

Street Law, Inc. Lesson Plan

Legislative Hearing on Guantánamo Bay Closure

Introduction

During the spring of 2009, President Obama requested funds from Congress to close the prison at Guantánamo Bay, Cuba. Several congressional committees, including Senate and House Appropriations, and House Armed Services, have debated measures to fund or not fund this request, along with limits or restrictions on the president's actions in this area. In this lesson, students will simulate a hearing in one of these committees. Students acting as legislators will hear from groups representing several perspectives and weigh their testimony as they decide what to do about Guantánamo Bay.

Outcomes

As a result of participation in this lesson, students will be able to:

- Describe at least two options for trying current Guantánamo Bay prisoners
- List arguments for and against closure of the Guantánamo Bay prison
- Advocate for their assigned position in a simulated legislative hearing

Materials

This lesson utilizes a computer lab for both Day 1 and 2. Alternate instructions are included if a lab is not available for Day 1, but students will need computers with internet access to conduct the research required in Day 2.

Preparing to Teach

- This lesson is planned to take three 50-minute class periods. You may assign Day 2 for homework if you wish to shorten the lesson.
- Decide in advance how long to make the opening statements and question periods in the legislative hearing.

Lesson

Day 1

1. Background (30 minutes)

If you have access to a computer lab for Day 1, distribute Handout 1 to students and have them conduct research at the listed web sites to learn more about the military prison at the Guantánamo Bay Naval Station. If you only have a computer lab for Day 2, then print out these two web pages, and distribute copies to each student to read and use in answering the questions on Handout 1:

- New York Times: <http://tinyurl.com/lrhtzl>
- Council on Foreign Relations: <http://tinyurl.com/lp9464>

2. Answer Review (10 minutes)

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Put students in groups of three to review their answers on Handout 1 and expand on anything their peers may have noticed or learned in their research. Review the answers as a class and check for understanding (see Answers at the end of this lesson).

3. Explore Reasons for Closure (10 minutes)

Lead students to brainstorm a list of reasons why some people would want to close Guantánamo Bay, and then brainstorm reasons why others might want to keep it open.

Reasons that people might want to close the prison include:

- repairing America's image abroad
- addressing human rights and prisoner treatment concerns
- to provide prisoners with the rights to fair trial and habeus corpus

Reasons that people do not want to close the prison include

- concern that released prisoners would commit other acts of terrorism
- the need to hold captured enemy combatants somewhere
- the belief that Guantánamo Bay is a safe and secure place to hold captured prisoners

Ask students to think of some things that complicate the decision of whether or not to close the prison. Answers might include:

- disagreements about whether or not to provide trials, and if so, under what system and with what rights
- disagreements about where to send prisoners who are released, awaiting trial, or serving sentences
- disagreements about what to do with newly captured combatants on the battlefields in Afghanistan and elsewhere

4. Preview of the Next Day (1-2 minutes)

Tell students that they will simulate a House or Senate committee hearing on the topic of whether or not to close Guantánamo Bay's detention facility. Several of them will play legislators and the others will be assigned to represent various view points in front of the committee. They will have one day to research and one day to conduct the committee hearing.

Day 2

5. Review Procedures and Assign Groups (5 minutes)

Explain the procedures for the legislative hearing that will take place on Day 3 (see step 8). Assign students to the following groups (or allow students to select their groups):

- Senators or Representatives on the Committee (5-7 students)
- Center for Strategic and International Studies (4-6 students)
- The Heritage Foundation (4-6 students)
- Human Rights Watch (4-6 students)
- American Civil Liberties Union (4-6 students)
- Coalition for Terror-Free Communities (4-6 students)

6. Student Preparations (45 minutes)

Distribute Handout 2a to the students playing legislators and 2b-f to the appropriate interest groups. Instruct students to work with their groups, using the Handout as a guide, and spend about 30 minutes researching and the remaining 15 minutes preparing for their testimony the next day. Write

the ending time on a board or chart. Circulate to assist students with their research or preparations as necessary.

Day 3

7. Before Class: Set up Classroom

Set the classroom up to simulate a legislative hearing room. Place the legislators at the front and the witnesses and interest groups seated, facing the legislators. You might provide a gavel for the chair and nameplates for the committee members. Set up a podium or table in front of the legislators for the groups to come forward to offer their testimony.

