

'Disturbing' & 'Misleading'

Zero Dark Thirty
a film directed by Kathryn Bigelow

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It is not unusual for filmmakers to try to inject authenticity into a movie's first frames by flashing onscreen words such as "based on real events." Yet the language chosen by the makers of *Zero Dark Thirty* to preface their film about events leading to the death of Osama bin Laden is distinctively journalistic: "Based on Firsthand Accounts of Actual Events." As those words fade, "September 11, 2001" appears against a black screen and we hear genuine emergency calls made by victims of al-Qaeda's attack on the World Trade Center. One caller describes flames spreading around her and says that she is "burning up"; she pleads against death and then her voice disappears. Before any actor speaks a single fictional line, then, *Zero Dark Thirty* makes two choices: it aligns its methods with those of journalists and historians, and it appropriates as drama what remains the most undigested trauma in American national life during the last several decades.

Since *Zero Dark Thirty's* release in New York and Los Angeles in December (it opens nationwide on January 11), the film has provoked a split reaction. Critics have celebrated it for its pacing, control, and arresting but complicated depictions of political violence. The New York Film Critics Circle has named the film best picture of 2012, and it has been nominated for five Academy Awards, including one for the best picture of the year. The qualities some critics admire in the film are familiar from *The Hurt Locker*, the previous collaboration—about an American bomb squad in Iraq—between the scriptwriter, Mark Boal, and the director, Kathryn Bigelow. (The film made Bigelow the first woman to win an Academy Award for Best Director, in 2009, and it also won an Oscar for Best Picture.)

At the same time, a number of journalists and public officials—including three United States senators—have excoriated *Zero Dark Thirty*. Their main complaint is that the film greatly overstates the role played by torture—or "enhanced interrogation techniques," in the CIA's terrifying euphemism—in extracting from al-Qaeda-affiliated detainees information that ultimately led to the discovery of Osama bin Laden's hideout in Abbottabad, Pakistan, where he was killed by Navy SEALs on May 2, 2011.

"The film creates the strong impression that the enhanced interrogation techniques...were the key to finding Bin Laden," Michael Morrell, the acting CIA director, wrote to agency employees in December. "That impression is false." Senate Intelligence Committee Chairman Dianne Feinstein and the two senior members of the Armed Services Committee, Democrat Carl Levin and Republican John McCain, coauthored a letter calling the movie's version of recent counterterrorism history "grossly inaccurate." The senators said the film's flaws have "the potential to shape American public opinion in a disturbing and misleading manner."

Boal is a former journalist who conducted interviews with CIA officers,

military officers, and White House officials as he prepared to write *Zero Dark Thirty*. The Obama administration and CIA leaders reportedly authorized at least some of these interviews, apparently in the belief that the public would appreciate the movie that resulted. Boal has said that he conducted other reporting on his own initiative. Boal and Bigelow have offered two main responses to the criticism they have received. One is that as dramatists compressing a complex history into a cinematic narrative, they must be granted a degree of artistic license.

That is unarguable, of course, and yet the filmmakers cannot, on the one hand, claim authenticity as journalists



Director Kathryn Bigelow and writer Mark Boal on the set of *Zero Dark Thirty*

while, on the other, citing art as an excuse for shoddy reporting about a subject as important as whether torture had a vital part in the search for bin Laden, and therefore might be, for some, defensible as public policy. Boal and Bigelow—not their critics—first promoted the film as a kind of journalism. Bigelow has called *Zero Dark Thirty* a "reported film." Boal told a *New York Times* interviewer before the controversy erupted, "I don't want to play fast and loose with history."

Boal has said that he believes his script captures "a very complex debate about torture" because it shows some prisoners giving up information under duress, while others dissemble. There is no reason to doubt that Boal and Bigelow intended to depict the role of torture in the search for bin Laden ambiguously. *The Hurt Locker* was a film of understated complexity drawn out through action, not didactic explication. Yet *The Hurt Locker's* story offered a microcosm of war that did not try too hard to address the larger subject of the tragic invasion of Iraq, and so a viewer had no cause to compare the film's choices to a record of historical fact.

