

# **The Labeling of Individuals as Enemy Combatants in a Post 9/11 American Society**

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## **2. Abstract**

This research project examined the labeling of individuals as “enemy combatants” instead of “detainees” or “prisoners of war” following the terrorist attacks against the United States on September 11, 2001. This was accomplished by asking the questions: how has the term “enemy combatant” progressed since 9/11, who uses it, and in what context? To answer this question, 200 articles from the New York Times, Al Jazeera, the Wall Street Journal, and the Huffington Post were examined. Conclusions from this research showed that on average national newspapers recognize that there is a clear distinction between the terms “enemy combatant” and “detainee” and/or “prisoner of war.” However, interestingly, these newspaper outlets (regardless of their perceived political affiliation) did not often understand the actual differences between the two terms.

## **3. Introduction**

This paper asked the questions: how has the term “enemy combatant” evolved since the terrorist attacks on September 11, 2001, who uses this terminology, and in what context? The first part of this question, how has the term enemy combatant evolved since 9/11, provided the foundation necessary to successfully analyze the results of this research project. When asking the question, who uses the term “enemy combatant”, I was interested in obtaining data that would link the term enemy combatant to either liberal or conservative political viewpoints. The final question, in what context is the term “enemy combatant” used, looked at the coded data from the New York Times, Aljazeera, the Washington Post, and the Huffington Post in order to determine when the term “enemy combatant” was used over the more historically traditional term “detainee” and/or “prisoner of war”. Prior to beginning my research, I hypothesized that by examining the distinction between these two terms, it would be possible to determine the particular advantages, or disadvantages, of using one of these terms over the other, which would allow me to further link the term “enemy combatant” to usage by a particular political ideology.

The research questions outlined above are of particular importance to American policy, both foreign and domestic. Since September 11, 2001, the term “enemy combatant” has typically been employed to allow loopholes in the interrogation practices utilized against individuals who have been accused of terrorist acts or conspiracy against the United States. As such, the goal of this research was to show if there was a distinction in the way that the term “enemy combatant” was used when discussed in the printed media of major media outlets. If my hypothesis proved correct then the term enemy combatant would have typically been used by conservative authors (in place of the term detainee) in order

to create a bias against those incarcerated in an attempt to justify controversial policies directed toward suspected terrorists. If this proved to be accurate, my hypothesis would also suggest that liberal authors would highlight the term's negative impact on the rights of those individuals accused of terrorist acts and/or conspiracy against the United States.

In order to answer this question I utilized the following research methodology. For my research sources I utilized the following national and international media outlets: The Washington Post, The New York Times, the Internet based Huffington Post, to Al Jazeera. These newspapers were chosen because they are highly respected media outlets that are generally thought to present accurate information. Utilizing the data-coding program Discover Text, I searched through these sources for articles relevant to this project by applying the key words, "enemy combatant" and "enemy combatant vs. detainee". I then used the Internet website Research Randomizer to obtain a random sample of articles to analyze. In addition to coding each article, I also read each article for content in order to look at the media's understanding of the term enemy combatant.

My analysis shows that the majority of national newspaper outlets recognize that there is a clear distinction between the terms "enemy combatant" and "detainee". Only a small percentage of articles suggested that the two terms could be used interchangeably. Specifically, 5% of all articles suggesting the two terms were interchangeable came from the New York Times. This is interesting as 30% of articles suggesting the terms were interchangeable came from the Huffington Post, 35% of articles coded interchangeable came from the Washington Post, and 30 percent of articles coded interchangeable were from Aljazeera. The majority of articles from all four outlets implied that utilizing the term enemy combatant in lieu of detainee significantly reduced the rights of individuals, with less than 1 percent of all articles for each source implying that utilizing the term enemy combatant was a necessary and positive step to preserving American security. With regard to the actual term "enemy combatant" Aljazeera (59% of articles), the Huffington Post (38% of articles), and the Washington Post (44% of articles) were all more likely to imply through the use of quotation marks, italics, etc. that the term enemy combatant was not a real legal term; whereas this only occurred in 12% of New York Times articles.

