

The US Constitution and Presidential Action in Times of Crisis

Overview

Students will explore and compare how the Constitution has granted and/or limited Presidential actions during times of crisis. Beginning with background information regarding the parts of the Constitution related to Executive Power/Privilege, students will gain context regarding how American democracy defines, grants, and limits presidential powers. In groups, students will then examine a scenario describing an incident in American history during which a President had to respond during a time of crisis. After analyzing the crisis and determining whether the President's response was appropriate and Constitutional, students will present their scenario to classmates.

Grades

10 & 11

NC Essential Standards for Civics and Economics

- CE.C&G.1.3: Evaluate how debates on power and authority between Federalists and Anti-Federalists have helped shape government in the United States over time.
- CE.C&G.1.4: Analyze the principles and ideals underlying American democracy in terms of how they promote freedom.
- CE.C&G.1.5: Evaluate the fundamental principles of American politics in terms of the extent to which they have been used effectively to maintain constitutional democracy in the United States.
- CE.C&G.2.3: Evaluate the U.S. Constitution as a "living Constitution" in terms of how the words in the Constitution and Bill of Rights have been interpreted and applied throughout their existence.
- CE.C&G.2.6: Evaluate the authority federal, state and local governments have over individuals' rights and privileges.
- CE.C&G.2.7: Analyze contemporary issues and governmental responses at the local, state, and national levels in terms of how they promote the public interest and/or general welfare.
- CE.C&G.3.1: Analyze how the rule of law establishes limits on both the governed and those who govern while holding true to the ideal of equal protection under the law.
- CE.C&G.3.8: Evaluate the rights of individuals in terms of how well those rights have been upheld by democratic government in the United States.
- CE.C&G.5.3: Analyze national, state and local government agencies in terms of how they balance interests and resolve conflicts.

NC Essential Standards for American History II

- AH2.H.2.1: Analyze key political, economic, and social turning points since the end of Reconstruction in terms of causes and effects
- AH2.H.7.1: Explain the impact of wars on American politics since Reconstruction
- AH2.H.7.3: Explain the impact of wars on American society and culture since Reconstruction

Essential Questions

- How does the United States Constitution grant and limit the powers of the President?
- In what ways are the powers of the President altered during times of crisis?
- In what ways have various American presidents responded during times of crisis?
- What determines whether or not a presidential action is constitutional?
- How does a crisis impact government? What are the lasting effects of crises on American government?

Materials

- Constitution in Crisis Guided Notes, attached
- Group Scenario Worksheets (8) and Scenario Discussion Questions, attached
 - Teachers should copy the Scenario Discussion Questions on the back of each of the Scenarios
- Presidential Responses in Times of Crisis Scenarios (8), attached
- Poster board, chart paper, or bulletin board paper
- Markers or colored pencils
- Presidential Responses in Times of Crisis-Presentation Viewing Sheet, attached
- Group Presentation Grade Sheet (optional)
- Executive Order Worksheet, attached

Duration

60-90 minutes (time varies based on the number of student presentations; teacher can also split presentations up over several class periods)

Procedure

Warm-Up: Why do they want to know what I'm buying? (5 minutes)

1. Begin class by telling students that a bill is being considered in Congress that would affect each one of them. The proposed bill is in response to the recent financial crisis and if passed it would basically allow the government to monitor and/or search any person's credit/debit card purchases. Discuss:
 - What is your opinion of this proposed bill? How would you feel if this bill passed into law?
 - Would your opinion change if Congress said this bill is necessary to protect the safety of American financial markets? Is that a legitimate public interest?
 - Does the fact that this bill is in response to a crisis affect your feelings about it?
 - Do we have rights that are protected? What are they protected by? (Review the protections in the Constitution.)
 - While the bill I described isn't actually being considered by Congress, can you think of times throughout history when laws have been passed in response to some type of crisis?
2. Discuss with students how major crises in history have provoked major reactions by Presidents and Congress. Tell students that they are going to be exploring such moments in history in today's lesson. Explain that you will first be giving them some background information via a brief set of guided notes and that they will later be working in groups to explore these themes further.

The US Constitution and Executive Privilege (15 minutes)

3. Begin by passing out the attached *Constitution in Crisis Guided Notes*, which will provide background information regarding the parts of the Constitution related to Executive Power/Privilege. These notes will serve as a basis for the group activity and class discussion to take place afterwards and will provide students with some context about how American democracy addresses presidential powers during times of crisis. These notes should take approximately 15 minutes.

