



THE MONSTER MINORITY: JOHN YOO’S MULTICULTURAL INSTRUCTION AND THE “TORTURE MEMOS”

In 1987, a Korean American student wrote an editorial in the *Harvard Crimson* that addressed the specter of “subtle racism” on campus. He mused, “You catch it in a glance, in a whispered comment behind your back [...] Such attitudes [...] make it difficult to pursue a mainstream life here” (Yoo). The editorial, “Minority Search for a Middle Ground,” bemoaned the state of race relations at Harvard, portraying the experience of minority students as a choice between total assimilation into, or a total rejection of, whiteness. “What identity do we seek here?” he asked. “Do we turn within to examine our heritage, or do we look outside to fit in to the larger society? [...] Either path leads to the exclusion of the other and the disapproval of one’s peers.”

Though it doesn’t use the exact language, the editorial recalls two figures that shape Asian America as a racial formation. On the one hand, this racial formation has historically been structured by the perception that Asian Americans are perpetual foreigners, whose physical presence in the nation can never fully transmute into being *part* of the nation.¹ The writer’s account of the “subtle racism” that haunts his steps and prevents him from fully assimilating into the “mainstream” recalls the experience of being viewed as perpetually foreign. On the other hand, the writer’s preoccupation with joining the mainstream also invokes

Emily Raymundo
Independent Scholar
Andover, MA, USA

1. See Lowe for a full account of this argument.

the model minority, which figures Asian Americans as innately docile, apolitical, and hard-working—a minority group that has “earned” its ascendant position in US society.²

The editorial was written by soon-to-be attorney John Yoo. After graduating from Harvard College and Yale Law School, Yoo was recruited by the George W. Bush administration to serve as Deputy Assistant Attorney General. From September 2001 to March 2003, Yoo wrote the “Torture Memos,” a series of internal memos that laid the legal groundwork for the use of torture and indefinite detention at the military prison in Guantánamo Bay, Cuba. In the Obama era, Yoo became an emblem of the overreaches of the Bush administration; after a trove of Yoo’s unredacted memos were released in 2008 and 2009, an article in *Esquire* asked bluntly, “Is John Yoo a Monster?” (Richardson 2008).

Jasbir Puar and Amit Rai argue that, in the age of the “war on terrorism,”—an age marked by state reliance on large-scale surveillance programs intended to anticipate threats to national security—the “monster” has emerged as a sexualized and racialized figure inextricably entangled with the “terrorist” (2002: 117). The monster-terrorist is a regulatory figure, whose perversity demands it be quarantined. Even as it is exiled from civilization, however, the monster-terrorist also polices and normalizes social behavior within society. In the *Esquire* article, however, the monster and the terrorist are still inextricably linked *but also diametrically opposed*, holding each other in tension across a divide of participation in, or alienation from, the neoliberal security state. Rather than map the conjunction of monster-terrorist, I instead trace the emergence of two separate figures who are nonetheless entangled: the alien terrorist and the monster minority. Yoo’s torture memos fundamentally cleave the category of Asian American from the category of the alien terrorist in the age of the war on terrorism. This cleavage, however, is not only a separation or differentiation—a cleaving *apart*—but also a simultaneous binding together in permanent relation—a cleaving to, or a cleaving *together*.

Reading across Yoo’s unredacted legal memos, sent between 2001 and 2003, this article traces how the monster minority

2. For this account of the model minority, see Osajima (1988).

of the US security state emerged within the structure of post-9/11 multicultural racial formation, one triangulated and made meaningful through its relationship to the model minority, on the one hand, and the terrorist, on the other. The child of Korean immigrants, educated at Harvard and Yale and elevated to an enormously influential position at a unique moment in US history, John Yoo is simultaneously exceptional and exemplary. Toggling between his singularity and his representativeness, I map the structures through which Yoo's monstrous exceptionality became a constitutive part of the multicultural security state.

Rather than reading Yoo's racial position as incidental to his authorship of the Torture Memos and the racial schema they engendered, I argue that his trajectory from child of grateful immigrants to the elite multicultural university to the upper echelons of the security state is crucial to understanding the contemporary racial structures of the US as an advanced neoliberal security state. The entanglement between the perpetual alien and the model minority, and between the terrorist and the monster minority, underscores the false promises of multiculturalism and their material consequences. By creating the terrorist, that is, the model minority cannot become the citizen. He can only become the monster.

