



WALTER & LEONORE ANNENBERG
PRESIDENTIAL LEARNING CENTER



Executive Power in Times of Crisis

A Lesson for Secondary Students

Developed by
The Walter and Leonore Annenberg Presidential Learning Center
Ronald Reagan Presidential Foundation
40 Presidential Dr.
Suite 200
Simi Valley, CA 93065
www.reaganfoundation.org/education
apl@reaganfoundation.org



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EXECUTIVE POWER IN TIMES OF CRISIS

OVERVIEW

The Constitution of the United States has an ambiguous separation of powers when it comes to the President's power as Commander in Chief of the military and the powers of Congress to declare war. Often, in our history, these explicit powers have come into conflict during times of crisis. There is not necessarily a clear demarcation between where the powers of the executive branch end and where the powers of Congress begin. In this lesson, students will examine how three presidents utilized their executive powers during times of crisis. This lesson will examine the use of these powers utilizing the context of the Constitution, the legislation of their time, and the threats that they faced.

STANDARDS

National Council for History Education: History's Vital Unifying Themes

- Values, Beliefs, Political Ideas, and Institutions
- Comparative History of Major Developments

National Council for History Education: History's Habits of Mind

- Perceive past events and issues as they were experienced by people at the time, to develop historical empathy as opposed to present-mindedness.
- Understand how things happen and how things change, how human intentions matter, but also how their consequences are shaped by the means of carrying them out, in a tangle of purpose and process.

Common Core State Standards English Language Arts

- RI.11-12.1. Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text, including determining where the text leaves matters uncertain.

OBJECTIVES

Students will be able to:

- Examine and analyze primary source documents, images, and cartoons.
- Analyze the implications of the use of executive power in the context of time and situation.

CLASSROOM PROCEDURES

Item	Time	Student is...	Teacher is...
1) Essential Questions: Should a president extend the power of the executive branch in order to protect the United States? What can the president do?		Copying the agenda and completing the Hook Activity	Drawing student attention the Essential Questions, the Agenda and reading aloud for English Language Learners.
2) Agenda - Essential Questions - Hook - Primary Source Exploration		See above	See above



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<p>3) Hook The President is often referred to as Commander in Chief. What kind of powers do you think that grants the President?</p>	<p>5-10 min.</p>	<ul style="list-style-type: none"> • Students are recalling what they may have learned in previous classes or imagining what the powers of Commander in Chief may be. • Students are writing their responses in their classroom notebooks. • Students share their answers with a partner. 	<ul style="list-style-type: none"> • Teacher may want to project an image of a president while engaged in his duties as Commander in Chief. • Encourage students to imagine and write down the various powers of the President? What is the President not allowed to do? • After most students have neared the completion of their writing, ask students to discuss their responses with a partner. Have them first discuss what powers the president does have, then discuss what powers the president does not have. Students should refer both to their observations and the powers explicitly referenced in the Constitution. • Teacher emphasizes that our Founders wanted the war powers to be shared between the executive and legislative branches.
<p>4) Guided Practice and Primary Source Exploration</p>	<p>40-60 Min.</p>		<ul style="list-style-type: none"> • Teacher will tell students that today that are going to examine the ways in which the president employs the use of executive powers during times of crisis. First the class will explore Abraham Lincoln together, and then students will be assigned to either President Reagan or President Obama to continue this exploration. • Teacher reminds the class that they will be focusing on just one area of the president's duties, specifically, the ways in which each president