Group Presentations: Presidential Actions in Time of Crisis (65 minutes)

4. Once students have completed their notes, tell them that you are going to divide them into groups of three. Explain that each group will be assigned a scenario which describes an incident in American history during which a President had to respond during a time of crisis. They will be tasked with examining the scenario, analyzing the crisis, and determining whether the President's response was appropriate and Constitutional. Tell students that as a group, they will then teach the information from the scenario to the remainder of class in a 4-5 minute presentation.
5. Divide the students into their groups, provide each group with one of the attached scenarios (it is fine to have more than one group work on the same scenario) and after they have silently read through the instructions, go over the instructions verbally to ensure each group understands what is expected, particularly in the presentation. Take any questions then give students approximately 20 minutes to produce their presentation, visual aid, and their notes to turn in.
6. Once students have finished their presentations, review expectations for being respectful audience members and provide each student with a copy of the attached "Presidential Responses in Times of Crisis – Presentation Viewing Sheet." Students should take notes on the worksheet as they view each presentation. (Have the groups present in chronological order according to the year of the event.)

An optional grading sheet is attached for teacher use during each presentation. (Teachers should alter this to meet their own grading standards.)

7. After each presentation, allow students to ask questions of the presenters. You may also use these scenario specific questions to generate more in-depth discussion of each scenario:
 - **Scenario 1:** Does your opinion of President Lincoln change because of his suspension of habeas corpus? Why or why not?
 - **Scenario 2:** Does censoring of speech differ if someone is a resident of the United States or not? Was President Adams justified in his action? Does the "undeclared" nature of the war affect your perception of whether the action was justified or not? Explain.
 - **Scenario 3:** What is a recent scenario that reminds you of this case? (i.e. detaining terrorists after 9/11 – Guantanamo Bay). How are these two scenarios alike? How are they different? (You will want to note that in Guantanamo, the majority of the detainees are NOT American citizens, whereas Korematsu and other Asian-Americans were legal residents of the United States).
 - **Scenario 4:** Is there a "formal" right to privacy in the Constitution? (While the explicit answer is no, citizens do have a recognized "implied right to privacy" granted by combining a number of amendments). Knowing that there is no formal recognition of privacy, only an

implied recognition, does your opinion of the case change at all? Why or why not?

- **Scenario 5:** How do you feel about a war waged by an intelligence agency in secret? Even if the invasion had succeeded, is it ever acceptable for a President (or any agency) to carry out operations like this? Why or why not?
- **Scenario 6:** Hurricane Katrina is often cited as the textbook case of how difficult it is to maintain cooperation in federalism. Should the federal government be able to seize power in a crisis of national and/or international proportions? Why or why not?
- **Scenario 7:** If President Ford's decision to pardon President Nixon was legal, was it ethical? Why or why not?
- **Scenario 8:** How does this situation seem similar to the other scenarios? What are the ways that President Obama's scenario is similar to Japanese Internment Camps or President Lincoln's suspension of habeas corpus? Are these items ever constitutional? Are they constitutional during a time of war?

8. Once all scenarios have been presented and discussed, collect each group's work.

Your Executive Order (Homework)

9. As a culminating activity, pass out and go over the attached "Your Executive Order" worksheet, which can be completed as an in-class reflection (if time allows) or as homework.

Additional Activities

- Identify a crisis situation currently faced by the United States and ask students to identify potential actions that the President could take and how the Constitution is implicated. Students can form arguments and debate what they believe to be the most effective choice the President could make.

Constitution in Crisis - Side 1

Name:

Period:

Date:



Article I: Powers of Legislature

Section 1 and 2

Congress has the right

- To make _____.
- They also may _____ Federal Officials, including _____.

Section 8

Congress has the right to

- _____.
- Establish _____.
- Call on the _____ to enforce laws and suppress rebellions.
- Make all laws _____ for carrying out its Constitutional powers.

Section 9

Congress does not, however, have the power to

- -
-

Article II: Powers of the Executive

Section 1

- All _____ is given to the President of the United States.
 - What does that mean?

Constitution in Crisis - Side 2



Article II: Continued

Section 2

- The President is the _____ of the Armed Forces.
- The President can grant _____.

Section 4

- The President can be _____ for treason, bribery, and other high crimes.

