actions of an unmanned aircraft performing the same act from a few thousand feet in the air? In addition, the extra-judicial process of international assassination ignores the right of the victim to some kind of trial for their alleged crimes. With drone attacks, all victims are charged with the death penalty without going to court and the drones along with their operators could be perceived as a technologically advanced lynch mob.

9. Drone Attacks and the U.S. Department of Defence

Empirical evidence suggests that drone attacks have caused a significant amount of non-combatant suffering since the program began as part of a targeted assassination program aimed at Al-Qaeda and Taliban operatives during the 'war on terror'. The major questions concern civilian casualties, the legal and ethical questions arising from extra-judicial killings per se, and the way in which the use of drones is viewed as an attack on the sovereignty of countries such as Pakistan and Yemen, which compound the significant problems associated with the occupation of Afghanistan and Iraq. Assessing the official US response to these broader questions on drones is not an easy task. A keyword search using 'drone' on the CIA website does not result in any matches.⁸³ This perhaps should be expected because all the literature on the CIA drone program indicates that it is a secret program. The former head of the CIA and now Secretary of Defence Leon Panetta made a reference to the CIA drone program in October 2011. At the time this was considered remarkable because the CIA's 'clandestine use of predator drones' was almost never mentioned by US officials.⁸⁴ Unlike the US Department of Defence drone program in Afghanistan, US officials have previously refused to publicly acknowledge the CIA program in Pakistan and Yemen.⁸⁵

Because of this level of secrecy from the CIA, DOD news transcripts are one of the few avenues to see how US officials treat drone strikes in a general sense. Using

⁸³ Central Intelligence Agency, 'Press Releases and Statements'. (Accessed online 28/9/11 - <https://www.cia.gov/news-information/press-releases-statements/index.html>)

⁸⁴ L.C. Baldor, 'Panetta Spills a Little on Secret C.I.A. Drones', *Associated Press- The Guardian*, 7 October, 2011. (Accessed online 22/12/11 - <http://www.guardian.co.uk/world/feedarticle/9884162>)

⁸⁵ AFP, 'Panetta admits to employing Drones in Pakistan', *The Express Tribune*, 8 October, 2011. (Accessed online 15/11/11 - <http://tribune.com.pk/story/269384/panetta-admits-to-employing-drones-in-pakistan/>)

‘drone’ as the search criteria on the DOD news transcript archive website, 78 matches reveal very little in terms of outrage management tactics in relation to drone strikes. This is mainly because the officials refuse to speak about them when asked by journalists attending the DOD news briefings. I have selected extracts from 14 of these news briefings to demonstrate the reluctance of US officials to engage with the subject of drones in any way. Although there are a handful of documents referring to drones prior to 2001, I have selected one from 2002 and 13 more from 2009 to 2011. The bulk of the news briefings referring to drones come from this period which is acknowledged as a time when the number of strikes was escalated dramatically under the Obama administration. The 2002 briefing refers to the previously mentioned drone attack which killed a group of scrap metal collectors in Afghanistan. One of these was the ‘tall man’ suspected to be Osama Bin Laden.

Department of Defence News Transcript, 24 February 2002.⁸⁶

Q: On February 4, a CIA drone fired two missiles in Zhawar Kili. Villagers say that they hit scrap metal collectors. The DNA of those who had been killed has now been brought back to the United States. What can you tell me? Who do you think was killed on that attack?

Rumsfeld: Well, I've watched the video from the Predator unmanned aerial vehicle, and the suggestion that those people were scrap collectors is ludicrous. I watched them over a period of many, many minutes, moving around, doing what they were doing, and it had nothing to do with scrap collecting. That is utter nonsense.

⁸⁶ Interview between Tim Russert from NBC and Secretary of Defence Donald Rumsfeld, 24 February, 2002. (Accessed online 10/10/11 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=2769>)

Q: Who were they?

Rumsfeld: We don't know who they were. They were watched over a long period of time, apparently. I didn't see that portion; I saw it after the fact. But they were watched over a long period of time with a larger group and they were clearly having meetings, conducting business and moving from place to place and trying to conceal themselves in a behaviour pattern that suggested they may either knew a Predator was in the vicinity or that they knew that a Predator might be in the vicinity.

Q: Could it have been Osama?

Rumsfeld: If you don't know, you don't know, Tim, and I just don't know.

Q: When will we know?

Rumsfeld: Apparently, what happened was they went up there and they cleared away snow in a large circle around where it appeared that the Hellfire missile went in. They picked up all kinds of things, and they have brought some of those pieces back to the United States for examination. And we'll know what we'll know when those examinations are completed, and they have not yet been completed.

There is little that can be said about this response from Rumsfeld perhaps because he says so little himself. There is no attempt to cover up the killing of the four men but Rumsfeld uses a method whereby he implies that the four men are not innocent but he is unable to link them with any specific crime. This is one of the problems with using a drone to target individuals. Rumsfeld clearly states he does not know who was killed and that their suspicious activity involved 'moving around, having meetings and conducting business'. Rumsfeld's declared method for identity verification of the victims involved going to the site where 'it appeared that the hellfire missile went in', picking up 'all kinds of things' and taking them back to the US for some kind of DNA

evaluation. From an outrage management perspective, it could be conceived that Rumsfeld in this instance uses devaluation because the victims were doing something other than scrap metal collecting with the implication that they were deserving of their fate. Generally though this is a difficult document to analyse because Rumsfeld says very little and this perhaps reflects how little can be known about a targeted assassination when the assassin is located more than 7,000 miles from the victim. Although it may seem unlikely, the news briefings relating to drones from 2009-2011 say even less. The extracts below contain the entire dialogue from each of the news briefings relating to the use of drones.

Department of Defence News Transcript, 3 April, 2009.⁸⁷

Q And a question about U.S. drones. Are U.S. drones flying from Afghanistan to hit militant hideouts in Pakistan territory?

SEC. GATES: Well, I can't talk about our military operations, obviously. But the president has made clear that we will go after al Qaeda and their planning cells and their training centers, wherever they are in the world.

Q But I will ask you this question, because President Karzai has assured Pakistan that he's recognizing and-- respect the sovereignty of Pakistan, and that's why if drones are flying from Afghanistan, and if they attack Pakistan, the hideouts of Taliban (in there ?), wouldn't it be a disrespect or a disloyalty to Pakistan from President Karzai?

⁸⁷ Interview with Secretary of Defence, Robert Gates on 31 March, 2009. (Accessed online 19/10/11 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4392>)

SEC. GATES: Well, all I can say, again, is that our priority is going after al Qaeda. And we will go after them wherever they are.

In this news briefing the tactic of not responding to questions about drone attacks is clear. The US Secretary of Defence Robert Gates does not attempt to deflect responsibility to another department, nor does he attempt to reinterpret the role of drones in the context of this particular question. The method here is to simply refuse to answer any questions relating to drones as if they did not exist. The second important question in this extract concerns the problem of infringing upon Pakistan's sovereignty by using drones to attack targets on Pakistani territory. The issue of Pakistani sovereignty is neatly reinterpreted here as being a question for the Afghani government because the drones are flown from Afghanistan. This ignores the bigger question in diplomatic relations between Pakistan and the US in relation to drones. It is not Afghanistan's respect for Pakistan's sovereignty that should be questioned here but US respect for Pakistan's sovereignty. Again however the tactic used is to ignore the question altogether which could be conceived as a form of cover up.

Department of Defence News Transcript, 19 May, 2009.⁸⁸

Q Can I also ask you for an update on Pentagon drone operations?

MR. MORRELL: Probably not.

Q Well, let's hear what you have to say when I ask the question.

MR. MORRELL Okay.

⁸⁸ News briefing with Pentagon Press Secretary Geoff Morrell on 19 May, 2009. (Accessed online 19/10/11 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4425>)

Q It has now been widely acknowledged that the U.S. military, earlier this year -- the military, Pentagon -- flew drone operations over Pakistan's border region in cooperation with the Pakistanis to collect reconnaissance information and show it to them. Can you talk about why the U.S. military is now flying drone operations, or did fly drone operations, over Pakistan?

MR. MORRELL: I can't. I know you say it's widely acknowledged. I don't know how widely anything has been acknowledged on that count. I don't think it's appropriate for me at this podium to discuss operations that may or may not be taking place in conjunction with the Pakistani military. I just think it's not my place.

In the news briefing above the tactic of refusing to comment about drone attacks is again repeated with Pentagon spokesperson Geoff Morrell simply stating that he cannot acknowledge that any drone operations are taking place in Pakistan. The indication from the evidence in the DOD news briefings is that this method of stonewalling in relation to drone attacks is systematic. This is also evident in the September 23 news transcript below:

Department of Defence News Transcript, 23 September, 2009.⁸⁹

Q Can you talk to the Pakistan part of the question?

MR. MORRELL: What was the Pakistan part of the question?

⁸⁹ News briefing with Pentagon Press Secretary Geoff Morrell on 23 September, 2009. (Accessed online 19/10/11 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4483>)

Q Is the military prepared to go ahead with more special ops and drone strikes, in Pakistan, if the president decides to go that way?

MR. MORRELL: I think you know well, Laura, that I have never, or nor has anybody ever, from this podium ever discussed whether operations of that type are or are not taking place in Pakistan. So I have nothing to add today to that question.

The news briefing below which took place on 8 October 2009 is one of the few examples where the military spokesperson is prepared to say something about the use of unmanned drones.

Department of Defence News Transcript, 8 October, 2009.⁹⁰

Q It's Gordon Lubold, from the Christian Science Monitor. Sir, if you could talk a little bit briefly about your use of drones, to the extent that you're using them; and I just wondered how you're using them. Are they all for kind of the traditional intelligence gathering? Or are you using them for other purposes, as well?

COL. GREEN: I use them for intelligence gathering. And the Iraqis, when they request those enablers, unmanned aerial vehicles, they use them for intelligence gathering, as well. You know, there are a small number of cases where I might use some of these unmanned aerial vehicles for a deterrence purpose. Let's say, for example, it's someplace where, because of the size of the forces, we might not have someone there, so I'm specifically going to use that capability, and make it visible or -- and allow it to fly low enough so that it can be heard, to serve as a deterrent. But really, we use them for intelligence collection. And that's what the Iraqis ask from us, and we provide when we can. Thank you.