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	<ul style="list-style-type: none">• Students will comment on current events in the news that demonstrate president as Commander in Chief.• Students receive packet of primary source materials and handouts related to President Lincoln. This should include the following:<ul style="list-style-type: none">• Student Handouts A (2 pgs), A1, A2 (2 pgs), and A3 (2pgs)• Students will write responses and share their answers with a partner.• Students follow along and fill in their charts by selecting a specific passage from Article II, and then explaining, in their own words, which powers are granted to the president.	<ul style="list-style-type: none">• leveraged his power as commander in chief of the military.• Teacher may want to connect hook to current events depending on what is on the news.• Teacher says we will form an educated opinion on three different executives, their use of executive power as commander in chief and the context of the threat they presided over.• Teacher distributes Student Handouts• Reading With a Purpose. Teacher will activate prior knowledge by asking students to jot down a few notes on what they already know about President Lincoln. Teacher will then solicit a few answers and emphasize the Civil War as a major threat to the country during Lincoln's presidency.• Teacher will lead an examination of selections from Primary Source A1, Article II of the U.S. Constitution. Teacher will ask students to look for specific powers granted to the president, with emphasis on the Commander and Chief clause in Section II.
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		<ul style="list-style-type: none"> • Students examine the image and identify a minimum of three specific items that stand out for them. They should then write an adjective that describes the threat based on their observations from the image. • Students read Primary Source A3, looking specifically for passages where Lincoln describes his powers as president. They should write down the two that best exemplify his justification, and explain why they chose those passages. • Students share their responses, and then wrap up their examination of Lincoln’s use of executive powers by completing the synthesis activity at the end of the handout. 	<ul style="list-style-type: none"> • Next, the class will examine the threat faced by Lincoln. Have students read the directions for Primary Source A2, and then lead them in an examination of both the image and the overview of the threat. • Lead discussion of student responses. • Finally, introduce students to Primary Source A3, Abraham Lincoln’s Message to Congress. Ask them to read the speech looking specifically for Lincoln’s justifications for his actions. • Briefly lead a discussion of student responses to Lincoln’s Message to Congress, and then explain and model for students how to complete the synthesis activity. Specifically, compare Article II to the actions described in Lincoln’s speech.
<p>5) Independent Practice</p>	<p>45-60 min.</p>	<ul style="list-style-type: none"> • Students move into groups and students receive the corresponding set of materials for the group to which they’ve been assigned. 	<ul style="list-style-type: none"> • Now that students have examined the use of executive powers through the lens of Abraham Lincoln and the threat of secession, they are ready to try on their own. • Divide up students into two groups. One group will study President Reagan and the threat of Communism. One group will study President



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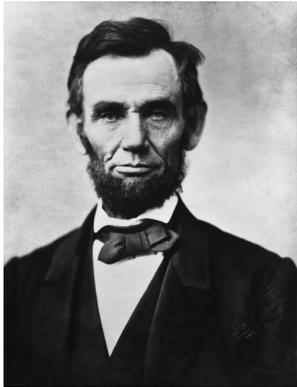
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		<ul style="list-style-type: none"> • Students utilize their primary source materials and activity sheets and work as a group to examine and analyze the use of executive power by their assigned president. 	<p>Obama and the threat of terrorism. Groups should be no larger than 4 or 5 students per group.</p> <ul style="list-style-type: none"> • Using the same sequence of events described in the Guided Practice section above, students will activate prior knowledge, and then examine the primary source and background material, completing the accompanying activities as they progress through the material. • It is important to note that students should not feel if there is a right or wrong answer to their interpretation. The lesson is mainly to have students weigh the contextual threats that presidents face. • Once students finish, each group will share its findings.
<p>5) Assessment</p>	<p>10 min.</p>	<ul style="list-style-type: none"> • Students respond to writing prompt. 	<ul style="list-style-type: none"> • Using their research and analysis, students will compose a brief piece of writing in response to the following prompt: During times of crisis, can a president utilize his executive powers in a way that goes beyond the bounds of the Constitution? Using examples from your research as well as your own reasoning, defend either the affirmative or negative position.

EXECUTIVE POWER IN TIMES OF CRISIS

Abraham Lincoln, 16th President of the United States

Term: March 4, 1861- April 15, 1865



I already know these things about President Lincoln:

Primary Source A1: The Constitution, Article II

Directions: Select passages from Article II, Section II that clearly explain which executive powers are granted to the president as Commander-in-Chief. Write the selection down and explain its meaning in your own words.

Passage from the Text	Explanation of Meaning

Primary Source A2: The Threat of Secession

Directions: Look at the image and then read the background on the threat of Secession. Use these resources and your prior knowledge to answer the questions below.

Prompt	Response
Write three adjectives to describe this threat. Relate each adjective to a specific item in the image or the background.	
What would happen if the president were to ignore this threat?	

