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## Absolute Impunity: On the Legacies of 9/11 & the Policies of the War on/of Terror

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# Absolute Impunity: On the Legacies of 9/11 & the Policies of the War on/of Terror

## Abstract

It has been a little over twenty years since the attacks of September 11, 2001, and thus we are also going to be coming up on twentieth anniversaries of some of the most heinous restrictions on civil liberties in US history (though there is a lot of competition) and the twentieth anniversaries of instance after instance of unjustifiable atrocities committed in the name of the Stars and Stripes. Through autoethnographic reflection in conversation with Netflix's *Turning Point: 9/11 and the War on Terror* (2021) and Spencer Ackerman's *Reign of Terror: How the 9/11 Era Destabilized America and Produced Trump* (2021), this critical review essay explores the legacies of the Sept. 11, 2001 attack on the World Trade Center and Pentagon, including policies of mass killing, mass propaganda, mass torture, and mass surveillance. The essay concludes with a reflection on where this leaves the US and world today: namely, in a place where it is increasingly "acceptable" to criticize the US war machine, though it has always been necessary.

## Keywords

9/11, War on Terror, US Foreign Policy, State Violence, Security Policy

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## Cover Page Footnote

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The twenty-year anniversary of 9/11 and its aftermath has been the most honest accounting since the event. There has still been plenty of brain worm patriotism, but the reckoning is happening in bits and pieces and somehow twenty years too late—and it will always be incomplete. In 2001 I was 12 and in seventh grade. I remember a friend whose brother worked or lived in NYC and the rumors swirled that afternoon that maybe his family had been a victim in some kind of attack. We didn't get much information during the school day. We were told there was something bad going on in New York and not much else. I do remember the fighter jets' sonic booms were more noticeable that day. Being only several miles from the military base on Cape Cod where fighters were eventually scrambled from, it was only in hindsight that I recognized the significance of those sounds. Those fighter jets, a squadron of the infamous McDonnell-Douglas F-15 Eagle (or Strike Eagle), became for a time something of a symbolic obsession of mine—thankfully short-lived. Once I “learned” what had transpired that morning—and “why”—I remember wanting all of “those” people dead. I didn't know much, but I “knew” that. I was twelve and thirteen years old. No one told me. Well, plenty of adults told me (or I heard) about the need for the US to go to fight there. Red, white, and blue became ubiquitous at home, no doubt exacerbated by living in a community with an active military base and consistent presence of camo fatigues in line at one of the many Dunkin' Donuts in town. I remember a t-shirt I had, made locally with an at-home screen-printer. It had a simplistic bird's-eye outline of an F-15 cutout of an American flag. Over the top and bottom of the red, white, and blue fighter jet was a simple and devastating phrase: “Now It's Our Turn.” I didn't know what this meant, not really. And yet in a sense I did. I knew it meant American vengeance. I knew it was about recovering from a fearful vulnerability that became pervasive in the years after 9/11. What I didn't realize was how many “turns” the US already had. I couldn't have imagined the US having so many more “turns” to torture, maim, and kill in the years to come. It took me a little over two years to learn otherwise, and nearly a decade beyond that to really understand the depth of my moral and political error.

No one directly told me otherwise. Some teachers, particularly my ninth grade medieval and early modern world history did help me learn about the historical context: the various interrelated histories of the birth of Islam, the Crusades, the parallel developments of Europe, the Middle East, Africa, and Asia. I learned about the rise and fall of empires—and how every empire believed their dominance was just and forever. They, like the wars they used to maintain and spread their reign, were forever—until they weren't. As I learned more about history and watched a lot of destruction on TV, it just didn't seem right.

I remember a period of moderation rooted in my understandable confusion. America's fight was just; I still “knew” that, but it seemed to be being conducted in a deeply ignorant and non-strategic way. Eventually, it was clear to me that this didn't seem to be a reasonable way to protect America. I believed this enough to support Barack Obama in 2008. There was just *no way* he would continue with the wars that Bush started and conducted with complete disregard for basic human rights, but we did have real enemies—I thought. I couldn't help thinking that given everything that the US has screwed up, all of the mounting civilian casualties, the people we were attacking—and their innocent neighbors—were going to rightly want to defend themselves and turn to unsavory nihilists to do so. I didn't understand how all this destruction would stop the violence.