Article III: Judicial Branch

Section 2

- The Supreme Court decides cases of:

Bill of Rights/Amendments

First Amendment:

Second Amendment:

Fourth Amendment:

Fifth Amendment:

Sixth Amendment:

Ninth Amendment:

Tenth Amendment:

Fourteenth Amendment:

ANSWER KEY Constitution in Crisis – Side 1

Article I: Powers of Legislature

Section 1 and 2

Congress has the right

- To make **laws**.
- They also may **impeach** Federal Officials, including **the President of the United States**.

Section 8

Congress has the right to

- **Declare War**.
- Establish **rules for military forces**.
- Call on the **National Guard** to enforce laws and suppress rebellions.
- Make all laws **necessary and proper** for carrying out its Constitutional powers.

Section 9

Congress does not, however, have the power to

- **Suspend habeas corpus, unless required for public safety.**
 - **Habeas Corpus** – Allows you to seek legal recourse for unlawful detention
- **Pass a law that singles out a particular group for punishment (Bill of Attainder)**

Article II: Powers of the Executive

Section 1

- All **Federal Executive Power** is given to the President of the United States.
 - What does that mean?
 - **Can mean any number of things. There are many Supreme Court Cases on this. Is it intentionally vague?**

ANSWER KEY Constitution in Crisis – Side 2

Article II: Continued

Section 2

- The President is the **Commander in Chief** of the Armed Forces.
- The President can grant **reprieves and pardons**.

Section 4

- The President can be **impeached** for treason, bribery, and other high crimes.

Article III: Judicial Branch

Section 2

- The Supreme Court decides cases of: **US Constitution and Federal Laws**.

Bill of Rights/Amendments

First Amendment: Establish and practice religion, speak and write thoughts freely, to peacefully assemble, and to petition the government

Second Amendment: To keep and bear arms

Fourth Amendment: Be secure against “unreasonable” searches and seizures

Fifth Amendment: To be prosecuted for “infamous” crime only by Grand Jury, to not be tried for the same crime twice, to not incriminate yourself, to provide “due process of law” before the government takes life, liberty, or property

Sixth Amendment: Right to a speedy and public trial with an impartial jury, to address witnesses speaking against you, and to be represented by an attorney

Ninth Amendment: Other rights than those listed in the Constitution

Tenth Amendment: The states reserve powers not delegated to the federal government by the Constitution

Fourteenth Amendment: Due process and equal protection to anybody born or naturalized into the United States

Group

Members: _____

Scenario Discussion Questions

Answer these questions regarding the scenario provided to you and be prepared to present your findings to the class.

1. Summarize the situation assigned to you. What are the major facts surrounding the event?
2. How did the President respond to the situation?
3. In your opinion, was the action an effective response to the crisis? Why or why not? Would you have done anything differently if you were the president during this situation? Explain.
4. What sections of the Constitution are related to this situation and/or this presidential action?
5. Was the President's decision constitutional? Why or why not?
6. In this crisis, would you be willing to act outside the Constitution if it meant preserving the safety of the country? Why or why not?

Presidential Responses in Times of Crisis- Group Scenario 1

Instructions:

As a group, please read the scenario below, discuss the questions that follow, and prepare a presentation that teaches your classmates about the facts surrounding the scenario assigned to you, as well as your response to the questions below. Your final presentation should last 4-5 minutes and can be in whatever format you choose (i.e. lecture, dramatic representation, newscast, interview format, etc.) You can be creative, but make sure you cover all presentation requirements and effectively teach your classmates about your scenario.

First, assign the following roles in your group:

- **Recorder:** This student should write down the answers to the questions below on notebook paper, while also offering opinions on the scenario, on the presentation, and on the visual aid. Make sure you also record your group members' names on the next sheet of paper.
- **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario and the visual aid.
- **Designer:** This student will produce a visual aid to help classmates understand and remember the key points your group shares about your scenario. With input from your group mates, make a rough draft then complete the final draft using the materials provided (paper, markers, etc).

Your group will have 20 minutes to complete this activity. You will be graded on having an organized, quality, and comprehensive presentation that teaches classmates about the important points of your scenario. You will have 4- 5 minutes to present your scenario and take questions.