EXECUTIVE POWER IN TIMES OF CRISIS

Primary Source A3: Excerpts from Lincoln's Message to Congress, July 4, 1861

Directions: Read the excerpt from Abraham Lincoln's Message to Congress from July, 4, 1861, and use the space below to explain what Lincoln felt his powers were according to this speech. Choose a specific passage from the text, and then explain its meaning using your own words.

Passage from the Text	Explanation of Meaning

Synthesis

Directions: Now that you've examined numerous primary sources related to this topic, use the space below to synthesize what you've learned.

Prompt	Response
What actions did this president take that were clearly within the realm of his powers as executive?	
What actions could potentially be outside of his executive powers as detailed in Article II? Were his actions justified? Why or why not?	

Article II: The Constitution of the United States**Section. 1**

Clause 1: The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Clause 2: Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

Clause 3: The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

Clause 4: The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

Clause 5: No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

Clause 6: In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, (See Note 9) the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

Clause 7: The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Clause 8: Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section. 2

Clause 1: The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

Clause 2: He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

Clause 3: The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section. 3

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section. 4

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.



THE SOUTHERN CONFEDERACY A FACT !!!
ACKNOWLEDGED BY A MIGHTY PRINCE AND FAITHFUL ALLY .

W^h MOB LAW
 CALIF. BUREAU
 GENL. BEAUREGARD
 S^g TOOMBS . JEFF. DAVIS . VICE PRES. STEPHENS.
 THE PRINCE TO HIS CABINET.
 Truly - The representative of our Kingdom.
 Although Publ. 600 Chestnut Str. Philad^a. J^h Steg^s.

1862

Secession

Background Information

“It would be foolish to lose the whole by being afraid to disregard a part.”

Alan Brinkley – Columbia University

By the time Abraham Lincoln was inaugurated as the 16th President of the United States, seven southern states had already met in South Carolina and voted unanimously to secede from the Union. President Lincoln’s inaugural address promised no interference with slavery in the South but warned that an attempt to dissolve the Union would not be tolerated.

Shots had been fired at Fort Sumter by mid-April and by the time Congress had been called into session, President Lincoln had taken many actions that typically would require the consent of Congress. Lincoln had enlarged the army, authorized spending for war, and, most controversially, suspended the writ of habeas corpus. While the President is commander in chief of the armed forces of the United States, only Congress can declare war. President Lincoln asked for retroactive approval of his actions.

Southerners believed that secession was much like the American Revolution, a tradition of asserting independence when faced with tyranny. They viewed the South’s oppression by the North similarly to the colonist’s struggle against the crown in 1776. President Lincoln disagreed and held that secession itself was unconstitutional. The Union was older than the Constitution, he reasoned, and therefore no state had the authority to leave it.

Secession and Civil War was a reality as Lincoln entered his first term. To allow the South to leave the Union without interference would have major consequences. The financial and geographical impact would be extremely detrimental and the United States’ prestige abroad would be damaged. While Lincoln preferred to avoid war, he knew that being caught unprepared could lead to a humiliating loss.

Excerpts from Abraham Lincoln's Message to Congress (July 4, 1861)

Fellow-Citizens of the Senate and House of Representatives:

Having been convened on an extraordinary occasion, as authorized by the Constitution, your attention is not called to any ordinary subject of legislation.

... believing it to be an imperative duty upon the incoming Executive to prevent, if possible, the consummation of such attempt to destroy the Federal Union, a choice of means to that end became indispensable. This choice was made, and was declared in the inaugural address. The policy chosen looked to the exhaustion of all peaceful measures before a resort to any stronger ones. It sought only to hold the public places and property not already wrested from the Government and to collect the revenue, relying for the rest on time, discussion, and the ballot box... Of all that which a President might constitutionally and justifiably do in such a case, everything was forborne without which it was believed possible to keep the Government on foot.

... And this issue embraces more than the fate of these United States. It presents to the whole family of man the question whether a constitutional republic, or democracy—a government of the people by the same people—can or can not maintain its territorial integrity against its own domestic foes. It presents the question whether discontented individuals, too few in numbers to control administration according to organic law in any case, can always, upon the pretenses made in this case, or on any other pretenses, or arbitrarily without any pretense, break up their government, and thus practically put an end to free government upon the earth. It forces us to ask, Is there in all republics this inherent and fatal weakness? Must a government of necessity be too strong for the liberties of its own people, or too weak to maintain its own existence?