THE INDIVIDUAL WITHIN US INSTITUTIONS

Yoo's parents, the *Esquire* article notes, "moved to the US out of gratitude and a love of democracy" after the Korean war (Richardson 2008). Discussing the similar trajectory of Viet Dinh, a Vietnamese war refugee who went on to edit the law journal at Harvard Law School and eventually author the Patriot Act, Mimi Thi Nguyen suggests that "comparisons between this refugee who loves America and the terrorist he hopes to apprehend [...] help us to theorize modern racial governmentality" (2016: 135).³ Indeed, implicit in John Yoo's evolution from model minority to monster minority is the evolution of the model minority itself:

3. Viet Dinh's excessive passion for the nation that "saved" his parents, or at least the perception that they should express such feelings, is another common feature of Asian American racialization. See Nguyen, *The Gift of Freedom* (2012); Nguyen, *Nothing Ever Dies* (2016).

from a specific racial formation within one institution—the elite, upwardly mobile Asian American student of the 1980s and 1990s—to a genre of constellated minority formations that together perform the essential structural work of multiculturalism at its apex, in the period between 9/11 and 2016. Yoo and Dinh’s parallel trajectories point to an undertheorized cleaving in the model minority formation of early, or what Jodi Melamed calls liberal, multiculturalism and the model minority *genre* of late, or neoliberal, multiculturalism: the elite multicultural university, where “deserving” minorities are instructed in the codes of behavior and self-presentation that will make acceptable their presence in “mainstream” and elite US institutional spaces, and where, specifically, the rise of the “Asian American student” as the model minority par excellence became not only emblematic, but also *constitutive*, of the racial operations of multiculturalism broadly.⁴

While the model minority genre is modular and broadly constellated, the model minority formation of the 1980s and 1990s is specifically materially situated and actively constructed by both the white mainstream and Asian Americans themselves.⁵ It is important to pay attention not only to those who bear exceptional burdens of exploitation and violence because of their racial, gendered, and sexual positions, but also to those intermediary figures who bear *some* of the consequences of racialization but also manage to escape many of those same consequences by deferring them onto others. As I have argued elsewhere, the model minority formation is masculine and heterosexual as much as it is Asian American, in that it operates by sloughing off the stigma of racialization onto gendered and sexual others less able to embody neoliberal schemas of value and worth.⁶ Yoo and Dinh’s masculinity and heterosexuality are not incidental to their positions as model minorities par excellence, nor is it a mere coincidence that Yoo deploys queerness as a marker that separates “other” minorities—the queer terrorist, in the memos—from his own minority position. My usage of the pronoun “he” throughout

4. See Melamed, *Represent and Destroy* (2011).

5. See Wu, *The Color of Success* (2015).

6. See Raymundo, “The End of Whiteness and the Rise of Multicultural Asian America in Chang-rae Lee’s *Aloft*” (2017).

the article is similarly intentional. The model minority formation, and the monster minority formation that grows out of it, indexes “the lashes men give as well as take” (Shimizu 2012: 9)—that is, the ways in which racialized, heterosexual masculinity is both subject to and an agent of racialized power. The distinctions between the model minority and the perpetual alien, and between the monster minority and the terrorist, are thus always drawn along gendered and sexual lines as well as those of citizenship, class, assimilation, and other typical markers of social exclusion.

What is at stake in these racial distinctions, dynamics, and cleavages is not merely the matter of differentiating the model-turned-monster minority from the figures of the perpetual alien and the terrorist but rather, a specific resignification of the category of “Asian American” as racially distinct from the terrorist. The inclusion of Muslim, South Asian, and Arab or “Middle Eastern looking” populations into the category of “Asian American” has a long and contested history. In short, the exact relationship and boundaries between those who were recognized as “Asian Americans”—that is, as racialized minorities who were nonetheless tolerated as part of the nation—and those who were identifiable as enemies, whether “gooks” or “terrorists,” remained indeterminate yet intensely symbolic and consequential throughout the period of liberal multiculturalism.⁷ Yoo’s torture memos, I argue, operationalize the terms of these indeterminacies—alienation, exclusion, legal exceptionality, enemy status, model minority, and Muslim cultural and ideological belonging—to definitively cleave the “Asian American” from the alien terrorist. Importantly, the distinction Yoo makes in the memos does not unfold along predictable or recognizable racial lines—that is, “Asian Americans” are not exclusively East Asian, nor are “alien terrorists” exclusively South Asian or Muslim; many South Asians, for example, are positioned as “model minorities” because of their class status, and thus folded into the protected category of Asian American.⁸

7. See, for example, Hsu, *The Good Immigrants* (2015); Ngai, *Impossible Subjects* (2004); Maira and Shihade, “Meeting Asian/Arab American Studies” (2006); and Koshy, “The Fiction of Asian American Literature” (2006).