Scenario:

By February 1861, the southern states seceded from the Union and on February 4, 1861, these states formed the Confederate States of America. On April 12, Confederate forces attacked Fort Sumpter, in what many would say was the beginning of the Civil War. Subsequently, on April 27, 1861, President Abraham Lincoln issued this decree:

“Whereas, It has become necessary to call into service, not only volunteers, but also portions of the militia of the States by draft, in order to suppress the insurrection existing in the United States, and disloyal persons are not adequately restrained by the ordinary processes of law from hindering this measure, and from giving aid and comfort in various ways to the insurrection. Now, therefore, be it ordered, that during the existing insurrection, and as a necessary measure for suppressing the same, all rebels and insurgents, their aiders and abettors within the United States, and all persons discouraging volunteer enlistments, resisting militia drafts, or guilty of any disloyal practice affording aid and comfort to the rebels against the authority of the United States, shall be subject to martial law, and liable to trial and punishment by courts-martial or military commission.

That the writ of habeas corpus is suspended in respect to all persons arrested, or who are now, or hereafter during the rebellion shall be, imprisoned in any fort, camp, arsenal, military prisons, or other place of confinement, by any military authority, or by the sentence of any court-martial or military commission.”

By issuing this proclamation during the Civil War, President Lincoln was saying that prisoners can be detained without trial for an indefinite period of time. Look over your notes from today, and determine where habeas corpus is mentioned. Then answer the questions below on the same piece of paper. You also must create a visual to help the presenter explain the situation to the class.

Presidential Responses in Times of Crisis - Group Scenario 2

Instructions:

As a group, please read the scenario below, discuss the questions that follow, and prepare a presentation that teaches your classmates about the facts surrounding the scenario assigned to you, as well as your response to the questions below. Your final presentation should last 4-5 minutes and can be in whatever format you choose (i.e. lecture, dramatic representation, newscast, interview format, etc.) You can be creative, but make sure you cover all presentation requirements and effectively teach your classmates about your scenario.

First, assign the following roles in your group:

- **Recorder:** This student should write down the answers to the questions below on notebook paper, while also offering opinions on the scenario, on the presentation, and on the visual aid. Make sure you also record your group members' names on the next sheet of paper.
- **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario and the visual aid.
- **Designer:** This student will produce a visual aid to help classmates understand and remember the key points your group shares about your scenario. With input from your group mates, make a rough draft then complete the final draft using the materials provided (paper, markers, etc).

Your group will have 20 minutes to complete this activity. You will be graded on having an organized, quality, and comprehensive presentation that teaches classmates about the important points of your scenario. You will have 5 minutes to present your scenario and take questions.

Scenario:

In 1798, President John Adams and the United States were waging an undeclared naval war against France. President Adams and Congress passed "the Alien and Sedition Acts," which were targeted towards citizens of France living in America, as well as American citizens who were sympathizers with the French. The French sympathizers were publishing pamphlets, posting flyers, and giving speeches that were highly critical of the United States government. These sympathizers were also critical of the United States because the United States had benefitted from an alliance with France in the Revolutionary War, but did not take the side of either French party in the French Revolution. President John Adams and the Congress passed "the Alien and Sedition Acts" to quiet the critics and maintain public order in the infancy of the country. They argued that these attacks were weakening the government and undermining public safety. There were four total acts, including:

- The *Naturalization Act* -immigrants had to live in the United States for fourteen years before they could become full-fledged citizens.
- The *Alien Friends Act* -allowed the President to deport any resident alien considered "dangerous to the peace and safety of the United States."
- The *Alien Enemies Act* -allowed the President to apprehend and deport resident aliens if their home countries were at war with the United States of America.
- The *Sedition Act* -made it a crime to publish "false, scandalous, and malicious writing" against the government or its officials.

After being inaugurated as the third U.S. President, Thomas Jefferson (who had a close relationship with the French), declared the acts unconstitutional, and pardoned all who had been tried under them. Look over your notes and discuss with one another whether President Adams or President Jefferson was correct. Were these acts constitutional?

Presidential Responses in Times of Crisis - Group Scenario 3

Instructions:

As a group, please read the scenario below, discuss the questions that follow, and prepare a presentation that teaches your classmates about the facts surrounding the scenario assigned to you, as well as your response to the questions below. Your final presentation should last 4-5 minutes and can be in whatever format you choose (i.e. lecture, dramatic representation, newscast, interview format, etc.) You can be creative, but make sure you cover all presentation requirements and effectively teach your classmates about your scenario.