Zero Dark Thirty has the inverse shape: it is an epic history that the filmmakers try to compress into a microcosm, by telling the story of the decade-long bin Laden hunt, which involved many hundreds of CIA officers and military personnel, primarily through the experience of a single analyst, "Maya," who is played by Jessica Chastain, and who is based on a real-life CIA employee whom Boal reportedly met. In the film, the personal story of Maya's pursuit of bin Laden—

which is original and convincing—is juxtaposed against explosive external events, such as the terrorist attack in London on July 7, 2005, and the bombing of the Marriott Hotel in Islamabad, Pakistan, in 2008. As much as the filmmakers' claims to journalistic method, this narrative approach—the summoning of recent, dramatic public events—invites the viewer into judgment about the film's reliability.

The first problem in assessing *Zero Dark Thirty's* fealty to the facts about torture is that most of the record about the CIA's interrogation program remains secret, including the formally sanctioned use of waterboarding and other brutal techniques between roughly 2002 and 2006. So does the

central" in developing the clues that led to Osama bin Laden's hideout. Yet Michael Hayden, the final CIA director of the Bush administration, wrote last year that information gleaned from detainees who were "subjected to some form of enhanced interrogation" proved "crucial" to the search. The most thorough, independent account published on the bin Laden hunt to date—*Manhunt*, by the journalist Peter Bergen¹—mainly supports Feinstein's view, but the CIA and other officials Bergen interviewed also asserted that some al-Qaeda detainees who were tortured provided relevant pieces of evidence.

The easiest question to consider is what *Zero Dark Thirty* actually depicts about the part torture played in locating bin Laden. As best as is known, the CIA's crucial discovery was to identify a courier, who was known to al-Qaeda colleagues by his nom de guerre, Abu Ahmed al-Kuwaiti. Agency officers then traced the courier to Abbottabad. Many detainees and other sources contributed information that confirmed the courier's identity and importance. Ultimately, in the film, Maya tells one detainee that twenty sources have helped to describe al-Kuwaiti's role.

There can be no mistaking what *Zero Dark Thirty* shows: torture plays an outsized part in Maya's success. The first detainee she helps to interrogate is Ammar. He is tortured extensively in the film's opening sequence, immediately after we hear the voices of World Trade Center victims. Ammar's face is swollen; we see him strung up by ropes, waterboarded, sexually humiliated, deprived of sleep through the blasting of loud music, and stuffed into a small wooden box. During his ordeal, Ammar does not initially give up reliable information. After he has been subdued and fooled into thinking that he has already been cooperative while delirious, however, he gives up vital intelligence about the courier over a comfortable meal.

Some viewers might regard Ammar's final confession in the midst of warm hospitality as an example of torture that did not work, or worked only partially. In fact, this sequence of the film depicts precisely how the CIA's coercive interrogation regime was constructed to break prisoners, according to Jose Rodriguez Jr., a former leader of the CIA Clandestine Service, who has described and defended the interrogation regime in a memoir, *Hard Measures: How Aggressive CIA Actions After 9/11 Saved American Lives*.² For if a CIA detainee initially refused to cooperate, interrogators applied "enhanced" techniques in an escalating sequence until the prisoner reached what Rodriguez calls "the compliant stage." Once the detainee "became compliant and agreed to cooperate," the harsh methods stopped, Rodriguez wrote, and the prisoner might be fed and coddled in reward for confessions he had not previously made.

We later see Maya review videotaped interrogations of half a dozen other prisoners who provide information about al-Kuwaiti. It is not clear in the film whether these detainees are in CIA

full record of the CIA's search for bin Laden after September 11. Documents obtained through the Freedom of Information Act by the American Civil Liberties Union and other groups, as well as work by investigative journalists such as Dana Priest of *The Washington Post*, Jane Mayer of *The New Yorker*, Mark Danner in this journal, and Adam Goldman of the Associated Press, have brought forward some details about the CIA's interrogation program. Yet the record remains riddled with gaps and unanswered questions.

An estimate of how large the chasm is between what the public knows and what still-secret records describe can be drawn from accounts of a recently completed Senate Intelligence Committee staff report about the CIA program. The staff report is said to run to six thousand pages, based upon a review of about six million CIA documents and cables to and from "black sites" where just fewer than one hundred al-Qaeda suspects were held and where at least some of them were interrogated brutally, as depicted in *Zero Dark Thirty*. The Senate report remains highly classified, however, and is unlikely to be released in full anytime soon.

The result of such secrecy is that what is often described as America's "debate" about the use of torture on al-Qaeda suspects largely consists of assertions, without evidence, by public officials with security clearances who have access to the classified record and who have expressed diametrically opposed opinions about what the record proves. Senator Dianne Feinstein, for example, has said that waterboarding and other harsh techniques were "not

¹*Manhunt: The Ten-Year Search for Bin Laden from 9/11 to Abbottabad* (Crown, 2012).