⁹⁰ Teleconferenced news briefing with Colonel Green on 8 October, 2009. (Accessed online 19/10/11 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4496>)

Q When you say intelligence gathering, is it always kind of gathering intelligence about the enemy? Or are there opportunities where you use it to just kind of collect data on your AOR, like other things not necessarily enemy-related?

COL. GREEN: Yeah, I mean -- I'm not exactly sure where you're going. But we use it to collect information. So for example, you know, we'll often use them to look at a named area of interest because we're looking for enemy activity. But it's also the case that we might use them, after there has been an attack, to look at the area itself, to help with first responders, in defining what assistance might be required. If there's, you know, a large gathering somewhere, we might take a look at that, to see if that's a demonstration or something that's more innocuous. If we're doing an operation that involved the convergence or the coordination of a number of forces, we could use an unmanned aerial vehicle to help give us information about ourselves, to make sure that we're properly arrayed. So we do use it to collect information on ourselves, information on the enemy and sometimes information about the environment, to assist us in doing operations. Over.

Q Thanks.

Colonel Green says more here than in the previous news briefings on the use of drones in Iraq. His description of their function is specifically limited to surveillance, reconnaissance and deterrence. The deterrence function according to Green appears to be where a drone might be used to frighten resistance forces by 'flying low' and being 'visible' to the enemy in the absence of any US troops in the area. Green makes no mention of a drone's bombing capabilities in this briefing. His speech perhaps prompts the question that if drones are only used for surveillance functions, then in what way is a low flying and visible drone going to frighten an enemy in its capacity

or function as a deterrent. It is likely that a low flying drone could act as a deterrent if that aircraft is also known for its strike capabilities. Although Green has omitted these strike capabilities in his description of a drone's function in Iraq, he admits that the presence of a drone might substitute for not having forces on the ground. This is perhaps an unintentional admission by Green of a drone's strike capability. It is difficult to see how drones could be used as a deterrent if they were only used for surveillance.

On 17 December 2009 Pentagon spokesperson David Sedney also discusses drones but only their surveillance and reconnaissance capacities. Whereas the earlier trends in comments about drones were to either ignore the question altogether or simply refuse to make any comment about drones, a new pattern has emerged in these two briefings where the official US spokespeople will discuss them but only in terms of their spying capabilities. Although the drone programs had been in operation for more than six years, by the end of 2009 in the DOD news transcripts there still had not been a single discussion on their strike capabilities and the possibility that these strike capabilities were likely to lead to civilian casualties.

Department of Defence News Transcript, 17 December, 2009.⁹¹

Q On -- two -- kind of a two-part question. First off, is there an agreement between the United States and Pakistan to help Pakistan secure its nuclear weapons if such a need would arise? Then secondly, on the issue of drone technology, the Pakistanis have been seeking it, and my question is whether or not they may have -- whether or not they're getting it -- whether they might be able to get it from the

⁹¹ News Briefing with David Sedney from the Pentagon, 17 December, 2009. (Accessed online 19/10/11 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4528>)

United States, or if the U.S. is helping partner countries, allied countries, supply it to Pakistan.

MR. SEDNEY: On the issue -- and not necessarily calling it drone technology, but really intelligence, surveillance and reconnaissance capabilities, yes, we are helping Pakistan improve its intelligence, surveillance and reconnaissance capabilities, both through cooperative efforts that include the border-cooperation centres that I mentioned before, sharing of intelligence information, and also in the provision of additional equipment that the Pakistani government has asked for. That wasn't one of the matters that we discussed. I won't go into the details of any specific systems, but we did discuss improvements in that area.

In early 2010 on 21 January, US Secretary of Defence Robert Gates is asked about tensions between Pakistan and the US in relation to the drone program. Gates' first response is to refuse to 'discuss operations', reverting to the tactic of declining to discuss drones in any way. He does however discuss briefly the surveillance and reconnaissance capabilities of a drone which is also reflected in the previous briefings from 9 October and 17 December 2009. In the second part of the briefing Gates is asked about a 'trust deficit' between the US and Pakistan in relation to the drone program. Although it is not stated in the news briefing, this trust deficit stems from the killing of Pakistani civilians as a result of hellfire missiles fired by drones. Instead of directly addressing this issue Gates describes the trust issue as being a result of the US not being involved in the region after the Soviets left in the late 1980s and early 1990s. This response is a way of avoiding a response on the current trust deficit in Pakistani/US relations as opposed to an historical trust deficit. This could be viewed as a reinterpretation of the journalist's question.

Department of Defence News Transcript, 21 January, 2010.⁹²

Q All right. And I want to switch now to some domestic issues regarding Pakistan, and one of the main issues between Pakistan and the United States has, of course, been the drone program. And now I am told that the drone program entails buying new Reaper drones, the Reaper and Predator expansion program until 2013. Has there been any discomfort conveyed to you on the continuing drone program of the United States in Pakistan's tribal areas?

SEC. GATES: Well, I won't discuss operations. I will say that these unmanned aerial vehicles have been extremely useful to us, both in Iraq and in Afghanistan. They have a lot of capability. I have put a lot of money into the budget for them, but at the same time we are in partnership with the Pakistani military and we are working to make available to them their own intelligence surveillance and reconnaissance vehicles, both aircraft and drones.

Q So you are actually considering giving drones to the Pakistan military?

SEC. GATES: There are some tactical UAVs that we are considering, yes.

Q Is there encouraged cooperation between the Pakistan government and the U.S. government because Senator Carl Levin just a couple of weeks ago was very, very upset that he felt that the U.S. was being unfairly blamed by the Pakistani people when the program itself was under some kind of tacit acceptance by the Pakistan government.

SEC. GATES: Well, again, I'm not going to get into operations.

⁹² Secretary of Defence Robert Gates Express TV interview updated, 21 January, 2010. (Accessed online 19/10/11 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4542>)

There is another break in the discussion of drones here before a return.

Q Okay. Let's talk a little bit about the relationship or what is sometimes referred to as a trust deficit between the U.S. and Pakistan which seems to be growing, and part of that is, of course, directly linked to the drone program. And there are other issues that have become contentious between the two countries in terms of the screening, for example, the electronic screening of people at American airports and so forth. Now is there a sense in the Department or administration that this is creating a lot of hostility within Pakistan?

SEC. GATES: I think there is not the feeling that this is a current or contemporary development, but rather is an outgrowth of decisions that the United States made in 1989 and in the early 1990s, in the first instance to turn our backs on Afghanistan after the Soviet troops withdrew and neglect the situation there during the 1990s and also the cut-off of military-to-military relationships because of the Pressler Amendment in the early 1990s. I think that it is -- our perception is that if there is a trust deficit it is more a function of Pakistan's concern whether the United States is actually a long-term ally and partner for Pakistan. And one of the reasons for my visit here, as somebody who started coming here 25 years ago, is to say we know we made a mistake in 1989 and in the early 1990s and we are determined to be a reliable, long-term partner and ally for Pakistan.

On 22 January 2010 Gates returns to the practice of not discussing 'operations' when asked specifically about US drone strikes in Pakistan.

Department of Defence News Transcript, 22 January, 2010.⁹³

Q And number two, on the drones, if you could also update us that there is, you know -- (inaudible) -- that Pakistan does not want these drone attacks to go on and they are going on. So are there any assurance given they will stop in the future?

SEC. GATES: Well, I'm not going to talk about operations. And I would have to tell you that in telling you that we have decided to provide the Shadows, that I have just told you everything I know about it. And so in terms of what specific conditions or terms, frankly, I don't know. And it may be that the folks here at the embassy or in the Pakistani military could describe those for you. I just don't know.

Break

Q So can you explain the level of cooperation between the two countries in the drone strikes?

SEC. GATES: I'm sorry?

Q The level of cooperation that -- Pakistan, United States in the drone strikes that are inside -

SEC. GATES: Well, I said I wasn't going to talk about operations. I would just say that we are very mindful of Pakistani sovereignty, and we look forward to continuing to build on our cooperative relationship with the Pakistani military.

Break

Q There were reports that U.S. may expand its drone attacks into Afghanistan and to --

Q (Off mike.)

⁹³ Press Roundtable with Secretary Gates and Pakistani Print Press, 22 January, 2010. (Accessed online 19/10/11 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4545>)

Q -- or Baluchistan, sorry. Yeah.

SEC. GATES: Well, again, I'm not going to discuss operations.

Interestingly, on 12 March 2010, Gates is prepared to go into great detail about 'armed predator drones' when asked about a possible sale of these aircraft to the Saudis. When the questions again return to Pakistan, Gates refuses to answer questions by saying that he won't answer questions about operations in the 'Afghan area'. This indicates a deflection of focus not just away from drones, but from Pakistan as well by referring to Pakistan as the 'Afghan area'.

Department of Defence News Transcript, 12 March, 2010.⁹⁴

MR. MELHEM: The U.S. provided Saudi(s) with very sophisticated munitions in their fight with the Houthis. I was told the Saudis requested Predator drones and that the U.S. declined. Why did the U.S. decline?

SEC. GATES: Well, a big obstacle, frankly, is the Missile Technology Control Regime. And armed Predators are covered under that. The United States has sold armed Predators only to two countries at this point, the United Kingdom and Italy. So there are some significant legal restrictions. We are looking at alternative ways of trying to satisfy the Saudi request.

MR. MELHEM: What about the drones that were given to Pakistan?

⁹⁴ Secretary of Defense Robert Gates Interview with Al Arabiya Broadcast, 12 March, 2010. (Accessed online 19/10/11 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4588>)

SEC. GATES: Well, I'm not going to talk about our military operations in the Afghan area like that. But I would say we use -- we clearly use the drones in Afghanistan, but they are all under the auspices of the United States.

On 29 April 2010 there is a reference made to the drone strike that killed Baitullah Mehsud, the Pakistani Taliban leader. Whereas the US spokespeople consistently refuse to talk about 'operations' in that area, Geoff Morrell on this occasion appears to be comfortable in confirming that Mehsud is dead, or at least not leading the Pakistani Taliban any more.

Department of Defence News Transcript, 29 April, 2010.⁹⁵

Q In light of the reports today that Mehsud, the Pakistani Taliban leader, is actually, in fact, alive, after U.S. and Pakistani intelligence officials had declared him dead after the drone strike, are there any concerns in this building about the quality of intelligence that we're receiving in that part of the world?