First, assign the following roles in your group:

- **Recorder:** This student should write down the answers to the questions below on notebook paper, while also offering opinions on the scenario, on the presentation, and on the visual aid. Make sure you also record your group members' names on the next sheet of paper.
- **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario and the visual aid.
- **Designer:** This student will produce a visual aid to help classmates understand and remember the key points your group shares about your scenario. With input from your group mates, make a rough draft then complete the final draft using the materials provided (paper, markers, etc).

Your group will have 20 minutes to complete this activity. You will be graded on having an organized, quality, and comprehensive presentation that teaches classmates about the important points of your scenario. You will have 5 minutes to present your scenario and take questions.

Scenario:

On December 7, 1941, the Japanese Empire attacked the United States Naval Fleet at Pearl Harbor, destroying or damaging 16 warships and killing more than 2,400 American military personnel and civilians.

The country united behind President Franklin Roosevelt, but growing hostilities also emerged towards Japanese Americans living in the United States. There were fears that Japanese Americans would commit acts of treason, espionage, and generally undermine the war effort. This led President Roosevelt to sign Executive Order 9066, which established internment camps for Japanese Americans.

Around the United States, and heavily along the California coast, internment camps were set up to detain Japanese Americans (many of which were full citizens of the United States). These internment camps are usually set up during a time of war to house political enemies, ethnic groups, or other classifications that a government will feel necessary to segregate. The severity of treatment differs between countries.

One man, Fred Korematsu, refused to move into these internment camps. In the United States Supreme Court Case, *Korematsu v. United States*, the Supreme Court sided with the government and held that the need to protect against espionage outweighed Korematsu's rights. Justice Hugo Black wrote the opinion and argued that compulsory exclusion, though constitutionally suspect, is justified during circumstances of "emergency and peril." The opinion, in effect, upheld Executive Order 9066.

In the 1980s, the United States government officially apologized for the internment of Japanese Americans and paid affected families reparations for their suffering. Review your notes from today and discuss with one another the situation surrounding the internment of Japanese Americans. Is it ever just to detain an entire category of individuals, and does the Constitution allow for it?

Presidential Responses in Times of Crisis - Group Scenario 4

Instructions:

As a group, please read the scenario below, discuss the questions that follow, and prepare a presentation that teaches your classmates about the facts surrounding the scenario assigned to you, as well as your response to the questions below. Your final presentation should last 4-5 minutes and can be in whatever format you choose (i.e. lecture, dramatic representation, newscast, interview format, etc.) You can be creative, but make sure you cover all presentation requirements and effectively teach your classmates about your scenario.

First, assign the following roles in your group:

- **Recorder:** This student should write down the answers to the questions below on notebook paper, while also offering opinions on the scenario, on the presentation, and on the visual aid. Make sure you also record your group members' names on the next sheet of paper.
- **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario and the visual aid.
- **Designer:** This student will produce a visual aid to help classmates understand and remember the key points your group shares about your scenario. With input from your group mates, make a rough draft then complete the final draft using the materials provided (paper, markers, etc).

Your group will have 20 minutes to complete this activity. You will be graded on having an organized, quality, and comprehensive presentation that teaches classmates about the important points of your scenario. You will have 5 minutes to present your scenario and take questions.

Scenario:

On September 11, 2001, multiple airplanes were hijacked by terrorists and used in terrorist attacks on New York City and the Pentagon. Another terrorist attempt was derailed by passengers, leading to the plane's crash landing in a field in Pennsylvania rather than striking its intended target – the White House. The nation was in a state of shock, and faced a new type of enemy. Rather than being attacked by a major country with borders, the nation had to grapple with suffering an enormously painful attack by a small group of trained terrorists.

This presented many new challenges to lawmakers, who had to consider how terrorists were being trained, how they were receiving funding, and whether this new type of enemy was within the borders of America.

In response to these new threats, lawmakers and President Bush sought to expand the abilities of law enforcement agencies to gather intelligence quickly. They wanted to ensure another terrorist attack would not happen under their watch. On October 26th, the USA Patriot Act was signed into law by President George W. Bush as a response to these new pressures.

The Patriot Act allows law enforcement agencies to review telephone, e-mail, medical, financial, and other records of suspected terrorists. It also gives added discretion to law enforcement and immigration authorities to detain and deport immigrants that are suspected of terrorism-related acts. Critics of the Patriot Act contend that it unfairly invades the privacy of American citizens, and that its passage was unconstitutional.