So viewing the issue, no choice was left but to call out the war power of the Government and so to resist force employed for its destruction by force for its preservation.

... Soon after the first call for militia it was considered a duty to authorize the Commanding General in proper cases, according to his discretion, to suspend the privilege of the writ of habeas corpus, or, in other words, to arrest and detain without resort to the ordinary processes and forms of law such individuals as he might deem dangerous to the public safety. This authority has purposely been exercised but very sparingly. Nevertheless, the legality and propriety of what has been done under it are questioned, and the attention of the country has been called to the proposition that one who is sworn to “take care that the laws be faithfully executed” should not himself violate them. Of course some consideration was given to the questions of power and propriety before this matter was acted upon.

...To state the question more directly, Are all the laws but one to go unexecuted, and the Government itself go to pieces lest that one be violated? Even in such a case, would not the official oath be broken if the Government should be overthrown when it was believed that disregarding the single law would tend to preserve it? But it was not believed that this question was presented. It was not believed that any law was violated. The provision of the Constitution that “the privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it” is equivalent to a provision—is a provision—that such privilege may be suspended when, in cases of rebellion or invasion, the public safety does require it. It was decided that we have a case of rebellion and that the public safety does require the qualified suspension of the privilege of the writ which was authorized to be made. Now it is insisted that Congress, and not the Executive, is vested with this power; but the Constitution itself is silent as to which or who is to exercise the power; and as the provision was plainly made for a dangerous emergency, it can not be believed the framers of the instrument intended that in every case the danger should run its course until Congress could be called together, the very assembling of which might be prevented, as was intended in this case, by the rebellion.

... Much is said about the “sovereignty” of the States, but the word even is not in the National Constitution, nor, as is believed, in any of the State constitutions. What is a “sovereignty” in the political sense of the term? Would it be far wrong to define it “a political community without a political superior”?

... The States have their status in the Union, and they have no other legal status. If they break from this, they can only do so against law and by revolution. The Union, and not themselves separately, procured their independence and their liberty. By conquest or purchase the Union gave each of them whatever of independence and liberty it has. The Union is older than any of the States, and, in fact, it created them as States. Originally some dependent colonies made the Union, and in turn the Union threw off their old dependence for them and made them States, such as they are. Not one of them ever had a State constitution independent of the Union. Of course it is not forgotten that all the new States framed their constitutions before they entered the Union, nevertheless dependent upon and preparatory to coming into the Union.