This research paper and coinciding data analysis will be broken into the following structure. The first section will focus on important background information relating to the labeling of individuals as "enemy combatants" following the terrorist attacks on the United States in September 2001. The second section will be an in-depth discussion of the methodology used to gather and interpret the data for this project. The third section will show this project's findings. The forth, and final, section will discuss these findings and offer this project's conclusions.

#### **4. Background and Significance**

As part of the ongoing War on Terror, the United States has captured and detained hundreds of individuals believed to be a part of, or associated with, enemy forces (primarily the Taliban and/or Al Qaeda forces). The United States

government has justified their detention by labeling these individuals as “unlawful enemy combatants”. According to an article published by the Council of Foreign Relations, an enemy combatant is “...an individual who, under the laws and customs of war, may be detained for the duration of an armed conflict”<sup>1</sup>.

The origins of the term “enemy combatant” can be traced to the United States Supreme Court’s 1942 definition of an unlawful combatant (distinguishable from a legal combatant) as defined in the case *Ex Parte Quirin* which dealt in part with the status of several German nationals accused of operating against the United States<sup>2</sup>. However, at the time of this decision being labeled as an unlawful combatant still entitled individuals to many fundamental rights, such as the right to an attorney, and the rights of habeas corpus. This would in theory limit interrogation practices and techniques that were seen in post 9/11 society as being essential tools in preserving American safety by members of the United States government.<sup>3</sup> As a result, the 2006 Military Commissions Act was passed by Congress and signed by President George W. Bush. One part of this Act was the codification of the term “unlawful enemy combatant,” which unlike the previously existing term of unlawful combatant, allowed the United States government to have significantly more power over an individual accused of committing a crime relating to terrorism against the United States. According to the Military Commissions Act, an enemy combatant can be defined as,

(i) a person who has engaged in hostilities or who has purposefully and materially supported hostilities against the United States or its co-belligerents who is not a lawful enemy combatant (including a person who is part of the Taliban, al Qaeda, or associated forces); or “(ii) a person who, before, on, or after the date of the enactment of the Military Commissions Act of 2006, has been determined to be an unlawful enemy combatant by a Combatant Status Review Tribunal or another competent tribunal established under the authority of the President or the Secretary of Defense.

Since the term “enemy combatant” first became popular following 9/11, the Supreme Court of the United States has heard multiple cases on the legality of the term (including *Hamdi v. Rumsfeld*, *Hamdan v. Rumsfeld*, and *Rasul v. Bush*). However, despite these cases and the definition of an “enemy combatant” under the Military Commissions Act, the actual legal status of the term “enemy combatant” remains unclear. As a result, the term “enemy combatant” is often misunderstood by the American public and, as this research paper will show, by major national and international media organizations.

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<sup>1</sup> Haynes, William. "Enemy Combatants." Council on Foreign Relations, 12 Dec. 2002. Web. 20 Feb. 2011. <<http://www.cfr.org/international-law/enemy-combatants/p5312>>.

<sup>2</sup> Maxwell, Mark D. M, and Sean M. Watts. Unlawful Enemy Combatant: Status, Theory of Culpability, or Neither?" *Journal of International Criminal Justice*. 5.1 (2007): 19-25. Print.

<sup>3</sup> *ibid*

Prior to the terrorist attacks on September 11, 2001, international terrorism was seen as a criminal act. The Federal Bureau of Investigation (FBI) was charged with finding and capturing accused terrorists, and those individuals would be tried under United States criminal law. However, September 11<sup>th</sup> changed the way individuals were captured, detained, and tried under the law. On September 18, 2001, President George W. Bush was granted the authority by Congress to take military action against Al Qaeda and the Taliban in addition to all those who aided and supported these organizations<sup>4</sup>. Furthermore, the United States military was now granted the authority to actively seek out terrorists and those individuals who supported them. During the ensuing military engagements in both Iraq and Afghanistan, U.S. forces caught and detained members affiliated with both the Taliban and Al Qaeda and labeled them as enemy or unlawful combatants. President Bush created military tribunals to try those individuals who were detained and classified as being non-U.S. citizens, in addition to creating a detention camp at Guantanamo Bay in Cuba.

