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From: Sidney Blumenthal
Sent: Friday, December 14, 2012 3:58 PM
To: H
Subject: H: FYI. Want to make sure you see Jane Mayer's piece on this subject. Sid

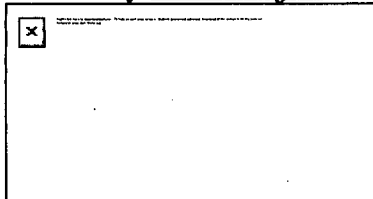
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<http://www.newyorker.com/online/blogs/newsdesk/2012/12/torture-in-kathryn-bigelows-zero-dark-thirty.html>

December 14, 2012

Zero Conscience in “Zero Dark Thirty”

Posted by *Jane Mayer*



At the same time that the European Court of Human Rights has issued a historic ruling condemning the C.I.A.'s treatment of a terror suspect during the Bush years as “torture,” a Hollywood movie about the agency’s hunt for Osama bin Laden, “Zero Dark Thirty”—whose creators say that they didn’t want to “judge” the interrogation program—appears headed for Oscar nominations. Can torture really be turned into morally neutral entertainment?

“Zero Dark Thirty,” which opens across the country next month, is a pulse-quickenning film that spends its first half hour or so depicting a fictionalized version of the Bush Administration’s secret U.S. interrogation program. In reality, the C.I.A.’s program of calibrated cruelty was deemed so illegal, and so immoral, that the director of the F.B.I. withdrew his personnel rather than have them collaborate with it, and the top lawyer at the Pentagon laid his career on the line in an effort to stop a version of the program from spreading to the armed forces. The C.I.A.’s actions convulsed the national-security community, leading to a crisis of conscience inside the top ranks of the U.S. government. The debate echoed the moral seriousness of the political dilemma once posed by slavery, a subject that is brilliantly evoked in Steven Spielberg’s new film, “Lincoln”; by contrast, the director of “Zero Dark Thirty,” Kathryn Bigelow, milks the U.S. torture program for drama while sidestepping the political and ethical debate that it provoked. In her hands, the hunt for bin Laden is essentially a police procedural, devoid of moral context. If she were making a film about slavery in antebellum America, it seems, the story would focus on whether the cotton crops were successful.

After some critics called Bigelow a torture apologist, she defended the fairness and historical accuracy of her movie. “The film doesn’t have an agenda, and it doesn’t judge. I wanted a boots-on-the-ground experience,” she told my *New Yorker* colleague Dexter Filkins, who interviewed her for a Talk of the Town piece. At a Los Angeles press junket, the film’s screenwriter, Mark Boal, complained that critics were “mischaracterizing” the torture sequences: “I understand that those scenes are graphic and unsparing and unsentimental. But I think that what the film does over the course of two hours is show the complexity of the debate.” His point was that because the film shows multiple approaches to intelligence gathering, of which torture is only one tactic, and because the torture isn’t shown as always producing correct or instant leads, it offers a nuanced answer to the question of whether torture works.

But whether torture “worked” was far from the most important question about its use. I’ve seen the film and, as much as I admired Bigelow’s Oscar-winning picture “The Hurt Locker,” I think that this time, by ignoring the full weight of the dark history of torture, her work falls disturbingly short. To begin with, despite Boal’s contentions, “Zero Dark Thirty” does not capture the complexity of the debate about America’s brutal detention program. It doesn’t include a single scene in which torture is questioned, even though the Bush years were racked by internal strife over just that issue—again, not just among human-rights and civil-liberties lawyers, but inside the F.B.I., the military, the Justice Department, and the C.I.A. itself, which eventually abandoned waterboarding because it feared, correctly, that the act constituted a war crime. None of this ethical drama seems to interest Bigelow. To establish a baseline of moral awareness, she shows her heroine—a C.I.A. counterterrorism officer called Maya, played by Jessica Chastain—delicately wincing as she hands the more muscled interrogators a pitcher of water with which to waterboard a detainee. Maya is also shown standing mutely by when the detainee is strung up by ropes, stripped naked, and forced to crawl in a dog collar. In reality, when the C.I.A. first subjected a detainee to incarceration in a coffin-size “confinement box,” as is shown in the movie, an F.B.I. agent present at the scene threw a fit, warned the C.I.A. contractor proposing the plan that it was illegal, counterproductive, and reprehensible. The fight went all the way to the top of the Bush Administration. Bigelow airbrushes out this showdown, as she does virtually the entire debate during the Bush years about the treatment of detainees.