8. By focusing on the cleavage between “Asian American” and “Arab/Muslim American,” I do not mean to suggest that the latter are themselves

At the same time, although the distinction between Asian American and alien terrorist is not *predictably* racialized, Yoo's torture memos still construct it as a racial—that is, both a bodily and biopolitical—difference.⁹ Finally, this racial distinction finds its form in the figure of the monster minority, whose simultaneous invisibility and exceptionality paradoxically deploys, authenticates, and erases racial difference under the auspices of the multicultural security state.

For Puar and Rai, the perversity that animates the monstrosity of the terrorist is the perversity of “queerness as sexual deviancy,” which, unable to be incorporated into the liberal, heteronormative, patriotic state, leads to the “quarantining of the terrorist-monster-fag” (2002: 126–7). In contrast, this essay argues that, if the terrorist's monstrosity becomes visible in the crossing of lines drawn by the state, then the monster minority's monstrosity becomes visible through his own overzealous drawing of those state lines while meticulously living within them. For instance, it's no surprise that Yoo's monstrosity is gratuitously heteronormative—his screensaver and phone lock screen are both photos of his wife, the *Esquire* interview notes. Yoo is so convinced of his own righteousness that he manages to compel the interviewer into repeatedly observing how “he looks me right in the eye” and “he doesn't hesitate” while making firm pronouncements on whether waterboarding is torture and whether he has any moral qualms. Yoo, the *Esquire* article eventually concludes, is perhaps only a monster because he has been forced to literalize and translate into clear legal policy a series of nebulous concepts—“severe pain,” “torture,” and “war”—that average citizens mistake as already having clear legal boundaries. “So what is severe pain?” muses the interviewer. “We asked John Yoo, and he drew the line for us, and now he is tainted in our eyes [...] Dismissing him as a monster

uncontested or self-evident terms. There are as many cleavages within the category of “Arab/Muslim American” as there are cleavages outside of it. For more, see Mamdani, *Good Muslim, Bad Muslim* (2005); Alsultany, *Arabs and Muslims in the Media* (2012).

9. For more detail on how neoliberal multiculturalism both reinvigorates older racial categories and simultaneously invents new racial differences that have yet to sediment into language, see Melamed, *Represent and Destroy* (2011); Hong, *The Ruptures of American Capital* (2006).

just means we don't have to think about why he did what he did" (Richardson 2008).

In *Saving the Security State*, Inderpal Grewal argues that, within the advanced phase of neoliberalism inaugurated by the US-led war on terrorism, the work of securitizing and surveilling the population is split between the state itself and "exceptional citizens" who simultaneously advocate for a strong military state and ferociously invest in the entrepreneurial capacity of the neoliberal individual. Yoo's monstrosity is exactly of this "exceptional" character. Far from serving as a racial limit to the concept of citizenship and humanity broadly, Yoo's monstrosity emerges because he stands at the inflection point at which the security state and the liberal democracy the security state ostensibly protects come into open conflict. Yoo is exceptional because he, supposedly alone among many, is capable of peering into this entangled abyss and returning with legal clarity. This version of the monster resembles the lawman who breaks the law in order to pursue justice and the soldier who commits inhuman acts abroad in order to guarantee safety, freedom, and continued humanity at home; the security state is, after all, a genre of the imperial and settler colonial state.¹⁰

Often, the soldier, the lawman, and other exceptional figures are implicitly imagined as white. The monster minority, however, is a specifically racialized figure whose love for the security state emerges from his experiences as an outsider to it and a beneficiary of its rescue. If Puar and Rai's monster-terrorist-fag is the constitutive abject of the multicultural security state, it's also true that US imperial culture constitutes figurations of monstrosity with regularity to avoid contending with larger structural and ideological concerns.¹¹ Writing on the conflation of torture at Abu Ghraib and standard pornography, Anne McClintock identifies the images that comprise pornography as an example of "our normal mon-

10. On the linkage between the settler colonial and the multicultural security state via Yoo's memos, see Byrd, *Transit of Empire* (2011), pp. 226–28.

