



“... profoundly journalistic and profoundly affecting. This one will go into the record books for historians and teachers and others who look back to ask, ‘What did we do?’”

—Bill Moyers

Torturing Democracy

Study Guide

“cut[], bite[], or slit[] the nose, ear, or lip; to destroy[] an eye, or cut[] off or disable[] a limb.” 114. It further prohibits individuals from using scalding water, corrosive acid, or any other method of maiming must be one of the types of mutilation, disfiguring, or putting out—and to

Note to Educators

This guide is designed to help students consider the complex and important questions raised by *Torturing Democracy*, and its account of a controversial chapter in recent American history. Teaching about the detention and interrogation of prisoners in U.S. custody during the “war on terror” will require special sensitivity from educators to insure thoughtful consideration of the issues.

The activities provided in this guide can help students explore and develop their own views about this important topic. Teachers may want to consult the Choices Program’s “Guidelines for Deliberation” <<http://www.choices.edu/deliberation>> as a means of promoting careful consideration of these issues.

Sorting through the approach to the rule of law and treatment of detainees is a classroom challenge. Yet providing students the opportunity to consider these issues and participate in an informed discussion is invaluable.

The film’s website <www.torturingdemocracy.org> features the entire film available for streaming, a timeline of key events, extended interviews, and the memos, legal opinions and other documents featured in the film. The web site is a

collaboration of the National Security Archive at George Washington University and Washington Media Associates, the producer of the documentary.

“Congress can no more interfere with the President’s conduct of the interrogation of enemy combatants than it can dictate strategic or tactical decisions on the battlefield.”

- Jay S. Bybee, Assistant Attorney General
August 1, 2002

Images in the Film: *Torturing Democracy* includes a limited number of graphic images and dramatizations of harsh interrogation methods. This content is concentrated in a few short sections. Teachers should carefully preview the film to be sure that it is appropriate for use in their classrooms.

“We were trying to wrestle with how to fight both an enemy and an idea, and I think we came up with a wrongheaded solution—opting out of Geneva. We, after all, want our soldiers, should they be unfortunate enough to be captured, to be treated in a proper way. And yet, we weren’t willing to afford that to others. That seems a little counter-intuitive to me. It did at the time, and it does now.”

- Richard Armitage, former Deputy Secretary of State, from *Torturing Democracy*

Dramatization stills by Washington Media Associates



© 2008 The Choices Program, Watson Institute for International Studies, Brown University. The Choices Program takes no advocacy position on political issues. The program supports consideration of multiple views.

Table of Contents

Timeline.....	4
Guide For Educators.....	5
Handouts.....	7
Document Exercise: Common Article 3.....	7
Common Article 3.....	8
Preview Questions.....	9
Graphic Organizer.....	10
Questions about the Film.....	11



About the Film

Torturing Democracy investigates U.S. detention and interrogation practices in the “war on terror.” The 90-minute documentary examines how coercive interrogation methods were used by the CIA and then transferred to military interrogations at Guantánamo Bay and Iraq. It carefully presents evidence that the Bush administration promoted these methods and developed legal justification for the practice.

The film features in-depth interviews with senior military and government officials who fought the policy and former Guantánamo detainees who experienced it, and uncovers the origins of the tactics the White House calls “enhanced interrogation techniques.”

Government and military interviewees include former United States Deputy Secretary of State Richard Armitage; Major General Thomas Romig, Judge Advocate General for the U.S. Army; retired Navy General Counsel Alberto Mora; veteran Air Force interrogator Colonel Steven Kleinman; military prosecutor Colonel Stuart Couch; former Pentagon lawyer Richard Shiffrin; and Martin Lederman, senior advisor in the Justice Department.

Former detainees interviewed include Moazzam Begg (Detainee #558), Shafiq Rasul (Detainee #086), and Bisher Al-Rawi (Detainee #906).

Torturing Democracy was produced by Washington Media Associates in association with the National Security Archive. It was written and produced by Sherry Jones. Carey Murphy is the co-producer. Peter Coyote is the narrator. It was edited by Penny Trams and Foster Wiley.

