3 *Motive*

Why has Trump had a *motive* to publicly challenge international humanitarian law (IHL)? Ultimately, as one journalist notes, the strategy amounts to "serving up red meat to the base."[1] Following Trump's November 2019 war crime clemencies, for example, a national poll showed that nearly 80 percent of Republicans approved of his actions.[2] At first glance, however, this overwhelming conservative support might seem puzzling. For Republicans especially, who Trump most sought to court,[3] openly attacking IHL might seem to run counter to their inclinations. With domestic criminal justice, conservatives are typically thought of as strong defenders of "law and order."[4] This contradiction

[1] Fritze, John and Tom Vanden Brook. Nov. 25. 2019. "Trump's Advocacy for Navy SEAL Eddie Gallagher Is Latest Intervention for Conservative Cause Celebre." USA Today. https://eu.usatoday.com/story/news/politics/2019/11/25/donald-trump-advocacy-eddie-gallagher-latest-conservative-cause/4297107002/

[2] Sagan, Scott D. and Benjamin A. Valentino. Dec. 16, 2019. "Do Americans Approve of Trump's Pardons for Court-Martialed Military Officers?" *Washington Post*. www.washingtonpost.com/politics/2019/12/16/do-americans-approve-trumps-pardons-court-martialed-military-officers/

[3] Allen, Jonathan. Apr. 8, 2019. "Inside Trump's All-about-that-base 2020 Strategy." *NBC News*. www.nbcnews.com/politics/2020-election/inside-trump-s-all-about-base-2020-strategy-n991896 / Cizilla, Chris. July 7, 2020. "Donald Trump's Base-First Strategy is Working – And Dooming Him." *CNN*. https://edition.cnn.com/2020/07/07/politics/donald-trump-gallup-poll-2020-election/index.html/Galvin, Daniel J. 2020. "Party Domination and Base Mobilization: Donald Trump and Republican Party Building in a Polarized Era." *The Forum* 18(2): 135–168.

[4] Hetherington, Marc J. and Jonathan D. Weiler. 2009. *Authoritarianism and Polarization in American Politics*. Cambridge: Cambridge University Press. McCay, David. 2022. *American Politics and Society*, 10th ed. Oxford: Wiley. Jacobs, David and Jason Carmichael. 2001. "The Politics of Punishment across Time and Space: A Pooled Time-Series Analysis of Imprisonment Rates." *Social Forces* 80(1): 61–89. Lynch, Timothy J. Aug. 31, 2020. "Republicans Have Used a 'Law and Order' Message to Win Elections Before. This Is Why Trump Could Do It Again." *The Conversation*. https://theconversation.com/republicans-have-used-a-law-and-order-message-to-win-elections-before-this-is-why-trump-could-do-it-again-145306

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seems even more striking given that Trump has expressly branded himself as "The president of Law and Order."[5]

This chapter resolves why Trump's overt challenges to IHL appeal to otherwise law-and-order conservatives. It does so by drawing on insights from moral foundations theory (MFT),[6] a framework in political psychology that has been used extensively to study ethically fraught issues, including conflict.[7] MFT presumes that all individuals prioritize five core moral values: in-group loyalty, authority, purity, harm, and fairness. Despite their universality, however, the literature has established a pair of important findings. First, ideology shapes how individuals prioritize these values: Conservatives tend to place a premium on in-group loyalty, authority, and purity, whereas liberals emphasize harm and fairness.[8] Second, these values can manifest differently depending on the context.[9]

[5] Burns, Alexander and Maggie Haberman. Aug. 27, 2020. "Trump Heads Into General Election He Casts as a Crusade for Law and Order." *New York Times*. www.nytimes.com/2020/08/27/us/politics/republican-national-convention-recap.html/. Waxman, Olivia B. June 2, 2020. "Trump Declared Himself the 'President of Law and Order.' Here's What People Get Wrong about the Origins of That Idea." *TIME*. https://time.com/5846321/nixon-trump-law-and-order-history

[6] Graham, Jesse, Ravi Iyer, Brian A. Nozek, Jonathan Haidt, Spassena Koleva, and Peter H. Ditto. 2011. "Mapping the Moral Domain." *Journal of Personality and Social Psychology* 101 (2): 366–385. Jesse, Graham, Jonathan Haidt, Sena Koleva, Matt Motyl, Ravi Iyer, Sean P. Wojcik, and Peter H. Ditto. 2013. "Moral Foundations Theory: The Pragmatic Validity of Moral Pluralism." *Advances in Experimental Social Psychology* 47: 55–130.

[7] Bell, Andrew M., Thomas Gift, and Jonathan Monten. 2022. "The Moral Foundations of Restraint: Partisanship, Military Training, and Norms of Civilian protection." *Journal of Peace Research* 59(5): 694–709. Smetana, Michal and Marek Vranka. 2021. "How Moral Foundations Shape Public Approval of Nuclear, Chemical, and Conventional Strikes: New Evidence from Experimental Surveys." *International Interactions* 47(2): 374–390.

[8] Day, Martin V., Susan T. Fiske, Emily L. Downing, and Thomas E. Trail. 2014. "Shifting Liberal and Conservative Attitudes Using Moral Foundations Theory." *Personality and Social Psychology Bulletin* 40(12): 1559–1573. Graham, Jesse, Jonathan Haidt, and Brian A. Nosek. 2009. "Liberals and Conservatives Rely on Different Sets of Moral Foundations." *Journal of Personality and Social Psychology* 96(5): 1029–1046. Haidt, Jonathan and Jesse Graham. 2007. "When Morality Opposes Justice: Conservatives Have Moral Intuitions that Liberals May Not Recognize." *Social Justice Research* 20(1): 98–116.

[9] Bowe, Brian J. 2018. "Permitted to Build? Moral Foundations in Newspaper Framing of Mosque-Construction Controversies." *Journalism and Mass Communication Quarterly* 95(3): 782–810. Clifford, Scott and Jennifer Jerit.

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This chapter argues that the core values associated with conservatism inform conservative attitudes toward the law, but their expression varies by context. In domestic criminal justice, conservatives tend to embrace the law because they point to victims of crime as the in-group, the police as the central authority, and blackletter law as representing moral purity. Conversely, in war, conservatives are more inclined to see U.S. servicemembers as the in-group, the commander-in-chief as the prime authority, and America's military as reflecting moral purity. By presenting war crime clemencies and other direct challenges to IHL as consistent with conservatism, Trump and his allies play on latent impulses of right-leaning voters to discount the law of war.

This argument echoes broader studies on the politicization of the military via "civilian activation."[10] Considerable scholarship documents that leaders often co-opt the military to advance political ambitions. This includes manufacturing "rally-'round-the-flag" effects, using the military as a campaign artifice, diverting attention away from scandals, or cementing their authority through instigating foreign conflicts.[11] In a similar way, attacking IHL has yielded

2013. "How Words Do the Work of Politics: Moral Foundations Theory and the Debate Over Stem Cell Research." *Journal of Politics* 75(3): 659–671. Fulgoni, Dean, Jordan Carpenter, Lyle Ungar, and Daniel Preotiuc-Pietro. 2016. "An Empirical Exploration of Moral Foundations Theory in Partisan News Sources." Proceedings of the Tenth International Conference on Language Resources and Evaluation. Mucciaroni, Gary. 2011. "Are Debates about 'Morality Policy' Really about Morality? Framing Opposition to Gay and Lesbian Rights." *Policy Studies Journal* 39(2): 187–216. Mobayed, Tamim and Jet G. Sanders. 2022. "Moral Foundational Framing and Its Impact on Attitudes and Behaviours." *Behavioral Sciences* 12(5): 118. Nisbet, Matthew C., Dominique Brossard, and Adrianne Kroepsch. 2003. "Framing Science: The Stem Cell Controversy." *Harvard International Journal of Press/Politics* 8(2): 36–70

[10] Golby, Jim. 2021. "Uncivil-Military Relations: Politicization of the Military in the Trump Era." *Strategic Studies Quarterly* 15(2): 149–174. Ostrom, Jr. Charles W. and Brian L. Job. 1986. "The President and the Political Use of Force." *American Political Science Review* 80(2): 541–566. Robinson, Michael A. 2023. *Dangerous Instrument: Political Polarization and US Civil-Military Relations*. Oxford: Oxford University Press.

[11] Baker, William D. and John R. Oneal. 2001. "Patriotism or Opinion Leadership?: The Nature and Origins of the 'Rally 'Round the Flag' Effect." *Journal of Conflict Resolution* 44(5): 661–687. Howell, William G. and Jon C. Pevehouse. 2005. "Presidents, Congress, and the Use of Force." *International Organization* 59(1): 209–232. Meernik, James. 2001. "Domestic Politics and

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clear payoffs for the impunity coalition. Trump has earned political support from a more energized base. For GOP Congress members, the advantages have also been electoral, as they court the same conservative voters. Finally, Fox News has benefited by appealing to its right-leaning audience.

These claims challenge the "domestic audience cost" assumption that voters in Western democracies largely reject open challenges to IHL.[12] They align with emerging studies showing that citizens will "trade off" adhering to the law of war to accomplish other aims.[13] Although some research has found that Republicans, and conservatives generally, tend to be more accepting of IHL violations,[14] studies

the Political Use of Military Force by the United States." *Political Research Quarterly* 54(4): 889–904.

[12] Chilton, Adam. 2014. "The Influence of International Human Rights Agreements on Public Opinion: An Experimental Study." *Chicago Journal of International Law* 15(1): 110–137. Dai, Xinyuan. 2005. "Why Comply? The Domestic Constituency Mechanism." *International Organization* 59(2): 363–398. Morse, Julie C. and Tyler Pratt. 2022. "Strategies of Contestation: International Law, Domestic Audiences, and Image Management." *Journal of Politics* 84(4): 2080–2093. Simmons, Beth A. 2009. *Mobilizing for Human Rights*. Cambridge: Cambridge University Press. Zartner, Dana. 2014. *Courts, Codes, and Custom: Legal Tradition and State Policy toward International Human Rights and Environmental Law*. Oxford: Oxford University Press. Zartner, Dana. 2020. "Internalization of International Law." *International Studies Association and Oxford University Press*.

[13] Carpenter, Charli, Alexander H. Montgomery, and Alexandria Nylen. 2020. "Breaking Bad? How Survey Experiments Prime Americans for War Crimes." *Perspectives on Politics* 19(3): 912–924. Chilton, Adam S. 2015. "The Laws of War and Public Opinion: An Experimental Study." *Journal of Institutional and Theoretical Economics* 171(1): 181–201. Gelpi, Christopher, Peter D. Feaver, and Jason Reifler. 2009. *Paying the Human Costs of War: American Public Opinion and Casualties in Military Conflicts*. Princeton: Princeton University Press. Hatz, Sophia. 2021. "What Shapes Public Support for Torture, and Among Whom?" *Human Rights Quarterly* 43(4): 683–698. Liberman, Peter. 2006. "An Eye for an Eye: Public Support for War against Evildoers." *International Organization* 60(3): 687–722. Sagan, Scott D., Benjamin A. Valentino, Charli Carpenter, and Alexander H. Montgomery. 2020. "Does the Noncombatant Immunity Norm Have Stopping Power? A Debate." *International Security* 45(2): 170–186. Wallace, Geoffrey P.R. 2013. "International Law and Public Attitudes toward Torture: An Experimental Study." *International Organization* 67(1): 105–140.

[14] Wallace, Geoffrey P.R. 2013. "International Law and Public Attitudes toward Torture: An Experimental Study." *International Organization* 67(1): 105–140. Chilton, Adam S. 2015. "The Laws of War and Public Opinion: An Experimental Study." *Journal of Institutional and Theoretical Economics*

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mostly neglect why ideological splits exist or whether opinions can be activated. The analysis here fills that void by linking attitudes toward IHL to the foundational moral values of voters and explaining how elite cues can affect opinions through framing. Even if many conservative voters support law and order in the abstract, they may still be persuaded to dismiss it.

Section 3.1 of this chapter details how foundational moral values tend to make conservatives more receptive to overt challenges to IHL. It describes how Trump and various right-wing allies have activated these values, which mirrors tactics Trump has used in other areas of campaigning and governance. Section 3.2 presents findings from an original, national survey of U.S. respondents fielded in 2020 during Trump's first term. Results from four separate experiments show that conservatives tend to disregard IHL more than other respondents, which correlates with emphasizing their foundational moral values. Additionally, treatments using real-life video clips of Trump demonstrate that impunity coalition messaging can magnify these effects.

3.1 "Law and Order" and Moral Foundations

In-group Loyalty

In domestic criminal justice, Trump frequently presents himself as defending what he depicts as the main "in-group" (law-abiding citizens) against threats from the main "out-group" (criminals, disproportionately minorities in urban areas). For example, he has repeatedly called for protecting American suburbs from social unrest,[15] which reflects broader efforts by Republicans to combat domestic crime with in-group/out-group appeals.[16] However, the same logic does not necessarily make conservatives more supportive of IHL. Domestically,

171(1): 181–201. Hatz, Sophia. 2021. "What Shapes Public Support for Torture, and Among Whom?" *Human Rights Quarterly* 43(4): 683–698.

[15] Burnett, Sara and Michael Rubinkam. July 25, 2020. "Trump Plays on Fears in Play for the Suburbs." *Associated Press*. https://apnews.com/article/election-2020-campaigns-race-and-ethnicity-ap-top-news-elections-6433ef01c190799f046482e178e85e48

[16] Janoff-Bulman, Ronnie. 2009. "To Provide or Protect: Motivational Bases of Political Liberalism and Conservatism." *Psychological Inquiry* 20(2–3): 120–128.

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conservatives tend to see victims of crimes as the in-group and perpetrators as the out-group. In war, however, they may be more inclined to see U.S. servicemembers as the in-group and foreign adversaries as the out-group.

Trump's war crime interventions have been the clearest manifestation of turning support for U.S. servicemembers into a litmus test of in-group loyalty. By framing his clemencies as helping in-group American fighters, Trump has commonly pivoted the discussion toward the moral duty of voters to defend their countrymen in uniform. According to one journalist, for example, Trump's war crime clemencies represent "a rational extension of Trumpist nationalism, which … sees violence against outsiders as a redemptive expression of national *loyalty* [emphasis added]."[17] Another writer summarizes Trump's military agenda as reflecting the binary: "You're either uncritically and unconditionally with *us* – the U.S. military – or with *them* – the terrorists."[18]

One tactic that Trump has used to forge in-group connections with conservative voters is how he refers to court-martialed combatants. Trump rarely employs standard, impersonal identifiers such as "U.S. servicemembers" or "America's troops." Instead, he invokes the first-person plural pronoun, "our," to reinforce their in-group status. For example, he declared, "We're going to take care of *our* warriors…. I will always stick up for *our* great fighters."[19] Other allies of Trump have routinely borrowed from such phrasing. For example, Pete Hegseth has said "we need to back *our warfighters*."[20] Rep. Duncan Hunter of California has condemned prosecutors who have "been damning to *our warriors* on the front lines"[21] [emphasis added in all the above quotes].