MR. MORRELL: I mean, frankly, I've seen those reports. I don't know how much stock people put in them. I think we've always been very careful from -- from this podium in particular about talking about individuals and their fate. The only thing I would add to that -- I don't know -- I can't tell you definitively one way or another. Part of that is I don't think we ever officially commented on any of these. But I can also tell you that I certainly have seen no evidence that the person you speak of is -- is operational today or is executing or exerting authority over the Pakistan Taliban as he once did. So I don't know if that reflects him being alive or dead, but he clearly is not running the Pakistani Taliban anymore.

⁹⁵ News briefing with Pentagon Press Secretary Geoff Morrell on 29 April, 2010. (Accessed online 19/10/11 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4618>)

This is in contrast with Morrell's next conference on 6 May 2010 where he is asked by a journalist referred to as 'Barbara' whether or not the drone program is backfiring on the US in so far as it is creating more enemies for the US generally. Morrell refuses to 'speak to' these issues and explains to 'Barbara' that she needs to direct these questions elsewhere because the DOD is not involved. On the one hand Morrell was prepared to 'speak to' drone strikes in relation to the killing of Mehsud, but not prepared to speak to the issue of drones in relation to the negative effects it is having on the US campaigns in that area. When 'Barbara' presses Morrell as to where she should direct her questions about drones if they do not involve the Pentagon, Morrell is non-specific and says anywhere but the Pentagon. It could be said here that this pattern of refusing to answer questions is engrained in the officials' responses to questions about US drones where the question leads to issues surrounding the negative impacts of the program.

Department of Defence News Transcript, 6 May, 2010.⁹⁶

Q But not so much in North Waziristan. I mean, that was the original question, is the pressure to do what they've been doing, as you outlined --

MR. MORRELL: I think -- I think there is a recognition on everybody's part that all the terrorist safe havens in Pakistan must be dealt with. President Obama made that clear when he -- when he launched this new strategy in December that we will not tolerate safe havens, the Pakistanis will not tolerate safe havens. That is something we both agree on. But we also have to deal with the reality of capacity

⁹⁶ News briefing with Pentagon Press Secretary Geoff Morrell on 6 May, 2010. (Accessed online 19/10/11 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4620>)

and the need -- the need to go through all the phases of clear, hold, build and transfer. They have, the Pakistanis, clearly embraced COIN [counter-insurgency] as the key to their long-term success against this enemy in Pakistan. And they have been, as you know from our travels there, reluctant to shortchange any of those steps, to overstretch their forces, to go places that they haven't been, necessarily, and in the process sacrifice gains that they've -- that they've hard won elsewhere. So I think there is -- there's a strategy here. It is -- it is evolving. But it is evolving on their terms, because they know their country best and how to confront this problem best.

Yeah, Barbara.

Q Well, the exception, of course, to some of what you're describing are the U.S. government drone attacks in Pakistan, where it's the U.S. government both literally and absolutely in the driver's seat, not the passenger's seat. So what concerns do you have that these U.S. government drone strikes in Pakistan may be backfiring now and simply creating more enemies of the United States?

MR. MORRELL: Yeah, I'd refer your questions to other people. That's not something we speak to or are involved in.

Yeah, go ahead, Justin.

Q Well, who would you refer them to, Geoff? What -- where should I go with my --

MR. MORRELL: Do you not want a question, Justin?

Q I do. I do have a question, but Barbara's still talking --

MR. MORRELL: Barbara, if you have a follow -- do you have a follow?

Q Yeah; would you tell me where you would refer that to?

MR. MORRELL: I -- you'd have to talk to somebody other than the Pentagon. It doesn't involve us. We don't talk to those operational matters, because they don't involve us.

On 4 June 2010 when asked about Philip Alston's critical UN report on drones, Defence Secretary Robert Gates uses a similar tactic to the one he used on 21 January. This method involves not answering the question specifically, but going into an historical account of a subject vaguely related to the question being posed. On 21 January he was asked about the trust deficit between Pakistan and the US in relation to the drone program to which his response was to discuss the Soviet withdrawal from Afghanistan in the late 1980s. On this occasion when asked about accountability and drone strikes Gates gives a history lesson on Congressional oversight committees dating back to the 1970s. These mostly irrelevant historical diversions direct attention away from the questions relating to problems with the drone program and as such serve as a means to suppress information about them unless the journalist asks the question again.

Department of Defence News Transcript, 4 June, 2010.⁹⁷

Q Thank you Secretary Gates. I'd like to go back to a point you were addressing in your response to the question about intelligence sharing within the

⁹⁷ Remarks by Secretary Gates at the Shangri-La Dialogue, International Institute for Strategic Studies, Singapore, 4 June, 2010. (Accessed online 19/10/11 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4634>)

United States, particularly between the DOD (Department of Defense) and the CIA. Last week, special reporter for the UN Philip Alston was critical of drone strikes, in particular in Pakistan but also elsewhere. Particularly, he was critical of the role of the CIA, whose accountability mechanisms he compared unfavorably to the Department of Defense. I have two questions. First of all, do you have accountability concerns about the role of the CIA in drone strikes, and do you see this as a trend that will continue or decline in future years?

SEC. GATES: First of all, I am not going to get into any discussion of any kind of operations, but in terms of accountability, I would just say that I have watched this process develop since the onset of Congressional oversight in the United States of intelligence operations in the mid-1970s. That oversight has become progressively better – better informed and fulsome. I have no doubt whatsoever that the intelligence committees in the United States Congress are fully informed of the activities the CIA is carrying out, just as we inform the armed services committees of the activities that we are carrying out. We now have almost two generations of intelligence officers in the United States who have grown up with an intrusive, legislative oversight of intelligence operations. There is no resistance to this oversight in American intelligence, whether it's CIA or military intelligence. It's a part of our culture, and frankly, we take pride in it. And, as I wrote in my book, I frankly found it was helpful over the years; in meetings in the situation room - when someone would come up with a cockamamie idea for a covert operation - to be able to say, 'It will never fly on Capitol Hill.' Therefore, I think that Congressional oversight also happens to provide some protection for the intelligence agencies when they are asked to do things that may not make sense. Overall, I would say that accountability is thorough and I think there is full accountability to the Congress by CIA.

In 2011 the transfer of Leon Panetta from the head of the CIA to Secretary of Defence represented an opportunity to ask questions about the drone program during his time

with the CIA. The CIA do not conduct news briefings like the Department of Defence so it is interesting to see how Panetta positioned the drone program in his new role as Secretary of Defence. In this briefing on 16 August 2011, Secretary of State Hilary Clinton is asked about the drone program affecting diplomatic relations with Pakistan to which her response is an almost unintelligible discourse that is difficult to follow. Panetta on the other hand brings the focus back to more general justifications for the wars in Afghanistan, Iraq and Pakistan by claiming that operations in Pakistan are a direct result of the 9-11 attacks and the program is to protect US national security and defend 'our country'. The idea that drone attacks targeted at Pakistan villages in the FATA region is a defensive role serves as a reinterpretation of the 'offensive' role taken by the US military in the region since 9-11 under the guise of pre-emption.

Department of Defence News Transcript, 16 August, 2011.⁹⁸

MR. SESNO: This war that you talk about is largely conducted with drones.

Those drones are deeply resented and complicate your efforts on the diplomatic front. How do you balance that? Isn't your best asset your worst nightmare?

SEC. CLINTON: No.

SEC. PANETTA: I don't think so.

SEC. CLINTON: No. Let me take you back to conversations that are not maybe so current but, I think, relevant. Shortly after I became secretary of state, we were quite concerned to see the Pakistani Taliban basically taking advantage of what

⁹⁸ Remarks by Secretary Clinton and Secretary Panetta at National Defense University, Fort McNair, Washington, D.C. 16 August, 2011. (Accessed online 19/10/11 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4864>)

had been an effort by the government in Pakistan to try to create some kind of peace agreement with the Pakistani Taliban and to in effect say to them, look, you stay in Swat -- which is one of the territories -- you stay there, and don't bother us; we won't bother you. And I was very blunt, both publicly and privately, with my Pakistani interlocutors, in saying you can't make deals with terrorists. I mean, the very people that you think you can either predict or control are, at the end of the day, neither predictable nor controllable. And I was very pleased when the Pakistanis moved into Swat and, you know, cleaned out a lot of what had become a kind of Pakistani Taliban stronghold. And then they began to take some troops off their border with India, to put more resources into the fight against the Pakistani Taliban. Now, you know, as Leon says, we have some other targets that we discuss with them: the Haqqanis, for example. And yet, it's been a relatively short period of time -- two-and-a-half years -- when they have begun to reorient themselves militarily against what is, in our view, an internal threat to them. You know, we were -- we were saying this because we think it will undermine the control that the Pakistani government is able to exercise. So we have conversations like this all the time, Frank. And I do think that there are certain -- there are certain attitudes or beliefs that the Pakistanis have which are rooted in their own experience, just like we have our own set of such convictions. But I also think that there is a debate going on inside Pakistan about the best way to deal with what is an increasing internal threat.

MR. SESNO: On a --

SEC. PANETTA: Let me -- let me just add to that. I mean, the reason we're there is we're protecting our national security. I mean, we're defending our country. The fact was, al-Qaida, which attacked this country on 9/11, it -- the leadership of al-Qaida was there. And so we are going after those who continue to plan to attack this country. They're terrorists. And the operations that we've conducted

there have been very effective at undermining al-Qaida and their ability to plan those kinds of attacks.

On 6 September 2011, Panetta offers what has become a consistent response from US officials when asked about the drone program in so far as he will not ‘get into the particulars of the operations’. Further on in the briefing he offers more than what other US officials have said until now by admitting that there are civilian casualties but that the weapons are ‘the most precise in the history of warfare’ and if ‘there are any civilians in the shot you don’t take it.’ The number of civilian deaths documented by the Long War Journal, Pakistan Body Count and the New America Foundation suggests otherwise.

Department of Defence News Transcript, 6 September, 2011.⁹⁹

SECRETARY OF DEFENSE LEON PANETTA: We will go after al Qaeda in the FATA so that they never have the opportunity to attack this country again.

ROSE: But when you say that, you mean by drone missiles or more?