The lone anti-torture voice shown in the film is a split-second news clip of President Barack Obama, taken from a “60 Minutes” interview, in which he condemns torture. It flashes on a television screen that’s in the background of a scene set in Pakistan; the movie’s terrorist-hunters, who are holding a meeting, barely look up, letting Obama’s pronouncement pass without comment. “By this point in the film,” as the CNN national-security analyst Peter Bergen wrote recently, “the audience has already seen that the C.I.A. has employed coercive interrogation techniques on an al Qaeda detainee that produced a key lead in the hunt for bin Laden. In the film, Obama’s opposition to torture comes off as wrongheaded and prissy.”

Bigelow has portrayed herself as a reluctant truth-teller. She recently described the film’s torture scenes as “difficult to shoot.” She said, “I wish it was not part of our history. But it was.”

Yet what is so unsettling about “Zero Dark Thirty” is not that it tells this difficult history but, rather, that it distorts it. In addition to excising the moral debate that raged over the interrogation program during the Bush years, the film also seems to accept almost without question that the C.I.A.’s “enhanced interrogation techniques” played a key role in enabling the agency to identify the courier who unwittingly led them to bin Laden. But this claim has been debunked, repeatedly, by reliable sources with access to the facts. As the *Washington Post*’s Greg Sargent first reported, shortly after bin Laden was killed, Leon Panetta, then the director of the C.I.A., sent a letter to Arizona Senator John McCain, clearly stating that “we first learned about ‘the facilitator / courier’s nom de guerre’ from a detainee not in the C.I.A.’s custody.” Panetta wrote that “no detainee in C.I.A. custody revealed the facilitator / courier’s full true name or specific whereabouts.”

The Senators Dianne Feinstein, a California Democrat and the chairman of the Senate Intelligence Committee, and Carl Levin, a Michigan Democrat and the chairman of the Senate Armed Services Committee, have undermined the film’s version of events further still. “The original lead information had no connection to C.I.A. detainees,” they wrote in their own letter, revealed by the *Post* last year. Feinstein and Levin noted that a third detainee in C.I.A. custody did provide information on the courier, but, importantly, they stressed that “he did so the day before he was interrogated by the C.I.A. using their coercive interrogation techniques.” In other words, contrary to the plotline of “Zero Dark Thirty,” and contrary to self-serving accounts of C.I.A. officers implicated in the interrogation program, senators with access to the record say that torture did not produce the leads that led to finding and killing bin Laden.

Top senators on the Senate Intelligence Committee and the Senate Armed Services Committee have amplified that position in additional interviews this week. Speaking with the Huffington Post, Feinstein said of the movie’s narrative, “Based on what I know, I don’t believe it is true.” Republicans, too, criticized the movie’s plot. “It’s wrong. It’s wrong. I know for a fact, not because of this report—

my own knowledge—that waterboarding, torture, does not lead to reliable information ... in any case—not this specific case—in any case,” said John McCain, the top Republican on the Armed Services Committee, who was himself tortured during the Vietnam War. The Huffington Post also quoted South Carolina Senator Lindsey Graham, another Republican member of the Armed Services Committee, saying, “I would argue that it’s not waterboarding that led to bin Laden’s demise. It was a lot of good intelligence-gathering from the Obama and Bush administrations, continuity of effort, holding people at Gitmo, putting the puzzle together over a long period of time—not torture.” As Scott Shane wrote in the *Times* on Thursday, so little is publicly known about the C.I.A.’s erstwhile interrogation program that it is nearly impossible for outsiders to assess the facts with total confidence. But for the past three years, Democratic staffers at the Senate Intelligence Committee have been compiling six thousand pages of records related to the secret program, and in doing so they have found little to celebrate. It is hard to understand, then, why the creators of “Zero Dark Thirty” so confidently credit the program.