[17] Serwer, Adam. Nov. 27, 2019. "The War-Crimes President." *The Atlantic*. www.theatlantic.com/ideas/archive/2019/11/trump-war-crimes/602731/

[18] Welsh, Erin. Feb. 10, 2020. "The Military Masculinity Trump Wants for America." *Medium*. https://medium.com/@ramman_erin/the-military-masculinity-trump-wants-for-america-85fe85f2fd8c

[19] Nov. 26, 2019. "President Trump Rally in Sunrise, Florida." *C-SPAN*. www.c-span.org/video/?466539-1/president-trump-rally-sunrise-florida

[20] Hegseth, Pete. May 23, 2019. "Pete Hegseth: I'm With the Warfighters – Count Me Out of Second-guessing Our Heroes." *Fox News*. www.foxnews.com/opinion/pete-hegseth-im-with-the-american-warfighters

[21] Stone, Ken. Nov. 15, 2019. "Trump Restores Navy SEAL Eddie Gallagher to Former Rank, Pardons 2 Others." *Times of San Diego*. https://timesofsandiego

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Explicit appeals to "our boys" and "our warriors" mirror language that Trump employs in other contexts to draw a moral circle around in-groups. Scholar Victor Davis Hanson, for example, has observed that Trump's use of "our" is how he earns the loyalty of rank-and-file conservatives. "The supposedly callous, spoiled, egotistical and privileged Trump early in his campaign began using the first-plural personal pronoun our for the heartland's supposed losers," Hanson stated. "Suddenly the nation heard of 'our miners,' 'our farmers,' 'our vets,' and 'our workers.'"[22] Similarly, in reference to Trump calling on January 6 supporters to "take our country back," a writer noted that "[t]he implication of the word 'our' is that America has fallen into the wrong hands: Democrats, minorities and urban elites."[23]

By intervening on behalf of U.S. servicemembers who physically resemble a traditional image of "GI Joe" – that of a "red blooded, clean-cut" American in uniform – Trump has also reinforced an in-group connection with conservative voters. The apparent implication is that Trump's base can more easily empathize with troops who they could imagine being their brothers, friends, or neighbors.[24] This imagery reflects the accusation that Trump has used court-martialed troops as "political props"[25] and "mascot[s] for … reelection."[26] Although Trump did not expressly mention race when granting his war crime clemencies, his defense of all-white servicemembers is notable given allegations of efforts to activate "white victimhood" in other contexts.[27]

.com/military/2019/11/15/trump-restores-navy-seal-eddie-gallagher-to-former-rank-pardons-2-others/

[22] Hanson, Victor Davis. 2019. *The Case for Trump*. New York: Basic Books.

[23] Bencks, Jarret. Jan. 12, 2021. "Trump and the Language of Insurrection." *BrandeisNOW*. www.brandeis.edu/now/2021/january/trump-language-capitol-riot-mcintosh.html

[24] Philipps, Dave and Tim Arango. Jan. 10, 2020. "Who Signs Up to Fight? Makeup of U.S. Recruits Shows Glaring Disparity." *New York Times*. www.nytimes.com/2020/01/10/us/military-enlistment.html

[25] Brennan, David. Dec. 9, 2019. "Trump Accused of Using 'War Criminals' He Pardoned as 'Political Props' at Florida Fundraiser." *Newsweek*. www.newsweek.com/donald-trump-accused-using-war-criminals-pardoned-political-props-florida-fundraiser-1476136

[26] Almond, Steve. Dec. 3, 2019. "Trump Is Using an Accused War Criminal as a Mascot For His Campaign." *WBUR*. www.wbur.org/cognoscenti/2019/12/03/edward-gallagher-donald-trump-steve-almond

[27] Armaly, Miles T. and Adam M. Enders. 2022. "'Why Me?' The Role of Perceived Victimhood in American Politics." *Political Behavior* 44:

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Multiple observers have commented on the looks of the service-members whom Trump helped. For example, Paul Rieckhoff of Iraq and Afghanistan Veterans of America has stated that "[Eddie] Gallagher … [was] a perfect fit [for Trump]…. He's handsome, he's heroic, he's got a beautiful wife. He's a Rambo version of the same story Trump has been telling over and over."[28] A writer described Clint Lorance as having "the kind of bearing garrison commanders love: Blond and blue-eyed, he looked … 'like Captain America.'"[29] On social media, one Twitter user commented, "When I saw Gallagher and his wife I thought 'central casting.' That's what 45* says whenever he's talking about appointing people. Those two look like characters in a movie."[30] A Reddit poster remarked, "Let's face it, Trump stepped in because Gallagher looks straight out of Central Casting and has a hot blonde wife."[31]

The idea of Trump's clemencies involving "central casting" extended to him hosting a photo-op with Eddie Gallagher[32] and telling aides that he "want[ed] to take his war criminal buddies on the campaign trail."[33] Trump has acknowledged using the tactic in other contexts. For example, he invoked the "central casting" phrase in nominating Vice President Mike Pence and Secretary of Defense James Mattis.[34]

1583–1609. Bebout, Lee. Jan. 6, 2021. "Trump Tapped into White Victimhood – Leaving Fertile Ground for White Supremacists." *The Conversation*. https://theconversation.com/trump-tapped-into-white-victimhood-leaving-fertile-ground-for-white-supremacists-150587

[28] Spiegelman, Ian. Jan. 3, 2020. "Court-Martialed Navy SEAL Eddie Gallagher Is Being Embraced as a Right-Wing Influencer." *Los Angeles Mag*. www.lamag.com/citythinkblog/eddie-gallagher-navy-seal/

[29] Penn, Nathaniel. Sept. 27, 2020. "The Last Patrol." *California Sunday Magazine*. https://story.californiasunday.com/clint-lorance-court-martial-pardon-the-last-patrol#:~:text=Under%20the%20command%20of%20First,t%20touched%20in%20a%20decade.&text=Lorance%20had%20the%20kind%20of,%2C%20"like%20Captain%20America."

[30] https://twitter.com/marythetrainer/status/1199311176829743106

[31] @allenahansen. 2019. "Trump's Pardon of Gallagher Just Got Even More Appalling." *Reddit*. www.reddit.com/r/politics/comments/eheqfs/trumps_pardon_of_gallagher_just_got_even_more/

[32] Keating, Joshua. Dec. 23, 2019. "Trump Hosts Convicted War Criminal at Mar-a-Lago." *Slate*. https://slate.com/news-and-politics/2019/12/gallagher-navy-seal-war-crimes-trump-mar-a-lago.html

[33] Lutz, Eric. Nov. 26, 2019. "Trump Wants to Take His War Criminal Buddies On the Campaign Trail." *Vanity Fair*. www.vanityfair.com/news/2019/11/trump-wants-to-take-war-criminal-buddies-on-campaign-trail-eddie-gallagher

[34] Benen, Steve. Apr. 9, 2019. "Trump's Preoccupation with 'Central Casting' Extends to Homeland Security." *MSNBC*. www.msnbc.com/

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One journalist reported on Trump's "mostly white casting," noting that "[p]otential hires' appearances have always weighed heavily on Trump's decisions and he has been open about touting the 'central casting' appeal."[35] A *CNN* article entitled, "'Central Casting': Trump Is Talking More Than Ever about Men's Looks," recounted that "Trump likes people he believes look the part."[36]

Apart from in-group loyalty, Trump has also used its complement, out-group aversion, to solidify backing for publicly challenging IHL. By presenting fighters and even civilians from adversarial countries as out-group enemies, Trump has consistently tried to legitimize flouting military rules by presenting such individuals as undeserving of legal protections. The rationale is that just like being a U.S. servicemember entitles one to special privileges, being a foreigner with sympathies counter to America demonstrates a moral inferiority, and a lack of humanity. Trump has not only justified a permissive attitude toward openly challenging the law of war. He has regularly glorified illicit behavior and treated American servicemembers who perpetrated crimes as heroes.

Trump has aggressively used dehumanizing language to underscore the out-group nature of U.S. enemies. For example, at a Republican debate in 2016, Trump advocated for waterboarding by railing against "*animals* over in the Middle East."[37] At a rally later that year, Trump said that the U.S. was "dealing with *animals*" when it allowed immigrants to enter the country from terrorist nations.[38] In 2017, Trump described ISIS combatants as "sneaky, dirty *rats*" in a Fox News interview.[39]

rachel-maddow-show/trumps-preoccupation-central-casting-extends-homeland-security-msna1217371

[35] Liptak, Kevin. June 19, 2020. "Blindspots and Turncoats: How Trump's Mostly White Casting Has Backfired." *CNN*. www.cnn.com/2020/06/18/politics/donald-trump-central-casting-bolton/index.html

[36] Dale, Daniel. Aug. 13, 2019. "'Central Casting': Trump Is Talking More than Ever about Men's Looks." *CNN*. www.cnn.com/2019/08/13/politics/central-casting-trump-is-talking-more-than-ever-about-mens-looks/index.html

[37] Mar. 5, 2016. "Donald Trump Vows to 'Strengthen' Laws to Allow Torture, Waterboarding." *CBS News*. www.cbsnews.com/news/donald-trump-vows-to-strengthen-laws-to-allow-torture-waterboarding-election-2016/

[38] Alibutud, J.R. Aug. 12, 2016. "Philippines Talks of Barring Donald Trump for Calling It a 'Terrorist Nation." *New York Times*. www.nytimes.com/2016/08/13/world/asia/philippines-trump-terrorist-nation.html

[39] Hensch, Mark. Jan. 26, 2017. "Trump Calls ISIS Fighters 'Sneaky, Dirty Rats.'" *The Hill*. https://thehill.com/homenews/administration/316326-trump-isis-sneaky-dirty-rats

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The next year, Trump referred to the culprits of a terrorist attack in London as "*animals* [that] are crazy."[40] After the high-profile killing of ISIS head Abu Bakr al-Baghdadi in 2019, Trump remarked that al-Baghdadi "died like a *dog*" and labeled him "a gutless *animal* [emphasis added in all the above quotes]."[41]

Dehumanizing language parallels references that Trump has made domestically. For example, Trump has called MS-13 gang members residing in America "animals."[42] He compared former Black White House staffer Omarosa Manigault-Newman to a "dog."[43] He also referred to Baltimore as a "disgusting, rat and rodent infested mess."[44] Legal expert Andrew Cohen observes that "Trump rush[es] to call human beings 'animals' … because the tactic always works – or at least always works well enough with a steady segment of the American population."[45] One journalist notes that "'[a]nimals' is so ingrained in … [Trump's] rhetoric about immigrant criminals and terrorists – a group defined in part by themselves being foreigners … – that he applies it liberally and often."[46]

Trump has also leveraged out-group aversion to rationalize open challenges to IHL through inciting ethnic prejudice. According to one

[40] https://twitter.com/realDonaldTrump/status/1029332350969237504

[41] Oct. 27, 2019. "Remarks by President Trump on the Death of ISIS Leader Abu Bakr al-Baghdadi." The White House. https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-death-isis-leader-abu-bakr-al-baghdadi/

[42] Fabian, Jordan. May 23, 2018. "Trump on MS-13: 'These Are Not People, These Are Animals.'" *The Hill*. https://thehill.com/homenews/administration/389037-trump-on-ms-13-these-are-not-people-these-are-animals

[43] https://twitter.com/realDonaldTrump/status/1029329583672307712?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1029329583672307712%7Ctwgr%5Ee2fc7fcfec216740aa228c15aaf787c61ad1e8b0%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.vox.com%2Fpolicy-and-politics%2F2018%2F8%2F14%2F17688350%2Fomarosa-donald-trump-black-women-twitter-harassment

[44] https://twitter.com/realDonaldTrump/status/1155073965880172544

[45] Cohen, Andrew. May 22, 2018. "Trump's "Animal" Act Is an Old Racist Trope that Always Works." Brennan Center for Justice. www.brennancenter.org/our-work/analysis-opinion/trumps-animal-act-old-racist-trope-always-works

[46] Bump, Philip. May 17, 2018. "Trump's Long History of Referring to Nonwhite Groups He Sees as Dangerous as 'Animals.'" *Washington Post*. www.washingtonpost.com/news/politics/wp/2018/05/17/trumps-long-history-of-referring-to-nonwhite-criminals-as-animals/

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writer, for example, Trump's war crime clemencies had a subliminal racial and religious tinge: "Murders, Trump is effectively telling the troops he commands, are not really murders when the corpses are brown and Muslim."[47] Elsewhere, Trump once claimed that in New Jersey he saw "thousands and thousands" of Muslims rejoice over 9/11.[48] In 2016, Trump said, "I think Islam hates us."[49] In 2020, following his order to kill Iranian Maj. Gen. Qassim Soleimani, Trump retweeted a fake picture of House Speaker Nancy Pelosi and Senate Minority Leader Chuck Schumer wearing traditional Islamic headwear, alongside the phrase "The corrupted Dems."[50]

Such words again echo tactics that Trump has employed in a domestic setting. Most clearly, this manifests in repeated allegations of race-baiting and xenophobia. Trump's activation of out-group aversion has been exhibited in policy: for instance, in issuing a travel ban on Muslim-majority countries[51] and in a national emergency declaration to build a U.S.–Mexico border wall.[52] It also comes in the form of inflammatory, racially charged language. For example, Trump has denounced immigration from "sh*thole countries,"[53] stoked fears

[47] MacDonald, Neil. Nov. 19, 2019. "No Need to Worry about War Crimes, Trump Has Soldiers' Backs: Neil Macdonald." *CBC*. www.cbc.ca/news/opinion/opinion-neil-macdonald-war-crimes-1.5363254

[48] Kessler, Glenn. Nov. 22, 2015. "Trump's Outrageous Claim that 'Thousands' of New Jersey Muslims Celebrated the 9/11 Attacks." *Washington Post*. www.washingtonpost.com/news/fact-checker/wp/2015/11/22/donald-trumps-outrageous-claim-that-thousands-of-new-jersey-muslims-celebrated-the-911-attacks/

[49] Schleifer, Theodore. Mar. 10, 2016. "Donald Trump: 'I Think Islam Hates Us.'" *CNN*. https://edition.cnn.com/2016/03/09/politics/donald-trump-islam-hates-us/index.html

[50] Samuels, Brett. Jan. 13, 2020. "Trump Criticized for Retweeting Image of Pelosi, Schumer in Muslim Attire." *The Hill*. https://thehill.com/homenews/administration/478017-trump-criticized-for-retweeting-image-of-pelosi-schumer-in-muslim

[51] Dec. 6, 2017. "Trump's US Travel Ban: What's the Full Story?" *BBC*. www.bbc.co.uk/newsround/38794001

[52] Collins, Michael, John Fritze, and David Jackson. Feb. 15, 2019. "Donald Trump Declares National Emergency to Free up Billions of Dollars for Border Wall." *USA Today*. www.usatoday.com/story/news/politics/2019/02/15/government-shutdown-trump-declare-emergency-get-wall-funding/2859532002/

[53] Watkins, Eli and Abby Phillip. Jan. 12, 2018. "Trump Decries Immigrants from 'Shithole Countries' Coming to US." *CNN*. www.cnn.com/2018/01/11/politics/immigrants-shithole-countries-trump/index.html

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about "caravans" from Central America,[54] referred to Mexicans as "rapists" and people "bringing drugs … [and] crime,"[55] and claimed that there were "very fine people on both sides" in the 2017 white supremacist rally in Charlottesville, Virginia.[56]

Authority

Trump has gone out of his way to aggressively tout and uphold the police as essential authority figures. One journalist, for example, has even described Trump's "'law and order' election message" as expressly "tak[ing] on an authoritarian tinge."[57] Deference to authority is a core element underpinning Republican respect for law enforcement. However, this value can again take on a different meaning in foreign wars. Rather than defer to legal officials, such as military lawyers, to determine the permissibility of military conduct, conservatives may be more apt to submit to the commander-in-chief. By downplaying the importance of IHL and by meddling in the U.S. military justice system, Trump has used his executive authority to justify the impunity agenda.

Trump has claimed authority over the military's legal code by making explicit pronouncements about it. In 2016, for instance, Trump insisted that he could compel U.S. servicemembers to violate IHL, declaring, "Believe me…. If I say do it, they're going to do it."[58] According to one journalist, Trump's assertion reflected

[54] Alvarez, Priscilla. Nov. 1, 2018. "The Latest Target of Trump's Immigration Attacks." *Atlantic*. www.theatlantic.com/politics/archive/2018/11/trump-escalates-rhetoric-against-migrant-caravan/574675/

[55] Schwartz, Ian. June 16, 2015. "Trump: Mexico Not Sending Us Their Best; Criminals, Drug Dealers and Rapists are Crossing Border." *Real Clear Politics*. www.realclearpolitics.com/video/2015/06/16/trump_mexico_not_sending_us_their_best_criminals_drug_dealers_and_rapists_are_crossing_border.html

[56] Gray, Rosie. Aug. 15, 2017. "Trump Defends White-Nationalist Protesters: 'Some Very Fine People on Both Sides.'" *Atlantic*. www.theatlantic.com/politics/archive/2017/08/trump-defends-white-nationalist-protesters-some-very-fine-people-on-both-sides/537012/

[57] Collinson, Stephen. July 23, 2020. "Trump Accused of Deploying 'Secret Police' as Part of 'Authoritarian' Law Enforcement Surge." *CNN*. www.cnn.com/2020/07/23/world/meanwhile-in-america-july-23-intl/index.html

[58] Mar. 4, 2016. "Transcript of the Republican Presidential Debate in Detroit." *New York Times*. www.nytimes.com/2016/03/04/us/politics/transcript-of-the-republican-presidential-debate-in-detroit.html

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an "*authoritarian* misconception."[59] Another writer remarked that "Trump … present[s] himself as a strong man … ungoverned by rules or wimpy institutional norms or tenets such as the Geneva Conventions…. [H]e envisions … an *authoritarian* state in which … war criminals are misunderstood victims."[60] One commentator called Trump's war crime clemencies an effort to "hype *authoritarian* support among his most rabid supporters" [emphasis added in all of the above quotes].[61]

Trump has suggested that his authority over the military is so total that it allows him to legally deploy force against American civilians. In the wake of Black Lives Matter protests in 2020, for example, Trump proposed invoking the Insurrectionist Act to quell social unrest.[62] According to accounts, Trump called on the military to "[c]rack [protestors'] … skulls!," "beat the f–k out [of them]," and "[j]ust shoot them."[63] Press Secretary Kayleigh McEnany said that Trump had "sole authority to invoke the Insurrection Act."[64] In an article entitled "Trump's Moves Are Right out of the Authoritarian Playbook," counterterrorism expert Stephen Tankel wrote that "[w]hether the president might ask military and paramilitary troops to shoot U.S. civilians … is now something that needs to be considered."