Review your notes carefully and discuss the situation with one another. Did the Patriot Act violate the rights of American citizens?

Presidential Responses in Times of Crisis - Group Scenario 5

Instructions:

Your group will read the scenario below, discuss the questions that follow, and prepare a presentation that teaches your classmates about facts surrounding the scenario assigned to you, as well as your response to the questions below.

First, assign the following roles in your group:

- **Recorder:** This student should write down the answers to the questions below on notebook paper, while also offering opinions on the scenario, on the presentation, and on the visual aid. Make sure you also record your group members' names on the next sheet of paper.
- **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario and the visual aid.
- **Designer:** This student will produce a visual aid to help classmates understand and remember the key points your group shares about your scenario. With input from your group mates, make a rough draft then complete the final draft using the materials provided (paper, markers, etc).

Your group will have 20 minutes to complete this activity. You will be graded on having an organized, quality, and comprehensive presentation that teaches classmates about the important points of your scenario. You will have 5 minutes to present your scenario and take questions.

Scenario:

In the wake of World War II, the United States and Russia emerged as the superpowers of the world. They were also both armed with nuclear warheads and could destroy one another with their arsenals. Their war has been known as the Cold War, and lasted from 1945 until 1991, when the Soviet Union collapsed and became smaller nations in Europe and modern-day Russia.

The conflict spread to many countries, as the two superpowers constantly battled to check where missiles were located, where Communist (Soviet) or Capitalist (American) ideologies were adopted, and ultimately where American or Soviet influence would take hold.

President Kennedy saw the Soviet influence spreading very close to the shores of America. In 1958, Fidel Castro and others overthrew the Cuban government and installed a Communist regime. On April 16th, 1961, President John F. Kennedy, seeing increased interaction between Castro and the Soviet Union, ordered a plan to overthrow Fidel Castro in Cuba. The plan had been developed by President Dwight D. Eisenhower, and had the Central Intelligence Agency (CIA) as the central organization who would carry out the plan.

The United States Military was aware of and approved the plan (also known as the Bay of Pigs) to overthrow Fidel Castro in Cuban. However, the United States State Department was unaware and the United States Congress never authorized the invasion of Cuba. Review your notes from today and discuss this scenario with one another. Should Presidents and agencies like the CIA be able to invade other countries? What if national security interests demanded such an invasion? What does the Constitution say about such an invasion?

Presidential Responses in Times of Crisis - Group Scenario 6

Instructions:

As a group, please read the scenario below, discuss the questions that follow, and prepare a presentation that teaches your classmates about the facts surrounding the scenario assigned to you, as well as your response to the questions below. Your final presentation should last 4-5 minutes and can be in whatever format you choose (i.e. lecture, dramatic representation, newscast, interview format, etc.) You can be creative, but make sure you cover all presentation requirements and effectively teach your classmates about your scenario.

First, assign the following roles in your group:

- **Recorder:** This student should write down the answers to the questions below on notebook paper, while also offering opinions on the scenario, on the presentation, and on the visual aid. Make sure you also record your group members' names on the next sheet of paper.
- **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario and the visual aid.
- **Designer:** This student will produce a visual aid to help classmates understand and remember the key points your group shares about your scenario. With input from your group mates, make a rough draft then complete the final draft using the materials provided (paper, markers, etc).

Your group will have 20 minutes to complete this activity. You will be graded on having an organized, quality, and comprehensive presentation that teaches classmates about the important points of your scenario. You will have 5 minutes to present your scenario and take questions.

Scenario:

On August 29, 2005, Hurricane Katrina made landfall along the Gulf Coast. The storm devastated many communities, including New Orleans. The City of New Orleans was particularly vulnerable because a large portion lies below sea level and is surrounded by the Mississippi River, Lake Pontchartrain, and other large bodies of water. The levee system provided security from these bodies of water, but failed in the aftermath of the storm. Thousands of individuals lost their homes, businesses, and their way of life.

After the storm passed, a number of residents began to take goods from local businesses. A series of events occurred, and a generally lawless situation appeared to be at hand. This was reinforced by the national news media, who reported incidents that were, at times, exaggerated or false.

Louisiana Governor Kathleen Blanco received significant criticism for using only Louisiana's National Guard troops to enforce order in the City of New Orleans. Blanco believed that Louisiana's contingent of National Guard members could handle the job. They proved to be understaffed as crime began to take place in the city. Two days after Katrina hit New Orleans (and the city was inundated with floodwater), Blanco requested additional National Guardsmen from other states. After this request, the Guardsmen were no longer under Blanco's control, and the response was federalized.

