

Using NewsHour Extra Feature Stories

STORY

Memo Reveals Bush Administration Legal Theory on Interrogation, 04/09/08

http://www.pbs.org/newshour/extra/features/us/jan-june08/torture_4-09.html

Estimated Time: One 45-minute class period with possible extension

[Student Worksheet](#) (reading comprehension and discussion questions without answers)

PROCEDURE

1. WARM UP

Use initiating questions to introduce the topic and find out how much your students know.

2. MAIN ACTIVITY

Have students read NewsHour Extra's feature story and answer the reading comprehension and discussion questions on the student handout.

3. DISCUSSION

Use discussion questions to encourage students to think about how the issues outlined in the story affect their lives and express and debate different opinions.

INITIATING QUESTIONS

1. What is torture? Is it legal?

2. What is interrogation?

3. What might be some rules surrounding U.S. law enforcement official questioning of suspected criminals? Suspected terrorists? What is the difference between a criminal and a terrorist?

READING COMPREHENSION QUESTIONS – [Student Worksheet](#)

1. What was the major argument of the 2003 memo?

ANSWER

The 2003 memo argues that physically aggressive tactics should be legal in wartime and that the international treaties should not apply to U.S. interrogators in foreign countries because of a presidential power to trump the laws.

2. What are some of the controversial methods that have been used by U.S. interrogators?

ANSWER

Under the legal justifications set up by the Bush administration, interrogators have used extreme temperatures, head-slapping and a simulated drowning technique called "waterboarding" against terror suspects.

3. What happened at Abu Ghraib prison in Iraq?

ANSWER

Inhumane treatment of prisoners at the Abu Ghraib prison in Iraq was revealed to the world through photos of U.S. military personnel forcing prisoners to strip, wear hoods and leashes, threatening them with dogs and chaining them in stressful positions.

4. What are the Fifth and Eighth Amendments and what do they have to do with questioning tactics?

ANSWER

Yoo concluded in his memo that the "Fifth and Eighth Amendments, as interpreted by the Supreme Court, do not extend to alien enemy combatants held abroad."

The Fifth Amendment guarantees the right of due process of law. The Eighth Amendment prohibits cruel and unusual punishment.

The memo argues that the president's constitutional duty is to protect the nation, which overrides any U.S. or international laws preventing aggressive tactics.

5. How long was the memo used as a guide for Department of Defense behavior?

ANSWER

The memo was sent to the Pentagon as a guide before the invasion of Iraq. Nine months later, the Department of Defense was told to stop following the memo.

6. What is waterboarding?

ANSWER

Waterboarding is a way of simulating drowning that involves binding the suspect to an inclined board, covering his or her head with cloth or cellophane, and pouring water repeatedly over the head. In some cases water will enter the nose and mouth. Psychologically, the person's brain registers that it is drowning, and a gag reflex reacts as choking.

7. What happened to the bill that would have banned water boarding?

ANSWER

Many members of Congress wanted to see the CIA limited to the same methods used by military questioners, which do not include waterboarding or sensory deprivation.

President Bush vetoed a bill banning waterboarding in March saying it "would take away one of the most valuable tools in the war on terror."

DISCUSSION QUESTIONS (more research might be needed)

1. Read the description of torture from the U.N. Convention Against Torture. Does waterboarding fall into that category? Explain your reasoning.

2. Do you think tactics like waterboarding, head slapping and exposure to extreme temperatures should be used on people suspected of terrorist activity? Why or why not?

3. Research the 5th and 8th amendments and choose to either defend or contradict Yoo's opinion. What are the constitutional arguments for your point of view?

4. Find out if the senator for your state or the representative for your district voted for the bill banning waterboarding. Do you think this was an important vote? Why or why not?

Extension Activity

Have students write a 300-500 word essay on this topic providing clear examples. Send your completed editorial to NewsHour Extra (extra@newshour.org). Exceptional essays might be published on our Web site.