[59] Rubin, Jennifer. Nov. 20, 2017. "Memo to Trump: The Military Will Not Follow Illegal Orders." *Washington Post*. www.washingtonpost.com/blogs/right-turn/wp/2017/11/20/memo-to-trump-the-military-will-not-follow-illegal-orders/

[60] Almond, Steve. Dec. 3, 2019. "Trump is Using an Accused War Criminal as a Mascot for His Campaign." *WBUR*. www.wbur.org/cognoscenti/2019/12/03/edward-gallagher-donald-trump-steve-almond

[61] Rosenberg, Paul. Nov. 24, 2019. "Republicans, A History: How Did the Party of "Law and Order" Become the Party of Crooks and Crime?" *Salon*. www.salon.com/2019/11/24/republicans-a-history-how-did-the-party-of-law-and-order-become-the-party-of-crooks-and-crime/

[62] Montanaro, Domenico. June 1, 2020. "What Is The Insurrection Act That Trump Is Threatening To Invoke?" *NPR*. www.npr.org/2020/06/01/867467714/what-is-the-insurrection-act-that-trump-is-threatening-to-invoke

[63] Cohen, Zachary. June 24, 2021. "Top US General Rejected Trump Suggestions Military Should 'Crack Skulls' during Protests Last Year, New Book Claims." *CNN*. www.cnn.com/2021/06/24/politics/bender-book-trump-milley-protests/index.html

[64] Schwartz, Ian. June 3, 2020. "McEnany on Insurrection Act: If Needed, President Trump Will Use It." *Real Clear Politics*. www.realclearpolitics.com/video/2020/06/03/mcenany_on_insurrection_act_if_needed_president_trump_will_use_it.html

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Trump's assertions of operating above IHL reflect similar pronouncements that he has made about having nearly unfettered authority domestically. For example, in 2019, Trump insisted that "Article 2 [of the Constitution] … gives the president powers you wouldn't believe."[65] Later that year, Trump boasted that Article 2 granted him "the right to do whatever I want as president."[66] In 2020, Trump asserted that "[w]hen somebody is the president of the United States, the authority is total. And that's the way it's got to be. It's total."[67] Trump also stated that local officials "can't do anything without the approval of the president of the United States."[68] The *Washington Post* compiled a video entitled, "All the Times Trump Said the Constitution Let's [sic] Him Do Whatever He Wants."[69]

Trump has further projected his authority over the military through his demeanor toward subordinates. In referencing top military leaders, for instance, Trump frequently uses the possessive "my generals," implying a legal power over the armed forces that draws its legitimacy more from him personally than the Constitution. According to one analysis, "Trump irked some military leaders right from the start when he rhapsodized over 'my generals.'"[70] Former CIA Director

[65] Diamond, Jeremy and Devan Cole. May 30, 2019. "Trump Unleashes Fury on Mueller, Again Disputes US Intelligence Findings on Russia." *CNN*. https://edition.cnn.com/2019/05/30/politics/trump-russia-election-interference-help/index.html

[66] User Clip. July 23, 2019. "Trump Says the Constitution Says 'I Can Do Whatever I Want as President.'" *C-SPAN*. www.c-span.org/video/?c4809509/user-clip-trump-constitution-i-president

[67] Sykes, Charlie. Apr. 16, 2020. "Trump's 'Total Authority' Boast Should've Enraged Republicans. Instead They Shrugged." *NBC News*. www.nbcnews.com/think/opinion/trump-s-total-authority-boast-should-ve-enraged-republicans-instead-ncna1184806

[68] Flynn, Meagan and Allyson Chiu. Apr. 14, 2020. "Trump Says His 'Authority is Total.' Constitutional Experts Have 'No Idea' Where He Got That." *Washington Post*. www.washingtonpost.com/nation/2020/04/14/trump-power-constitution-coronavirus/

[69] July 24, 2019. "All The Times Trump Said the Constitution Let's Him Do Whatever He Wants." *Washington Post*. www.youtube.com/watch?v=sl_gO3uOds8

[70] Vanden Brook, Tom, Michael Collins, and Deirdre Shesgreen. Sept. 10, 2020. "Trump's Tensions with the Military Grow after Reports that He Disparaged Soldiers, Generals." *USA Today*. https://eu.usatoday.com/story/news/politics/2020/09/10/trumps-relations-military-further-strained-over-loser-remarks/5719981002/

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Leon Panetta has inveighed against Trump's invoking of the possessive, saying, "[T]he military belongs to the country.... [I]t's not the president's military."[71] Gen. Mark Milley, who served as Chairman of the Joint Chiefs under Trump, reportedly called Trump "the classic authoritarian leader."[72]

Trump's claims of unrestrained legal authority are again not confined to the military. Trump has routinely suggested that officials in the federal government are accountable to him personally. For instance, after berating U.S. Attorney General Jeff Sessions at the "Trump Justice Department," Trump told associates that he "finally" had "my attorney general" in William Barr.[73] Trump has applied the word "my" to a range of other individuals, from former presidential assistant Peter Navarro to Republican Minority Whip Steve Scalise. A biographer suggested that Trump's use of "my" is an unconscious power move, noting, "[I]t's not really about putting them on equal footing ... [I]t's completely in the possessive, and it's about ownership, and it's about control."[74]

Just as Trump points to his own authority as taking precedence over IHL, he has suggested that devolving decision-making to others could subvert the U.S. military's proper functioning. In doing so, Trump has warned against the opposite of authority, anarchy, where political foes undermine not only his lawful power but also the interests of American troops. This is exemplified by Trump's allegation that a military "deep state" has tried to sabotage U.S. servicemembers in war crime cases. Headlines from multiple media sources – such as "Trump Says He Stood Up to the 'Deep State' by Intervening in War

[71] Abadi, Mark. Oct. 25, 2017. "Trump Won't Stop Saying 'My Generals' – And the Military Community Isn't Happy." *Insider*. www.businessinsider.com/trump-my-generals-my-military-2017-10?r=US&IR=T

[72] https://twitter.com/TheLeadCNN/status/1415806729254850561?ref_src=twsrc%5Etfw

[73] Sheth, Sonam. May 24, 2019. "Trump Is Said to Be Telling Confidants He 'Finally' Has 'My Attorney General' with William Barr." *Insider*. www.businessinsider.com/trump-william-barr-finally-my-attorney-general-2019-5?r=US&IR=T

[74] Parker, Ashley. Sept. 16, 2019. "From 'My Generals' to 'My Kevin,' Trump's Preferred Possessive Can Be a Sign of Affection or Control." *Washington Post*. www.washingtonpost.com/politics/from-my-generals-to-my-kevin-trumps-preferred-possessive-can-be-a-sign-of-affection-or-control/2019/09/16/52480d22-d895-11e9-a688-303693fb4b0b_story.html

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Crime Cases" (*The Hill*)[75] and "Trump Ramps Up Attacks on 'Deep State,' Focuses on Pentagon amid Eddie Gallagher Controversy" (*USA Today*)[76] – evince its centrality to Trump's messaging.

Trump first invoked the "deep state" in regard to the military after his November 2019 war crime clemencies. At a Florida rally, he boasted, "Just this week, I stuck up for three great warriors against the Deep State. You know what I'm talking about."[77] The comments came after Clint Lorance pronounced that "'a big majority' of the 'people with stars on their collar that work in the Pentagon' are 'part of what president Trump calls the deep state.'"[78] Other allies have made similar comments. For example, Rep. Duncan Hunter tweeted to Trump, "I will continue to stand with you in your fight on behalf of our combat warriors and against the Deep State Military."[79] FoxNews.com published an op-ed arguing that a "'deep state' anti-Trump 'resistance' exists at [the] Pentagon."[80]

Trump's charge of a deep state within the U.S. military justice system echoes conspiracy theories about federal bureaucrats undercutting his authority.[81] For example, in 2018, Trump railed against a "Criminal Deep State" that he said had fabricated "Phony

[75] Samuels, Brett. Nov. 26, 2019. "Trump Says He Stood up to the 'Deep State' by Intervening in War Crime Cases." *The Hill*. https://thehill.com/homenews/campaign/472201-trump-says-he-stood-up-to-the-deep-state-by-intervening-in-war-crime-cases

[76] Fritze, John. Nov. 26, 2019. "Trump Ramps Up Attacks on 'Deep State,' Focuses on Pentagon amid Eddie Gallagher Controversy." *USA Today*. https://eu.usatoday.com/story/news/politics/2019/11/27/trump-calls-pentagon-deep-state-amid-eddie-gallagher-controversy/4323327002/

[77] Nov. 26, 2019. "President Trump Rally in Sunrise, Florida." *C-SPAN*. www.c-span.org/video/?466539-1/president-trump-rally-sunrise-florida

[78] Fritze, John. Nov. 27, 2019. "Trump Ramps up Attacks on 'Deep State,' Focuses on Pentagon amid Eddie Gallagher Controversy." *USA Today*. https://eu.usatoday.com/story/news/politics/2019/11/27/trump-calls-pentagon-deep-state-amid-eddie-gallagher-controversy/4323327002/

[79] Dyer, Andrew. Nov. 21, 2019. "In a Tweet, Trump Tells Navy Not to Boot Gallagher from SEALs." *San Diego Tribune*. www.sandiegouniontribune.com/news/military/story/2019-11-21/in-a-tweet-trump-tells-navy-not-to-boot-gallagher-from-the-seals

[80] Grant, Rebecca. Nov. 27, 2019. "Rebecca Grant: Fired Navy Secretary's Actions Prove a 'Deep State' Anti-Trump 'Resistance' Exists at Pentagon." *Fox News*. www.foxnews.com/opinion/rebecca-grant-fired-navy-secretarys-actions-prove-a-deep-state-anti-trump-resistance-exists-at-pentagon

[81] Osnos, Evan. May 14, 2018. "Trump vs. The Deep State." *New Yorker*. www.newyorker.com/magazine/2018/05/21/trump-vs-the-deep-state

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Collusion with Russia, a made up Scam."[82] Trump also complained of a "whistleblower … from the Deep State!" during his 2019 impeachment proceedings stemming from his July 25 phone call with Ukraine President Volodymyr Zelensky.[83] At a campaign rally, Trump declared that "[u]nelected, deep state operatives who defy the voters, to push their own secret agendas, are truly a threat to democracy."[84] Trump further blamed a "deep state" for holding off on approving a COVID-19 vaccine until after the 2020 election.[85]

In the same vein, Trump has regularly insisted that U.S. military lawyers undermine proper chains of authority. This is reflected in Trump's recurring theme that "overzealous" prosecutors distort military justice. After Eddie Gallagher was acquitted on murder charges, for example, Trump moved to take away medals from the lawyers who prosecuted the case. In what amounted to what one journalist called a "remarkable rebuke by a president of his own Navy leadership,"[86] Trump tweeted about the prosecutors being "ridiculously given a Navy Achievement Medal"[87] and demanded that the Navy "immediately withdraw and rescind the awards."[88] One analyst commented that he "c[ould not] remember a time when a president involved himself in an award decision at this low a level."[89]

[82] https://twitter.com/realDonaldTrump/status/999242039723163648

[83] Grier, Peter and Story Hinckley. Oct. 17, 2019. "'Deep State' Versus a President? It didn't Begin with Trump." *Christian Science Monitor*. www.csmonitor.com/USA/Politics/2019/1017/Deep-state-versus-a-president-It-didn-t-begin-with-Trump

[84] Myre, Greg and Rachel Treisman. Nov. 6, 2019. "The Man Who Popularized the 'Deep State' Doesn't Like the Way It's Used." *NPR*. www.npr.org/2019/11/06/776852841/the-man-who-popularized-the-deep-state-doesnt-like-the-way-its-used

[85] Hall, Richard. Aug. 23, 2020. "Trump Claims 'Deep State' is Delaying Coronavirus Vaccine until after US election." *Independent*. www.independent.co.uk/news/world/americas/us-politics/trump-deep-state-coronavirus-vaccine-tweet-a9683406.html

[86] Baker, Peter. July 31, 2019. "Trump Orders Navy to Strip Medals from Prosecutors in War Crimes Trial." *New York Times*. www.nytimes.com/2019/07/31/us/politics/trump-navy-seal-war-crimes.html

[87] https://twitter.com/realDonaldTrump/status/1156655361711071232

[88] https://twitter.com/realDonaldTrump/status/1156655478740606977

[89] Diamond, Jeremy and Barbara Starr. July 31, 2019. "Trump Moves to Rescind Medals Awarded to Eddie Gallagher Prosecutors." *CNN*. www.cnn.com/2019/07/31/politics/trump-rescinds-navy-prosecutors-medals/index.html

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Trump's criticism of "overzealous" lawyers has been part of a broader attempt to frame the U.S. military justice system as anti-authority. For instance, one analysis described how advocates of Mathew Golsteyn, Clint Lorance, and Eddie Gallagher frequently cast the men as "victims of overzealous prosecutors."[90] Echoing one of Trump's favorite phrases on Fox News, Pete Hegseth called the Navy's prosecution of Gallagher a "witch hunt."[91] He also complained about "overzealous prosecutors who were not giving the benefit of the doubt to the trigger-pullers."[92] Upon learning of Trump's interventions on behalf of Blackwater contractors, Rep. Steve King of Iowa protested against "overzealous prosecutors," declaring that "[i]f ever there was a justifiable set of pardons, president Trump has delivered it."[93]

Trump and his inner circle have articulated nearly identical language when defending Trump's nonmilitary pardons and choices not to prosecute allies. For example, in describing the 2020 pardon of longtime Trump associate Roger Stone, the White House condemned "overzealous prosecutors pursing [sic] a case that never should have existed."[94] In a 2020 memo justifying the discarding of criminal proceedings against former national security advisor Michael Flynn, Attorney General William Barr assailed the Justice Department's "hyper-aggressive extensions of the criminal law."[95] Additionally,

[90] Editorial Board. Nov. 5, 2019. "Editorial: Trump's Military Intervention Erodes Honor, Discipline." *San Diego Union-Tribune*. www.sandiegouniontribune.com/opinion/editorials/story/2019-11-05/trump-military-members-war-crimes

[91] https://twitter.com/Hoosier84/status/1142058738813218816

[92] Philipps, Dave, Peter Baker, Maggie Haberman, and Helene Cooper. Nov. 30, 2019. "Trump's Intervention in SEALs Case Tests Pentagon's Tolerance." *New York Times*. www.nytimes.com/2019/11/30/us/politics/trump-seals-eddie-gallagher.html

[93] Press Release. Dec. 23, 2020. "CJWC Members Celebrate President Trump's Pardons for the Biden Four." https://gohmert.house.gov/news/documentsingle.aspx?DocumentID=399894

[94] July 10, 2020. "Statement from the Press Secretary Regarding Executive Grant of Clemency for Roger Stone, Jr." The White House. https://trumpwhitehouse.archives.gov/briefings-statements/statement-press-secretary-regarding-executive-grant-clemency-roger-stone-jr/

[95] Mallin, Alexander. Sept. 17, 2020. "AG Barr Takes Aim at DOJ Prosecutors, Compares Lockdowns to Slavery." *ABC News*. https://abcnews.go.com/US/attorney-general-william-barr-accuses-doj-prosecutors-headhunters/story?id=73064588

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Trump lawyer Rudolph Giuliani complained about "completely overzealous prosecutors" treating former Trump campaign manager Paul Manafort "like this was [mobster] John Gotti."[96]

Purity

Trump, like many Republicans, regularly claims that he will protect America's criminal justice system from a radical progressive agenda that ignores the law. By contrasting his message with that of Democrats who, in his words, "don't give a damn about crime,"[97] Trump has depicted himself as championing moral purity in the law. Yet while blackletter law is typically seen by conservatives as embodying purity domestically, the term can again assume a different definition in foreign wars. Instead of prioritizing the law as written, conservatives may view U.S. military conduct, by dint of the fact that it is done by Americans, as intrinsically ethical. Trump has used this logic to insist that, even when it breaches IHL, the U.S. remains firmly on the side of righteousness.

