



## **Lesson Plan: Debate Which Civil Liberties Should Be Provided to Those in Prison at Guantanamo**

### OVERVIEW

In this lesson, students will watch film clips that tell the story of Salim Hamdan, a driver employed by Osama bin Laden who spent more than seven years in United States custody because he was suspected of terrorist activities. Students will also debate whether or not terrorism suspects should be tried in civilian courts so that their civil liberties can be protected by the U.S. Constitution. For more information on topics presented in this lesson, please see the related resources for this lesson and POV's background materials.

The lesson features excerpts from **The Oath**, a film that tells the stories of two brothers-in-law — one a former member of Al Qaeda and bodyguard for Osama bin Laden and the other a detainee at the U.S. naval base at Guantanamo Bay, Cuba, suspected of terrorism. Note: This film is primarily in Arabic with English subtitles.

POV documentaries can be recorded off-the-air and used for educational purposes for up to one year from their initial broadcast. In addition, POV offers a lending library of DVDs and VHS tapes that you can borrow anytime during the school year — FOR FREE! Get started by joining our Community Network.

### OBJECTIVES

Students will:

Examine the cases of two men suspected of terrorist activities who were captured and sent to the Guantanamo Bay detention center.

Discuss their beliefs about whether or not the United States should have the right to detain such prisoners indefinitely without bringing charges against them or holding public trials.

Debate whether or not terrorism suspects should be tried in civilian courts so that their civil liberties can be protected by the U.S. Constitution.

### GRADE LEVELS

9-12

### SUBJECT AREAS

Global Studies, World History, Civics, Current Events

### MATERIALS

Internet access and equipment to show the class online video clips and for students to conduct research

## ESTIMATED TIME NEEDED

Two 50-minute class periods

## VIDEO CLIP

Clip 1: "Salim Imprisoned" (length 1:41)

The clip begins at 0:14 with video footage of a prisoner. It ends at 1:55 with the word "Salim."

Clip 2: "Salim's Work for Al Qaeda" (length 2:50)

The clip begins at 11:50 with the on-screen text "Meeting for Families of Guantanamo Prisoners, Yemen." It ends at 14:40 with the spoken phrase "Salim didn't know anything."

Clip 3: "Salim's Case Progresses" (length 3:21)

The clip begins at 28:10 with the on-screen text "After seven years . . ." It ends at 31:31 with the on-screen text ". . . under the Military Commissions Act of 2006."

Clip 4: "Salim's Sentence" (length 2:00)

The clip begins at 1:23:24 with the on-screen text "Sentence." It ends at 1:25:24 with the statement "I hope so."

## ACTIVITY

1. Display the PBS *NewsHour* page "Al-Qaida Suspect Admits to Plotting 9/11, Other Attacks." [[http://www.pbs.org/newshour/bb/terrorism/jan-june07/ksm\\_03-15.html](http://www.pbs.org/newshour/bb/terrorism/jan-june07/ksm_03-15.html)] Explain that the man in the picture, Khalid Sheikh Mohammed, is a member of the terrorist organization Al Qaeda who worked with Osama bin Laden and others to plan terrorist attacks against the United States, including the attacks on September 11, 2001. Refer to the first part of the article to point out other crimes for which he is a suspect and note that he is currently in prison at the U.S. naval base in Guantanamo Bay, Cuba.
2. Tell the class that you are going to show a series of brief video clips that will introduce another person who was imprisoned at Guantanamo and suspected of terrorist activities against the United States. Then show Clip 1.
3. Explain that Salim Hamdan moved his family to Pakistan because he feared for their safety. He returned to Afghanistan without his family, and in November 2001, after the 9/11 attacks and the U.S. invasion of Afghanistan, he was apprehended there and identified as an associate of Osama bin Laden's. Hamdan was detained at the U.S. detention center at Guantanamo for years without being charged or brought to trial. Tell students that in the next video clip, Hamdan's attorney and his brother-in-law will explain that while Hamdan frequently interacted with bin Laden, he had no terrorist ambitions. Then, play Clip 2.

4. Tell the class that the George W. Bush administration said that terrorism suspects held at Guantanamo were “enemy combatants” who were threats to the security of the United States. Because of this, such detainees were to be tried by military commissions and would not qualify for legal protections typically given to defendants in U.S. civilian court proceedings. Others believed that this approach violated the prisoners’ civil liberties and that the threat of terrorism did not justify a system that allowed an individual to be picked up anywhere in the world and held indefinitely by the military without charge or trial. A legal challenge to Hamdan’s detention led to a landmark Supreme Court case that challenged President George W. Bush’s authority to set up military tribunals without consulting Congress. Show Clip 3.