PANETTA: Well, I’m not going to get into the particulars of the operations, but it’s pretty clear that we have very successful operations going after al Qaeda and after their leadership in the FATA. And I have to tell you that the Pakistanis have given us some cooperation in that effort. They really have. You know, they’ve given us the opportunity to be able to conduct those operations. They’ve given us the opportunity and worked with us to go after targets together. They just, as a

⁹⁹ Charlie Rose ‘PBS’ Interview with Secretary Panetta, 6 September, 2011. (Accessed online 19/10/11 - <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4872>)

matter of fact, within the last 24 hours caught an individual called Moritani, who is someone that we've been after for a long time.

Break

ROSE: I mean, this raid and the significance of drones has made a real -- it changed the game.

PANETTA: Well, you know, I think we have learned a great deal about the capabilities that we do have to be able to conduct very sophisticated and targeted operations. These are probably the most precise weapons in the history of warfare. And they are used very effectively to go after a very precise target. And that's what makes them effective.

ROSE: And still there are civilian casualties sometimes -- unavoidable?

PANETTA: There are, but I have to tell you as director of the CIA -- and that's been true not only for me but for those that have followed me -- that if there are any civilians in the shot, you don't take it

10. Outrage Management Tactics

Whilst these news briefings offer very little in terms of outrage management it is clear that there is an established pattern of refusing to publicly acknowledge the drone program. This is reflected in the above DOD news briefings from April 2009 to September 2011. This refusal to discuss drones or the effects of their bombing campaigns and elsewhere is a way of covering up the covert war in the FATA region. At the Brussels Forum in March 2011, one of the sessions which brings together

‘political, corporate and intellectual’ leaders from North America and Europe to discuss ‘challenges facing both sides of the Atlantic’ was entitled ‘Bridging the Trust Deficit with Pakistan’.¹⁰⁰ In a sixty three page transcript of this session drones were only mentioned three times. During the session, US Ambassador and Special Representative for Pakistan and Afghanistan Marc Grossman unsurprisingly declined to discuss drones other than to say ‘to your question, you know, it won’t surprise you that I’m not going to answer about this military problem, this military approach or that military approach’.¹⁰¹ This is reflective of nearly all official comments relating to drones in the Department of Defence news briefings.

The exceptions to this rule occurred in the news briefing on 24 February 2002 where Donald Rumsfeld applied a form of devaluation to the scrap metal collectors who were doing ‘all kinds of things’ implying that they were guilty of something but failing to state what that something was apart from ‘moving around, having meetings and conducting business’. On 3 April 2009 Robert Gates used diversion, a type of reinterpretation, when asked about the issue of Pakistani sovereignty, saying that it was an issue for the Afghan government rather than the US government because the drones were launched from Afghanistan. Clearly Afghanistan is an occupied state under the ‘control’ of the US military and questions of respect for Pakistani sovereignty in relation to the US owned drones should be directed towards the US government. Gates also diverts questions about the US/Pakistani trust deficit on 21 January 2010 by discussing US relations in the region in the 1970s and 1980s rather

¹⁰⁰ Brussels Forum, ‘Bridging the trust deficit with Pakistan’, 26 March, 2011. (Accessed online 19/12/11 - http://brussels.gmfus.org/wp-content/uploads/2010/11/Bridging-the-Trust-Deficit-with-Pakistan_26Mar2.pdf)

¹⁰¹ Brussels Forum, ‘Bridging the trust deficit with Pakistan’, 26 March, 2011: p.8.

than the present. On 12 March 2010 Gates reframes a question about Pakistan by referring to that country as the 'Afghan area' perhaps in an effort to deflect attention away from the covert operations in Pakistan.

This practice of deflection or redirection of attention could perhaps be noted as a separate tactic that can be added to the outrage management tactics in the backfire model. On 8 October 2009 Colonel Green goes into some detail about a drone's surveillance and reconnaissance capabilities without mentioning its strike capabilities. Redirection and deflection could also be categorised as cover up by omission. Geoff Morrell uses a similar method during the more determined questioning by the journalist known as 'Barbara' by redirecting her enquiry about drones to 'somebody other than the Pentagon'. Perhaps because so little is said overall about drones there is no evidence of the use of official channels or bribery and intimidation in relation to drones. Neta Crawford's analysis on civilian deaths in Pakistan states clearly that the US military does not offer compensation to Pakistani victims in the way that they have in Iraq and Afghanistan.¹⁰²

It is difficult to say to what extent the use of drones has backfired on the US military. Certainly there is little or no evidence of outrage in Western countries although there appears to be ongoing concern about the effects drone attacks are having on the US/Pakistan diplomatic relationship.¹⁰³ The protests led by Imran Khan in April 2011 indicate that the attacks are backfiring in Pakistan and conclusions may be drawn about the long term effects this will have on the region's attitude towards the US and

¹⁰² Crawford, 'War Related Death and Injury in Pakistan, 2004-2011', p.7.

¹⁰³ Online BBC News, 'Top U.S. officials debate drone attack in Pakistan', 30 July, 2008. (Accessed online 22/12/11 - <http://onlinebbcnews.com/top-us-officials-debate-drone-attack-in-pakistan.html>)

its practice of overt militarism since the US military first began its bombing of Afghanistan in 2001. It is likely that any campaign that results in the killing of innocent people will have a detrimental effect on peace and security leading to a new generation of radicals and jihadists where none existed previously.

Chapter 8 - Civilian Casualties, Private Soldiers and Drones: The Path to Perpetual war

1. Introduction

The four case studies presented in this thesis encouraged me to think about where they might be positioned in a wider context. Each case identifies instances of civilian suffering and casualties that are subjected to some or all of the outrage management tactics outlined in the backfire model. The details of these cases are generally obscured from the public and the media at official news briefings and this obfuscation is transferred by the media to a wider mainstream media audience. In the four case studies this was a consistent pattern in the practice of outrage management.

This is not a new development in the reporting of war. Hiding the truth from mainstream populations concerning the atrocities of wartime conflict has a long history and this was again demonstrated in the first two case studies on the bombing of Afghanistan and the first siege of Fallujah. The third and fourth case studies are slightly different from the first two in that they relate to two distinct developments in warfare since the so called war on terror began: the use of private military companies and unmanned drones. What I will attempt to do in this chapter is place these case studies within a wider framework: that the West, led by the US government, is engaged in perpetual war. It will be shown that a perpetual war might be facilitated in four ways drawing on the cases in this thesis:

1. The ongoing killing of civilians and the need to hide this from Western constituencies.
2. The way in which the killing of civilians creates an enemy.
3. The increasing use of soldiers employed by private military companies as opposed to a traditional standing army.
4. The increasing use of drones.

In considering this proposal after completing the case studies and beginning research for this final chapter it became apparent that the idea of perpetual war in terms of US-led foreign engagements is not new. What follows is a review of what has already been written about perpetual war in relation to US foreign policy goals at which point a definition of perpetual war will be supplied for the purposes of this thesis. Following this I will attempt to give a picture of the overall human cost of the war on terror in the three countries looked at in the case studies and then describe how the human cost, and how the West treats the human cost in terms of outrage management, might facilitate a perpetual war. From here the focus will be on the increasing use of private military companies and unmanned drones and how this also can facilitate a perpetual war.

2. Perpetual/Permanent War: A brief history and a definition

A recent text covering the subject of perpetual or permanent war has been compiled by a former US army colonel, and now critic of ongoing US military interventions, Andrew Bacevich. In his book *Washington Rules: America's Path to Permanent War*,

Bacevich maps a history of US foreign policy engagements since World War Two involving the use of lethal force.¹ These engagements took one of two forms:

1. Military force using the air, sea and land resources of the US Department of Defence.
2. Covert engagement where the level of US involvement was less visible to the public and in these cases there was usually substantial involvement by the CIA.

Without going over every case in detail, a brief summary is useful to show that the idea that Western governments led by the US might now be involved in a perpetual war is not new.² It could be argued that the use of political violence in achieving specific goals has been a constant in US foreign policy since the end of the Second World War.

The cases of overt war are fairly clear. Korea and Vietnam were justified in terms of the fight against communism. Other examples of US military involvement include Grenada and Panama in the 1980s, the First Gulf War in 1991 and the NATO bombing of Serbia during the Balkan Wars in the 1990s. The cases of covert war by their nature are more difficult to describe in a comprehensive fashion but some that have been noted by Bacevich include the 1953 overthrow of the elected Mosadegh government in Iran and the re-installing of the Shah, and the 1954 CIA instigated coup in Guatemala which removed a leftist government leaving control of that

¹ A. Bacevich, *Washington Rules: America's Path to Permanent War*, Metropolitan, New York, 2010.

² See also W. Blum, *Rogue State*, Common Courage Press, Monroe, ME, 2000: pp. 125-168.

country with the army.³ The overthrow of the Allende government in Chile in 1973 was also the cumulative result of ‘a massive covert effort’ to remove Salvador Allende and install and support the anti-communist Augusto Pinochet.⁴ Another case before this and prior to the Vietnam War was Operation Zapata, a scheme inherited by the Kennedy administration to repeat the successes of Iran and Guatemala in Cuba with the aim of overthrowing the Castro government. This attempt failed, culminating in the Bay of Pigs fiasco which according to Bacevich resulted in a loss of support within the US government for the use of covert action.⁵

Most of these events occurred in the shadow of the Cold War stand-off between the capitalist West and the Communist Bloc led by the USSR. Covert action was the preferred method during this era compared with the alternative – nuclear war. The Cold War conflict was characterised by covert and proxy wars but more specifically it was governed by the threat of total war as opposed to the execution of total war. It could be said that this is one of the key differences between the period known as the War on Terror and the Cold War. Gespass describes this development in the war on terror as a new stage in American imperialism where the threat of force was replaced by the use of force.⁶ Drawing on Nkrumah, it is perhaps useful to view the contemporary US imposition of conflict in neo-colonial terms. Whereas economic domination requires an imperial force to control its former colonies, the US has little in the way of colonial capital and the military can be seen as a ‘pre-requisite to US

³ A. Bacevich, *Washington Rules: America's Path to Permanent War*, Metropolitan, New York, 2010: p. 38.

⁴ P. Kornbluh, *The Pinochet File: A Declassified Dossier on Atrocity and Accountability*, New Press, New York, 2004: p. xiii.