11. On the continuing vitality of Frankenstein in US political discourse post-9/11, for example, see Young, *Black Frankenstein* (2008); for more on the broader political uses of monstrosity, see Weinstock, *The Monster Theory Reader* (2020).

ster” because they serve “as a screen onto which are projected a host of gender anxieties (about violence against women, gender subversion, women’s sexual agency, non-procreative sexuality, among them) that can then be condemned without exploring the deeper sources of gender violence” (2009: 62). McClintock’s astute observation on the useful work of abjection allows us to deepen our account of the monster minority as “something rejected from which one does not part” who functions as a screen onto which *unexceptional* citizens can project their anxieties about the excessive violence of the multicultural security state “without exploring [its] deeper sources” (62). Returning to Yoo in particular, this insight allows us to see how his status as the monster minority means he cannot jettison the marker of racial difference, because that difference animates and justifies his presence in the elite echelons of the state. Unlike the terrorist, whose perverse difference justifies his quarantining and extermination, Yoo’s “normal” difference as the monster minority becomes what McClintock’s rubric would regard as “a form of camouflage [...] that allows us to look away” from the supposedly illiberal violence needed to secure liberal freedom (2009: 63).¹² The model minority, the monster minority, and the terrorist then become a multicultural circuit, a triangulation of figures who depend on each other to do their structural work.

(IN)VISIBLE MONSTERS

A vast array of scholars of the war on terrorism have connected the legal limbo of the detention camp at Guantánamo, the condition of rightlessness imposed on those held there, and the racialized terror and torture carried out on their bodies to a long history of US race craft and military empire.¹³ Lisa Marie Cacho, in particular, argues that the terrorist is a “composite figure” that draws on and resignifies existing discursive racial frameworks, such as “illegality” (2012: 98). Using the technologies of multiculturalism, learned in the multicultural university, the monster minority escapes the condition of illegality and alienation, but does so

12. See also Reddy, *Freedom with Violence* (2011).

13. See for example Paik, *Rightlessness* (2005).

by entering into a bio/necropolitical arrangement in which he is *made to make die* in order to be let live. That is, the monster minority is only allowed to flourish in his exceptional space by consigning other minorities to the racialized realms of premature death. Here, the security state sharpens the stakes that once kept the model minority in the flow of the elite mainstream; the monster minority, in his position of power, must shift the racial signifiers that make his demographic a population “available for injury” onto another population, specifically “target[ed...] to be injured” (Puar 2017: 129).

Yoo’s memos deploy a well-worn American imperial tactic by carefully scaffolding a legal blind-spot around the military base at Guantánamo Bay, shielding it from both domestic and international law. Yet the memos do not just construct the camp itself as ‘foreign in a domestic sense’; they also construct the racial category of the terrorist as inherently alien. Yoo uses various memos to define and justify the juridical statuses of “enemy combatants,” “alien unlawful combatants,” and “alien enemy combatants,” in each insisting that his legal construction of the term is definitive.¹⁴ Individually, the memos appear to deploy these terms relatively coherently. Read together, however, they reveal a structural slip-page between the categories, producing yet another juridical blind spot, in which “alien,” “enemy,” and “unlawful” collapse in on each other to produce the racial category of the terrorist.

If, as Leti Volpp and others have argued, the Oriental alien is one site against and through which the US has constituted itself as an imagined and literal community, then the collapse of “alien” and “terrorist” does not merely retread Orientalist stereotypes but refashions them (2003). As outlined earlier, US Orientalism has always nebulously attached to both the “Far East” and the “Middle East.” In creating the racial category of the terrorist, however, the memos definitively cleave the two populations apart—*not* along predictable geographic or racial lines, but rather along circuits of bodily capacity and social value that both separate out deserving minorities from alien terrorists *and* further bind the two

14. As Naomi Paik argues, Yoo and his Office of Legal Counsel counterparts essentially invented this usage of the term “enemy combatant” wholesale, “as a new category of person to deprive those named as such of any rights under international law” (2016: 158).

populations together. Implicitly, the opposite of the “enemy alien combatant” is the minority, where “minority” signals either the condition of legal citizenship *and/or* inclusion into the imagined nation: neither an enemy of the state, nor an alien, nor in danger of being *made* an alien by virtue of being identified as an enemy of the state. Yoo’s memos implicitly inscribe Yoo and his structural peers into the realm of the Asian American minority while deploying alienation as a racial formation to consign any bodies that can be recognized or misrecognized as Muslim, or otherwise an enemy, an alien, or a combatant, to the realm of the terrorist.