Timeline

- 1949** In development for almost a century, the Geneva Conventions - comprising the laws of war, including Common Article 3 - are initially adopted by 59 nations, including the United States.
- 1950-1953** Korean War
- 1996** The U.S. War Crimes Act defines a “grave breach of the Geneva Conventions” as a war crime
- September 11, 2001** Terrorist attacks on World Trade Center, Pentagon, and United Airlines Flight 93
- October 7, 2001** “Operation Enduring Freedom” against al Qaeda and the Taliban in Afghanistan begins
- November 13, 2001** President Bush signs a military order giving the president the unilateral power to decide whether a prisoner is a war criminal, declaring that war criminals do not have the right to seek trial in a U.S. or international court, and stating that if a war criminal is found guilty (when tried by military commission), he or she may face life imprisonment or death
- February 7, 2002** President Bush declares that the United States will not be constrained by the Geneva Conventions’ prohibitions against cruel and inhumane treatment
- August 1, 2002** Secret “torture memo” is issued, stating that any attempt by Congress to interfere with a presidential order is unconstitutional
- December 2, 2002** Secretary of Defense Rumsfeld signs an “action memo” approving fifteen interrogation techniques
- January 15, 2003** Alberto Mora, the Navy’s top civilian lawyer, drafts a memo calling the tactics being used at Guantánamo “at a minimum, cruel and unusual treatment and, at worst, torture”
- April 4, 2003** Rumsfeld secretly expands the still-secret “torture memo,” approving additional techniques and immunity for interrogators
- September 14, 2003** Interrogation techniques that were authorized for Guantánamo are authorized in Iraq
- April 2004** Abu Ghraib prison abuse is exposed
- December 2003** The Justice Department withdraws its secret torture memos
- June 28, 2004** In *Rasul v. Bush*, the Supreme Court holds that U.S. courts have the power to review whether or not the prisoners held at Guantanamo are rightfully detained.
- June 29, 2006** *Hamdan v. Rumsfeld, et al* in which the Supreme Court rules that Guantánamo’s detainees are entitled to the protections of the Geneva Conventions
- October 17, 2006** President Bush signs into law the Military Commissions Act, which denies detainees the constitutional right of *habeas corpus* (the right to a fair and speedy trial to determine the legality of a detainee’s imprisonment), states that these detainees will be tried by military commission, and grants retroactive immunity to U.S. officials who may have violated Common Article 3 after September 11, 2001
- June 12, 2008** In *Boumediene v. Bush* the Supreme Court rules that sections of the Military Commissions Act of 2006 are unconstitutional and that Guantánamo’s prisoners have the constitutional right to challenge their detention in U.S. civilian courts

For a more detailed timeline visit www.torturingdemocracy.org

Guide For Educators

Before Watching the Film

Document Exercise: One of the central disputes following the capture of terrorist suspects in Afghanistan arose when the White House began to consider opting out of the Geneva Conventions and its rules for how prisoners are to be treated. Many in the military and the State Department strongly disagreed. In this activity, students examine Common Article 3 of the Geneva Conventions and consider their own standards of humane treatment.

Preview Questions: These questions help students remember the context of the aftermath of September 11, 2001 and identify their own thoughts about the ideas and concepts that will be raised in *Torturing Democracy*.

1. What was the U.S. public's reaction to the attacks of September 11, 2001 and the discovery of anthrax sent through the mail in the weeks that followed?
2. What is torture? Why is torture prohibited under U.S. and international law? Should there ever be exceptions to this prohibition?
3. What are rights? Should any rights be limited in a post-September 11 world?

Note: Questions are also available as a student handout.

While Watching the Film

Torturing Democracy: Graphic Organizer This tool helps students keep track of significant events as they watch the film and can serve as a reference for discussion after the film.

After Watching the Film

Questions About the Film: These questions help students review the content and issues raised in the film. They are designed to help ensure student comprehension.

1. What were the origins and purposes of the Survival, Evasion, Resistance, and Escape (SERE) program?
2. Why did the CIA adapt the SERE school training tactics for interrogations?
3. In the film, Colonel Steven Kleiman asks the question, "Did the CIA not understand the difference between SERE resistance training and interrogation for intelligence purposes?" Why is this difference so important to him?
4. What is extraordinary rendition? How is it used?
5. What steps did former Navy General Counsel Alberto Mora take to stop what he saw as "at a minimum, cruel and unusual treatment and, at worst, torture"?
6. Why does Marine Lt. Colonel Stuart Couch refuse to prosecute Mohamedou Slahi?
7. What are the results of Mohamed al-Qahtani's interrogation?

Note: Questions are also available as a student handout.

Guide For Educators Continued

Questions for Discussion: The following questions are designed to encourage students to evaluate critically the issues raised by the film and to engage in discussion of their beliefs and values in light of the issues raised. Select the questions that will best guide the discussion in your classroom.

1. Does this film have a point of view? If so, what do you think it is?
2. Did watching the film change your thoughts about what is humane treatment?
3. Can torture be an effective way of getting information?
4. Do you believe that Common Article 3 of the Geneva Conventions was violated? Refer to the text of Common Article 3 to support your answer.
5. Consider former Deputy Assistant Attorney General John Yoo's statement that international law does not apply in regards to members of al Qaeda.

“What the United States has been doing is interpreting domestic law and I think it's quite fair to say that even if international law requires the United States not to engage in inhumane or degrading treatment the U.S. view is that that rule does not apply in the war against terrorism and against members of al-Qaeda.”