⁵ Bacevich, *Washington Rules*, pp. 80-81.

⁶ D. Gespass, ‘Perpetual War: The Latest Stage of Imperialism’, *Guild Practitioner*, 6:1, 2007: pp.61-64 at p.62.

economic penetration'.⁷ Iraq is the obvious example and this has been written about in some detail by Naomi Klein in *The Shock Doctrine*.⁸

The obvious exception to the Cold War patterns characterised by the threat of force as opposed to the execution of force is Vietnam. In determining a middle point in the 1960s between nuclear war and covert war, Vietnam was an exercise in overt war that had disastrous implications for the US military and public opinion with respect to future overseas military engagements. One might have thought that the abject failure of this intervention perhaps signalled an end to the third option between nuclear war and covert war. One aspect of US militarism that has not arisen since that time and appears unlikely to return is conscription.⁹ To some degree, this problem for the US military has been resolved by the emergence of private military companies and drones each of which has the capacity to fill some of the void left by the absence of conscripted soldiers. During the Vietnam War, the unpopularity of conscription, high troop casualties and the obvious damage caused to the Vietnamese people which was broadcast on television news for the first time led to what became known as the 'Vietnam Syndrome', a problem referred to by Ronald Reagan in an election campaign speech in 1980. Following the 'quick success' of the First Gulf War in 1991, Reagan's successor George H.W. Bush famously declared that the US government had finally 'kicked the Vietnam syndrome'.¹⁰

This was perhaps a signal that the US military could pursue a version of total war again without the large numbers of casualties suffered in Vietnam and without the

⁷ *Ibid.*, p. 63.

⁸ N.Klein, *The Shock Doctrine: The Rise of Disaster Capitalism*, Penguin, New York, 2007:pp.323-383.

⁹ Bacevich, *Washington Rules*, p.125.

¹⁰ *Ibid.*, pp.136-137.

strong disapproval of a home population. The first Gulf war occurred at a time when the fall of the Communist Bloc signalled an end to the Cold War which one might have assumed was the beginning of an era of reduced warfare. As we know, this was not the case and in between the Cold War and the War on Terror, UN sanctions enforced on Iraq by the US military resulted in the deaths of over 500,000 Iraqi children. Also during this time the US, under the flag of NATO, became involved in the war in the former Yugoslavia after the break up of the Communist government. Bacevich points out two instructive comments by the then US Secretary of State Madeleine Albright in relation to these two acts of war. When asked in a television interview about the deaths of the Iraqi children as a result of the sanctions Albright famously replied that she thought the 'price was worth it'.¹¹ On US involvement in the Balkans, the then head of the Joint Chiefs of Staff General Colin Powell cautioned against military action to which Albright responded 'what's the point of having this superb military that you are always talking about if we can't use it'.¹²

The point of this brief account on US military and covert involvement in foreign affairs using lethal force is that the idea of perpetual war or permanent war as Bacevich describes it has a long tradition going back to the end of the Second World War. This has taken the form of covert and proxy wars, the threat of nuclear war, and the use of the military in various capacities with the 'highpoint' being Vietnam. The question is what is different about the operations in Afghanistan, Iraq, Pakistan and elsewhere. The first main point of difference is that the war on terror was initiated by an attack within the US in 2001. The second was that it signalled a return to the use of

¹¹ *Ibid.*, p.143.

¹² *Ibid.*, p.142.

overt force in Afghanistan and then Iraq and Pakistan, although the drone program in the latter could be categorised as covert action.

Whether covert or overt, it is important to note that since October 2001, the US, with support from NATO allies and others such as Australia, has embarked on a program of political violence that has greatly affected civilian populations in several countries and could not be justified in terms of self defence or the popular contemporary doctrine of pre-emptive self defence. Following on from these attacks, US military engagements include the NATO bombing of Libya in 2011, the reported recommissioning of US troops in Iraq to the Jordanian/Syrian border in readiness to support an overthrow of the Assad government,¹³ and the preparation for an attack on Iran.¹⁴ In this context of an ongoing US military engagement in the Central Asia/Middle East/North African region, perpetual war can be defined as the use of lethal force, either covertly or overtly, to achieve some foreign policy goal whether it be the control of resources such as oil or the establishment of regional influence in areas that were previously unreceptive to US advances.

It is not implied here that perpetual war is a policy goal in itself, but the result of an autonomous process that has gained significant momentum since the events of September 11, 2001. High numbers of civilian casualties and the management of outrage over these casualties, in combination with the increasing use of private military contractors and drones has left me concerned that like Winston Smith in

¹³ S. Edmonds, 'US troops begin operations on the Jordan-Syrian border', *Veterans Today*, 12 December, 2011. (Accessed online 7/2/12 - <http://www.veteranstoday.com/2011/12/12/breaking-us-troops-begin-operations-on-the-jordan-syria-border/>)

¹⁴ Interview by A. Minkovski, 'Col. Wilkerson: US war with Iran 'three years away'', *Russia Today*, 8 December 2011. (Accessed online 17/12/11 - <http://rt.com/programs/alyona-show/us-war-iran-years/>)

Orwell's *1984*, it may be difficult to remember a time when 'our country had not been at war'.¹⁵

3. Pretexts and the Demonization of Targets in a Preamble to (Ongoing) War

Writing in *Middle East Policy* in 2002, Ronald Bleier described how in the 2002 build up to the invasion of Iraq, the German Justice Minister caused outrage by making comparisons between the Bush administration's tactics of military aggression and those of Adolf Hitler. Unsurprisingly Iran's supreme leader concurred. Commentator George Monbiot, without making reference to Hitler, was in little doubt that the 'greatest threat to world peace is not Saddam Hussein but George W. Bush'.¹⁶ In a speech on 23 September 2002 Al Gore gave a more sober analysis in criticising this apparently 'new, uniquely American right to pre-emptively attack whoever [may be deemed] as a potential future threat.'¹⁷

This was adequately demonstrated by Bush in Iraq, and continued under Obama in Pakistan with large increases in drone strikes. The doctrine of pre-emption is a post 9-11 feature of the current state of perpetual war which has also affected victims of drone attack strikes aimed at alleged members of Al-Qaeda in Yemen and Somalia.¹⁸ Another trend in the justification for aggressive military action since 9-11 is centred

¹⁵ G. Orwell, *Nineteen Eighty Four*, Penguin, London, 2003 (1949): p.38.

¹⁶ G. Monbiot, 'The Logic of Empire', *The Guardian*, 6 August, 2002. (Accessed online 12/4/12 - <http://www.guardian.co.uk/world/2002/aug/06/usa.comment>)

¹⁷ R. Bleier, 'Invading Iraq: The Road to Perpetual War', *Middle East Policy*, Vol.9, No.4, 2002: pp.35-42 at p.35.

¹⁸ J. Manthorpe, 'U.S. escalates drone attacks in Somalia, Yemen', *Pan-African News Wire*, 23 September 2011. (Accessed online 7/2/12 - <http://panafricannews.blogspot.com.au/2011/09/us-escalates-drone-attacks-in-somalia.html>). See also Drone Campaign Network, 'Ground the Drones', 2011. (Accessed online 29/1/12 - http://www.dronecampaignnetwork.org.uk/WOA_Brief.pdf)

around the protection of civilians in the state being attacked. This was the case in Iraq where US rhetoric centred on the liberation of the Iraqi people from the oppressive dictatorship of Saddam Hussein.¹⁹ More recently this was also a justification for the NATO bombing of Libya where anti-government protestors were deemed at risk from a hostile pro Gaddafi military. The Libyan example is instructive. The bombing campaign was apparently for the protection of civilians but this could not have justified the large scale bombing of Sirte, a pro-Gaddafi town. The civilians here were presumably not at risk from Gaddafi forces, but were under siege from the militia forces attached to the National Transition Council.²⁰ This raises questions over NATO's desire to protect civilians from Gaddafi's forces using high altitude bombing. In the case of Sirte, the opposite is true where the main threat to civilians came from NATO bombing in support of Libya's opposition forces.

A third feature of a preamble to ongoing war in conjunction with the pretexts of pre-emption and the protection of civilians is the demonization of leaders of the country under attack. Prior to the US invasion of Iraq in 2003 there had been a long history of the demonization of Saddam Hussein. The same is also true for the demonization of Gaddafi since the 1980s and also to a lesser extent Slobodan Milosevic in Serbia in the 1990s. This is not to say that that these three men did not commit grave crimes, but the demonization or framing of them as the 'bad guys' was absolute. Little has been said about the comparative crimes of Indonesia's President Soeharto for example in relation to atrocities committed in East Timor from 1975 -1999, or the genocidal

¹⁹ White House Archives, 'Iraq: Denial and Deception ', Remarks by President George W. Bush in an address to the nation, 17 March 2003. (Accessed online 7/2/12 - <http://georgewbush-whitehouse.archives.gov/news/releases/2003/03/20030317-7.html>)

²⁰ P.O'Connor, 'NATO assault on Sirte inflicts more Libyan civilian casualties', *Stop War Crimes*, 5 October 2011. (Accessed online 3/2/12 - <http://stopwarcrimes.wordpress.com/2011/10/05/nato-assault-on-sirte-inflicts-more-libyan-civilian-casualties/>)

killings in 1965-1966. As a close ally of the West, Indonesia fits into a category described in George Orwell's observation that 'there is almost no kind of outrage - torture, the use of hostages, forced labour, mass deportations, imprisonment without trial, forgery, assassination, the bombing of civilians - which does not change its moral colour when it is committed by our side'.²¹

In the current state of perpetual war, this pattern of demonization in combination with the two pretexts can allow us to hypothesise future targets of US aggression. Taking the examples of Syria and Iran, the leaders Bashar-al Assad and Mahmoud Ahmadinejad respectively have been demonised to some extent by Western officials and in the Western media. In the case of Syria, a potential reason for a Western military intervention is based around the protection of civilians who oppose the Assad regime. Like Libya in 2011, it is projected as a humanitarian intervention. In Iran, it is the doctrine of pre-emption in relation to alleged concerns about Iran's nuclear capabilities and ambitions. Using this formula of the demonization of a leader in conjunction with one of the two pretexts for war, it might be possible to plot the path of a perpetual war from 2012 onwards. Syria and Iran are likely targets. If Western military action were to be instigated against these two countries then it might become a cautionary tale for Hugo Chavez's Venezuela and the new regime in North Korea (the death of Kim Jong-il may negate previous demonization efforts directed at him unless his son, Kim Jong-un, inherits both the leadership and the baggage associated with the demonization of his father in the West). Although this is speculative, the patterns of demonization are worth noting.