Source: AFP PHOTO/ MOHAMMED HUWAIS (Photo credit should read MOHAMMED HUWAIS/AFP via Getty Images) via *The New Statesman* (Nov. 4, 2019)

What I struggle with today though is not my pre-teen and early teenage exuberance for American imperial reaction. It was wrong, but I hadn't had the chance to be otherwise. I was raised on occasional Fourth of July cook-outs and fireworks. I was raised on Memorial Day parades. When I was younger at least, while the economy was soaring for at least this family. Patriotism was easy, and we were like Christmas/Easter churchgoers—but with patriotism. Once we had trouble paying for the mortgage and keeping the heat on in the years to come, even before the financial crash that was coming, the patriotism seemed to dissipate too. Though most US Americans were raised under similar psycho-social conditions, I struggle thinking about the adults in my life, the one's printing "Now It's Our Turn" shirts to sell to children and spreading all manner of violence-promoting and -justifying propaganda, free of charge for the American corporate war machine. What is at least clear is that 9/11 put jet fuel on already burning candle. Understanding how this happened, and how we can prevent the continuation of the War on/of Terror (hereafter: WoT), and similar future war ventures, remains elusive, however obviously necessary.

This is where Netflix's *Turning Point: 9/11 and the War on Terror* (2021) and Spencer Ackerman's *Reign of Terror: How the 9/11 Era Destabilized America and Produced Trump* (2021) are useful monuments. They are, in different ways, monuments of an attempt to understand—to understand how 9/11 happened, why it happened, and the significance of the responses to it. If the Netflix docuseries has a particular strength, it is in collecting the facts, or at least a lot of them. Beginning with overdramatic portrayals of the streets of NYC that fateful morning, *Turning Point* offers the stories of 9/11 through the voices of those involved. We hear from people, and friends and colleagues of people, who were trapped in the building. There is value in these people having their stories told. Regardless of one's politics, it takes a deep inhumanity to not be moved by some of these stories. Moved to do what though? That's the question that gets to the heart of the contribution of *Turning Point*. It allows its viewers to ask questions, but with an overly subtle nudge—rather than the trenchant critique the context demands.

If it tells a story of the who, what, when, where, and why of 9/11 and the WoT, it does so in an ambiguously disruptive way. Not political disruptive, though some will surely see it as "America

bashing” because it isn’t America-glorifying, but it is narratively disrupting. By this I mean that there really isn’t an overarching point that the docuseries leads to. It doesn’t ask any questions consistently. It details a lot of mistakes, illegalities, and atrocities, and the presence of Rep. Barbara Lee’s apparently unique and morally-charged clairvoyance to oppose the initial Authorization for the Use of Military Force (AUMF) in 2001 that officially authorized the WoT, hints to the viewer that perhaps this project was fraught from the beginning, perhaps even before the beginning. The AUMF combined with the PATRIOT Act led to policies of warrantless mass surveillance, intentional extrajudicial murder and the disposition matrix (which *Turning Point* glosses over nearly entirely), illegal torture, indefinite detention of uncharged people in violation of the Geneva Convention.

We don’t really know what the current state of knowledge among the general public is about 9/11 and the WoT, and so Netflix’s docuseries certainly has potential to be informative to many. However, it is too superficial in its treatment of (or lack thereof) about the depth of the efforts to deceive the public and justify the unjustifiable, legally and ethically to be as politically useful as it could have been. For example, to everyone but the least informed (so, everyone in too many of America’s classrooms, mainstream media, and political class?), it is “well-known” that there was a connection between the 9/11 and the WoT and the US response to the Soviet invasion of Afghanistan in the 1970s and 80s, arming and supporting the politically and Islamically-diverse mujahedeen that contributed to what later became the Taliban and their regime of authoritarian, patriarchal theocratic violence—too similar to the desirous fever-dreams of the American far-right evangelical Christians than they could ever admit (though it is Ackerman’s book and not the Netflix docuseries that actually comments on this irony).