5. Ask the class to consider the cases of Hamdan and Khalid Sheikh Mohammed. Do students believe the United States should have the right to hold such prisoners indefinitely without bringing charges against them or holding public trials? Why or why not? Is Hamdan more deserving of basic legal protections than Mohammed? Explain.

6. Tell students that Hamdan was eventually found “not guilty” of the charge of conspiracy to commit terrorism. He was, however, convicted of material support for terrorism — a charge that was created by Congress as part of the Military Commissions Act of 2006, which it passed after Hamdan’s Supreme Court victory occurred. Play Clip 4.

7. Explain that Hamdan was reunited with his family on January 8, 2009, after being detained by the United States for more than seven years.

8. Tell the class that human rights organizations continue to criticize the U.S. government for its treatment of prisoners at Guantanamo and have asserted that everyone is entitled to the fundamental legal protections provided by the U.S. Constitution. To further explore issues related to the civil liberties of Guantanamo prisoners, students will research and debate this question: “Should terrorism suspects be tried in civilian courts so that their civil liberties can be protected by the U.S. Constitution?”

9. Divide the class into small groups of four to six students. Assign half of each group to prepare a three-minute presentation based on an affirmative response to the debate question using resources from the American Civil Liberties Union [<http://www.closegitmo.com/>]. Assign the other half of the group to prepare a presentation arguing a negative response to the debate question by referencing a letter sent to President Barack Obama by the group 9/11 Families for a Safe & Strong America [<http://www.911familiesforamerica.org/?p=1966>]. (Students should feel free to use additional research materials if desired.) Each half of each group should also prepare a challenge question to ask the opposing side during the debate.

10. After groups have prepared their arguments and questions, have the various sides take turns giving their presentations and providing rebuttals to the challenge questions from the opposing sides.

11. Then, ask group members to evaluate the contributions of their teammates as they prepared for and conducted the debate.

#### ASSESSMENT SUGGESTIONS

Students can be assessed on:

The clarity of their debate presentations.

Their contributions before and during the debate, as determined by their peers.

#### EXTENSIONS

Identify the protections provided in the U.S. Constitution for those accused of crimes. Distribute the POV handout U.S. Constitutional Protections for the Accused (PDF file)

[[http://www.pbs.org/pov/docs/presumedguilty/pov\\_presumedguilty\\_handout.pdf](http://www.pbs.org/pov/docs/presumedguilty/pov_presumedguilty_handout.pdf)].

Ask student pairs to refer to the U.S. Constitution to complete the handout together.

Consider arguments for and against “enhanced interrogation” techniques. Have students first read the section “Interrogation, Torture and Coercion” in POV’s background information for **The Oath**. Then, ask them to listen to (or read the transcript of) the *Morning Edition* episode “Cheney Defends Enhanced Interrogation Techniques”

[<http://www.npr.org/templates/story/story.php?storyId=104079567>] and watch a segment from **The Oath** (beginning at 1:13:30 and ending at 1:19:14) that describes the interrogation strategies employed by FBI agent Ali Soufan. Invite students to share their reactions to Cheney’s and Soufan’s perspectives and explain their thinking on the appropriate balance between human rights and national security.

Research and compare the policies of the George W. Bush and Obama administrations on detaining prisoners without charges or trials, extraordinary rendition, the use of military tribunals to try suspected terrorists and whether the U.S. naval base at Guantanamo Bay should remain open. Students can gain a basic understanding of these issues from POV’s background information for **The Oath**, and then they can reference the *Morning Edition* episode “Why Guantanamo Bay Should Stay Open”

[<http://www.npr.org/templates/story/story.php?storyId=4697513>], the *Public Record* article “Obama’s Hollow Guantanamo Apology”

[<http://pubrecord.org/politics/8247/obamas-hollow-guantanamo-apology/>] and other resources. Have students organize their research findings on each administration side by side on a table and then discuss policy similarities and differences in small groups. Then, ask students to write editorials that explain

their own positions on how the U.S. government should act on these issues moving forward.