8. Conduct the Legislative Hearing (40 minutes)

- Begin the hearing by having the committee chairperson call the hearing to order, state the purpose, and announce the order and time limits for testimony.
- The chairperson should begin by making their opening statement, followed by the rest of the legislators. Opening statements should be 1-2 minutes long.
- The chairperson then calls the first group to present their opening statement, followed by questions (which any member of the group may answer). The chairperson should ask the first questions, followed by other members of the committee. Allow 1-2 minutes for the opening statement, followed by 5-6 minutes for questions. Continue with the other groups. *Note: You may choose to adjust these times based on your students' skill level and class timing.*
- After the testimony from all groups concludes, the legislators should publicly discuss their thoughts and vote on whether or not to fund the closure of the prison and with what restrictions.

9. Debrief (10 minutes)

Ask the students in the interest groups:

- Did you represent a position with which you agreed? If not, was that difficult?
- What was the best argument you heard another group make?

Ask the students who played legislators:

- Was it difficult to arrive at a position regarding the closure of the prison? Did the testimony from the groups affect your position at all?

Ask all students whether they would like to try to influence their legislators on important issues. Ask students to think of ways that citizens can influence government. Share information with students about actual legislative hearings.

Extension/ Assessment Activities

- Have students write a newspaper article covering the hearing, discussing the issues, and predicting possible vote alignments on the House or Senate committee.
- Have students write a letter to an elected official expressing their personal views on the closure of the base.
- Have students focus on one particular issue of the closure and write an essay outlining the issue and the pros and cons for different solutions.

Handout 1: Background on Guantánamo Bay

Explore these two web sites to find answers to the following questions:

New York Times: <http://tinyurl.com/lrhtzl>

Council on Foreign Relations: <http://tinyurl.com/lp9464>

1. What is Guantánamo Bay? Where is it located?
2. When was the prison established there?
3. How many detainees are currently held in the prison?
4. What did President Obama do with regard to the prison shortly after he took office in January 2009?
5. What are some of the proposed options for having trials for the prisoners?
6. What are some options for where to send current prisoners if Guantánamo is closed?

Handout 2a: Preparing for Committee Hearing - Legislators

You are assigned to be a legislator at the committee hearing. Research the reasons for and against closure of the prison, and explore the web sites of the five groups that will come to testify before you. Create a list of questions to ask the groups. Write a short opening statement to read at the start of the committee hearing.

The five interest groups testifying are:

- Center for Strategic and International Studies: <http://csis.org/program/human-rights-and-counterterrorism>
- Heritage Foundation: <http://www.heritage.org/Research/nationalsecurity/gitmo/> & <http://www.heritage.org/research/nationalsecurity/enemydetention/>
- Human Rights Watch: <http://www.hrw.org/en/category/topic/counterterrorism/guantanamo>
- ACLU – Close Gitmo: <http://www.closegitmo.com/>
- Coalition for Terror-Free Communities: <http://terrorfreecommunities.americancommunityexchange.org/>

What are the best arguments for and against closure of the prison at Guantánamo Bay? Which arguments do you find most persuasive?

What are the options for moving current prisoners? Which option seems best to you?

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(Handout 2a continued)

What are the options for trials of the current prisoners? Which option seems best to you?

Write a brief (2-3 sentence) opening statement here that explains your current position, and what parts of the proposal you still aren't sure about:

List questions to ask the groups that want to close Guantánamo Bay:

List questions to ask the groups that want to keep Guantánamo Bay open:

Handout 2b: Preparing Testimony for Committee Hearing

You are assigned to represent the **Center for Strategic and International Studies** at the committee hearing. Research this group and their positions about detentions at Guantánamo Bay at the following web site:

<http://csis.org/program/human-rights-and-counterterrorism>

Answer the following questions from your group's perspective and include their reasoning

Should the prison at Guantánamo Bay be closed? Why or why not?

If your group recommends closure, where do you believe the remaining prisoners should be kept?

In what type of court system should current prisoners be tried?

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(Handout 2b continued)

Prepare for your testimony in front of the committee:

What actions would you like the committee to take?

Write a brief (2-3 sentence) opening statement here:

List a few of the best reasons to support your position:

What questions might people opposed to your position ask? How would you respond?

Handout 2c: Preparing Testimony for Committee Hearing

You are assigned to represent the **Heritage Foundation** at the committee hearing. Research this group and their positions about detentions at Guantánamo Bay at the following web sites:

<http://www.heritage.org/Research/nationalsecurity/gitmo/>

<http://www.heritage.org/research/nationalsecurity/enemydetention/>

Answer the following questions from your group's perspective and include their reasoning

Should the prison at Guantánamo Bay be closed? Why or why not?