Within multiculturalism post-9/11, US Orientalism circulates through these cleavages to more efficiently define the category of the terrorist while yet “signify[ing as] nonracist or even antiracist” (Melamed 2006: 3). This refashioning of Orientalism is invisibly authenticated by Yoo’s authorship. This is to say that the racist underpinnings of the “enemy combatant” designation are deniable precisely because they emanate from a racialized subject who himself is available to the same alienation at work in the memos, and yet, through his own exceptional will and choices, is not only *not* a terrorist, but a patriot willing to sacrifice his social standing for the country he loves. The individualism of the monster minority thus becomes the exception that proves the rule: being subject to the stigma of alienation only happens to those who deserve it, having not had the good sense to openly and endlessly signal their own exceptionality and distance from “those” other others.

The torture memos do not merely produce the terrorist as an exceptional legal category. They also create the terrorist body as one that the state has a “right to maim” in order to secure the liberal freedom of the minorities who the state has already rescued (Puar 2017). Yoo’s memos separate “terrorists” from “minorities” in part through designating terrorists as those who can withstand “inhuman” amounts of pain and “cruel and degrading” treatment without it being “life threatening” or without causing “severe mental pain or suffering” (United States, Department of Justice, Office of Legal Counsel. “Memorandum for Alberto R. Gonzalez” 2002: 6). The monster minority structures this racial cleavage by deploying multicultural savvy to slough the debility threatened by racialized signifiers off *his* body and graft them on to the terror-

ist body in his place. Just as in earlier iterations of multiculturalism, where the model minority was at his most useful when he *almost* disappeared from view, the monster minority is similarly necessary here as the almost-invisible racialized body that represents (and still exceptionally *exceeds*) the multicultural security state's humanity.

Title 18 of the US Criminal Code, § 2340A, prohibits torture “outside of the United States,” and as Yoo highlights in the August 1, 2002 memo, defines torture as “acts specifically intended to inflict severe physical or mental pain or suffering” (3). In this bizarre and surreal memo, Yoo consults the Oxford English Dictionary to define the words “severe,” “other,” “disrupt,” and “profound,” to “conclude that certain acts may be cruel, inhuman, or degrading, but still not produce pain or suffering of the requisite intensity to fall within Section 2340A's proscription against torture” (United States, Department of Justice, Office of Legal Counsel, “Memorandum for Alberto R. Gonzalez” 2002). The memo was followed up later that day by another memo, signed by Yoo's superior Jay Bybee but written with and largely by Yoo, which reveals that Yoo's legal contortions were not abstract, but rather meant as a broad legal framework to justify specific techniques the CIA had requested to use on Abu Zubaydah, a prisoner held at the Guantánamo Bay detention camp.¹⁵ Where Yoo defines torture and the acts that might and might not fall within Section 2340 purview, the Bybee memo—long withheld from public review and, when finally released by the Justice department, initially so heavily redacted it was completely illegible—catalogues the CIA's “proposed conduct” “in the course of conducting the interrogation” of al Qaeda member Abu Zubaydah (United States, Department of Justice, Office of Legal Counsel. “Memorandum for John Rizzo,” 2002). The memo goes through the ten proposed techniques that constitute an “increased pressure phase” in Zubaydah's interrogation, arguing in each case, with the exception of waterboarding, that they fail to meet the thresholds named in Yoo's memo, either for “intent to cause” “severe” “mental” or “physical”

15. Both Yoo and Bybee have obfuscated about the exact authorship of the so-called “Bybee memo,” though Yoo is largely cited as drafting the bulk of it and Bybee as merely signing it. See Mayer, *The Dark Side* (2009).

pain. In describing “the facial slap,” for instance, the Bybee memo clarifies, “The goal of the facial slap is not to inflict physical pain that is severe or lasting. Instead, the purpose of the facial slap is to induce shock, surprise, and/or humiliation” (2). As for sleep deprivation, the memo notes, “You have informed us that is not [sic] uncommon for someone to be deprived of sleep for 72 hours and still perform excellently on visual-spatial motor tasks and short-term memory tests. [...] You have indicated studies of lengthy sleep deprivation showed no psychosis, loosening of thoughts, flattening of emotions, delusions, or paranoid ideas” (6). Though these comments make no reference to Yoo’s memo, they are clearly meant to pair with Yoo’s definition of torture, as the Bybee memo documents the failure of these techniques to cause severe or mental pain or suffering, or—in the case that they might—documents the CIA’s “good faith” belief that they wouldn’t, having “tak[en] such steps as surveying professional literature” and “consulting with experts” (6).