²¹ G. Orwell, 'Notes on Nationalism', Essay first published in *Polemic*, May 1945. (Accessed online 12/4/12 - http://orwell.ru/library/essays/nationalism/english/e_nat)

Returning to Bleier again and the comparisons between the Bush administration and Hitler's Germany, both can be distinguished by the strength of their military power, disdain for international law and a 'willingness to embark on unprovoked aggression'.²² Bush perhaps gave the clearest signal that this war would be ongoing when he said that 'it will not end until every terrorist group of global reach has been found, stopped and defeated'.²³ This goal is unachievable, not least because an ongoing war can create an expanding enemy of so called 'terrorists'.

One final consideration from Bleier is the influence of Israel. As US assistance for Israel comes under increasing scrutiny from Arab nations, regime change in confrontational countries is one solution mentioned by Bleier. Ten years on from his article in Foreign Policy 2002, Bleier's list of countries susceptible to US aggression in the name of regime change is frighteningly prophetic. It includes Iraq, Syria, Libya, Iran and Egypt.²⁴

4. Collateral Damage and Perpetual War: Hiding the Human Cost and the Creation of an Enemy

The US-led 'war on terror' has had a far more destructive impact on human life than the 9/11 attacks. In the wake of the 3000 deaths in New York on September 11 the numbers of those killed in response to the terrorist attacks is nothing short of staggering. Even the relatively small sample from the case studies in this thesis contains a greater number of innocent deaths than those in New York on 9-11:

²² Bleier, 'Invading Iraq: The Road to Perpetual War', p.36.

²³ *Ibid.*, p.38.

²⁴ *Ibid.*, p.41.

1. Afghanistan (October - December 2001): 3000 – 3400.²⁵
2. Fallujah (April 2004): 600-800.²⁶
3. Nisour Square (September 2007): 8-20.²⁷
4. Drone Campaign in Pakistan (Up to 2011): 2,100 - 2,626.²⁸

These figures only represent a fraction of the total cost in civilian lives as a result of the US-led interventions in Iraq, Afghanistan and Pakistan. The Costs of War project have published conservative estimates for civilian casualties in the three countries up to September 2011:

- Afghanistan: 12,500-14,700.²⁹
- Iraq: 126,000.³⁰
- Pakistan: Up to 36,000.³¹

A study published in the *Lancet* in 2006 estimated the total death toll in Iraq as a result of the US invasion up until that point at 654,965.³² Whether we take the low estimates from the Costs of War project, or higher estimates such as the findings from the Bloomberg School of Public Health published in the *Lancet*, it is certain that the

²⁵ A.Vanaik, 'The Ethics and Efficacy of Political Terrorism', Social Science Research Council, September 2002. (Accessed online 10/6/10 - http://www.tni.org/archives/archives_vanaik_terrorism)

²⁶ M.Carr, 'The Barbarians of Fallujah', *Race and Class*, Vol. 50, No.1, 2008:p.28.

²⁷ M.Welch, 'Fragmented power and state-corporate killings: a critique of Blackwater in Iraq', *Crime, Law and Social Change*, Vol.51, Issue 3, 2009: p.355.

²⁸ N.C. Crawford, 'War Related Death and Injury in Pakistan, 2004-2011', *Costs of War*, September 2011: p.14. (Accessed online 28/9/11 - <http://costsofwar.org/sites/default/files/articles/16/attachments/Crawford%20Pakistan%20Casualties.pdf>)

²⁹ N.C. Crawford, 'Civilian Death and Injury in Afghanistan, 2001-2011', *Costs of War*, September 2011. (Accessed online 2/10/11 - <http://costsofwar.org/article/afghan-civilians>)

³⁰ N.C. Crawford, 'Civilian Death and Injury in Iraq, 2003-2011', *Costs of War*, September 2011. (Accessed online 2/10/11 - <http://costsofwar.org/article/iraqi-civilians>)

³¹ N.C. Crawford, 'War Related Death and Injury in Pakistan, 2004-2011', *Costs of War*, September 2011. (Accessed online 2/10/11 - <http://costsofwar.org/article/pakistani-civilians>)

³² G.Burnham, R. Lafta, S.Doocy, L. Roberts, 'Mortality after the 2003 invasion of Iraq: a cross sectional cluster sample survey', *The Lancet*, Vol. 368, Iss. 9545, 21-27 October 2006: pp: 1421-1428.

human cost as a result of the US interventions in these countries is extremely high. Not all of these deaths have occurred as the result of direct fire from the invading forces as there are many indirect causes resulting from the war and occupation. The point of significance is that in these studies it is noted that the deaths would not have occurred if the US military had not invaded and occupied these regions following 9-11.

There are of course numerous figures for the overall number of civilian casualties caused by the wars in Afghanistan, Iraq and Pakistan. Some reports put the figure in Iraq alone by 2008 as close to one million, and it is noted in the report that the number is higher than the Rwandan genocide of 1994.³³ Another figure for total civilian deaths in Iraq up to the present is 400,000 – 900,000.³⁴ There is no reliable counter figure given by US officials with respect to the number of civilians killed as a result of their military incursions. ‘We don’t do body counts’ were the famous words from General Tommy Franks, the leader of the US invasion of Iraq in 2003, in response to the Pentagon’s refusal to track civilian casualties resulting from the US induced state of war.³⁵ Whether we use the highest possible estimate of over 1,000,000 or use the much lower estimation from the Costs of War Project of 100,000-200,000, the figures are extremely high.

My consideration now is the question of how these high numbers of civilian casualties fit in with a state of permanent or perpetual war. What role do these fatalities have, or

³³ H. LaMoreaux, ‘Over One Million Iraqi Deaths Caused by U.S. Occupation’, *Project Censored: Media Democracy in Action*, 2009. (Accessed online 2/2/12 - <http://www.projectcensored.org/top-stories/articles/1-over-one-million-iraqi-deaths-caused-by-us-occupation/>)

³⁴ Anup Shah, ‘War on Terror’, *Global Issues*, 24 September, 2011. (Accessed online 15/2/12 - <http://www.globalissues.org/issue/245/war-on-terror#MainstreamMedia>)

³⁵ N. Antelava, ‘Who is counting the bodies in Iraq?’, BBC News, 11 December 2009. (Accessed online 17/2/12 - <http://news.bbc.co.uk/2/hi/8405894.stm>)

what must be done about them in a state of perpetual war? Firstly, the tremendous human cost in terms of civilian casualties must be hidden from people within the countries responsible for initiating this suffering. The governments of the US, UK, Australia and other supporting states necessarily require these facts to be hidden from public view in order to maintain support for the wars or at least not give rise to a mass anti-war movement such as the one that emerged during the Vietnam era. The case studies presented in this thesis demonstrate how this has occurred within a backfire or outrage management framework. Communication of the human cost of the war has been restricted, obstructed or filtered from US audiences using the tactics of cover up, reinterpretation, devaluation, intimidation, bribery and official channels. In this analysis, the concealment of the killing of innocent people is a primary condition in the enabling of perpetual war.

In a recent article on civilian casualties in Afghanistan and the American government's concerted effort to control the war narrative, Marc Herold noted that the Pentagon's public relations budget increased by 63% from 2004-2009.³⁶ Herold regards this propaganda effort as being 'inspired by the aim to better market the good war to the American public and especially to European publics'.³⁷ This aim is explicitly stated in a US army manual on the mitigation of civilian casualties published in July 2012. It is stated that informing and influencing a range of audiences is a primary concern and where civilian casualties occur it is necessary to express regret and where appropriate, make clear that 'the enemy is responsible for most CIVCASs (civilian casualties (sic)) through intentional action or by being co-located

³⁶ M.W. Herold, 'The Obama/Pentagon War Narrative, the Real War and Where Afghan Civilian Deaths Do Matter', *Revista de Paz y Conflictos*, No.5, 2012: pp.44-65 at p.57.

³⁷ *Ibid.*, p.52.

with civilians the enemy is responsible for the casualties'.³⁸ If we consider the backfire model and the pattern of outrage management tactics used in the case studies as being a systematic effort to hide the human consequences of the 'war on terror', Herold provides a concise analysis in relation to Afghanistan. With regard to the US government's treatment of Afghan civilian casualties killed by the US military, the first response by the US officials is to say nothing, or, if presented with compelling evidence, to offer denials [cover-up]. When evidence is presented which cannot be denied, blame the Taliban for the deaths [devaluation or reinterpretation], or minimise the numbers killed [reinterpretation], then 'promise an investigation' (to be carried out by themselves) [official channels].³⁹ Finally, whilst the Western mainstream media are 'content to simply parrot the releases and statements made by US military spokespersons', any foreign media that may present a challenge to the US narrative risk being targeted by the US military itself such the bombing of the Al-Jazeera offices in Kabul in 2001.⁴⁰

Another aspect of the civilian casualties which has some bearing on a perpetual war is the way in which 'collateral damage' creates an enemy. It is clear that the US and its allies find it useful to have an enemy or purpose that justifies the state of war particularly on the 'home' front. It is difficult to justify being engaged in a war without an enemy, regardless of how poorly defined that enemy might be. The killing of civilians through deliberate or careless military tactics has the consequence, intended or not, of generating feelings of loss, resentment or anger in the target countries. In answer to the rhetorical question posed by George Bush 'why do they

³⁸ 'Civilian Casualty Mitigation', Army Tactics, Techniques, and Procedures, No. 3-37.31, July 2012: p.10. (Accessed online 9/6/13 - http://armypubs.army.mil/doctrine/DR_pubs/dr_a/pdf/attp3_37x31.pdf)

³⁹ Herold, 'The Obama/Pentagon War Narrative', p.57.