What is perhaps most noteworthy about *Turning Point* is the grotesque candor of WoT perpetrators, particularly Alberto Gonzalez who worked in the Bush White House leading the effort to contrive legal rationale for all manner of civil liberties violations, war crimes, and crimes against humanity. While the depth of crimes involved are underexplored, in particular the Obama administration’s continuation, and in some ways expansion, of many of the worst practices and policies of the WoT (though as Ackerman points out, the use of black sites, extraordinary rendition, and overt torture did come to end under the Obama administration), the killing of civilians in drone strikes was increased, as was the use of warrantless metadata collection and generalized surveillance of the public, eventually exposed by the heroic Edward Snowden. The prison at Guantanamo Bay Cuba was never closed, and many tortured prisoners remain there without charges against them nor a trial coming in the near-future. Also ignored by *Turning Point* is the decision by the Obama administration to not seriously explore or consider charges against those people who ordered or knowingly allowed the egregious crimes of the WoT. This decision ensured that accountability would never come for any of the past war criminals of the Bush administration and their underlings, nor would it come for the then-future war criminals of the Obama administration. The WoT continues, in part, because it is a war on some amorphous notion of terrorism (define most consistently as those defined simply as enemies of the US) conducted through the use of state terrorism within a jurisprudential environment of absolute impunity for all but the most obscene and well-documented acts of “isolated individuals,” usually at the lower ranks (and even then, accountability rarely came).



Source: The Associated Press (2003)

Ackerman's *Reign of Terror*, despite its humble acknowledgement of gaps, is as comprehensive as a reasonable-length book on this subject could be. It is a tour de force, which works complementary with other books on specific aspects of the WoT (many of which Ackerman conveniently lists in the Acknowledgments). While basically every event or controversy covered in *Turning Point* is also covered in *Reign of Terror*, what distinguishes the two works is 1. the quality of the ethico-political argument, a fundamentally an objectively argued leftist anti-war perspective), which *Turning Point* equivocates on too often, but Ackerman carries throughout; and 2. where they begin their stories. And it makes sense that the two works would start in different places, because *Turning Point* is oriented towards US foreign policy more explicitly, while Ackerman is aiming to highlight the relationship between 9/11 and the WoT and the resurgence of the white Right and Trumpism within the US. *Turning Point* begins chronologically with the US support of the Afghan mujahadeen against the Soviets. Conversely, Ackerman begins with Timothy McVeigh and the Oklahoma City Bombing. That is where see the apex of the 1990s far-right wing militia movement, steeped in perverted Christianity and white grievance, with a very thin layer of incoherent anti-government sentiment. The US Security State, as Ackerman refers to the collected apparatuses of the military, intelligence, surveillance, and policing institutions, knew then (and well before and after) of the threat of the far right, including overtly white supremacist and neo-Nazi groups. Yet, the legislation that came out of Oklahoma City Bombing, ostensibly to protect the American people against another Oklahoma City Bombing, explicitly prevented the US government from improving its capacities to go over the more serious threat, which was decidedly not "radical Islam" (though that has never stopped people from immediately speculating as to whether "radical Islam" is involved in every recent terror attack in US history, including Oklahoma City).