In addition to providing false advertising for waterboarding, “Zero Dark Thirty” endorses torture in several other subtle ways. At one point, the film’s chief C.I.A. interrogator claims, without being challenged, that “everyone breaks in the end,” adding, “it’s biology.” Maybe that’s what they think in Hollywood, but experts on the history of torture disagree. Indeed, many prisoners have been tortured to death without ever revealing secrets, while many others—including some of those who were brutalized during the Bush years—have fabricated disinformation while being tortured. Some of the disinformation provided under duress during those years, in fact, helped to lead the U.S. into the war in Iraq under false premises.

At another point in the film, an elderly detainee explains that he wants to cooperate with the U.S. because he “doesn’t want to be tortured again.” The clear implication is that brutalization brings breakthroughs. Other ways of getting intelligence, such as bribing sources with expensive race cars, are shown to work, too. But while those scenes last only a few minutes, the torture scenes seem to go on and on.

The filmmakers subtly put their thumb on the pro-torture scale, as Emily Bazelon put it, in another scene, too. A C.I.A. officer complains that there is no way for him to corroborate a lead on bin Laden’s whereabouts now that the detainees in Guantánamo all have lawyers. The suggestion is that if they are given due process rather than black eyes, there will be no way to get the necessary evidence. This is a canard, given that virtually all suspects in the American criminal-justice system have lawyers, yet their cases proceed smoothly and fairly every day.

Bigelow has stressed that she had “no agenda” when she made “Zero Dark Thirty.” Unsurprisingly, though, those who have defended the brutalization of detainees have already begun embracing the film as evidence that they are right. Joe Scarborough, the conservative host of MSNBC’s show “Morning Joe,” said recently that the film’s narrative, “whether you find it repugnant or not,” shows that the C.I.A. program was effective and “led to the couriers, that led, eventually, years later, to the killing of Osama bin Laden.” My guess is that this is just the beginning, and that by the time millions of Americans have seen this movie, they will believe that, as Frank Bruni put it in a recent *Times* column, “No waterboarding, no bin Laden.”

Perhaps it’s unfair to expect the entertainment industry to convey history accurately. Clearly, the creators of “Zero Dark Thirty” are storytellers who really know how to make a thriller. And it’s true that there are no rules when it comes to fiction. As Boal, the screenwriter, has protested in recent interviews, “It’s a movie, not a documentary.” But in the very first minutes of “Zero Dark Thirty,” before its narrative begins to unspool, the audience is told that the story it is about to see is “based on first-hand accounts of actual events.” If there is an expectation of accuracy, it is set up by the filmmakers themselves. It seems they want it both ways: they want the thrill that comes from revealing what happened behind the scenes as history was being made and the creative license of fiction, which frees them from the responsibility to stick to the truth.

Knowing the real facts—the ones that led the European Court of Human Rights to condemn America for torture this week—I had trouble enjoying the movie. I’ve interviewed Khaled El-Masri, the German citizen whose suit the E.C.H.R. adjudicated. He turned out to be a case of mistaken identity, an

innocent car salesman whom the C.I.A. kidnapped and held in a black-site prison for four months, and who was “severely beaten, sodomized, shackled, and hooded.” What Masri lived through was so harrowing that, when I had a cup of coffee with him, a few years ago, he couldn’t describe it to me without crying. Maybe I care too much about all of this to enjoy it with popcorn. But maybe the creators of “Zero Dark Thirty” should care a little bit more.