⁴⁰ *Ibid.*

hate us?', a straight-forward possibility is that the civilian suffering caused by the US interventions, has served to create a popular antagonism directed towards the US not just by extremists but by the more general Muslim populations.⁴¹ The US interventions which are normatively reinterpreted as 'pro-democratic interventions' create war in two ways – the instigation of war in the first instance and the provocation of war thereafter.⁴² The 'inordinate amounts of collateral damage' which we know as human death and suffering or 'human loss' eventually creates a 'political loss' for the intervening state that is likely to be a 'permanent phenomenon'.⁴³

A section of the US Army Marine Corps Field Manual makes reference to the way collateral damage resulting in 'social upheaval' is a major cause for escalations of violence by insurgents.⁴⁴ Research efforts aimed at tracking reactions to civilian casualties in Afghanistan found an increase in violent resistance to the occupation in areas where civilian casualties had occurred.⁴⁵ It is also reasonable to suggest that citizens in Pakistan with no history or association with Islamic extremist organisations can be shifted from moderate positions if, for example, members of their family have been killed in a drone attack. If we multiply this hypothetical example by the Costs of War project's conservative civilian casualty estimate of roughly 172,000 in Iraq, Afghanistan and Pakistan, then it is conceivable that the US-led war on terror is self

⁴¹ Pervez Hoodbuoy, 'The United States and Islam: Toward Perpetual War', *Social Research*, Vol.72, No.4, Winter 2005: pp.873-902 at pp.884-885.

⁴² J. Meierhenrich, 'Perpetual War: A Pragmatic Sketch', *Human Rights Quarterly*, Vol. 29, No.3, 2007: pp.631-673 at p. 644.

⁴³ *Ibid.*, p. 645.

⁴⁴ Cited in N.C. Crawford, 'Assessing the Human Toll of the Post-9/11 Wars: The Dead and Wounded in Afghanistan, Iraq and Pakistan, 2001-2011', *Costs of War*, September 2011: p.12. (Accessed online 28/11/11 -

<http://costsofwar.org/sites/default/files/articles/13/attachments/Crawford%20Assessing%20The%20Human%20Toll%20.pdf>)

⁴⁵ L.N. Condra, J.H. Felter, R.K. Iyengar, and J.N. Shapiro, 'The Effect of Civilian Casualties in Afghanistan and Iraq,' National Bureau of Economic Research, *NBER Working Paper No.16152*, July 2010, Cited in N.C. Crawford, 'Assessing the Human Toll of the Post-9/11 Wars', p. 13.

perpetuating in so far as creating a greater enemy that did not exist prior to the military incursions in these countries. The resentment and anger felt in these countries could be multiplied again by the addition of the 146,000 people wounded in these three countries and 7.8 million displaced from their homes.⁴⁶

It should be emphasised that the creation of an enemy caused by collateral damage is not necessarily a deliberate policy but an autonomous process. Herold notes on Afghanistan that the US-led war ‘causes civilian casualties which, in turn, fuel the Afghan resistance which, in turn, causes more US casualties’.⁴⁷ A concession by General McChrystal in 2010 stated plainly that ‘for every innocent person you kill you create ten enemies’ and a study by the National Bureau of Economic Research confirmed as much.⁴⁸ It found that whenever US forces ‘accidentally’ killed an Afghan civilian that attacks by resistance forces increased by a multiple of six.⁴⁹ This is one way in which the military campaign significantly and continually backfires on the US occupation forces. Outrage management tactics are ineffective in so far as hiding or reinterpreting the true extent of the war for the civilians which are directly suffering. It is not possible for the US government to cover up aspects of the injustice which are witnessed and felt by individuals in the target countries.

Whilst the autonomous creation of an enemy might fuel a perpetual war, any increase in US and allied casualties has the potential to create a backfire effect in the home country. This effect whereby support for the war is diminished because of troop casualties can potentially be countered by reducing the number of US troops serving

⁴⁶ Executive Summary, *Costs of War*, June 2011: pp.3-5. (Accessed online 28/2/12 - <http://costsofwar.org/sites/default/files/Costs%20of%20War%20Executive%20Summary.pdf>)

⁴⁷ Herold, ‘The Obama/Pentagon War Narrative’, p.45.

⁴⁸ *Ibid.*, p.48.

⁴⁹ *Ibid.*

in the wars, and increasing the use of private military contractors and unmanned weapons systems such as the predator drone. These two features of warfare which have grown dramatically since the war on terror began are another way in which ongoing war may continue in perpetuity.

5. Who Does the Fighting in a Perpetual War?

a) Private Military Contractors

There is an almost certain need to minimise US military casualties and the military casualties of supporting nations such as Australia and the UK. Public support for the war on terror would gradually erode if these casualties became too high. Outrage over the deaths of US and other military personnel cannot be minimised to Western audiences in the same way as the deaths of civilian Iraqis, Afghans and Pakistanis. There is little chance that the death of a US soldier would be covered up in the way that an Iraqi civilian might be and nor are they likely to be devalued. In fact there would be little opportunity for the US administration to use any of the outrage management tactics to obscure the reality of US military deaths – the numbers would speak for themselves. One tactic worth noting was the banning of photographs of ‘flag draped’ coffins containing dead US soldiers which ran from 1991-2009.⁵⁰ For the US government in a state of perpetual war, an alternative to minimising outrage over troop casualties would be to limit the actual casualty numbers.

The deaths of private military contractors are not included in official statistics. In Iraq and Afghanistan over 6,000 US military personnel have been killed. What is less well

⁵⁰ E. Bumiller, ‘U.S. lifts photo ban on military coffins’, *New York Times*, 7 December, 2009.

known is that during this time 2,500 private contractors working for the Pentagon have been killed as well. A reduction in official US military deaths might be exchanged for an increase in private contractor deaths. Iraq is perhaps the first real testing ground for 'total private war'. In December 2011, the last of the US government-employed troops stationed in Iraq were recommissioned elsewhere but at least 4000-5000 private security contractors remained.⁵¹ At this early stage the US State Department plans to employ 5,000 additional private military contractors in Iraq to replace the withdrawing US troops.⁵² What has occurred in Iraq is not a total military withdrawal, but a withdrawal of US government-employed troops replaced to an extent by increase in privately employed military personnel working as contractors for the US government.

The other cost of war avoided by a government that uses an increasing number of private military soldiers instead of regular soldiers concerns repatriation and long term health and pension costs. The total cost of veteran's benefits to applicable to the US government up to 2051 is estimated to be as high as \$934 billion.⁵³ This very long ongoing cost to the US budget could be minimised by using private soldiers whose responsibility for ongoing health care costs would ordinarily lie with the employer. This is significant if we consider that in addition to the deaths of 2500 private contractors since 2001 over 51,000 have been wounded.⁵⁴ In a state of perpetual war not only does the use of private military soldiers facilitate a reduction in the number

⁵¹ G.McNichol, 'Over: Obama Announces Complete Drawdown Of Troops From Iraq By End Of Year', *Business Insider*, 21 October 2011. (Accessed online 6/1/12 - http://articles.businessinsider.com/2011-10-21/politics/30305317_1_train-iraqi-forces-end-of-combat-operations-iraq-war)

⁵² T.Bowman, 'No US troops but an army of contractors', NPR, 27 December, 2011. (Accessed online 6/1/12 - <http://www.npr.org/2011/12/27/144198497/no-u-s-troops-but-an-army-of-contractors-in-iraq>)

⁵³ Executive Summary, *Costs of War*, June 2011: p. 7.

⁵⁴ *Ibid.*, p. 4.

of official casualties, it also reduces the economic burden to the government for ongoing health care for privately employed veterans. In this way a government can not only outsource the fighting in a perpetual war but also outsource its responsibility to the survivors when they return home.

b) Drones

By their nature the deployment of drones eliminates all elements of direct risk to personnel in the attacking force. Their growth in recent times has been dramatic and as previously mentioned the US air force now trains more drone operators than fighter pilots who actually spend time in the air.⁵⁵ There are numerous reasons for this but in the context of a perpetual war it is unlikely that a drone operator working from the United States, controlling a plane flying in the Middle East, will come under enemy fire. This eliminates any potential backfire effects that may come about if US troop casualties were to increase. More than twenty years after George H.W. Bush claimed to have ‘kicked the Vietnam syndrome’ it can be almost certain that robotic war fighting will ensure that it never returns.

There are other advantages in the use of drone warfare that can also work to sustain war fighting. Predator drones are more efficient than fighter planes because a pilot’s stamina need not be taken into consideration for longer missions. They are also cheaper to produce than conventional military aircraft.⁵⁶ A recent program on 60 Minutes promoted one advantage for drone pilots is that they do not have to leave

⁵⁵ P. McGeough, ‘America’s deadly robots rewrite the rules’, *Sydney Morning Herald*, 13 February, 2010: p.13.

⁵⁶ ‘Stop the Drones’, Drone Campaign Network General Leaflet: p.2. (Accessed online 28/2/12 - http://www.dronecampaignnetwork.org.uk/general_drone_leaflet.pdf)

their family in order to ‘do bad things to bad people’.⁵⁷ In other words a soldier can now participate in a war in an active sense using technology to kill from a distance but at the same time enjoy the benefits of family life that include ‘going to church and being a productive member of society’.⁵⁸ To summarise the way in which an increase in the use of drone technology can facilitate a perpetual war: drones are cheaper, offer no risk to the pilot, are more effective in terms of flying time and offer potential new recruits the benefits of maintaining a relatively ‘normal’ family life whilst conducting acts of political violence many thousands of kilometres away. This distance would also reduce the effects of killing on the killer.⁵⁹ In other words, an increase in distance from the site of the killing would lead to an increase in the desensitisation of the killer with respect to the act of taking another life.

6. Conclusion

If the world has moved into an age of perpetual war, then understanding how it is facilitated might be the first step in redressing this darkened state of existence led by the US and its allies. In this state of ongoing conflict, it is necessary for the perpetrator to conceal as much as possible the extent of human suffering caused by these US-led wars. The outrage management tactics outlined in the backfire model are one way of understanding how this has been achieved. Secondly it needs to be acknowledged that civilian casualties stimulate enemy recruitment that fuels an ongoing war. Thirdly, the outsourcing of fighting and security to private companies

⁵⁷ ‘Drones: America’s New Air Force’, CBS News, 2009. (Accessed online 27/2/12 - http://www.cbsnews.com/2100-18560_162-5001439.html?pageNum=3&tag=contentMain;contentBody)

⁵⁸ *Ibid.*

⁵⁹ D. Grossman, *On Killing*, Bay Back Books, New York, 1996: pp. 97-98.

also serves to perpetuate a war in so far as limiting any significant increase in official casualties which would have a corrosive effect on public support for war. Finally an increase in the use of drones also serves this same purpose by enabling the perpetrator to conduct war with almost no risk to the individuals carrying out the fighting. The use of private soldiers and drones also reduces the possible future economic costs of the repatriation of national troops which has historically been undertaken by governments going back to World War One.