President Bush came under fire for not ordering Governor Blanco to nationalize the response to Hurricane Katrina, although he respected her authority as a Governor. Look over your notes from today and discuss the scenario with one another. Was President Bush acting within the limits of the Constitution and Federalism? Should he have stepped outside of those limits and nationalized the response to a catastrophic event like Hurricane Katrina? What sorts of criticisms would the President have received if he federalized the response without Governor Blanco's approval?

Presidential Responses in Times of Crisis - Group Scenario 7

Instructions:

As a group, please read the scenario below, discuss the questions that follow, and prepare a presentation that teaches your classmates about the facts surrounding the scenario assigned to you, as well as your response to the questions below. Your final presentation should last 4-5 minutes and can be in whatever format you choose (i.e. lecture, dramatic representation, newscast, interview format, etc.) You can be creative, but make sure you cover all presentation requirements and effectively teach your classmates about your scenario.

First, assign the following roles in your group:

- **Recorder:** This student should write down the answers to the questions below on notebook paper, while also offering opinions on the scenario, on the presentation, and on the visual aid. Make sure you also record your group members' names on the next sheet of paper.
- **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario and the visual aid.
- **Designer:** This student will produce a visual aid to help classmates understand and remember the key points your group shares about your scenario. With input from your group mates, make a rough draft then complete the final draft using the materials provided (paper, markers, etc).

Your group will have 20 minutes to complete this activity. You will be graded on having an organized, quality, and comprehensive presentation that teaches classmates about the important points of your scenario. You will have 5 minutes to present your scenario and take questions.

Scenario:

On June 17, 1972, five men broke into the Watergate hotel in Washington D.C. This was where the Democratic Party had positioned itself during the 1972 Presidential campaign. It was later discovered that the individuals who broke into the Watergate were working to re-elect Republican President Richard Nixon. There was an attempt to cover-up the incident, and eventually the pressure against Nixon became so great that he resigned from his position as President of the United States. President Nixon's Vice President, Gerald Ford, took office on August 9, 1974.

With the country in turmoil and the criminality of President Nixon's actions still in doubt, new President Gerald Ford granted President Nixon a "full, free, and absolute pardon" on September 8, 1974. Ford's approval ratings dipped from 71% to 49% a month later. Critics derided President Ford as having a "corrupt bargain" with the outgoing President Nixon. Ford cited a Supreme Court case, saying that issuing a pardon was similar to presuming someone guilty, and that acceptance of a pardon was a way of accepting that guilt.

President Ford lost his re-election bid in 1976, a result many say was related to his pardoning of President Nixon.

Refer to your notes and discuss the scenario with members of your group. Was President Ford acting within his rights as the President of the United States? What do you think were some reasons to pardon President Nixon? What would you do in that situation?

Presidential Responses in Times of Crisis - Group Scenario 8

Instructions:

As a group, please read the scenario below, discuss the questions that follow, and prepare a presentation that teaches your classmates about the facts surrounding the scenario assigned to you, as well as your response to the questions below. Your final presentation should last 4-5 minutes and can be in whatever format you choose (i.e. lecture, dramatic representation, newscast, interview format, etc.) You can be creative, but make sure you cover all presentation requirements and effectively teach your classmates about your scenario.

First, assign the following roles in your group:

- **Recorder:** This student should write down the answers to the questions below on notebook paper, while also offering opinions on the scenario, on the presentation, and on the visual aid. Make sure you also record your group members' names on the next sheet of paper.
- **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario and the visual aid.
- **Designer:** This student will produce a visual aid to help classmates understand and remember the key points your group shares about your scenario. With input from your group mates, make a rough draft then complete the final draft using the materials provided (paper, markers, etc).

Your group will have 20 minutes to complete this activity. You will be graded on having an organized, quality, and comprehensive presentation that teaches classmates about the important points of your scenario. You will have 5 minutes to present your scenario and take questions.

Scenario:

Upon taking office on January 20, 2009, President Barack Obama issued an Executive Order ordering the closure of the Guantanamo Bay Detention Facility in Cuba. Guantanamo Bay is a facility where suspects were held as “enemy combatants” because they were suspected to be terrorists or to have provided some form of aid to terrorists. This practice began under the Bush Administration in response to the terrorist attacks of September 11, 2001. The camp was opened in 2002, and these “enemy combatants” were allowed to be held indefinitely without trial.