In addition to detaining non-U.S. citizens, in the process of searching for terrorists multiple U.S. citizens were captured, labeled as enemy combatants, and detained for indeterminable periods of time. By labeling these citizens as enemy combatants, rights typically allowed U.S. citizens under the Constitution were commonly denied, resulting in a string of legal debates eventually being heard before the U.S. Supreme Court.

This research paper explores how the term “enemy combatant” has been shown in the media, and examines to what extent the term impacts the way individuals detained as being terrorist are viewed. Specifically, this research was designed to determine if a correlation existed between who uses the term “enemy combatant” and what the term means. Based on prior literature, I would expect that publications using the term “enemy combatant” as interchangeable with the term “detainee”, or those publications that regard the labeling of individuals as “enemy combatants” as a positive step to preserving American safety, are those articles that are written by conservative authors. Articles that either use the term “enemy combatants” and portray the usage of the term as being negative to the rights of the accused, and/or see a clear distinction between the terms “enemy combatant” and “detainee” are those articles written by liberal authors.

## **5. Methodology**

This paper utilized a data coding system in order to collect research on the way various media outlets, in particular, The New York Times, The Washington Post, the Internet based Huffington Post, and the American version of Al Jazeera newspaper, utilized and viewed the term “enemy combatant”. To accomplish this, I searched through these sources by utilizing the following key phrases: “enemy combatant,” and “enemy combatant vs. detainee.” From that point, I phased out all

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<sup>4</sup> Swanson, Steven R. "Enemy Combatants and the Writ of Habeas Corpus." *Arizona State Law Journal*. 35.3 (2003): 939-1006. Print.

articles that were published prior to 2001, and utilized the Internet based website Research Randomizer to gather a random sample of relevant articles. Upon collection of selected articles, a data coding system was used to help analyze and interpret the gathered data.

For the purposes of this research, I implemented 6 different codes while looking at my data. The first code, labeled “Enemy Combatant” was utilized if an article used the term enemy combatant to describe an individual captured by the United States under suspicion of terrorism. The second code, labeled “Detainee”, was utilized if an article referred to an individual captured by the United States under suspicion of terrorism as a detainee or a prisoner of war. It is important to note that certain articles used both “enemy combatant” and “detainee” within the same article. These articles would be coded with both the “Enemy Combatant” and “Detainee/POW” coding schemes. The third code, labeled “Interchangeable” was used when an author did not distinguish between the terms “enemy combatant” and “detainee” when referring to an individual held by the United States under suspicion of terrorism. The fourth code, “Enemy Combatant Questioned” was used when an author purposely used italics, quotation marks, etc. when referring to the term enemy combatant. The fifth code, “Enemy Combatant Positive” was used for articles where the author strongly implied or directly stated that using the term enemy combatant in lieu of detainee was a necessary step in stopping terrorism against the United States. The sixth, and final, code “Enemy Combatant Negative” was utilized if the author directly stated that utilizing the term enemy combatant was negative in that it undermined an individual’s rights and broke domestic and/or international law.

I hypothesized that following the September 11<sup>th</sup> terrorist attacks individuals associated with liberal ideologies would use the term detainee, while those individuals associated with conservative ideologies would instead use the term enemy combatant. If my hypothesis was correct, publications that used the term “enemy combatant” as interchangeable with the term “detainee”, or regarded the labeling of individuals as “enemy combatants” as a positive step to preserving American safety, would be those articles that were written by conservative authors. Subsequently, articles that either used the term “enemy combatants” and portrayed the usage of the term as being negative to the rights of the accused, and/or saw a clear distinction between the terms “enemy combatant” and “detainee” would be those articles written by liberal authors.

## **6. Findings**

This research project examines the labeling of individuals as “enemy combatants” instead of “detainees” following the terrorist attacks of September 11, 2001. This was accomplished by asking the questions: how has the term “enemy combatant” progressed since 9/11, who uses it, and in what context? In order to answer these questions I looked at 200 articles from four major news outlets: the New York Times, Al Jazeera, the Wall Street Journal, and the Huffington Post. Coding my data utilizing the coding schemes discussed in the methodology section of this paper yielded the results shown below. In addition to coding each article using