²Threshold, 2012.

custody or in the custody of friendly Arab or other governments. We see the videotapes over Maya's shoulder. The images are dark and menacing. Many of the prisoners appear to be in the process of being tortured or to have recently been tortured.

Later, Maya conducts two additional interviews directly. In the first, her subject agrees to cooperate with her only after declaring, "I have no desire to be tortured again." Her last interview is with Abu Faraj al-Libi, an al-Qaeda operations leader. We watch al-Libi undergo waterboarding and physical abuse. Al-Libi denies knowing the bin Laden courier, but by now, Maya has so many other sources that she takes his denial as evidence that the courier is so important that al-Libi would endure torture to protect his identity.

In virtually every instance in the film where Maya extracts important clues from prisoners, then, torture is a factor. Arguably, the film's degree of emphasis on torture's significance goes beyond what even the most die-hard defenders of the CIA interrogation regime, such as Rodriguez, have argued. Rodriguez's position in his memoir is that "enhanced interrogation" was indispensable to the search for bin Laden—not that it was the predominant means of gathering important clues.

As troubling as what *Zero Dark Thirty* includes about torture's role in the bin Laden hunt is what it leaves out. The record we have about the CIA interrogation program may be thin, but it tells a fuller story than the film does. For example, at some "black sites" where CIA prisoners were interrogated, agents from the Federal Bureau of Investigation were also present. Because these agents were trained to conduct interrogations that could withstand scrutiny in American courts, and because FBI training is rooted in police traditions, not counterterrorism or warfare, some of the agents on site objected vehemently to the CIA's harsh methods. They denounced the agency's "enhanced" techniques as counterproductive and morally wrong.

There is no secret about this strain of dissent within the government about the CIA program. Not only FBI agents, but also some CIA officers expressed qualms about waterboarding and sleep deprivation, as has been described in detail by the former FBI agent Ali H. Soufan in his 2011 book, *The Black Banners: The Inside Story of 9/11 and the War Against al-Qaeda*.³ Soufan recalls commiserating over the use of "enhanced techniques" with a CIA officer who tells him, "There are the Geneva Conventions on torture. It's not worth losing myself for this." Soufan also describes an argument he had with a CIA interrogator about whether torture can produce reliable information from hardened ideologues. When the agency interrogator declared that he would make an al-Qaeda prisoner "fully compliant," Soufan replied, as he recalls it:

These things won't work on people committed to dying for their cause.... People like [him] are prepared to be tortured and severely beaten. They expect to be sodom-

ized and to have family members raped in front of them! Do you really think stripping him naked and taking away his chair will make him cooperate?

None of this sort of argument is available to viewers of *Zero Dark Thirty*. It would hardly have undermined the film's drama to have included such strong dissents, even in passing, in the interest of journalism that was more complete. The only qualms any of the CIA characters in the film express about torture are oblique and self-protecting. Dan, an interrogator portrayed by the actor Jason Clarke, laments wearily, as he rotates back to headquarters, that he has seen too many men naked, and that he fears the political environment in Washington that once created a per-

sions, as the available outline of the Senate Intelligence Committee's classified investigation makes clear. Videotapes were recorded and logged. This CIA office routine might have been more shocking on screen than the clichéd physical abuse of prisoners that the filmmakers prefer.

Zero Dark Thirty ultimately fails as journalism because it adopts shortcuts that most reporters would find illegitimate. From the Janet Cooke affair at *The Washington Post* onward, editors and journalism professors have cautioned against the dangers of employing a "composite" character that may stand in for several real people. Such characters offer the possibility of literary exposition, but they also falsify.



Christopher Stanley, Jessica Chastain, and Alex Corbet at a covert base following the death of Osama bin Laden in *Zero Dark Thirty*

missive atmosphere for his dark arts may now be turning against them.

As cinema, the film's torture scenes are at once rough and bland. Ammar's degradation is obviously intended to shock but his mistreatment on screen is hardly more severe than what is routinely shown on television programs such as *Homeland* or *24*. Ammar is stripped naked but we see him mainly from behind. Maya and Dan remark at one point that Ammar has lost control of his bowels but we see nothing of this humiliation directly.

The film's torture scenes depart from the historical record in two respects. Boal and Bigelow have conflated the pseudoscience of the CIA's clinical, carefully reviewed "enhanced techniques" such as waterboarding with the out-of-control abuse of prisoners by low-level military police in places such as Abu Ghraib and Guantánamo. Dan puts Ammar in a dog collar and walks him around in an act of ritualized humiliation, but this was never an approved CIA technique.

