

Torture and 24

This past November, U.S. Army Brigadier General Patrick Finnegan, the dean of the United States Military Academy at West Point, flew to Southern California to meet with the creative team behind “24.” Finnegan, who was accompanied by three of the most experienced military and F.B.I. interrogators in the country, arrived on the set as the crew was filming. At first, Finnegan—wearing an immaculate Army uniform, his chest covered in ribbons and medals—aroused confusion: he was taken for an actor and was asked by someone what time his “call” was

In fact, Finnegan and the others had come to voice their concern that the show’s central political premise—that the letter of American law must be sacrificed for the country’s security—was having a toxic effect. In their view, the show promoted unethical and illegal behavior and had adversely affected the training and performance of real American soldiers. “I’d like them to stop,” Finnegan said of the show’s producers. “They should do a show where torture backfires.”

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Finnegan told the producers that “24,” by suggesting that the U.S. government perpetrates myriad forms of torture, hurts the country’s image internationally. Finnegan, who is a lawyer, has for a number of years taught a course on the laws of war to West Point seniors—cadets who would soon be commanders in the battlefields of Iraq and Afghanistan. He always tries, he said, to get his students to sort out not just what is legal but what is right. However, it had become increasingly hard to convince some cadets that America had to respect the rule of law and human rights, even when terrorists did not. One reason for the growing resistance, he suggested, was misperceptions spread by “24,” which was exceptionally popular with his students. As he told me, “The kids see it, and say, ‘If torture is wrong, what about “24”?’ ” He continued, “The disturbing thing is that although torture may cause Jack Bauer some angst, it is always the patriotic thing to do.”

Gary Solis, a retired law professor who designed and taught the Law of War for Commanders curriculum at West Point, told me that he had similar arguments with his students. He said that, under both

U.S. and international law, “Jack Bauer is a criminal. In real life, he would be prosecuted.” Yet the motto of many of his students was identical to Jack Bauer’s: “Whatever it takes.” His students were particularly impressed by a scene in which Bauer barges into a room where a stubborn suspect is being held, shoots him in one leg, and threatens to shoot the other if he doesn’t talk. In less than ten seconds, the suspect reveals that his associates plan to assassinate the Secretary of Defense. Solis told me, “I tried to impress on them that this technique would open the wrong doors, but it was like trying to stomp out an anthill.” ...

“In Iraq, I never saw pain produce intelligence,” Lagouranis told me. “I worked with someone who used waterboarding”—an interrogation method involving the repeated near drowning of a suspect. “I used severe hypothermia, dogs, and sleep deprivation. I saw suspects after soldiers had gone into their homes and broken their bones, or made them sit on a Humvee’s hot exhaust pipes until they got third-degree burns. Nothing happened.” Some people, he said, “gave confessions. But they just told us what we already knew. It never opened up a stream of new information.” If anything, he said, “physical pain can strengthen the resolve to clam up.”¹

¹Jane Mayer, “Whatever It Takes: The Politics of The Man Behind ‘24’.” *The New Yorker*, February 19, 2007.