The Bybee memo does not merely exculpate the CIA based on their good faith intent not to cause severe mental or physical pain. It also suggests, repeatedly, that whatever the CIA’s intent, their treatment could not possibly rise to the level of “severity” outlined by Yoo, because Zubaydah has an apparently inhuman tolerance for pain and suffering. In discussing sleep deprivation—which must not, as Yoo proscribed, “profoundly disrupt the senses or personality”: “You have orally informed us that you would not deprive Zubaydah of sleep for more than eleven days at a time and that you have previously kept him awake for 72 hours, from which no mental or physical harm resulted” (3). As for the “variety of stress positions used” – “not designed to produce the pain associated with contortions or twisting of the body” but rather “to produce the physical discomfort associated with muscle fatigue”—the memo adds, “You have also orally informed us that through observing Zubaydah in captivity, you have noted that he appears to be quite flexible despite his wound.” While others might be caused severe pain by “kneeling on the floor while leaning back at a 45 degree angle,” this comment suggests, Zubaydah himself will only feel “physical discomfort,” due to his innate flexibility. In general, Bybee reveals, these proscribed inter-

rogation techniques are deemed necessary because Zubaydah has proved extraordinarily resilient to the CIA's standard interrogation tactics, "remaining at most points 'circumspect, calm, controlled, and deliberate'" (3).

The racial category of the alien terrorist, as opposed to the monster minority, emerges in the comment about Zubaydah's flexibility "despite his wound." The flexibility of a body connotes its passivity and pliability, bodily traits that signify as Oriental as much as they signify as feminine and queer. Neither Zubaydah nor Yoo, however, occupy the position of the submissive, feminized Oriental, and this is partly what makes them *both* monsters while still differentiating between their racial positions. Zubaydah, by refusing to take up the position of the grateful subject of the liberal security state—that is, by remaining pervasively unresponsive *despite his wound*—embodies monstrosity by deploying his bodily flexibility to evade the reach of the state. In contrast, while Yoo might monstrously exceed the stigma of his bodily flexibility by hyper-performing heteronormativity, he deploys this monstrosity *in the service of* the state. Yoo thus converts bodily flexibility, a racialized trait that usually invites social stigma and punishment, into structural flexibility that benefits both himself and the state. The good flexibility of the monster minority, in other words, recedes into the background, while the bad flexibility of the terrorist comes into focus, even as both, by necessity, remain in operation.

Anne McClintock has argued that the hypervisibility of the prisoner held at Guantánamo *as* a tortured body is staged "as precisely, rationally, exactly equivalent as [the prisoners'] invisibility as human beings" (2009: 65). The tortures elaborated in the torture memos as legally sanctioned, which often fall under the category of "touchless" torture predicated on sensory and sleep deprivation rather than on directly causing pain, reduce the terrorist to an "unpeopled" body that is rightfully the property of the liberal security state (McClintock 2009: 65). In Yoo's memos, we see this process in motion, and are also privy to the ways in which the hypervisibilities and invisibilities of the terrorist body are triangulated to coordinate precisely with the monster minority's inverse capacities. That is, the more the terrorist is made visible

as a body, the *less* visible the monster minority's body becomes; in turn, as the humanity of the terrorist is obscured, the humanity of the monster minority is emphasized. Of course, the monster minority's body can never fully disappear, nor can his humanity ever be fully realized, for it is exactly his monstrous minority status that allows the system to function.