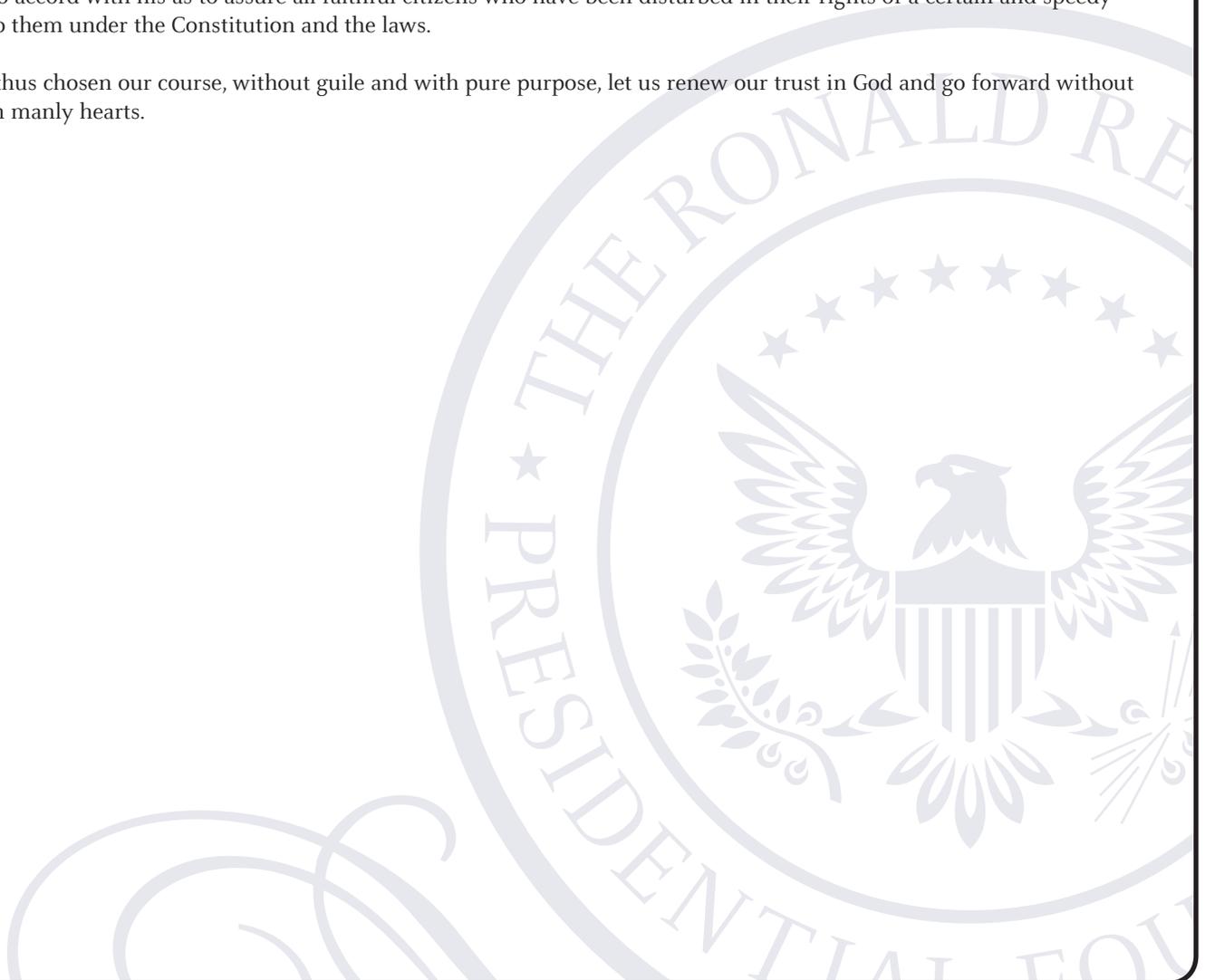
Excerpts from Abraham Lincoln's Message to Congress (July 4, 1861)

... They have assumed to make a national constitution of their own, in which of necessity they have either discarded or retained the right of secession, as they insist it exists in ours. If they have discarded it, they thereby admit that on principle it ought not to be in ours. If they have retained it, by their own construction of ours they show that to be consistent they must secede from one another whenever they shall find it the easiest way of settling their debts or effecting any other selfish or unjust object. The principle itself is one of disintegration, and upon which no government can possibly endure.

... Lest there be some uneasiness in the minds of candid men as to what is to be the course of the Government toward the Southern States after the rebellion shall have been suppressed, the Executive deems it proper to say it will be his purpose then, as ever, to be guided by the Constitution and the laws, and that he probably will have no different understanding of the powers and duties of the Federal Government relatively to the rights of the States and the people under the Constitution than that expressed in the inaugural address. He desires to preserve the Government, that it may be administered for all as it was administered by the men who made it. Loyal citizens everywhere have the right to claim this of their government, and the government has no right to withhold or neglect it. It is not perceived that in giving it there is any coercion, any conquest, or any subjugation in any just sense of those terms.

... As a private citizen the Executive could not have consented that these institutions shall perish; much less could he in betrayal of so vast and so sacred a trust as these free people had confided to him. He felt that he had no moral right to shrink, nor even to count the chances of his own life in what might follow. In full view of his great responsibility he has so far done what he has deemed his duty. You will now, according to your own judgment, perform yours. He sincerely hopes that your views and your action may so accord with his as to assure all faithful citizens who have been disturbed in their rights of a certain and speedy restoration to them under the Constitution and the laws.

And having thus chosen our course, without guile and with pure purpose, let us renew our trust in God and go forward without fear and with manly hearts.