Ackerman expertly explores the distinction between the liberal complicity with and the failed left opposition to the WoT, especially when it comes to the Obama administration. While the desire to give the first Black president in a country so deeply entrenched in the enduring legacy of white supremacy, no president deserves the horrifically abused leeway that many leftists (at first) and, still today, many liberals offer the Obama regime. Ackerman leverages troves of evidence to politely eviscerate the Obama administrations actions and rationalizations in the WoT—most

notably the cold-blooded state murder of Anwar al-Awlaki. *Turning Point* also covered this killing but failed to probe its broader significance. Both works also portrayed the horrors of Abu Ghraib, with Ackerman's critical appraisal connects more explicitly to the horrors of the WoT writ large. Abu Ghraib was, in many ways, the perfect representation of the deeper inhumanity and depravity of the WoT—not merely a result of the effects of war on soldiers, which on their own would be entirely predictable results that we somehow continue to be surprised by war after war. For Ackerman, crimes against humanity committed against the prisoners by US military personnel is a product of deliberate mismanagement of a violent conflict motivated by the dehumanization of an entire religion and dozens of disparate ethnic groups reductively viewed as “Arab.”

It is in the process of comprehensively debunking the myth of Trump's supposedly dovishness, that Ackerman is able to show how the WoT became more deeply interconnected with a white undercurrent in US society. It would find its perfect encapsulation in Donald Trump, who used the well-honed (il)legal processes of the WoT to make immigration a securitized object, linking the issue directly to terrorism. The fear of a changing America, one that God-forbid became anything less than absolutely antagonistic towards difference—and darker skin—coalesced into a politics of grievance that was weaponized by the likes of Trump, with the help of the Goebbels-like team of Steve Bannon and Stephen Miller.

But Ackerman also refuses to allow his readers to forget that the intersection of the WoT with the white supremacist xenophobia of Trumpism did not begin with Trump. It began at the very least with the creation of the Department of Homeland Security under which the newly created Immigration and Customs Enforcement agency (ICE) was established. The US government's policy of child separation perversely and ironically was accelerated intentionally under the aegis of the US's first Black president. President Obama, the man so horribly abused by the lies of birtherism, used his executive authority to, among other things, deport 46,000 parents of US citizen children during the first six months of 2011 (pg. 173). It is thus not surprising that the supposed first images of Trump's “kids in cages” shared by the mainstream media were actually from Obama's tenure.

The vital lens that Ackerman's *Reign of Terror* produces allows his readers to see how the two-party duopoly, often with the cover provided by otherwise stalwart progressives like Bernie Sanders (who voted for the WoT AUMF), superficially conflicted but also cooperated in many instances to facilitate the still-underappreciated cavern of embarrassment, criminality, and visceral inhumanity of the WoT, all with absolute impunity (pg. 337). It was the liberal-conservative alliance, beholden to a flexibly violent Security State, that gives us the true legacy of 9/11 and the WoT. Allowing a new generation to look back, through event after event, collected in a passionately, yet rarely dramatically, narrative is the profound value of this book, something that the Netflix docuseries opens the door for but never walks through.<sup>1</sup>

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<sup>1</sup> If anything is truly missing from Ackerman's *Reign of Terror*, it is the political economy of the WoT (or what Ackerman calls “the Forever War”). However, there are some examples where the immense profitability of the WoT is addressed—but we might still say underdeveloped. However, Ackerman is entirely aware of this gap. In his Acknowledgments, Ackerman starts off by admitting this underdeveloped angle—and that he is planning to write a subsequent book exploring precisely that. Something we should all look forward to.

More so with Ackerman's *Reign of Terror* than with *Turning Point* there was the feeling of re-experiencing the policies and events that shaped my own political development. It was through the WoT that I became an anti-war socialist, as it was for countless other activists and organizers and even many veterans who've fought in this war. The WoT was and remains a definite nodal point for the millennial left, particularly as it embodied in the critique of the for-profit war machine. We learn very little new in either the docuseries or the book, though I suspect for many people there will be facts they weren't previously aware of, but for people who've followed the WoT closely, the narrative of Ackerman's book especially puts these hundreds of isolated news stories into a coherent picture that draws together the overarching social, cultural, and political forces that opened the eyes of a new generation to the need to dissent actively and get organized to achieve real progress—none of which can be done without dismantling the seemingly self-perpetuating US imperial war machine that continues its crimes which are also at the same time squandering the material and psycho-social resources needed to meet the needs of working class and poor people in the US and around the planet.