President Obama has called the practices a “sad chapter” in America’s history. Concurrently, President Obama continued to act as Commander in Chief, with two fronts of war in Afghanistan and Iraq. If the President were to release the individuals freely who were held at Guantanamo Bay, they may commit acts of terrorism. Concurrently, holding the individuals at a detention facility without trial causes some to regard these facilities as “lawless.” When President Obama suggested movement of the prisoners to American based detention facilities, he was met with significant resistance from lawmakers (many who agreed the prisoners should be released, but “not in my backyard”).

A lesser publicized detention facility is Bagram Prison in Afghanistan. The facility, like Guantanamo Bay, holds many individuals who were detained outside the battlefield in Afghanistan (and so can’t be called Prisoners of War). Some in the Obama Administration propose increasing the number of individuals held at Bagram Prison to handle the population formerly held at Guantanamo. Read over your notes and discuss with your group. What would you advise the President to do? Should President Obama continue to detain individuals who were not captured in the Afghanistan conflict? What would the Constitution prescribe?

Name: _____

Presidential Responses in Times of Crisis – Presentation Viewing Sheet

Scenario 1 - President: _____

Summarize the crisis the President faced:

How did the President respond?

How does the Presidential Action relate to the Constitution?

Scenario 2 - President: _____

Summarize the crisis the President faced:

How did the President respond?

How does the Presidential Action relate to the Constitution?

Scenario 3 - President: _____

Summarize the crisis the President faced:

How did the President respond?

How does the Presidential Action relate to the Constitution?

Scenario 4 - President: _____

Summarize the crisis the President faced:

How did the President respond?

How does the Presidential Action relate to the Constitution?

Scenario 5 - President: _____

Summarize the crisis the President faced:

How did the President respond?

How does the Presidential Action relate to the Constitution?

Scenario 6 - President: _____

Summarize the crisis the President faced:

How did the President respond?

How does the Presidential Action relate to the Constitution?

Scenario 7 - President:

Summarize the crisis the President faced:

How did the President respond?

How does the Presidential Action relate to the Constitution?

Scenario 8- President:

Summarize the crisis the President faced:

How did the President respond?

How does the Presidential Action relate to the Constitution?

Your Executive Order

Name:

Period:

Date:



Today, you've learned about the powers of the President, the Congress, and the Judiciary. The Congress has many implied powers and lawmakers sometimes use those powers in a time of crisis to provide what they consider an appropriate response. Given your knowledge of the Constitution and the three branches of government, assume the role of the President of the United States of America and reflect on the following scenario in 5 or more paragraphs.

Situation

There has been a chemical weapons attack on a major city in the United States. Thousands have been killed in the attack and many more are sick. The soil and water supply has been contaminated so severely that the city is uninhabitable and will likely remain so for years. Beyond the obvious current destruction, scientists have also predicted many future consequences, such as birth defects.

Congress has authorized you, the President, to use "whatever means necessary" to deal with those who perpetrated this attack. The Central Intelligence Agency has briefed you this morning and they have listed a number of actions that they believe would be helpful in securing the country. They are:

- Detention of all people inside America's borders who may be associated with the group waging the attack (associating factors can be race, religion, ethnicity, etc.) and holding them without trial until the threat has ceased
- Invoke authority to monitor conversations, be them via phone, e-mail, or face-to-face (i.e. wire taps in buildings) in order to gather intelligence about possible terrorist activities; no warrant is necessary
- Invoke authority to freeze accounts in financial markets to impede the suspected terrorists' financing ability

As President, your reflection must address your thoughts on questions such as:

1. Are any (or all) of these options sufficient to respond to the threat and are you planning to utilize any (or all) of the options that have been recommended to you? Why or why not?
2. Are there alternative options you would like to consider? If so, explain the options and why they should be considered.
3. Whatever your decision, you must defend the constitutionality of the choices made.

Group Presentation Grade Sheet

Group Scenario # _____

Group Members:

1.

2.

3.

Visual Aid: _____ out of 25%

Comments:

Presentation Content: _____ out of 25%

Comments:

Visual Aid: _____ out of 25%

Comments:

Presentation Style and Creativity: _____ out of 25%

Comments:

Total Score: _____ out of 100%