Trump has given short shrift to the atrocities committed by Americans to whom he granted clemency. Instead, he has focused on how these servicemembers, standing for pure U.S. values, need to be protected. By framing court-martialed troops as occupying the moral high ground, Trump has made the case that they should possess broad leeway to defeat their enemies. Military historian Waitman Wade Beorn, for example, has explained that Trump has "preferred to overlook serious war crimes in favor of a warped notion of patriotism and heroism" because he "subscribes to a 'bad things happen in war' mentality."[98] According to historian Nicole Hemmer, "Hate the war,

[96] Manchester, Julia. Mar. 8, 2019. "Giuliani Says Manafort Received Fair Sentence, Cohen Should Be Prosecuted for Perjury." *The Hill*. https://thehill.com/hilltv/rising/433212-giuliani-says-justice-served-fairly-for-manafort-but-cohen-should-be-prosecuted

[97] Jan. 10, 2019. "Trump: Democrats Don't Give a Damn about Crime." *CNN*. https://edition.cnn.com/videos/politics/2019/01/10/donald-trump-texas-democrats-dont-care-about-crime-sot-nr-vpx.cnn

[98] Beorn, Waitman Wade. May 9, 2019. "I Led a Platoon in Iraq. Trump Is Wrong to Pardon War Criminals." *Washington Post*. www.washingtonpost.com/outlook/i-led-a-platoon-in-iraq-trump-is-wrong-to-pardon-war-criminals/2019/05/09/15b10430-71d5-11e9-9eb4-0828f5389013_story.html

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love the war criminal. That seems to be the mantra guiding President Donald Trump's foreign policy."[99]

Trump has depicted IHL violations by U.S. troops as not only permissible but also ethical. Douglas Porch of the U.S. Naval Postgraduate School, for example, has stated that Trump "encourag[ed] Fox News to promote war crimes as patriotic acts."[100] One journalist remarked that "[i]n the Trumpist worldview, [Eddie] Gallagher is not a hero in spite of his alleged atrocities, but because of them."[101] Foreign policy scholar Peter Certo similarly accused Trump of "encourag[ing] war crimes" and "glorifying serial killer-type behavior most service members would find appalling."[102] In the words of another writer, "Trump is sending a bright and clear message to troops in the field: Go ahead, do what you have to do, forget the rules of war, there'll be no punishment."[103]

Trump has attempted to reinforce the moral purity of his war crime clemencies by extolling the U.S. servicemembers granted reprieves and portraying them as brave men for fighting. For example, he praised Eddie Gallagher as "one of our ultimate fighters."[104] He similarly touted Mathew Golsteyn as "highly decorated"[105] and a "U.S. [m]ilitary hero."[106] After his 2019 clemencies, Trump told

[99] Hemmer, Nicole. Dec. 1, 2019. "Turning the Disgraced into War Heroes." *Sydney Morning Herald*. www.smh.com.au/world/north-america/turning-the-disgraced-into-war-heroes-20191130-p53fm3.html

[100] Edsall, Thomas B. Dec. 4, 2019. "The Savage Injustice of Trump's Military Pardons." *New York Times*. www.nytimes.com/2019/12/04/opinion/trump-military-pardons.html

[101] Levitz, Eric. Dec. 27, 2019. "Why Trump Vilifies Whistle-blowers and Venerates War Criminals." *New York Magazine*. https://nymag.com/intelligencer/2019/12/trump-edward-gallagher-ukraine-war-criminals-whistleblowers.html

[102] Certo, Peter. May 24, 2019. "Donald Trump May Spend Memorial Day Pardoning War Criminals." *In These Times*. https://inthesetimes.com/article/pardoning-war-criminals-honor-memorial-day-veterans-civilians

[103] MacDonald, Neil. Nov. 19, 2019. "No Need to Worry about War Crimes, Trump Has Soldiers' Backs: Neil Macdonald." *CBC*. www.cbc.ca/news/opinion/opinion-neil-macdonald-war-crimes-1.5363254

[104] Starr, Barbara and Ryan Browne. Nov. 26, 2019. "Esper 'Flabbergasted' to Learn of Navy Secretary's Secret White House Outreach about Navy SEAL." *CNN*. https://edition.cnn.com/2019/11/25/politics/esper-spencer-aftermath/index.html

[105] https://twitter.com/realDonaldTrump/status/1183016899589955584?ref_src=twsrc%5Etfw

[106] https://twitter.com/realDonaldTrump/status/1074319076766433280?ref_src=twsrc%5Etfw

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his supporters that they should be "proud" of what he did to stand up for "our great fighters" who "are doing a job for us like nobody else in the world can do."[107] In a different context, while handing out an American military award, Trump stated that "[t]here is no love more *pure* than the love and courage that burns in the hearts of American patriots [emphasis added]."[108]

Supporters of Trump's military leadership have praised Trump as epitomizing pure American ideals. For example, Pete Hegseth has called Trump "a true warfighter's president."[109] Mathew Golsteyn applauded Trump's "incredible … courage."[110] Clint Lorance called Trump "[a]wesome!"[111] Eddie Gallagher feted Trump as "a true leader" and "exactly what the military and this nation needs."[112] Rep. Louis Gohmert exalted Trump's "superb judgment" in issuing the 2020 Blackwater pardons.[113] One critic described the lobby advocating Trump's acts as "a cadre of conservative groups, right-wing politicians and cable TV hosts … [who] wrap themselves up in the flag and squawk about patriotism and try to convince people that war crimes are not, in fact, crimes."[114]

[107] Nov. 26, 2019. "President Trump Rally in Sunrise, Florida." *C-SPAN*. www.c-span.org/video/?466539-1/president-trump-rally-sunrise-florida

[108] May 24, 2018. "Remarks on Presenting the Medal of Honor to Master Chief Petty Officer Britt K. Slabinski." *American Presidency Project*. www.presidency.ucsb.edu/documents/remarks-presenting-the-medal-honor-master-chief-petty-officer-britt-k-slabinski

[109] Darcy, Oliver. May 21, 2019. "Fox News Host Pete Hegseth Has Privately Encouraged Trump to Pardon Servicemen Accused of War Crimes." *CNN*. https://edition.cnn.com/2019/05/21/media/fox-news-pete-hegseth-trump-pardon-war-crimes/index.html

[110] Musto, Julia. Nov. 16, 2019. "Former Green Beret Maj. Mat Golsteyn Praises Trump's 'Courage' for Pardon, Says He Woke Up 'Incredibly Stunned.'" *Fox News*. www.foxnews.com/media/major-mat-golsteyn-president-trump-pardon-fox-and-friends-weekend

[111] Nov. 18, 2019. "Exclusive: Clint Lorance Gives First Interview since Pardon by Trump." *Fox News*. www.youtube.com/watch?v=ne3AX9tasKY&t=448s

[112] Nov. 25, 2019. "Who is Edward Gallagher – the Navy Seal Acquitted by Trump." *Voice of America*. www.voanews.com/usa/who-edward-gallagher-navy-seal-acquitted-trump

[113] www.facebook.com/photo/?fbid=885748102234918&set=pcb.885751248901270

[114] Kirby, John. Nov. 29, 2019. "Trump's Support for Navy SEAL Eddie Gallagher Is Misguided." *CNN*. https://edition.cnn.com/2019/11/29/opinions/trump-support-eddie-gallagher-richard-spencer-oped-kirby/index.html

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In trying to highlight the U.S. military's moral purity even when it violates IHL, Trump has stressed the moral impurity of its enemies by pointing to how America's opponents debase standards for fighting. He has expressly said, "You have to play the game the way they [America's enemies] are playing the game."[115] Trump has argued not only that America's adversaries are unworthy of legal rights in combat, but that their actions are so morally impure that they deserve maltreatment. As one reporter writes, Trump "seemingly mak[es] the case for using similarly brutal tactics as terror groups."[116] According to another observer, Trump's mentality is that "torture is justified by the barbarism of others. It's the opposite of 'when they go low, we go high.'"[117]

Trump has routinely underlined the moral impurity of U.S. enemies to justify dismissing IHL. For example, in 2015, he affirmed that the U.S. should "be strong" because "over there" adversaries "put people in cages and … drown them in the ocean."[118] In 2016, Trump said that the U.S. should torture because its enemies possess "weapons that are so destructive … that the world could end."[119] The same year, Trump implored the U.S. military "to fight so viciously … [a]nd violently because we're dealing with violent people."[120] He also said that America should "go tougher than waterboarding" in response to "animals over in the Middle East that chop off heads."[121] In 2017, Trump called for

[115] Mar. 5, 2016. "Donald Trump: We Need to Change Law to Allow Torture, Waterboarding." *CBS*. www.cbsnews.com/video/donald-trump-we-need-to-change-law-to-allow-torture-waterboarding/

[116] Vitali, Ali. June 29, 2016. "Donald Trump on Terror: You Have to 'Fight Fire With Fire.'" *NBC News*. www.nbcnews.com/politics/2016-election/donald-trump-terror-you-have-fight-fire-fire-n600771

[117] Livni, Ephrat. Feb. 3, 2017. "For Better or Worse, Trump is Comfortable Using the Word 'Torture.'" *Quartz*. https://qz.com/901401/for-better-or-worse-trump-is-comfortable-with-the-word-torture/

[118] Hains, Tim. Nov. 23, 2015. "Trump: ISIS Is Chopping Off Heads And We Worry About Waterboarding." *Real Clear Politics*. www.realclearpolitics.com/video/2015/11/23/trump_isis_is_chopping_off_heads_and_we_worry_about_waterboarding.html

[119] Feb. 17, 2016. "Donald Trump: Torture Works." *CNN*. www.youtube.com/watch?v=Kpj3pp10wD8

[120] Vitali, Ali. June 29, 2016. "Donald Trump on Terror: You Have to 'Fight Fire With Fire.'" *NBC News*. www.nbcnews.com/politics/2016-election/donald-trump-terror-you-have-fight-fire-fire-n600771

[121] Berenson, Tessa. Mar. 3, 2016. "Donald Trump Defends Torture at Republican Debate." *TIME*. https://time.com/4247397/donald-trump-waterboarding-torture/

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"fight[ing] fire with fire" because terrorists "chop … off [heads] and … put 'em on camera and … send 'em all over the world."[122]

That the moral impurity of the other side justifies almost any tactic is a theme that Trump has also invoked in domestic political fights. In 2019, for instance, Trump tweeted: "THE DEMOCRATS ARE TRYING TO DESTROY THE REPUBLICAN PARTY…. STICK TOGETHER, PLAY THEIR GAME, AND FIGHT HARD REPUBLICANS. OUR COUNTRY IS AT STAKE!"[123] Trump also implored Republicans to "get tougher and fight" because "the Democrats fight dirty … they're vicious."[124] In 2020, Trump retweeted a video of New Mexico politician Couy Griffin stating that "the only good Democrat is a dead Democrat."[125] One commentator said that, in aiding war criminals, Trump "sees parallels … to himself. He wants his own history of fighting dirty to be likewise excused."[126]

Trump has even suggested that U.S. troops should not be above committing war crimes that exploit views about purity held by the other side. For example, in 2016, Trump approvingly recounted an apocryphal story of U.S. General John Pershing from the early 1900s in the Philippines. He told supporters that Pershing dipped bullets in pig's blood, viewed as spiritually impure by Muslims, before executing terrorists. Trump elaborated: "He took 50 bullets and he dipped them in pig's blood, … and he lined up the 50 people, and they shot 49 of those people and the 50th person, he said, 'You go back to your

[122] Jan. 26, 2017. "TRANSCRIPT: ABC News Anchor David Muir Interviews President Trump." *ABC News*. https://abcnews.go.com/Politics/transcript-abc-news-anchor-david-muir-interviews-president/story?id=45047602

[123] Pettypiece, Shannon. Sept. 26, 2019. "Trump Says Those Who Gave Info to the Whistleblower Are Like Spies, Reports Say." *NBC News*. www.nbcnews.com/politics/white-house/trump-says-our-country-stake-whistleblower-account-made-public-n1059011

[124] Schwartz, Ian. Oct. 21, 2019. "Trump: Democrats Are 'Vicious' And Stick Together, 'They Don't Have A Mitt Romney In Their Midst.'" *Real Clear Politics*. www.realclearpolitics.com/video/2019/10/21/trump_democrats_are_vicious_and_stick_together_they_dont_have_a_mitt_romney_in_their_midst.html

[125] Silverstein, Jason. May 28, 2020. "Trump Shares Video of Supporter Saying 'The Only Good Democrat is a Dead Democrat'." *CBS News*. www.cbsnews.com/news/president-trump-shares-video-of-supporter-saying-the-only-good-democrat-is-a-dead-democrat/

[126] Kristian, Bonnie. Nov. 27. 2019. "Why Trump Identifies with War Criminals." *The Week*. https://theweek.com/articles/881173/why-trump-identifies-war-criminals

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people and you tell them what happened.'"[127] Trump later alluded to the story in a 2017 tweet, declaring, "Study what General Pershing of the United States did to terrorists when caught."[128]

Trump has made similar arguments about adversaries getting what they ostensibly deserve when defending his war crime interventions. As one journalist commented, "Trump's justification of [Eddie] Gallagher's conduct (and his defense of torture) comes down to this: They'd do it to us if the shoe was on the other foot!"[129] In a similar vein, when members of Gallagher's platoon alleged that he had stabbed an ISIS captive, Gallagher reportedly replied, "Stop worrying about it; they do a lot worse to us."[130] Pete Hegseth has likewise asked, "What if we treated the enemy the way they treated us?" His answer was: "Hey, Al Qaeda: if you surrender, we might spare your life. If you do not, we will rip your arms off and feed them to hogs."[131]

A number of Trump's allies have also smeared opponents inside the U.S. military justice system as lacking moral purity. For example, one of Eddie Gallagher's and Trump's attorneys, Timothy Parlatore, vilified the effort to take away his client's SEAL trident as "pure retaliation."[132]

[127] Embury-Dennis, Tom. Mar. 19, 2019. "Trump Tells Fake Story about US General Slaughtering 49 Muslims Using Bullets Dipped in Pig's Blood, in Resurfaced Video." *Independent*. www.independent.co.uk/news/world/americas/us-politics/trump-muslims-general-pershing-pigs-blood-video-a8829676.html

[128] https://twitter.com/realDonaldTrump/status/898254409511129088?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E898254409511129088%7Ctwgr%5Ea9fcc0b98211edcf8d0f0357f74a32f5ea8ee66d%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.theatlantic.com%2Finternational%2Farchive%2F2017%2F08%2Fpershing-trump-terrorism%2F537300%2F

[129] Cillizza, Chris. Nov. 26, 2019. "What Donald Trump Doesn't Get about Eddie Gallagher and Being 'Tough.'" *CNN*. https://edition.cnn.com/2019/11/26/politics/donald-trump-eddie-gallagher/index.html

[130] Philipps, Dave, Peter Baker, Maggie Haberman, and Helene Cooper. Nov. 30, 2019. "Trump's Intervention in SEALs Case Tests Pentagon's Tolerance." *New York Times*. www.nytimes.com/2019/11/30/us/politics/trump-seals-eddie-gallagher.html

[131] Wilson, Jason. Nov. 25, 2024. "Trump Pentagon Pick Attacks UN and NATO and Urges US to Ignore Geneva Conventions." *Guardian*. www.theguardian.com/us-news/2024/nov/25/pete-hegseth-book-attacks-nato-alliances