STILL A MONSTER: THE END OF MULTICULTURALISM

In the decade after George W. Bush's administration, the liberal consensus was that Bush and his administration had gone too far in its pursuit of the war on terrorism, although this rarely translated into a de-escalation of actual state violence. Shortly after taking office, Barack Obama issued Executive Order 13491, which officially revoked all "executive directives, regulations, and orders" issued to or by the CIA from September 1, 2001, to January 20, 2009 that "were not consistent" with the "lawful" and "humane" treatment of "individuals in US custody" (United States, Executive Office of the President). Despite campaign promises, however, Obama failed to close the Guantánamo Bay military prison in his eight years in office. Even as the security state they created continued to operate, previously disgraced Bush administration officials, including George W. Bush himself, were afforded an opportunity to rehabilitate their image in the public eye after Donald Trump's election in 2016. In contrast to Trump, George W. Bush has been recast in the liberal imagination as one of "the last Republicans"; in retrospect, the discourse goes, he may have been excessive, but at least he was sensible (Tanenhaus 2018). John Yoo, however, according to *Esquire* magazine, is "still a monster" (Pierce 2012). As recently as 2019, protestors continued to regularly interrupt his public appearances and to pressure the UC Berkeley law school to fire him from his tenured teaching position.¹⁶ While Yoo's personal responsibility for the memos is obvious, his unique status as symbol and scapegoat of the Bush administration's torture apparatus reveals, again, the utility of the monster minority. As "our" monster, he carries out the will of the security state

16. See Jaschik, "Protest During Poli-Sci Meeting" (2019) and "Protesting Guantanamo and Demanding Accountability for Torturers at UC Berkeley Law School" (2019).

but can also be condemned and disavowed in order to deflect questions about the “systematic culture of imperial violence that existed long before” Yoo’s tenure as Deputy Assistant Attorney General (McClintock 2009: 63).

Uncovering the functional entanglement between the terrorist, the monster minority, and the model minority allows us to track the continuities between the elite institutional spaces—the elite university and the Attorney General’s office, for instance—that often elude scholarly attention, either because of their givenness—of course most people in high government offices went to elite schools!—or because of the inaccessibility inherent to such elitism. Often, minorities who have made it to the upper echelons of American society are seen as *only* exceptional; that is, their trajectories are assumed to only tell us something about an individual, and nothing about the structure that enabled them to access such a position.¹⁷ The passages through which exceptional, elite minority figures make their way to power—and what they do with that power once they have “made it”—are as important to understanding the racial workings of multiculturalism as a whole as are the routes through which other individuals and groups are perpetually excluded and exploited. Yoo’s position as the monster minority of the George W. Bush administration is certainly attributable to his own specific beliefs and capacities, but it also reveals the myriad structural effects of the model minority formation as it expanded and intensified in the “age of permanent war” (Singh 2012: 276).

It is, in other words, as important to track social power’s effects through the monsters that enforce and inflict its violences—our normal monsters, our monster minorities—as it is to track those effects through the queer, perverse, and alien monsters who are rendered subject to those violences. Jodi Melamed has delineated the period after September 11, 2001, as a new phase in multiculturalism,

17. This is particularly true of critical racial theory; queer theory, in contrast, has been more rigorous about tracking the ways in which seemingly “exceptional” gay or queer figures actually reveal the ways in which queerness can get folded into the nation, via homonationalism. See Puar, *Terrorist Assemblages* (2007); Duggan, *The Twilight of Equality?* (2004); Reddy, *Freedom with Violence* (2011).

which “sutures official antiracism to state policy in a manner that prevents the calling into question of global capitalism” (2006: 16). If George W. Bush’s administration instantiated this phase, Barack Obama’s marked the zenith of neoliberal multiculturalism’s power to “legitimate as it obfuscates” the racial workings of the US state (Melamed, 2006: 14). Yet from the perspective of “Trump’s America,” it is clear that even as multiculturalism was at its seeming height, it was also already waning, and new racial orders were emergent, in which both “official antiracisms” and global capitalism are no longer categorically unquestioned social goods. As this article reveals, the promises of multiculturalism—to retain the accumulative capacities of cultural differentiation while triumphing over the material inequities that structure such differences—were always false, yet they nonetheless had structural consequences that continue to shape the present. If the cleavage between the Asian American model minority and the Asian alien helped to constitute liberal multiculturalism, and if the cleavage between the monster minority and the terrorist alien did the same for both multiculturalism’s apex and its eventual demise, what structural relations will come to define the racial regime *after* multiculturalism? How will the “minority,” the monster, and the alien be made useful to a state in which white supremacy and multicultural antiracism are in open conflict?

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Emily Raymundo
Independent Scholar
Andover, MA, USA