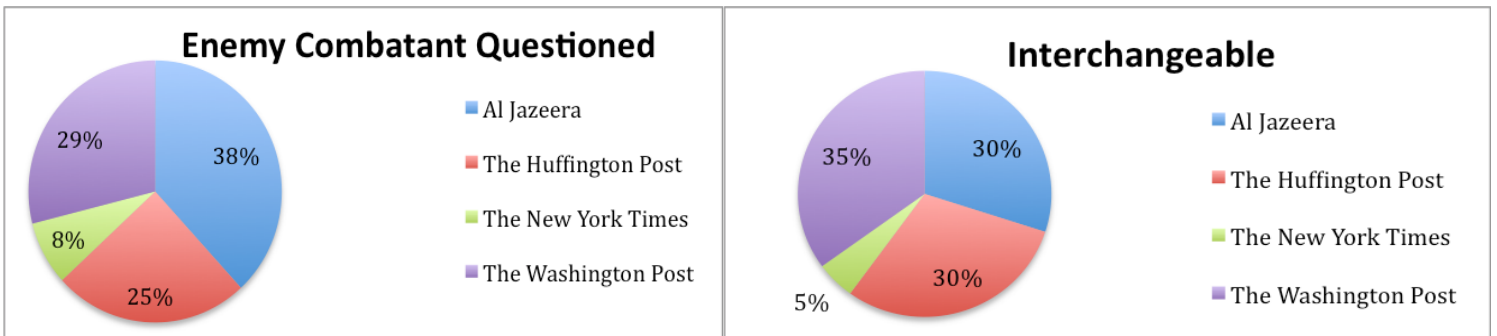
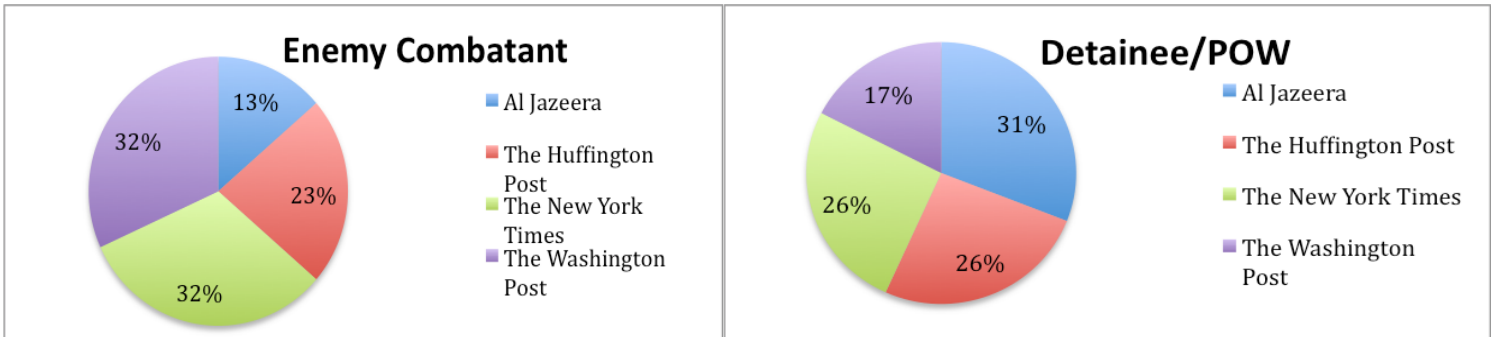
Discovertext.com, each coded article was read to determine the article's understanding of the terms enemy combatant and detainee/POW. When examining this paper's findings it is important to note that multiple codes could have been utilized within the same article, therefore the total number of coded items per each code is not necessarily equal to the total number of articles for each media outlets dataset.

Data Coding Results:

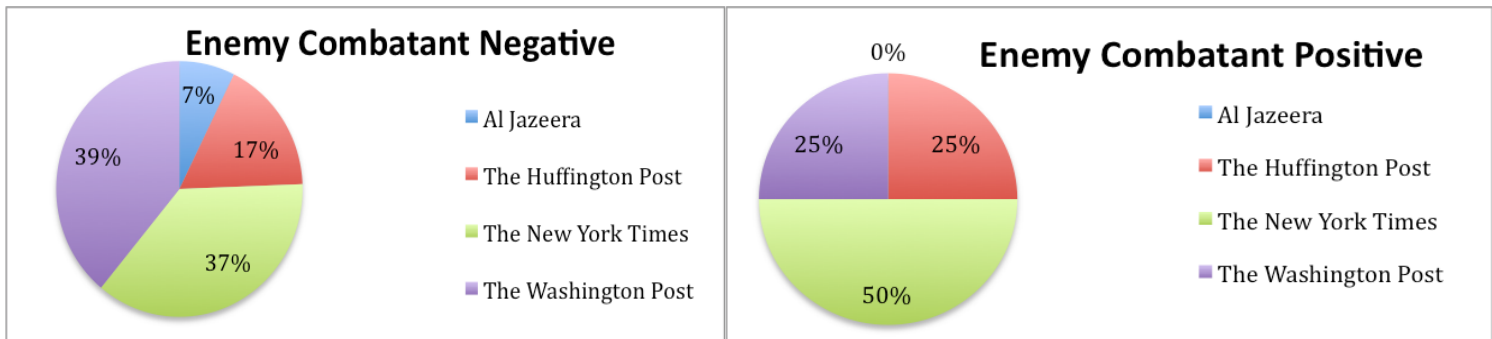
	Al Jazeera	Huffington Post	New York Times	Washington Post
Enemy Combatant	21	35	49	49
Detainee/POW	48	40	40	27
Enemy Combatant Questioned	29	19	6	22
Enemy Combatant Positive	0	1	2	1
Enemy Combatant Negative	3	7	15	16
Interchangeable	6	6	1	7

Graphic Representation of Results

Note: These graphs show, with percentages, the number of times a code was utilized by a given paper in relation to the other 3 outlets examined, i.e. 13% of the 200 articles coded for Enemy Combatant, came from Al Jazeera):



### Graphic Representation of Results (Continued):



According to this data, newspaper outlets on average recognize that there is a clear distinction between the terms “enemy combatant” and “detainee” and/or “prisoner of war”. Examining some of these codes more specifically can help us understand this distinction. For each of the four newspaper outlets, only a very small number of articles suggested that the terms “enemy combatant” and “detainee” were interchangeable. With regard to the specific breakdown of the interchangeable code, only 5% of all articles suggesting the two terms were interchangeable came from the New York Times. This is interesting as 30% of articles suggesting the terms were interchangeable came from the Huffington Post, 35% of articles coded interchangeable came from the Washington Post, and 30 percent of articles coded interchangeable were from Al Jazeera. I found this to be interesting as Al Jazeera has strong liberal tendencies with regard to the labeling of individuals as enemy combatant suggesting that they would be careful when utilizing the term to describe an individual held by the United States under assumption of terrorism. From reading the coded articles it was concluded that a significant amount of articles from all four outlets implied that utilizing the term enemy combatant in lieu of detainee significantly reduced the rights of individuals, with less than 1 percent of all articles for each source implying that utilizing the term enemy combatant was a necessary and positive step to preserving American security. With regard to the actual term “enemy combatant” Aljazeera (59% of articles), the Huffington Post (38% of articles), and the Washington Post (44% of articles) were all more likely to imply through the use of quotation marks, italics, etc. that the term enemy combatant was not a real legal term; whereas this only occurred in about 12% of New York Times article

## **7. Conclusion**

This paper asked the following questions: how has the term “enemy combatant” evolved since the terrorist attacks on September 11, 2001, who uses this terminology, and in what context? After coding 200 articles from four major media outlets I was able to conclude that overall newspapers understand that there is a distinction between the terms enemy combatant and detainee/POW. With the

exception of articles found in the New York Times, most of the articles that were coded questioned the legality of the term enemy combatant, with Al Jazeera questioning the term in over half of its articles. As these newspapers are often seen as having a liberal slant the information gathered from this research is very interesting. Contrary to my original hypothesis, it appears that political ideology has less to do with the media's usage of the term "enemy combatant" than my hypothesis suggested. This is most likely because papers tend to be uncertain about what the term enemy combatant actually means (as can be seen from the coded data and my observations while reading each article). Future research should examine the way that the term enemy combatant is utilized by political figures (who should in theory understand its definition and meaning) in order to reach further conclusions regarding the potential link between ideology and terminology in a post 9/11 American society.

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