More importantly, *Zero Dark Thirty* ignores what the record shows about how regulated, lawyerly, and bureaucratized—how banal—torture apparently became at some of the CIA black sites. A partially declassified report prepared by the CIA's former inspector general, John Helgeson, indicates that physicians from the CIA's Office of Medical Services attended interrogation sessions and took prisoners' vital signs to assure they were healthy enough for the abuse to continue. Agency officers typed out numbingly detailed cables and memos about the enhanced interrogation ses-

Zero Dark Thirty reinforces this view. Boal told the *Times* that Ammar, the most fully realized al-Qaeda character in the film, is a composite. Yet the film is salted with details that suggest Ammar's similarity to an actual former CIA detainee, Ali Abdul Aziz Ali, whose *nom de guerre* was Ammar al-Baluchi.

The real Ali is a thirty-five-year-old nephew of Khalid Sheikh Mohammed, the admitted mastermind of the September 11 attacks. He was arrested in Pakistan in 2003 and held in secret CIA prisons until he was transferred to Guantánamo in 2006, where he now faces capital charges before a military commission. He is accused of sending, at his uncle's instructions, as much as \$200,000 to the hijackers and providing them with other logistical support. *Zero Dark Thirty*'s composite Ammar is described at various points as "KSM's nephew," who is "tight" with his uncle and has fingerprints "on 9/11 money," and particularly as someone responsible for transferring \$5,000 to the hijackers.

The film's Ammar is depicted as a doomed man who will spend his entire life behind bars without resort to lawyers or justice. In an early interrogation scene, Maya pulls off her black mask before entering to face the prisoner because Dan assures her that Ammar will never be free to menace her. We are invited to appreciate Ammar's subjugation.

The truth about Ali is perhaps more interesting. He has been an active, defiant participant in Guantánamo court proceedings and his lawyers have sought permission from military judges to introduce evidence in his

defense that he was tortured while in CIA custody, and to pursue information about the identities of the agency officers who interrogated him. That request has been refused on the grounds that what happened to Ali while in CIA prisons is classified. *Zero Dark Thirty*'s indirect depictions of Ali's abuse might be the only accounting the real-life prisoner receives in public before he is sentenced to death. Yet the film does nothing to acknowledge its connection to this reality.

Zero Dark Thirty was constructed to bring viewers to the edges of their seats, and judging by its critical reception, for many viewers it has succeeded in that respect. Its faults as journalism matter because they may well affect the unresolved public debate about torture, to which the film makes a distorted contribution. On his second day in office, President Obama outlawed torture by executive order, but he has declined to order investigations to expose publicly or otherwise hold to account the CIA's detention regime during the Bush years. In the recently concluded election campaign, Mitt Romney declared that he would revive the use of "enhanced interrogation techniques." Official torture is not an anathema in much of the United States; it is a credible policy choice. In public opinion polling, a bare majority of Americans opposes torturing prisoners in the struggle against terrorism, but public support for torture has risen significantly during the last several years, a change that the Stanford University intelligence scholar Amy Zegart has attributed in part to the influence of "spy-themed entertainment."

Even if torture worked, it could never be justified because it is immoral. Yet state-sanctioned, formally organized forms of torture recur even in developed democracies because some public leaders have been willing to attach their prestige to an argument that in circumstances of national emergency, torture may be necessary because it will extract timely intelligence relevant to public safety when more humane methods of interrogation will not.

There is no empirical evidence to support this argument. Among other things, no responsible social scientist would condone peer-reviewed experiments to compare torture's results to those from less coercive questioning. Defenders of torture in the United States therefore argue by issuing a flawed syllogism: the CIA tortured al-Qaeda suspects; those suspects provided information that helped to protect the public; therefore, torture was justified and even essential. In his recent statement to agency employees about *Zero Dark Thirty*, acting CIA director Morrell gave this argument implicit support when he said that the ongoing debate over the CIA's treatment of al-Qaeda suspects after 2002 "never will be definitively resolved."

That is a timid tautology; it is also evidence of a much wider political failure. As with discourse about climate change policy, the persistence of on-the-one-hand, on-the-other forms of argument about the value of officially sanctioned torture represents a victory for those who would justify such abuse. *Zero Dark Thirty* has performed no public service by enlarging the acceptability of that form of debate. □

³Norton.