[132] Philipps, Dave. Nov. 22, 2019. "As Admiral Moved to Expel a Navy SEAL, He Kept an Eye on Trump." *New York Times*. www.nytimes.com/2019/11/20/us/edward-gallagher-trident-letter.html

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He also labeled the search of Gallagher's home, where he accused the Navy of "dragg[ing] … [Gallagher's] kids out of the house at gunpoint in their underwear," as "pure intimidation."[133] Another one of Gallagher's lawyers, Marc Mukasey, referred to Gallagher's prosecution as "pure and simple retaliation."[134] Gallagher's brother, Sean, on Fox Nation, described the attempt by naval leadership to take away Gallagher's SEAL rank as an exercise in "pure vindictiveness."[135]

Such rhetoric extended beyond formal accusations, with many deploying derogatory labels to undermine their adversaries as morally compromised. For example, Eddie Gallagher dubbed fellow Navy SEAL Craig Miller, who described him as "freaking evil," as "Crying Craig Miller." He maligned SEAL Joshua Vriens, who labeled Gallagher "toxic," as "The Joker."[136] He also ridiculed *New York Times* journalist Dave Philipps as a "Sky Crane" because he was a "big tool" for allegedly defaming him.[137] The tags had clear parallels to Trump's own use of phrases like "Crooked Hillary" Clinton and "Crazy Joe" Biden.[138] Gallagher's wife added that her husband's

[133] Martin, David. Mar. 1, 2020. "Eddie Gallagher, Navy SEAL Acquitted of Stabbing Wounded ISIS Prisoner to Death, Tells His Story." *CBS News*. www.cbsnews.com/news/eddie-gallagher-navy-seal-isis-prisoner-60-minutes-interview-2020-03-01/

[134] Smith, Jennifer and David Martosko. Nov. 21, 2019. "Trump OVERRULES Navy Decision to Strip SEAL Eddie Gallagher of His 'Trident Pin' and Kick Him Out of Special Forces Despite Being Cleared of War Crimes." *Daily Mail*. www.dailymail.co.uk/news/article-7711235/Trump-overrules-Navy-let-Eddie-Gallagher-remain-SEAL-pardon.html

[135] London, Matt. Nov. 20, 2019. "Brother of Navy SEAL Chief Blasts Top Admiral: 'Two-star Is Defying an Order from the President.'" *Fox News*. www.foxnews.com/media/eddie-gallagher-trident-navy-seal-trump

[136] Crane, Emily. Jan. 28, 2020. "Retired Navy SEAL Eddie Gallagher Names and Shames 'Coward' Platoon Members Who Testified against Him at War Crimes Trial and Warns the 'Real Truth' Is Still Coming." *Daily Mail*. www.dailymail.co.uk/news/article-7939945/Retired-Navy-SEAL-Eddie-Gallagher-lashes-coward-platoon.html

[137] Nov. 29, 2020. "Black Rifle Coffee Podcast: Ep 080 Eddie Gallagher and Donut Operator." Black Rifle Coffee Podcast. www.youtube.com/watch?v=MSGhjYwVzFs

[138] Bennett, John T. Aug. 2, 2018. "Top 10 Trump Nicknames and Why They Stick to His Foes." *Roll Call*. www.rollcall.com/2018/08/02/top-10-trump-nicknames-and-why-they-stick-to-his-foes/ / Gstalter, Morgan. Dec. 26, 2018. "Trump's Most Memorable Insults and Nicknames of 2018." *The Hill*. https://thehill.com/homenews/administration/421948-18-nicknames-trump-invented-in-2018

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prosecution was the result of "COWARDS & WHINERS"[139] and labeled his ex-platoon mates "mean girls."[140]

3.2 Survey of Attitudes toward War Crimes

As demonstrated earlier, Trump, Fox News, and congressional Republicans have presented overt challenges to IHL as consistent with the moral foundations of conservative voters. Even if conservatives support law and order domestically, and even if they reject war crimes in the abstract, the impunity coalition has marshaled support by activating the MFT values of in-group loyalty, authority, and purity. This strategy has benefited Trump's coalition. Trump has courted the right-wing base, Republican Congress members have ridden his political coattails, and Fox News has attracted conservative audiences that boost ratings. Whether Trump and his allies actually believe that their agenda serves America's military is secondary to it advancing their political interests.

To examine the effects of this strategy, an original, national survey was fielded in the U.S. while Trump was still in office to measure public reactions to challenges to IHL.[141] The objectives were threefold: first, to test whether conservatives support challenges to the law of war more than other voters; second, whether this effect results from underlying MFT values; and third, whether these views can be activated by appeals from the impunity coalition. The survey (N = 1,259 after cleaning[142]), fielded online by the market research firm Bovitz before the 2020 election (October 29 to November 2, 2020), used nonprobabilistic sampling intended to be broadly

[139] www.instagram.com/p/B_VjUfrJCOW/?hl=en

[140] Smith, Jennifer and Megan Sheets. Jul. 2, 2019. "'If This Was A Movie No One Would Believe It': How Navy SEAL Eddie Gallagher's Wife Stood by His Side through 'Farce' Trial and Lambasted the 'Mean Girls' Who Testified Against Him." *Daily Mail*. www.dailymail.co.uk/news/article-7201397/Navy-SEAL-Eddie-Gallaghers-wife-stood-farce-trial.html

[141] This study has been approved by the Indiana University Institutional Review Board, protocol #2008603055, joint with Andrew M. Bell.

[142] Of the initial 1,751 respondents, 230 did not reach the ideology question and were removed. Of the remaining 1,521 respondents, 262 failed at least one of two attention check questions taken from the Moral Foundations Questionnaire. They failed the attention checks if: (1) they said that whether or not someone is good at math is at least "somewhat relevant" to whether something is right or wrong; or (2) they at least "slightly disagree" that it is better to do good than to do bad.

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similar to established, national surveys (see Appendix Table 3.A.1 for summary statistics). Subjects in the Bovitz panel were compensated at an equivalent to just under $3.00.

The survey first assesses the overall willingness of voters to punish crimes in domestic criminal justice versus a battlefield setting. Next, it turns to attitudes toward deploying U.S. military force. It examines both support for loosening military rules of engagement (ROE), where ambiguity exists in what methods conform to the law of war, and support for violating the Geneva Conventions, where noncompliance is clear-cut. Finally, the survey investigates whether impunity coalition cues can activate respondent attitudes toward IHL. Waterboarding is the focus because it represents a challenging issue on which to alter opinions, as many citizens likely have preexisting views on it. To the extent that impunity messaging can alter attitudes, one might expect views on other IHL controversies to be even more malleable.

Each experiment conditions the estimates on respondent ideology and MFT values. Ideology is proxied with a standard self-reported measure on the conservative-liberal scale.[143] Moral foundations are based on the standard "MFQ30" questionnaire, where respondents answered thirty substantive questions intended to elicit how much they prioritized in-group loyalty, authority, purity, harm, and fairness.[144] In total, six questions relate to each of the MFT values, with a maximum of five points each. For simplicity, totals were rescaled from 0 to 1. As depicted in Figure 3.1, the ideological breakdown of the five MFT values is as expected. Comparatively, conservatives prioritize in-group loyalty, authority, and purity; liberals prioritize harm and fairness.

[143] Conservatives defined as "Extremely conservative," "Conservative," or "Slightly conservative"; liberals as "Extremely liberal," "Liberal," or "Slightly liberal"; and moderates as "Moderate, middle of the road." Moderates were included in all analyses but their results are not displayed.

[144] Fifteen of the substantive questions asked respondents to what extent certain considerations were "relevant" when "decid[ing] whether something is right or wrong," with answers ranging from 0 ("not at all relevant") to 5 ("extremely relevant"). Fifteen of the substantive questions asked respondents about their "agreement" with certain declarative statements invoking moral values, with responses ranging from 0 ("strongly disagree") to 5 ("strongly agree").

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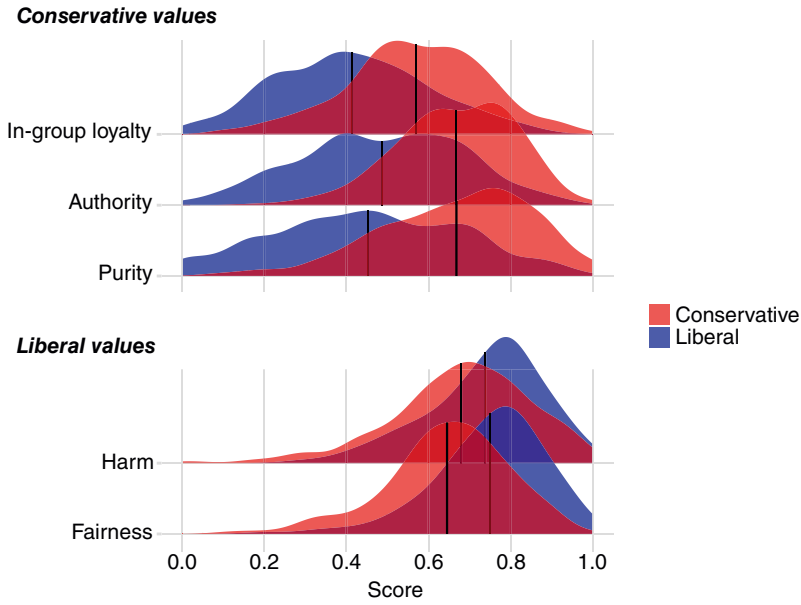


Figure 3.1 Distributions of MFT values, by ideology

Support for Exonerating Crimes

The first issue examined is how ideological and MFT divides affect support for punishing crimes domestically versus in combat. This speaks to the core claim regarding the motivations of the impunity agenda – that conservatives support law and order more in a criminal justice context than in foreign wars. To test this prediction, respondents were asked whether they supported punishing criminals to the full extent of the law, but the question randomly varied a key detail: whether the criminals were U.S. citizens who committed crimes in their communities or U.S. servicemembers who committed crimes on the battlefield. In response to a version of the following question, answers were coded on a 1–7 Likert scale, ranging from "Strongly agree" (1) to "Strongly disagree" (7) (i.e., higher numbers = more support for exoneration):

> *To what extent do you agree or disagree with the following statement: U.S. [citizens/servicemembers] who are found guilty of committing crimes [in their communities/on the battlefield] should be punished to the full extent of the law.*

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Table 3.1 *Support for exoneration from the law, by ideology*

	OLS (1)	OLS with covariates (2)	Ordered logit (3)
Constant	2.657***	2.697***	
	(0.094)	(0.176)	
ServicememberTreatment	−0.446***	−0.442***	−0.696***
	(0.130)	(0.130)	(0.160)
Conservative	−0.425**	−0.448**	−0.714***
	(0.141)	(0.143)	(0.174)
Conservative × ServicememberTreatment	1.384***	1.375***	1.911***
	(0.200)	(0.200)	(0.251)
N	1,256	1,254	1,256
Adjusted R^2	0.040	0.046	

*$p < .05$; **$p < .01$; ***$p < .001$. Two-tailed tests.
Model 2 includes covariates for age, gender, race, income, and education.
Larger values indicate greater support for exoneration.
Moderates were included in the analysis but not shown for legibility.

Table 3.1 reports the main findings by ideology, which confirm expectations.[145] Model 1 shows that conservatives are comparatively more inclined than liberals to exonerate U.S. servicemembers (significant at $p < .01$). Unlike liberals, their baseline levels of support for exonerating U.S. servicemembers are also higher than that for domestic criminals (significant at $p < .01$). As displayed in Figure 3.2a, the predicted level of disagreement for punishment on the 1–7 Likert scale is 3.17 for conservatives when criminals are depicted as U.S. servicemembers, compared to 2.23 when depicted as U.S. citizens. For liberals, these numbers were 2.21 and 2.66, respectively.[146] As predicted, Figure 3.2b also shows that placing greater emphasis on the conservative MFT values of in-group

[145] The linear model is: *Y = a0 + a1(ServicememberTreatment) + a2(Ideology) + a3(ServicememberTreatment X Ideology) + E, where Ideology is split into conservative, moderate, and liberal (liberal is the reference category, and results for moderates have not been displayed – this is the case for all applicable regressions).*

[146] Robustness checks, which reestimate these regressions with both covariates (Model 2) and using ordered logit (Model 3), yield consistent results.

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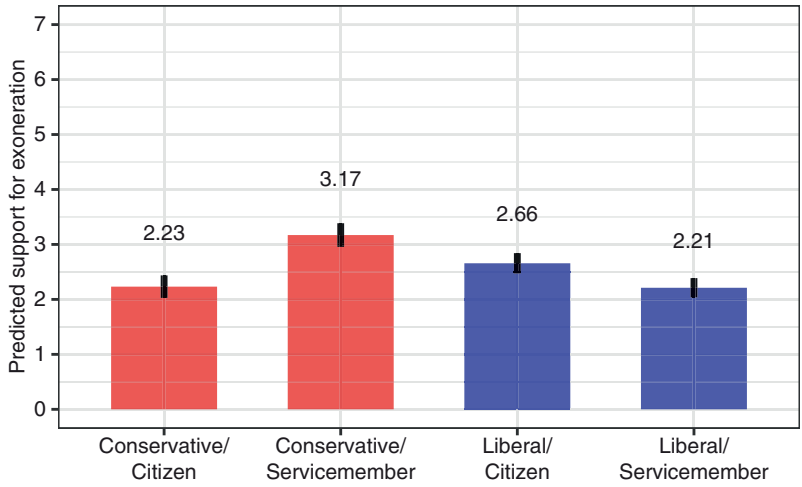


Figure 3.2a Support for exoneration from the law, by ideology

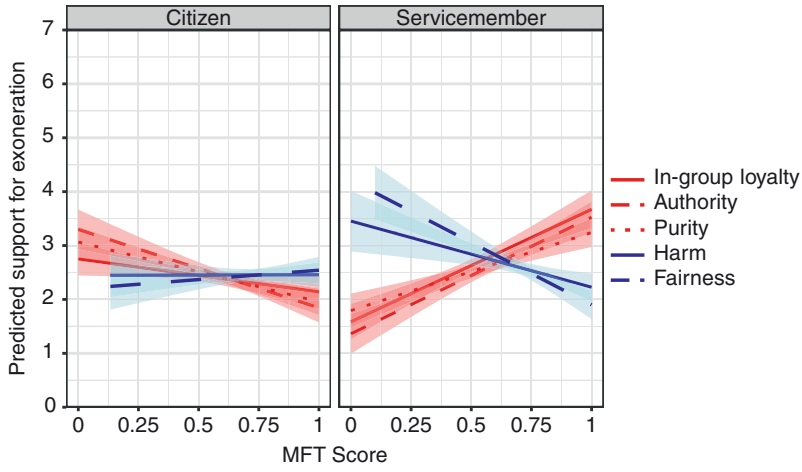


Figure 3.2b Support for exoneration from the law, by MFT values

loyalty, authority, and purity is correlated with both more support for exonerating U.S. servicemembers and less support for exonerating domestic criminals.[147] The opposite is true for respondents

[147] The linear model is: *Y = a0 + a1(ServicememberTreatment) + a2(In-group loyalty) + a3(In-group loyalty X ServicememberTreatment) + a4(Authority) + a5(Authority X ServicememberTreatment) + a6(Purity) + a7(Purity X*

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who prioritize the liberal values of harm and fairness (see Appendix Table 3.A.2 for full estimations).

Support for Challenges to IHL

The next set of experiments tests whether ideological and MFT divides exist in support for U.S. military actions that challenge IHL. Specifically, attitudes are examined toward: (1) military ROE; and (2) adherence to the Geneva Conventions. The topics were chosen not only because Trump has actively challenged IHL in these areas, but also because they offer variation in the degree to which the impunity agenda clearly breaches the law. Considerable debate exists about the appropriateness of particular ROE constraints. However, failure to comply with the Geneva Conventions is an unambiguous violation of IHL.