In the words of US Major Ralph Peters, assigned to the Office of the Deputy Chief of Staff for Intelligence in 1997:

There will be no peace. At any given moment for the rest of our lifetimes, there will be multiple conflicts..... The de facto role of the US armed forces will be to keep the world safe for our economy and open to our cultural assault. To those ends, we will do a fair amount of killing.⁶⁰

⁶⁰ R. Peters, 'Constant Conflict', *Parameters*, Vol. 27, No. 2, 1997: pp.4-14 at p.9.

Chapter 9 - Conclusion

The aim of this research was to understand how the potential for outrage over the human suffering resulting from the 'war on terror' was limited, especially in Western audiences. By comparing US Department of Defence and US State Department versions of the four case studies, as well as some versions appearing in the mainstream media, with the published accounts of academics, independent journalists, non-governmental organisations and peace workers, I have argued that there is a clear pattern in the systematic use of tactics that serve to limit the flow and distort the content of information in relation to the human cost of the US-led wars in Afghanistan, Iraq and Pakistan. These tactics hinder Western understandings of the human cost of the 'war on terror' and serve to prolong an indefinite or perpetual war. Whilst it is likely outrage would be generated over these injustices if this system of news transmission were free of the methods used to inhibit outrage, it is also possible that many people in Western countries would remain indifferent or ambivalent about the suffering of others. The important point though is that whilst tactics to reduce outrage continue, there is less chance of the generation of outrage over the killing and wounding of civilians and damage to civilian infrastructure. In the interests of peace it is therefore important to understand how these tactics and the concealing of human suffering serve the purposes of war rather than peace. The emphasis here is that any attempt to achieve popular support for peace by raising awareness of the negative human consequences of the US-led war on terror can benefit by understanding and exposing the practices that keep mainstream populations shielded from the brutal reality of war.

These practices, which are summarised in the backfire model as cover up, reinterpretation, devaluation, intimidation and the use of official channels, were evident in the four selected case studies of perceived injustice resulting from the war on terror. In the first case study on Afghanistan it was shown how two mainstream media outlets consistently ignored civilian casualties arising from the heavy air bombardment between October and September 2001. If civilian casualties were mentioned in news articles they were reinterpreted as being caused by the Taliban's 'human shield program', or the casualties themselves were devalued by being associated with the Taliban or Al-Qaeda. There was no instance where proof was provided of an association with either of these two groups. The bombing of Al-Jazeera offices in Kabul by coalition war planes was an example of using intimidation to limit the flow of information about the war. Official channels were used in so far as the US military were able to assume a form of multilateral legitimacy for the attacks by giving the impression that the attacking force was operating as a multinational force operating under the flag of NATO and the ISAF.

The second case study, on Fallujah, showed how the tactics of cover-up, devaluation and reinterpretation were carried out by the actual perpetrator – the US government. Whereas in the Afghanistan chapter the focus was on the *New York Times* and *Washington Post* and the way in which these publications performed a function in the inhibition of outrage, the Fallujah case study used US Department of Defence news briefings to identify how the perpetrators operated in a way to reduce outrage. This chapter is important in explaining the media's role in the inhibition of outrage by comparing DOD news briefings with the articles published by the mainstream journalists present at the news briefings. In each case these journalists mostly

performed a transcribing role for the official version. This chapter demonstrated the mainstream media's dependence on official sources and unwillingness to question or criticise the official sources. In the Fallujah case study, although there was no strong evidence of the use of official channels, there was strong evidence of intimidation and again Al-Jazeera was the target. Ahmed Mansour's Al-Jazeera crew inside Fallujah were able to broadcast images of the destruction caused by the bombing and identify civilian victims of the attack which were at odds with the official US version coming through the DOD news briefings. As a result the crew became targets of US bombing when their broadcast location within Fallujah was known. Significantly, the withdrawal of US troops from the area was conditional upon the removal of Mansour's team from the city.

The third case study, on the Nisour Square massacre, noted some broader problems with the rise of the private military industry in relation to the outsourcing of responsibility for an injustice perpetrated by a private military company. This occurred through a system of indefinite postponement, whereby in response to the killings, the Department of Defence deferred to the State Department which then deferred to an 'official' investigation yet to take place. The comments that were made by the Department of Defence in relation to the incident included reinterpreting the event as a two way fire fight, and the victims of the shootings were devalued as insurgents. Soon after the event it became evident that all of the injured and killed were unarmed civilians and the event was dealt with through official channels. This was the most striking element of this case study. The IPOA, a private military industry association that beforehand had claimed that private military companies were ethically accountable under their code of conduct, was shown to be impotent. The

investigation through the US court system appeared to be sabotaged by those responsible for prosecuting the accused. The case was dismissed before reaching court on a legal technicality and the perpetrators did not face a criminal trial. In mid-2012, nearly five years after the incident, the results from a civil hearing in the US are still inconclusive. This case study demonstrated the capacity for official channels to give the impression that a path to justice was being taken despite a lack of action. To some degree condolence payments to the victims' families by the US government indicated an admission of guilt, but could also be viewed as a form of bribery in an attempt to bring the issue to a close.

Drone warfare is a new form of fighting conducted by the US military and of particular concern is the campaign in Pakistan where many civilians have become victims of this form of robotic warfare. The drone program in Pakistan has been successfully covered up for some time and information about the campaign and its victims is difficult to access. Official comment on the drone program by the Department of Defence is limited mainly to a 'no comment' format whereby the officials decline to comment on what they call 'operational procedures'. This forms the basis of the cover-up. When officials do attempt to comment directly on questions relating to drones a tactic of diversion appears to be used consistently. These diversions take the form of historical accounts unrelated to the war on terror or familiar generalisations about terrorism and terrorists. One significant point to make on outrage management in relation to drones is that the program is described as a targeted killing program. Omitted here is the death ratio inside the blast radius of the hellfire missiles used by Predator drones which means that this concept of targeted assassinations is logically flawed: people within a certain range of the target are likely

to be killed or injured as well. The use of the term ‘targeted assassination’ is a reinterpretation of a form of killing from a distance that virtually ensures collateral damage.

One of the significant contributions made by this thesis is the way in which the case studies have been analysed using the backfire model. It is the first attempt to understand how specific injustices occurring as a result of the US-led war on terror have been treated through a systematic analysis of US Department of Defence and US State Department news briefings. In relation to the case studies, the model was limited in some areas. Firstly, the application of the official channels tactic was somewhat tenuous in each of the case studies with the exception of the Nisour Square massacre. In this case study the classification of condolence payments as a form of bribery is also problematic. In the drones case study, the secretive nature of the entire program and the reluctance of government officials to comment on the program makes it difficult to draw firm conclusions in relation to the backfire model except perhaps it exemplifies a systematic cover-up.

Another limitation of the backfire model is that it does not explain the link between government and the transmission of outrage management tactics in the mainstream media. An important contribution made by this thesis was identifying the process which links mainstream news articles to the official news briefings by identifying journalists present at the briefings, and then tracing their published news stories in the days that follow. This aspect of the thesis demonstrates a link between the propaganda model and the backfire model, where journalists’ reliance on official sources results in news articles virtually repeating the official versions at the news briefings. In this way

the inhibition of outrage is transmitted from a relatively small audience at the news briefings to a much larger mainstream audience.

The main question from this thesis to arise in relation to the backfire model is how effective have the use of outrage management tactics been to the extent that they have prevented backfire. In Afghanistan, the war continues today ten years after the initial air war. It is certain that in the context of Western audiences, the tactics to diffuse outrage during this bombing campaign were largely successful. In Fallujah, the initial attacks did backfire mainly due to the presence of the Al-Jazeera news crew however the destruction of Fallujah six months following the initial siege meant that the backfire was short lived. Blackwater, renamed Xe Services, is still functioning as a prominent private military company. However the changing of their name to a non-descript two letter word indicates that the 'Blackwater brand' had been tarnished to some degree and this could be regarded as a type of backfire. Overall though, the Nisour Square massacre did little to impede the company's business success.

Drone attacks in Pakistan have been the subject of strong discontent and protest as evidenced by the street marches led by Imran Khan in Peshawar. In the West though very little is known about this war and if anything it is portrayed as a safer way for the West to conduct war. With drones, an increased level of safety for the perpetrator has resulted in a greater risk to people and property within range of proposed targets.

There are other case studies that could be undertaken using this methodology in relation to the inhibition of outrage. During the 'war on terror' the practice of extraordinary rendition, interrogation using torture and the incarceration of victims at Guantanamo Bay is one example of a perceived injustice that warrants further

investigation. Researching a case such as this would be strengthened by interviewing former detainees and ‘reformed interrogators’ if available. Beyond the ‘war on terror’, the bombings of Serbia in 1999 and Libya in 2011 would also present cases of civilian suffering caused by a Western military intervention that may justify an investigation into the inhibition of outrage.

The backfire model proposes that injustices performed by a powerful perpetrator rarely backfire because of the perpetrator’s ability to inhibit outrage. These four case studies provide support for this proposition. The methodology used in this thesis in relation to the analysis of DOD and State Department news briefings provides a template for any future studies concerning the perpetration of an injustice by military means. This tool is particularly useful in an era of perpetual war and I propose that a starting point for any analysis should include looking for evidence of a cover-up, decoding the language of war through reinterpretation and devaluation, understanding the limitations of official channels, predicting of intimidation and bribery of those with a capacity to expose the injustice. This methodology offers an approach that can be applied to most armed conflicts. The effects of a powerful perpetrator can be combated on these terms but whether or not they can transform a seemingly demobilised Western citizenry is less certain. What is more certain is that an attempt to amplify outrage, following a template similar to the one used in this thesis, increases the possibility of generating outrage and raising awareness about crimes perpetrated against civilian populations in current and future conflicts.