If your group recommends closure, where do you believe the remaining prisoners should be kept?

In what type of court system should current prisoners be tried?

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(Handout 2c continued)

Prepare for your testimony in front of the committee:

What actions would you like the committee to take?

Write a brief (2-3 sentence) opening statement here:

List a few of the best reasons to support your position:

What questions might people opposed to your position ask? How would you respond?

Handout 2d: Preparing Testimony for Committee Hearing

You are assigned to represent **Human Rights Watch** at the committee hearing. Research this group and their positions about detentions at Guantánamo Bay at the following web site:

<http://www.hrw.org/en/category/topic/counterterrorism/Guantánamo>

Answer the following questions from your group's perspective and include their reasoning

Should the prison at Guantánamo Bay be closed? Why or why not?

If your group recommends closure, where do you believe the remaining prisoners should be kept?

In what type of court system should current prisoners be tried?

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(Handout 2d continued)

Prepare for your testimony in front of the committee:

What actions would you like the committee to take?

Write a brief (2-3 sentence) opening statement here:

List a few of the best reasons to support your position:

What questions might people opposed to your position ask? How would you respond?

Handout 2e: Preparing Testimony for Committee Hearing

You are assigned to represent the **ACLU – Close Gitmo** at the committee hearing. Research this group and their positions about detentions at Guantánamo Bay at the following web site:

<http://www.closegitmo.com/>

Answer the following questions from your group's perspective and include their reasoning

Should the prison at Guantánamo Bay be closed? Why or why not?

If your group recommends closure, where do you believe the remaining prisoners should be kept?

In what type of court system should current prisoners be tried?

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(Handout 2e continued)

Prepare for your testimony in front of the committee:

What actions would you like the committee to take?

Write a brief (2-3 sentence) opening statement here:

List a few of the best reasons to support your position:

What questions might people opposed to your position ask? How would you respond?

Handout 2f: Preparing Testimony for Committee Hearing

You are assigned to represent the **Coalition for Terror-Free Communities** at the committee hearing. Research this group and their positions about detentions at Guantánamo Bay at the following web site:

<http://terrorfreecommunities.americancommunityexchange.org/>

Answer the following questions from your group's perspective and include their reasoning

Should the prison at Guantánamo Bay be closed? Why or why not?

If your group recommends closure, where do you believe the remaining prisoners should be kept?

In what type of court system should current prisoners be tried?

(Handout 2f continued)

Prepare for your testimony in front of the committee:

What actions would you like the committee to take?

Write a brief (2-3 sentence) opening statement here:

List a few of the best reasons to support your position:

What questions might people opposed to your position ask? How would you respond?

Answers - Handout 1: Background on Guantánamo Bay

Explore these two web sites to find answers to the following questions:

New York Times: <http://tinyurl.com/lrhtzl>

Council on Foreign Relations: <http://tinyurl.com/lp9464>

1. **What is Guantánamo Bay? Where is it located?**
A U.S. Naval base and prison camp or detention center. It is located in Cuba.
2. **When was the prison established there?**
The prison began holding detainees from the War on Terror in 2002.
3. **How many detainees are currently held in the prison?**
As of August 2009, sources reported between 229-250 detainees being held at the prison.
4. **What did President Obama do with regard to the prison shortly after he took office in January 2009?**
On January 22, 2009, President Obama signed an executive order establishing the Special Task Force on Detention Policy to review and identify options for transfer and trial of the detainees at the prison at Guantánamo Bay. The President announced his intentions to close the prison within a year of that date.
5. **What are some of the proposed options for having trials for the prisoners?**
 - Military commissions – authorized under the Military Commissions Act of 2006.
 - Military Court Martial – charges filed under the Uniform Code of Military Justice
 - Federal Civilian Courts – the U.S. courts that hear other criminal cases
 - National Security Court – creation of a new “hybrid” court system to address some concerns about classified evidence, would combine some aspects of military and civilian courts
6. **What are some options for where to send current prisoners if Guantánamo is closed?**
 - Return the prisoners to their home countries for prosecution or release
 - Release the prisoners to the U.S. or other countries
 - Transfer the prisoners to other prisons abroad
 - Transfer the prisoners to U.S. prisons to await trial or serve sentences