Watch **The Oath** in its entirety. In addition to telling the story of Hamdan, **The Oath** provides a fascinating and engaging portrait of Nasser al-Bahri (a.k.a. Abu Jandal or “the killer”), a former member of Al Qaeda who served as Osama bin Laden’s bodyguard. Dig deeper into the themes of the film with these questions and activities:

Before watching **The Oath**, have students write descriptions of what they think a member of Al Qaeda would be like. Which sources of information have shaped their ideas? After seeing the film, discuss whether student opinions have changed at all. Why or why not?

Take notes on how Abu Jandal describes the ideology of Al Qaeda. Refer also to the definition of “jihad” in POV’s background information for this film and the resources for this lesson that focus on jihad and Al Qaeda. Then have students infer how knowing how Al Qaeda thinks, acts and understands the world might benefit the United States.

Based on what is shown in the film, list some of the strategies used by bin Laden to secure loyalty and obedience from Al Qaeda members. How effective do students think these tactics have been? Can students think of other individuals or groups in the past or present who have used or still use similar strategies? If so, compare and contrast their approaches with that of bin Laden and Al Qaeda. Explain to students that some people believe there is a connection between poverty and jihadist activities. Then have them conduct research on this topic and write persuasive essays that support or debunk the idea of such a link. Students should also provide specific examples from the film to support the points in their essays.

Evaluate initiatives that seek to re-educate jihadis, such as the Dialogue Committee, which is featured in the film. Have the class read the article “Can Jihadis Be Rehabilitated?” from *The Middle East Quarterly* [<http://www.meforum.org/2660/can-jihadis-be-rehabilitated>] and discuss the pros and cons of each country’s approach.

## RELATED RESOURCES

Council on Foreign Relations. “Al-Qaeda.”

[http://www.cfr.org/publication/9126/alqaeda\\_aka\\_alqaida\\_alqaida.html](http://www.cfr.org/publication/9126/alqaeda_aka_alqaida_alqaida.html)

This backgrounder from the Council on Foreign Relations includes details on Al Qaeda’s origins, operations, leadership and more.

PBS *NewsHour*. “Bin Laden’s Ex-Driver Sentenced to 5 1/2 Years.”

[http://www.pbs.org/newshour/updates/law/july-dec08/hamdan\\_08-07.html](http://www.pbs.org/newshour/updates/law/july-dec08/hamdan_08-07.html)

This August 7, 2008 report from PBS *NewsHour* provides a brief summary of the sentencing of Hamdan.

*The New York Times*. “Times Topics: Guantanamo Bay Naval Base (Cuba).”

<http://topics.nytimes.com/top/news/national/usstatesterritoriesandpossessions/guantanamo/militarybasecuba/index.html>

This backgrounder from *The New York Times* provides a succinct overview of issues related to the detention center at Guantanamo.

*The New York Times*. "Times Topics: Inside the Jihad."

<http://topics.nytimes.com/top/news/international/series/insidethejihad/index.html?scp=1-spot&sq=jihad&st=cse>

This series of articles and videos from *The New York Times* provide additional insight into jihadis' strategies and motivations.

PBS *NewsHour*. "Slide Show: Inside Guantanamo's Prison."

<http://www.pbs.org/newshour/rundown/2010/07/slide-show-inside-guantanamo.html>

This July 16, 2010 PBS *NewsHour* article and accompanying slide show detail conditions for detainees in the detention center at Guantanamo.

## STANDARDS

These standards are drawn from "Content Knowledge," a compilation of content standards and benchmarks for K-12 curriculum by McRel (Mid-continent Research for Education and Learning) at <http://www.mcrel.org/standards-benchmarks/>.

Behavioral Studies, Standard 4: Understands conflict, cooperation, and interdependence among individuals, groups and institutions.

Civics, Standard 18: Understands the role and importance of law in the American constitutional system and issues regarding the judicial protection of individual rights.

Civics, Standard 25: Understands issues regarding personal, political and economic rights.

Geography, Standard 10: Understands the nature and complexity of Earth's cultural mosaics.

Geography, Standard 13: Understands the forces of cooperation and conflict that shape the divisions of Earth's surface.

Language Arts, Standard 9: Uses viewing skills and strategies to understand and interpret visual media.

World History, Standard 44: Understands the search for community, stability and peace in an interdependent world.

## ABOUT THE AUTHOR

Cari Ladd, M.Ed., is an educational writer with a background in secondary education and media development. Previously, she served as PBS Interactive's director of education, overseeing the development of curricular resources tied to PBS programs, the PBS TeacherSource website (now PBS Teachers) and online teacher professional development services. She has also taught in Maryland and Northern Virginia.