Constraints on U.S. Soldiers

Attitudes toward ROE were proxied by support for allowing troops to employ maximum firepower on the battlefield. Respondents were randomly assigned a version of the question below, which gauged assessments of the potential costs and benefits of loosening ROE. Answers were coded on a 7-point Likert scale from "Strongly disagree" (1) to "Strongly agree" (7) (i.e., higher numbers = less restraint):

> *To what extent do you agree or disagree with the following statement: The United States should allow U.S. soldiers to use the maximum firepower necessary to target enemy forces [, even if it significantly increased civilian casualties/if doing so saved the lives of U.S. soldiers].*

A *Control* group received only the baseline condition. Respondents assigned to *Treatment 1* (*CivilianCasualtiesTreatment*) not only read the same text but also received the caveat that allowing U.S. soldiers to use maximum firepower would significantly increase civilian casualties. Respondents assigned to *Treatment 2* (*SoldiersSavedTreatment*) also received the caveat that allowing U.S. soldiers to use maximum

ServicememberTreatment) + a8(Harm) + a9(Harm X ServicememberTreatment) + a10(Fairness) + a11(Fairness X ServicememberTreatment) + E

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Table 3.2 ***Support for using maximum firepower, by ideology***

	OLS (1)	OLS (2)	OLS with covariates (3)	Ordered logit (4)
Constant	3.828***	3.828***	2.756***	
	(0.155)	(0.152)	(0.220)	
Conservative	2.087***	2.087***	1.777***	2.222***
	(0.232)	(0.227)	(0.220)	(0.260)
CivilianCasualtiesTreatment		−1.033***	−1.135***	−1.188***
		(0.212)	(0.204)	(0.245)
SoldiersSavedTreatment		0.754***	0.709***	0.756**
		(0.212)	(0.203)	(0.239)
ComboTreatment		−0.737***	−0.731***	−0.758***
		(0.204)	(0.196)	(0.228)
Conservative × CivilianCasualtiesTreatment		−0.531	−0.373	−0.542
		(0.321)	(0.308)	(0.358)
Conservative × SoldiersSavedTreatment		−0.680*	−0.605*	−0.723*
		(0.319)	(0.307)	(0.353)
Conservative × ComboTreatment		−0.134	−0.106	−0.219
		(0.316)	(0.303)	(0.348)
N	316	1,256	1,254	1,256
Adjusted R^2	0.200	0.280	0.340	

*$p < .05$; **$p < .01$; ***$p < .001$. Two-tailed tests.
Model 3 includes covariates for age, gender, race, income, and education.
Larger values indicate greater support.
Moderates were included in the analysis but not shown for legibility.

firepower would save the lives of U.S. soldiers. Finally, *Treatment 3* (*ComboTreatment*) received both caveats.[148]

Table 3.2 reports the key results by ideology. The first analysis restricts the data to only respondents who received the *Control*. In line with expectations, Model 1 shows that conservatives agree more

[148] Treatment 3 used separate subtreatments to randomize the order of mentioning civilian casualties and saving the lives of U.S. soldiers, to ensure that receiving one before the other did not bias responses. These subtreatments were then collapsed into a main treatment.

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than liberals with using maximum firepower (significant at $p < .01$).[149] As depicted in Figure 3.3a, on the 1–7 Likert scale of agreement, the predicted value for conservatives is 5.91, compared to 3.83 for liberals. Model 2 estimates the fully interactive regression that disaggregates the individual treatments.[150] Consistent with predictions, conservatives in every scenario again agree more with using maximum firepower compared to liberals (for *CivilianCasualtiesTreatment*, significant at $p < .01$; for *SoldiersSavedTreatment* treatment, significant at $p < .01$; for *ComboTreatment*, significant at $p < .01$).[151] Predicted values are plotted in Figure 3.3b.

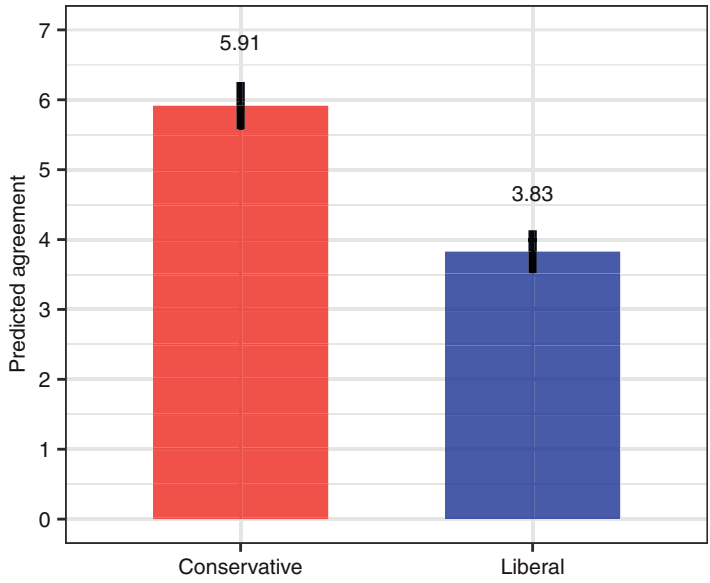


Figure 3.3a Support for using maximum firepower (control), by ideology

[149] The linear model is: $Y = a0 + a1(Conservative) + E$.

[150] The linear model is: $Y = a1(Ideology) + a2(CivilianCasualtiesTreatment) + a3(CivilianCasualtiesTreatment\ X\ Ideology) + a4(SoldiersSavedTreatment) + a5(SoldiersSavedTreatment\ X\ Ideology) + a6(ComboTreatment) + a7(ComboTreatment\ X\ Ideology) + E$.

[151] As shown in Model 2, both conservatives and liberals agree less with using maximum firepower when told that it could increase civilian casualties (for conservatives, significant at $p < .01$; for liberals, significant at $p < .01$) and agree more when told that it could save the lives of U.S. soldiers (for conservatives, significant at $p < .01$; for liberals, significant at $p < .01$).

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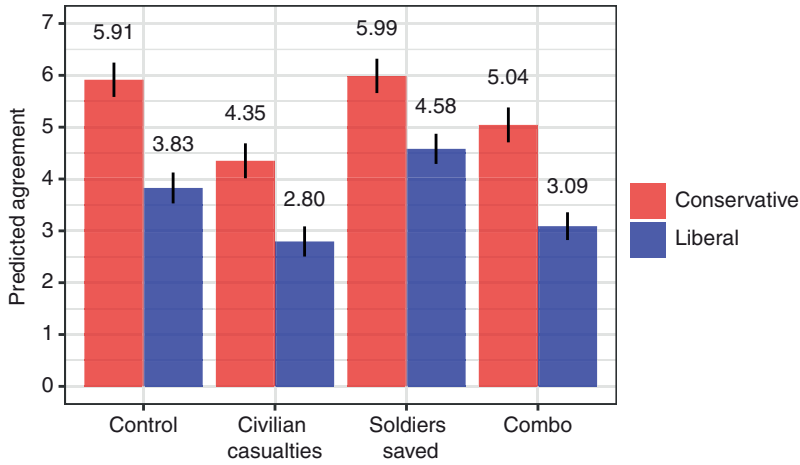


Figure 3.3b Support for using maximum firepower, by ideology

Figure 3.3c stratifies effects by MFT values.[152] As anticipated, the three conservative values (in-group loyalty, authority, and purity) are positively related to support for using maximum firepower in every condition. By comparison, the liberal values (harm and fairness) are both inversely related to this outcome (full results displayed in Appendix Table 3.A.3). Taken together, these results confirm that conservatives are more supportive of the U.S. challenging IHL in combat when legality is ambiguous. Associated MFT values of in-group loyalty, authority, and purity correspond with this preference.

Adherence to the Geneva Conventions

The next experiment turns to the clear-cut case of IHL violation by measuring support for rejecting U.S. abidance to the Geneva Conventions. All respondents were first given the following background information explaining that the Geneva Conventions constrain the use of force against civilians and that the U.S. had pledged to agree to its principles:

[152] The linear model is: *Y = a0 + a1(Treatment) + a2(In-group loyalty) + a3(In-group loyalty X ServicememberTreatment) + a4(Authority) + a5(Authority X Treatment) + a6(Purity) + a7(Purity X Treatment) + a8(Harm) + a9(Harm X Treatment) + a10(Fairness) + a11(Fairness X Treatment) + E, where Treatment denotes which of the four treatments (including Control) the respondent was shown.*

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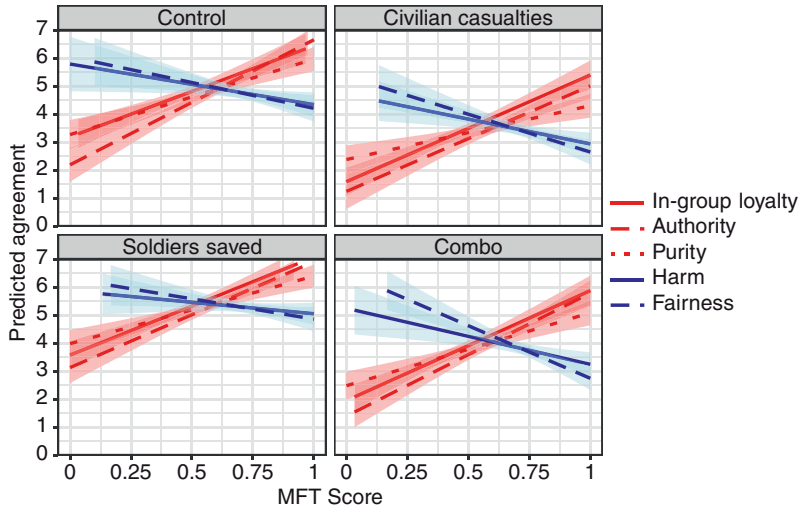


Figure 3.3c Support for using maximum firepower, by MFT values

Background information: *The United States is a signatory to the Geneva Conventions, which constrain the use of force by soldiers in war in order to protect civilians and others not involved in fighting.*

Respondents were then randomly posed a version of the below question. Responses were coded on the Likert scale from "Strongly disagree" (1) to "Strongly agree" (7) (i.e., higher numbers = less restraint):

To what extent do you agree or disagree with the following statement: The United States should under certain conditions ignore the Geneva Conventions [, even if it significantly increased civilian casualties/if doing so helped the U.S. defeat its enemies more quickly].

Respondents assigned to the *Control* only read the baseline text. *In Treatment 1* (*CivilianCasualtiesTreatment*), respondents were informed that disregarding the Geneva Conventions would significantly increase civilian casualties. In *Treatment 2* (*DefeatEnemiesTreatment*), respondents were told that disregarding the Geneva Conventions

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Table 3.3 ***Support for disregarding the Geneva Conventions, by ideology***

	OLS (1)	OLS (2)	OLS with covariates (3)	Ordered logit (4)
Constant	2.612***	2.612***	3.002***	
	(0.159)	(0.159)	(0.242)	
Conservative	0.997***	0.997***	0.927***	1.189***
	(0.230)	(0.230)	(0.231)	(0.244)
CivilianCasualtiesTreatment		−0.300	−0.324	−0.338
		(0.209)	(0.208)	(0.229)
DefeatEnemiesTreatment		0.092	0.037	0.134
		(0.225)	(0.224)	(0.243)
ComboTreatment		−0.181	−0.175	−0.239
		(0.225)	(0.223)	(0.247)
Conservative × CivilianCasualtiesTreatment		0.315	0.363	0.317
		(0.320)	(0.319)	(0.336)
Conservative × DefeatEnemiesTreatment		0.241	0.343	0.178
		(0.334)	(0.334)	(0.350)
Conservative × ComboTreatment		0.522	0.537	0.534
		(0.338)	(0.337)	(0.357)
N	323	1,256	1,254	1,256
Adjusted R^2	0.054	0.092	0.105	

*$p < .05$; **$p < .01$; ***$p < .001$. Two-tailed tests.
Model 3 includes covariates for age, gender, race, income, and education.
Larger values indicate greater support.
Moderates were included in the analysis but not shown for legibility.

would help the U.S. defeat its enemies more quickly. In *Treatment 3* (*ComboTreatment*), respondents were exposed to both caveats.[153]

Table 3.3 summarizes the main findings by ideology. The analysis starts again by restricting the data only to the *Control* group. Model 1 shows that conservatives are more willing than liberals

[153] Similar to the previous experiment, in Treatment 3, separate subtreatments were used to randomize the order of referencing civilian casualties and helping the U.S. to defeat its enemies more quality. These treatments were then collapsed.

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to disregard the Geneva Conventions (significant at $p <. 01$).[154] As depicted in Figure 3.4a, conservatives have a predicted value of 3.61 and liberals 2.61 on the 1–7 Likert scale of agreement. Next is an analysis of the fully interactive model with the constituent treatments.[155] In line with projections, Model 2 confirms that conservatives remain more willing than liberals to disregard the Geneva Conventions under each situation (for *CivilianCasualtiesTreatment*, significant at $p < .01$; for *DefeatEnemiesTreatment*, significant at $p < .01$; for *ComboTreatment*, significant at $p < .01$).[156] Predicted values are plotted in Figure 3.4b.

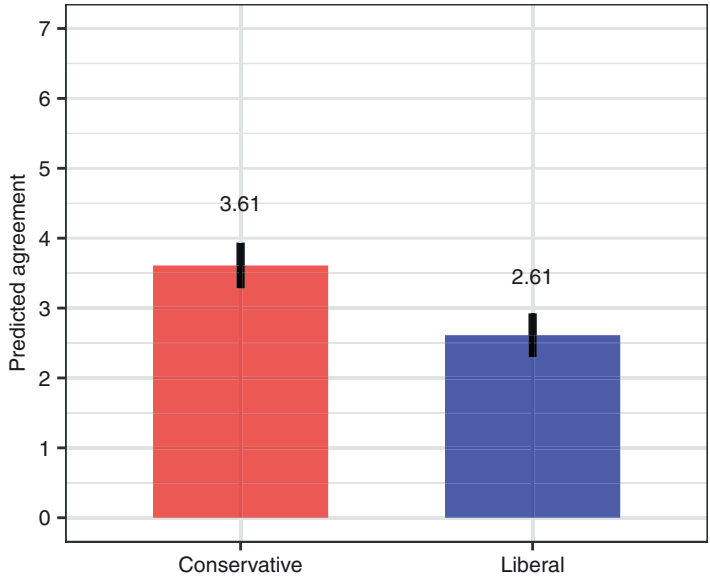


Figure 3.4a Support for disregarding the Geneva Conventions (control), by ideology

[154] The linear model is: $Y = a0 + a1(Ideology) + E$.

[155] The linear model is: $Y = a1(Ideology) + a2(CivilianCasualtiesTreatment) + a3(CivilianCasualtiesTreatment\ X\ Ideology) + a4(DefeatEnemiesTreatment) + a5(DefeatEnemiesTreatment\ X\ Ideology) + a6(ComboTreatment) + a7(ComboTreatment\ X\ Ideology) + E$.

[156] There were no significant differences in the willingness of respondents to disregard the Geneva Conventions across the control and treatment groups for either conservatives or liberals.

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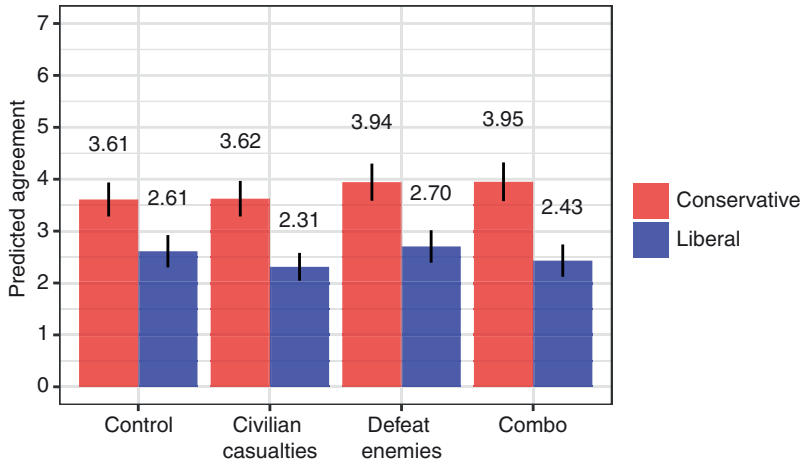


Figure 3.4b Support for disregarding the Geneva Conventions, by ideology

Figure 3.4c again disaggregates results by moral foundations.[157] As predicted, the three conservative values (in-group loyalty, authority, and purity) are positively linked to disregarding the Geneva Conventions, whereas the association is negative for the two liberal values (harm and fairness) (complete results displayed in Appendix Table 3.A.4). Overall, these findings indicate that conservatives are more inclined to violate the law of war when illegality is clear. These attitudes align with associated MFT values of in-group loyalty, authority, and purity.