- John Yoo, Former Deputy Assistant Attorney General, October 31, 2005

List arguments in support of Yoo's claim and arguments against it. What are the strengths and weaknesses of these arguments? Are there any adverse consequences of ignoring international law?

6. A well-known legal scholar has suggested that torture be allowed in specific circumstances – and then only when the government obtains a “torture warrant” from a court. What arguments could be made to support this idea? What arguments could be made against this idea? What do you think?
7. Do you think suspected terrorists should have the same rights as others? Should prisoners have the right to understand the charges against them? Should they have the right to a trial to determine their guilt or innocence?
8. Should laws ever be suspended or reinterpreted in order to protect the United States? Explain.
9. Why do you think CIA officials in the film insisted on memos and approvals for interrogation methods from higher authorities?
10. Does the president have the authority to order torture? Should the president have the authority to order torture?
11. The film depicts many within the U.S. government who disagreed with the government's policies on the treatment of prisoners and fought battles against those policies inside the government. What responsibility do individuals have to act when they believe a President's orders or policies may be in violation of the law? What responsibility do they have to speak out publicly? What standards would you use to decide when it is right to speak out?

Document Exercise: Common Article 3

Student Name: _____

One of the central disputes following the capture of terrorist suspects in Afghanistan arose when the White House began to consider opting out of the Geneva Conventions and its rules for how prisoners are to be treated. *Torturing Democracy* documents strong disagreement within the U.S. government on this issue.

There are four Geneva Conventions that have rules intended to limit the brutality of war within and between states and regulate the treatment of prisoners of war, wounded soldiers, and civilians. The International Red Cross calls the Geneva Conventions the “core of international humanitarian law.” One hundred ninety-four countries, including the United States, have agreed to abide by these terms. Each of the four Geneva Conventions begins with the same three articles, which are known as Common Articles 1, 2, and 3.

Instructions:

Read the text of Common Article 3. Underline what you believe to be the five most important lines.

Think about the phrase “...shall in all circumstances be treated humanely...”

What does it mean to treat someone humanely? List five components of humane treatment:

1.

2.

3.

4.

5.

Common Article 3 of the Geneva Conventions

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

Preview Questions

Student Name: _____

1. What was the U.S. public's reaction to the attacks of September 11, 2001 and the discovery of anthrax sent through the mail in the weeks that followed?

2. What is torture? Why is torture prohibited under U.S. and international law? Should there ever be exceptions to this prohibition?

3. What are rights? Should any rights be limited in a post-September 11 world?

Graphic Organizer

Student Name: _____

Use this chart to keep track of and organize your thoughts as you watch *Torturing Democracy*. The events below are listed in the order they appear in the film. Use the blank boxes to record any other events you think are important.

Date	Event(s)	Significant Participants	Importance in Film
September 11, 2001			
September 2001	War Council formed	David Addington Tim Flanigan Alberto Gonzales Jim Haynes John Yoo	
	U.S. Overthrow of the Taliban Government in Afghanistan		
	Torture of U.S. prisoners in Korean War		
February 7, 2002		President George W. Bush	
January 15, 2003		Alberto Mora	
June 2008		US Supreme Court	

Questions about the Film

Student Name: _____

1. What were the origins and purposes of the Survival, Evasion, Resistance, and Escape (SERE) program?
2. Why did the CIA adapt the SERE school training tactics for interrogations?
3. In the film, Colonel Steven Kleiman asks the question, “Did the CIA not understand the difference between SERE resistance training and interrogation for intelligence purposes?” Why is this difference so important to him?
4. What is extraordinary rendition? How is it used?
5. What steps did former Navy General Counsel Alberto Mora take to stop what he saw as “at a minimum, cruel and unusual treatment and, at worst, torture”?
6. Why does Marine Lt. Colonel Stuart Couch refuse to prosecute Mohamedou Slahi?
7. What are the results of Mohamed al-Qahtani’s interrogation?



Torturing Democracy

www.torturingdemocracy.org

Produced by
Washington Media Associates
in association with the
National Security Archive

Film was written and produced by Sherry Jones, co-produced by Carey Murphy
Narrated by Peter Coyote
Edited by Penny Trams and Foster Wiley

Cover art design
Sue England, England Design

Dramatization stills by Washington Media Associates

Study Guide was produced by
The Choices Program

© 2008 Choices Program, Watson Institute for International Studies, Brown University
www.choices.edu

“cut[], bite[], or slit[] the nose, ear, or li
stroy[] an eye, or cut[] off or disable[] a
114. It further prohibits individuals
y scalding water, corrosive acid, or ca
d break his jaw” requisite specific inte
hod of maiming must be one of the typ
g out disabling or putting out—and t