Impunity Coalition Activation

The final question analyzed is whether appeals by the impunity coalition can actually activate citizens to reject the importance of IHL. This tests the prediction that, even if right-leaning voters are more receptive to challenges to IHL, elites can trigger the salience of these beliefs. To simulate impunity messaging, respondents were presented with

[157] The linear model is: *Y = a0 + a1(Treatment) + a2(In-group loyalty) + a3(In-group loyalty X ServicememberTreatment) + a4(Authority) + a5(Authority X Treatment) + a6(Purity) + a7(Purity X Treatment) + a8(Harm) + a9(Harm X Treatment) + a10(Fairness) + a11(Fairness X Treatment) + E, where Treatment denotes which of the four treatments (including Control) the respondent was shown.*

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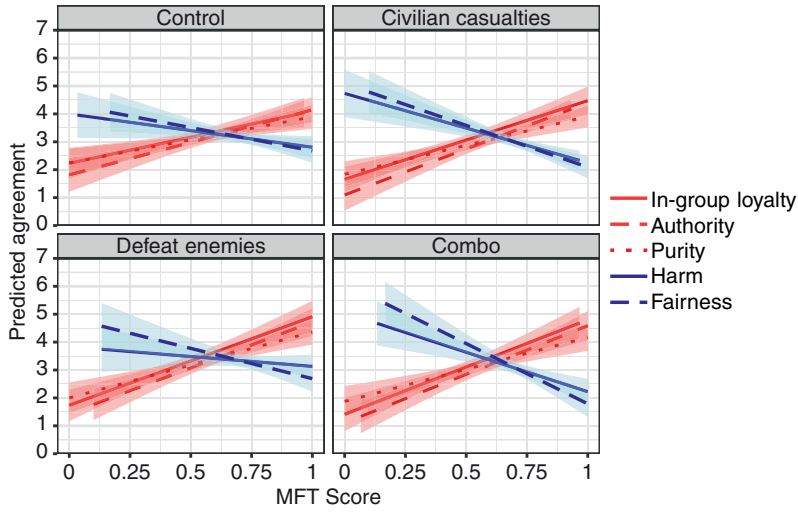


Figure 3.4c Support for disregarding the Geneva Conventions, by MFT values

a video of Trump endorsing waterboarding. The focus is on waterboarding because Trump supported its use, despite it being one of the most controversial techniques used by the U.S. government in recent decades.[158] Additionally, it should be a difficult case on which to move attitudes because citizens are likely to already have preexisting views on it. All respondents were first provided with the following definition of waterboarding:

> **Background information:** *"Waterboarding" refers to an interrogation technique usually regarded as a form of torture in which water is forced into a detainee's mouth and nose so as to induce the sensation of drowning.*

Those assigned to the *Control* group received no additional information. Respondents assigned to *Treatment 1* (*TrumpOnlyTreatment*) watched a video of Trump advocating waterboarding. The video was taken from the March 3, 2016, GOP presidential debate in Detroit hosted by Fox News. Trump's words were:

[158] In the aftermath of 9/11, the CIA used waterboarding on a number of high-value terrorist targets. In 2009, however, President Barack Obama declared waterboarding to be illegal, prompting a bill that was later passed into law.

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> **Trump:** *They then came to me, what do you think of waterboarding? I said, "It's fine, and if we want to go stronger, I'd go stronger too." Because frankly, that's the way I feel. Can you imagine, can you imagine these people, these animals, over in the Middle East that chop off heads, sitting around talking and seeing that we're having a hard problem with waterboarding? We should go for waterboarding, and we should go tougher than waterboarding.*

Respondents assigned to *Treatment 2* (*Trump+FoxNewsTreatment*) watched the same video. However, the clip was edited to include Fox News framing. A short snippet pulled from Fox News's debate coverage was played at the beginning of the video, which included sound, generic patriotic imagery (e.g., an animated White House, stars, and stripes), and the words "Fox News Debate." While Trump talked, the video was zoomed out to reveal a superimposed Fox News logo at the bottom left-hand corner of the screen, with chyron text: "FOX NEWS DEBATE." Two additional large Fox News signs flanked Trump on his back left and right. This branding, which was part of Fox News's original programming, did not include any substantive content by Fox News advocating waterboarding. It was intended only to simulate the partisan media environment in which voters consume information about the impunity agenda.

In contrast, respondents assigned to *Treatment 3* (*ObamaTreatment*) watched a video of Barack Obama expressing disapproval of waterboarding in 2011, with no media branding.[159] Obama's words were as follows:

> **Obama:** *Waterboarding is torture. It's contrary to America's traditions. It's contrary to our ideals. That's not who we are. That's not how we operate. We don't need it in order to prosecute the war on terrorism. And we did the right thing by ending that practice.*

The dependent variable was based on the question: "To what extent do you agree or disagree with the following statement: The United States should under certain conditions use interrogation methods involving waterboarding on captured terrorists." Respondents could

[159] The video was taken from CBS News footage, although all CBS logos were cut out of the video.

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Table 3.4 *Support for use of waterboarding, by ideology*

	OLS (1)	OLS (2)	OLS with covariates (3)	Ordered logit (4)
Constant	2.817***	2.817***	3.106***	
	(0.175)	(0.177)	(0.262)	
Conservative	1.489***	1.489***	1.530***	1.300***
	(0.271)	(0.274)	(0.276)	(0.250)
TrumpOnlyTreatment		–0.062	–0.032	–0.062
		(0.237)	(0.237)	(0.219)
Trump+FoxNewsTreatment		–0.150	–0.124	–0.178
		(0.251)	(0.251)	(0.235)
ObamaTreatment		–0.144	–0.114	–0.153
		(0.252)	(0.252)	(0.234)
Conservative × TrumpOnlyTreatment		0.836*	0.816*	0.851*
		(0.371)	(0.370)	(0.342)
Conservative × Trump+FoxNewsTreatment		1.322***	1.285***	1.258***
		(0.385)	(0.383)	(0.353)
Conservative × ObamaTreatment		0.088	0.037	0.179
		(0.385)	(0.385)	(0.357)
N	296	1,255	1,253	1,255
Adjusted R^2	0.090	0.183	0.190	

*$p < .05$; **$p < .01$; ***$p < .001$. Two-tailed tests.
Model 3 includes covariates for age, gender, race, income, and education.
Larger values indicate greater support.
Moderates were included in the analysis but not shown for legibility.

answer on a standard 7-point Likert scale, ranging from "Strongly disagree" (coded 1) to "Strongly agree" (coded 7).

Table 3.4 presents the main results by ideology. To begin, data are again restricted only to respondents who received the *Control*. Consistent with expectations, Model 1 shows that conservatives support waterboarding more than liberals (significant at $p < .01$).[160] As displayed in Figure 3.5a, the predicted level of agreement on the 1–7

[160] The linear model is: $Y = a0 + a1(Ideology) + E$.

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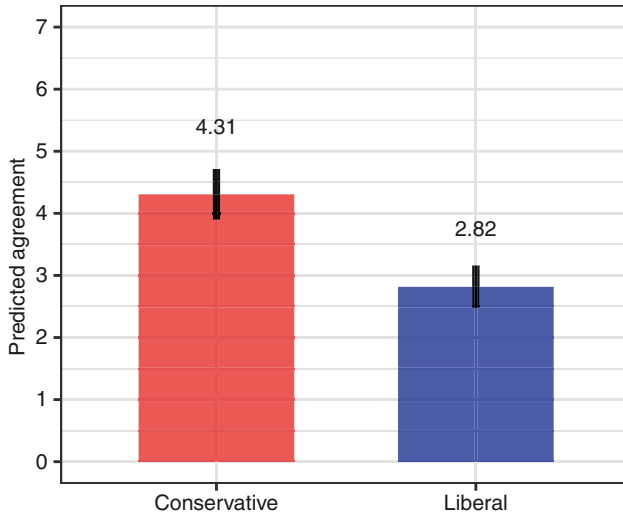


Figure 3.5a Support for use of waterboarding (control), by ideology

Likert scale is 4.31 for conservatives and 2.82 for liberals. Presented next is the fully interactive estimation.[161] Model 2 reports that, relative to the *Control*, receiving the *TrumpOnlyTreatment* raises support for waterboarding among conservatives (significant at $p < .01$), and the *Trump+FoxNewsTreatment* raises it directionally more.

The *ObamaTreatment* is correlated with reduced support for waterboarding among both conservatives and liberals, but again, the effects are not significant. Predicted values are illustrated in Figure 3.5b. Overall, results align with the expectation that conservatives express greater support for waterboarding as a baseline. Trump's advocacy further boosts favorability for this policy. Directionally, conservatives are more apt to support waterboarding when this message is filtered through Fox News.

Figure 3.5c disaggregates the findings by MFT values.[162] As anticipated, in each condition, support for waterboarding is positively

[161] The linear model is: *Y = a1(Ideology) + a2(TrumpOnlyTreatment) + a3(TrumpOnlyTreatment X Ideology) + a4(Trump+FoxNewsTreatment) + a5(Trump+FoxNewsTreatment X Ideology) + a6(ObamaTreatment) + a7(ObamaTreatment X Ideology) + E.*

[162] The linear model is: *Y = a0 + a1(Treatment) + a2(In-group loyalty) + a3(In-group loyalty X ServicememberTreatment) + a4(Authority) + a5(Authority*

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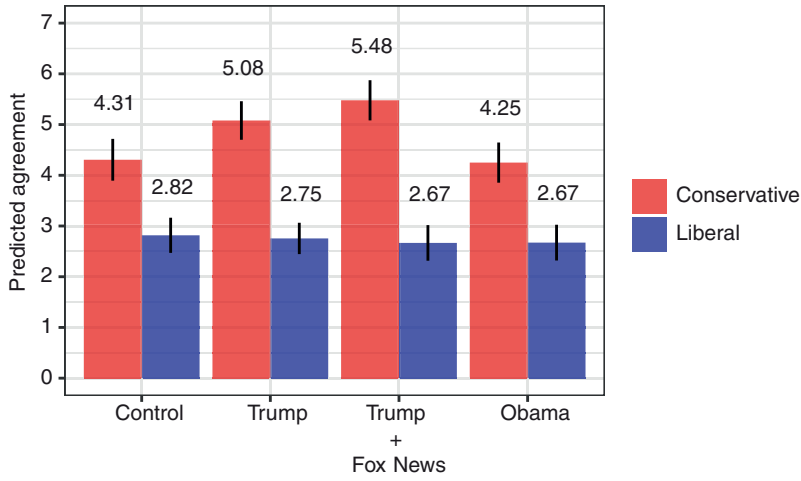


Figure 3.5b Support for use of waterboarding, by ideology

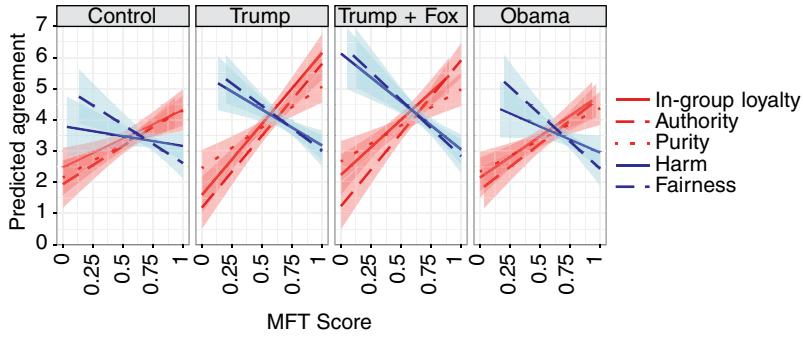


Figure 3.5c Support for use of waterboarding, by MFT values

linked to the conservative values of in-group loyalty, authority, and purity. By comparison, it is negatively linked to the liberal values of harm and fairness (full results presented in Appendix Table 3.A.5). To see more clearly the activation effects of the impunity coalition, Figure 3.5d shows the impact of receiving the *Trump+FoxNewsTreatment* on support for waterboarding relative

X Treatment) + a6(Purity) + a7(Purity X Treatment) + a8(Harm) + a9(Harm X Treatment) + a10(Fairness) + a11(Fairness X Treatment) + E, where Treatment denotes which of the four treatments (including Control) the respondent was shown.

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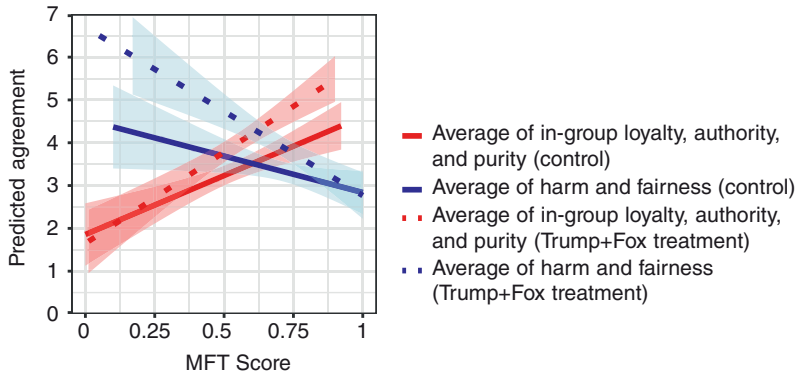


Figure 3.5d Support for use of waterboarding (Trump + Fox News treatment vs. control), combining MFT values

to the *Control*, by MFT values.[163] For readability, the three conservative and two liberal MFT values are averaged out, respectively. The graph illustrates that the more respondents prioritize conservative MFT values, the more their support for waterboarding is increased by seeing the *Trump+FoxNewsTreatment*. Conversely, the more that respondents prioritize liberal MFT values, the less this impact. The implication is that higher conservative support for waterboarding tracks MFT values of in-group loyalty, authority, and purity. Respondents who score higher on these associated values are more activated by impunity cues.

Follow-up, free-response questions also asked respondents to explain why they answered the waterboarding question how they did. Recurring themes implicated key conservative MFT values, which were coded and categorized in Table 3.5. Answers broadly included believing that waterboarding is acceptable because it protects fellow Americans (in-group loyalty), deferring to Trump's judgment about waterboarding (authority), and feeling that waterboarding is justified when it promotes a morally upright cause (purity). Although many of the strongest responses came from

[163] The linear model is: $Y = a0 + a1(ConservativeMFTValues) + a2(LiberalMFTValues) + a3(Trump+FoxNewsTreatment) + a4(ConservativeMFTValues\ X\ Trump+FoxNewsTreatment) + a5(LiberalMFTValues\ X\ Trump+FoxNewsTreatment) + E$.

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Table 3.5 *Free-response answers to waterboarding question, by MFT values and ideology*

MFT value	Quote	Ideology
In-group Loyalty/ Out-group Aversion	"Do everything possible to protect the united states and it citizens."	Conservative
	"There should be no limit on what actions we take to protect the usa and its citizens."	Slightly conservative
	"Our security is far more important than the suffering of an enemy. If that's part of our Nation's path to survival, so be it."	Extremely conservative
	"I believe in America, they're killing our soldiers, and they're plotting against our America, we have to protect our people."	Conservative
	"Because they are not citizens of the USA and they are terrorists that do not follow the laws of God therefore torture is acceptable."	Conservative
	"[I] do not like the procedure as it is tortuous, but [I] will support it if it saves American lives."	Liberal
	"[T]he people we are dealing with act like animals and therefore we need to do the same…"	Moderate, middle of the road
	"I think it's justified at the enemy is evil I think we need to defend our rights and rights of our country."	Slightly Conservative
	"If America is in danger, then whatever is needed to be done!! Should be done. Regardless of the method!"	Extremely liberal
Authority / Anarchy	"… President Trump's point about them beheading POW is very true. In this case waterboarding is almost a compassionate alternative."	Conservative
	"Trump is so right fuck everyone in china iraq killing people its not fucking right make amercan graet again."	Slightly liberal

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Table 3.5 (*cont.*)

MFT value	Quote	Ideology
	"I agree with trump. We have turned into a bunch of pansies. No ine is scared of us."	Moderate, middle of the road
	"I agree with president trump. We need to be tougher on these bad killer people."	Conservative
	"I do agree with what PResident Trump said – terrorists as far as I'm concerned don't deserve respect."	Moderate, middle of the road
	"The President"	Liberal
	"I totally agree with our president. Look what terrorists have done to our country. The caused 9/11."	Extremely conservative
	"I agree with President Trump for the most part … [O]ur country needs to be one step ahead and not afraid of upsetting sensitive people who disagree with these methods."	Moderate, middle of the road
	"… We should go harder like President Trump said. I stand by that."	Conservative
Purity/Impurity	"We need to clean house on terrizime no matter even if we take out children."	Slightly liberal
	"These people are cutting off heads and laughing about it. It's disgusting. Waterboarding is nothing compared to that."	Conservative
	"If waterboarding was the only option to save millions of lives and more to come, then yes, it's perfect…."	Slightly liberal
	"Captured terrorists terrorized innocent others so we should waterboard and torture them when captured. Tit for tat!"	Liberal

	"War is never pretty. If our enemy is cutting off our soldiers heads then waterboarding is fair."	Conservative
	"… I believe that you should do onto others what that have done onto you. An eye for an eye if you will."	Moderate, middle of the road
	"They chop off our heads snd follow no rules. So we can break some to."	Conservative
	"Sometimes, the ugly necessary things need to be done to achieve justice."	Liberal
	"As a Veteran, I feel that if they can torture, maim and even kill our soldiers or even civilian citizens, then by any means necessary…"	Moderate, middle of the road
Other / Miscellaneous	"… Personally, with a terrorist, think I'd start with a power drill first. Drill holes in the knee caps for starters."	Moderate, middle of the road
	"I would have chosen 'strongly agree' if you had available the option to consider harsher methods…"	Slightly conservative
	"War is war, 'rules of engagement' are bullshit and for LOSERS!…"	Extremely conservative
	"… [W]e need to force the enemy to talk [their] heads off, then kill them."	Extremely conservative
	"… [W]aterboarding could be considered one of the more benevolent methods when it comes down to it…."	Conservative
	"All is fair in love and war."	Moderate, middle of the road
	"… If we show [other countries] that we are once again a force to be reckoned with, a lot of their antics would come to an end."	Extremely conservative
	"These folks hate America. They plot to kill Americans. They should be dealt with accordingly."	Conservative
	"… I really don't care what happens to someone that's been captured as a terrorist… [T]hey get what they deserve."	Moderate, middle of the road

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self-identified conservatives, several moderate and liberal respondents also unequivocally favored the use of waterboarding as an interrogation technique.

In the miscellaneous category, some respondents displayed not just a willingness to discount IHL, but an eagerness to do so. For example, an ideologically moderate respondent stated, "Personally, with a terrorist, think I'd start with a power drill first. Drill holes in the knee caps for starters." Another respondent, who identified as slightly conservative, felt that the survey options did not go far enough in gauging support for waterboarding, declaring, "I would have chosen 'strongly agree' if you had available the option to consider harsher methods…" One extremely conservative respondent suggested that America should not have any rules at all in combat, pronouncing, "War is war, 'rules of engagement' are bullshit and for LOSERS!…"

Notably, across several of the categories, respondents either explicitly referenced Trump or paraphrased his words about "chop[ping] off heads" in justifying their answers. A conservative respondent, for instance, said that "President Trump's point about them beheading POW is very true" and declared that, by comparison, "waterboarding is almost a compassionate alternative." Another conservative respondent remarked that "people … cutting off heads and laughing about it" is "disgusting" and that "[w]aterboarding is nothing compared to that." Even a slightly liberal respondent called Trump "so right," saying that it was time to "make amercan graet again" because "iraq killing people … [is] not fucking right" [sic].

Overall, the evidence presented in this chapter suggests that Trump's motive for openly challenging IHL was to appeal to conservative voters. The foundational moral values that conservatives prioritize – in-group loyalty, authority, and purity – tend to make them less supportive of the law in wart contexts than in domestic criminal justice. Trump's messaging effectively activated and reinforced these values. The findings indicate that many conservatives are open to violating IHL in practice. However, even if Trump's core base abandoned attachments to law and order, conservative support could still have been jeopardized if the military itself pushed back against the impunity agenda. Chapter 4 explores Trump's efforts to secure the military's backing.

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Appendix

Table 3.A.1 *Summary statistics for survey respondents*

Category	Mean	St. Dev.	Max	Min
Ideology				
Conservative	0.295	0.456	1	0
Liberal	0.401	0.490	1	0
Moderate, middle of the road	0.304	0.460	1	0
Age Brackets				
18–25	0.131	0.337	1	0
25–34	0.158	0.365	1	0
35–44	0.172	0.378	1	0
45–54	0.168	0.374	1	0
55–64	0.170	0.376	1	0
65 or older	0.201	0.401	1	0
Ethnicity				
White	0.784	0.412	1	0
Nonwhite	0.216	0.412	1	0
Gender				
Male	0.481	0.500	1	0
Female	0.519	0.500	1	0
Education				
Postsecondary education	0.780	0.414	1	0
No postsecondary education	0.220	0.414	1	0
Income				
Less than $25,000	0.223	0.416	1	0
$25,000 to $34,999	0.140	0.347	1	0
$35,000 to $49,999	0.138	0.345	1	0
$50,000 to $74,999	0.191	0.393	1	0
$75,000 to $99,999	0.119	0.324	1	0
$100,000 to $149,999	0.119	0.323	1	0
$150,000 or more	0.070	0.255	1	0

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Table 3.A.2 *Support for exoneration from the law, by MFT values*

	OLS (1)	OLS with covariates (2)	Ordered logit (3)
Constant	2.765*** (0.316)	3.014*** (0.361)	
In-group loyalty	0.800 (0.446)	0.908* (0.450)	1.282* (0.591)
Authority	−1.488** (0.535)	−1.394** (0.537)	−2.420*** (0.687)
Purity	−0.708 (0.384)	−0.846* (0.387)	−0.958 (0.494)
Harm	0.258 (0.537)	−0.010 (0.543)	0.149 (0.700)
Fairness	0.531 (0.553)	0.602 (0.559)	0.922 (0.720)
ServicememberTreatment	0.425 (0.459)	0.420 (0.460)	0.325 (0.605)
ServicememberTreatment × In-group loyalty	0.328 (0.633)	0.309 (0.634)	0.083 (0.843)
ServicememberTreatment × Authority	2.776*** (0.736)	2.684*** (0.736)	4.327*** (0.968)
ServicememberTreatment × Purity	1.084 (0.553)	1.102* (0.553)	1.777* (0.731)
ServicememberTreatment × Harm	−0.900 (0.765)	−0.788 (0.765)	−1.115 (1.016)
ServicememberTreatment × Fairness	−2.821*** (0.784)	−2.855*** (0.784)	−4.120*** (1.036)
N	1,177	1,175	1,177
Adjusted R^2	0.097	0.102	

*$p < .05$; **$p < .01$; ***$p < .001$. Two-tailed tests.
Model 2 includes covariates for age, gender, race, income, and education.
Larger values indicate greater support for exoneration.

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Table 3.A.3 *Support for using maximum firepower, by MFT values*

	OLS (1)	OLS with covariates (2)	Ordered logit (3)
Constant	4.185*** (0.505)	2.903*** (0.531)	
In-group loyalty	1.035 (0.631)	0.780 (0.616)	1.007 (0.813)
Authority	4.607*** (0.751)	4.195*** (0.734)	6.130*** (0.997)
Purity	0.149 (0.583)	0.412 (0.569)	−0.051 (0.723)
Harm	−2.280** (0.755)	−2.000** (0.740)	−2.486** (0.950)
Fairness	−1.483 (0.791)	−1.107 (0.771)	−1.662 (1.026)
CivilianCasualtiesTreatment	−0.509 (0.684)	0.085 (0.670)	−0.435 (0.831)
SoldierSavedTreatment	−0.008 (0.729)	0.103 (0.709)	0.420 (0.888)
ComboTreatment	0.061 (0.698)	0.447 (0.681)	0.346 (0.835)
CivilianCasualtiesTreatment × In-group loyalty	2.201* (0.943)	2.068* (0.918)	3.137** (1.185)
CivilianCasualtiesTreatment × Authority	−2.027 (1.112)	−2.353* (1.082)	−2.825* (1.420)
CivilianCasualtiesTreatment × Purity	−0.120 (0.826)	−0.053 (0.805)	0.343 (1.018)
CivilianCasualtiesTreatment × Harm	−0.883 (1.126)	−0.980 (1.101)	−1.585 (1.420)
CivilianCasualtiesTreatment × Fairness	−0.103 (1.170)	−0.520 (1.141)	−0.219 (1.476)
SoldierSavedTreatment × In-group loyalty	1.042 (0.953)	0.644 (0.933)	2.086 (1.198)
SoldierSavedTreatment × Authority	−2.203* (1.109)	−1.764 (1.081)	−3.311* (1.414)
SoldierSavedTreatment × Purity	−0.033 (0.867)	−0.177 (0.844)	−0.008 (1.077)
SoldierSavedTreatment × Harm	1.330 (1.128)	0.911 (1.100)	1.158 (1.414)
SoldierSavedTreatment × Fairness	0.510 (1.172)	0.819 (1.142)	0.414 (1.477)
ComboTreatment × In-group loyalty	1.065 (0.930)	0.743 (0.907)	1.625 (1.159)

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Table 3.A.3 (*cont.*)

	OLS (1)	OLS with covariates (2)	Ordered logit (3)
ComboTreatment × Authority	−1.836 (1.079)	−1.707 (1.051)	−2.692 (1.375)
ComboTreatment × Purity	−0.016 (0.813)	−0.050 (0.791)	0.158 (0.986)
ComboTreatment × Harm	1.796 (1.157)	1.295 (1.127)	1.566 (1.419)
ComboTreatment × Fairness	−2.334* (1.168)	−2.194 (1.138)	−2.523 (1.438)
N	1,177	1,175	1,177
Adjusted R^2	0.393	0.427	

*$p < .05$; **$p < .01$; ***$p < .001$. Two-tailed tests.
Model 2 includes covariates for age, gender, race, income, and education.
Larger values indicate greater support.

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Table 3.A.4 *Support for disregarding the Geneva Conventions, by MFT values*

	OLS (1)	OLS with covariates (2)	Ordered logit (3)
Constant	3.674*** (0.495)	4.331*** (0.531)	
In-group loyalty	0.995 (0.737)	0.998 (0.734)	1.435 (0.817)
Authority	1.025 (0.870)	1.250 (0.866)	2.119* (1.048)
Purity	1.063 (0.689)	0.653 (0.694)	1.053 (0.799)
Harm	−1.548 (0.865)	−1.687 (0.864)	−2.285* (1.010)
Fairness	−1.581 (0.887)	−1.486 (0.887)	−2.190* (1.045)
CivilianCasualtiesTreatment	0.015 (0.724)	0.055 (0.720)	−0.109 (0.817)
DefeatEnemiesTreatment	−0.210 (0.727)	−0.289 (0.723)	−0.163 (0.818)
ComboTreatment	0.517 (0.746)	0.626 (0.741)	0.351 (0.842)
CivilianCasualtiesTreatment × In-group loyalty	0.627 (1.003)	0.447 (0.999)	0.567 (1.128)
CivilianCasualtiesTreatment × Authority	1.372 (1.198)	1.456 (1.192)	1.814 (1.443)
CivilianCasualtiesTreatment × Purity	−0.694 (0.914)	−0.475 (0.913)	−0.695 (1.059)
CivilianCasualtiesTreatment × Harm	−1.288 (1.206)	−1.296 (1.199)	−1.799 (1.400)
CivilianCasualtiesTreatment × Fairness	0.094 (1.222)	−0.056 (1.216)	0.487 (1.425)
DefeatEnemiesTreatment × In-group loyalty	1.034 (1.037)	1.062 (1.031)	0.782 (1.207)
DefeatEnemiesTreatment × Authority	0.038 (1.223)	−0.049 (1.220)	−0.427 (1.453)
DefeatEnemiesTreatment × Purity	0.453 (0.931)	0.733 (0.929)	0.958 (1.072)
DefeatEnemiesTreatment × Harm	0.329 (1.217)	0.423 (1.210)	0.114 (1.393)
DefeatEnemiesTreatment × Fairness	−0.860 (1.243)	−1.003 (1.235)	−0.507 (1.443)

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Table 3.A.4 (*cont.*)

	OLS (1)	OLS with covariates (2)	Ordered logit (3)
ComboTreatment × In-group loyalty	0.902 (1.080)	0.965 (1.074)	1.047 (1.224)
ComboTreatment × Authority	1.276 (1.200)	1.091 (1.193)	2.130 (1.470)
ComboTreatment × Purity	−0.378 (0.943)	−0.143 (0.939)	−0.621 (1.093)
ComboTreatment × Harm	0.063 (1.320)	0.188 (1.312)	0.153 (1.524)
ComboTreatment × Fairness	−2.212 (1.370)	−2.525 (1.361)	−2.734 (1.583)
N	1,177	1,175	1,177
Adjusted R^2	0.205	0.218	

$^{*}p < .05$; $^{**}p < .01$; $^{***}p < .001$. Two-tailed tests.
Model 2 includes covariates for age, gender, race, income, and education.
Larger values indicate greater support.

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Table 3.A.5 *Support for use of waterboarding, by MFT values*

	OLS (1)	OLS with covariates (2)	Ordered logit (3)
Constant	3.573*** (0.614)	3.782*** (0.652)	
In-group loyalty	0.104 (0.827)	0.069 (0.824)	0.340 (0.837)
Authority	1.413 (1.021)	1.747 (1.019)	1.697 (0.993)
Purity	1.474* (0.726)	1.551* (0.724)	1.252 (0.670)
Harm	0.605 (1.049)	0.736 (1.048)	0.524 (1.045)
Fairness	−3.310** (1.092)	−3.490** (1.088)	−3.224** (1.066)
TrumpOnlyTreatment	0.278 (0.858)	0.374 (0.854)	0.482 (0.816)
Trump+FoxNewsTreatment	0.927 (0.875)	0.954 (0.871)	1.149 (0.831)
ObamaTreatment	0.755 (0.880)	0.688 (0.876)	0.852 (0.836)
TrumpOnlyTreatment × In-group loyalty	2.634* (1.179)	2.643* (1.171)	2.271 (1.182)
TrumpOnlyTreatment × Authority	1.661 (1.382)	1.386 (1.376)	1.787 (1.368)
TrumpOnlyTreatment × Purity	−1.315 (1.006)	−1.249 (1.001)	−1.190 (0.982)
TrumpOnlyTreatment × Harm	−3.672* (1.428)	−3.622* (1.418)	−3.990** (1.436)
TrumpOnlyTreatment × Fairness	1.857 (1.454)	1.877 (1.444)	1.899 (1.442)
Trump+FoxNewsTreatment × In-group loyalty	1.048 (1.215)	1.095 (1.209)	0.680 (1.216)
Trump+FoxNewsTreatment × Authority	3.541* (1.424)	3.500* (1.414)	3.478* (1.413)
Trump+FoxNewsTreatment × Purity	−1.623 (1.058)	−1.680 (1.052)	−1.252 (1.000)
Trump+FoxNewsTreatment × Harm	−4.364** (1.478)	−4.354** (1.468)	−4.522** (1.468)
Trump+FoxNewsTreatment × Fairness	1.572 (1.554)	1.594 (1.543)	1.330 (1.508)
ObamaTreatment × In-group loyalty	1.214 (1.196)	1.126 (1.191)	0.787 (1.208)

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Table 3.A.5 (*cont.*)

	OLS (1)	OLS with covariates (2)	Ordered logit (3)
ObamaTreatment × Authority	0.962 (1.438)	0.847 (1.430)	0.871 (1.445)
ObamaTreatment × Purity	−0.776 (1.074)	−0.761 (1.069)	−0.563 (1.059)
ObamaTreatment × Harm	−1.595 (1.500)	−1.383 (1.490)	−1.841 (1.515)
ObamaTreatment × Fairness	−0.277 (1.538)	−0.213 (1.528)	0.023 (1.488)
N	1,176	1,174	1,176
Adjusted R^2	0.217	0.228	

*$p < .05$; **$p < .01$; ***$p < .001$. Two-tailed tests.
Model 2 includes covariates for age, gender, race, income, and education.
Larger values indicate greater support.