EXECUTIVE POWER IN TIMES OF CRISIS

Ronald Reagan, 40th President of the United States

Term: January 20, 1981- January 20, 1989



I already know these things about President Reagan:

Primary Source B1: The War Powers Resolution

Directions: Select passages from the War Powers Resolution that clearly explain which powers are granted to the president as Commander-in-Chief. Write the selection down and explain its meaning in your own words.

Passage from the Text	Explanation of Meaning

Primary Source B2: The Threat of Communism

Directions: Look at the image and then read the background on the threat of Communism. Use these resources and your prior knowledge to answer the questions below.

Prompt	Response
Write three adjectives to describe this threat. Relate each adjective to a specific item in the image or the background.	
What would happen if the president were to ignore this threat?	

EXECUTIVE POWER IN TIMES OF CRISIS

Primary Source B3: President Reagan's Letter to Speaker O' Neill, October 25, 1983

Directions: Read the excerpt from President Reagan's Letter to Speaker O' Neill, and use the space below to explain what President Reagan felt his powers were according to this document. Choose a specific passage from the text, and then explain its meaning using your own words.

Passage from the Text	Explanation of Meaning

Synthesis

Directions: Now that you've examined numerous primary sources related to this topic, use the space below to synthesize what you've learned.

Prompt	Response
What actions did this president take that were clearly within the realm of his powers as executive?	
What actions could potentially be outside of his executive powers as detailed in the War Powers Resolution? Were his actions justified? Why or why not?	

10/24

PUBLIC LAW 93-148

H. J. Res. 542

Ninety-third Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday, the third day of January,
one thousand nine hundred and seventy-three*

Joint Resolution

Concerning the war powers of Congress and the President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "War Powers Resolution".

PURPOSE AND POLICY

SEC. 2. (a) It is the purpose of this joint resolution to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

(b) Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

(c) The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

CONSULTATION

SEC. 3. The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

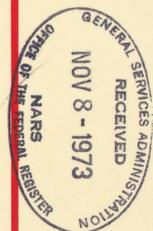
REPORTING

SEC. 4. (a) In the absence of a declaration of war, in any case in which United States Armed Forces are introduced—

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;

(2) into the territory, airspace or waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; or

(3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation;



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H. J. Res. 542—2

the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating the introduction of United States Armed Forces;

(B) the constitutional and legislative authority under which such introduction took place; and

(C) the estimated scope and duration of the hostilities or involvement.

(b) The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

(c) Whenever United States Armed Forces are introduced into hostilities or into any situation described in subsection (a) of this section, the President shall, so long as such armed forces continue to be engaged in such hostilities or situation, report to the Congress periodically on the status of such hostilities or situation as well as on the scope and duration of such hostilities or situation, but in no event shall he report to the Congress less often than once every six months.

CONGRESSIONAL ACTION

Sec. 5. (a) Each report submitted pursuant to section 4(a)(1) shall be transmitted to the Speaker of the House of Representatives and to the President pro tempore of the Senate on the same calendar day. Each report so transmitted shall be referred to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations of the Senate for appropriate action. If, when the report is transmitted, the Congress has adjourned sine die or has adjourned for any period in excess of three calendar days, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable (or if petitioned by at least 30 percent of the membership of their respective Houses) shall jointly request the President to convene Congress in order that it may consider the report and take appropriate action pursuant to this section.

(b) Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such sixty-day period shall be extended for not more than an additional thirty days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

(c) Notwithstanding subsection (b), at any time that United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or specific statutory authorization, such forces shall be removed by the President if the Congress so directs by concurrent resolution.



Communism Background Information

“Communism has never come to power in a country that was not disrupted by war or corruption, or both.”
-John F. Kennedy

At the end of World War II, the relationship between the world’s two superpowers, the United States and the Soviet Union, rapidly deteriorated. Formerly allies, the two competing nations danced dangerously close to nuclear war for decades during a period known as the Cold War.

The Cold War is often seen as an ideological war between Communism, championed by the Soviet Union and Capitalism, backed by the United States. The ideals of Communism suggest a form of government where production is controlled by the state, and society is without economic class. Karl Marx, the father of Communism, famously summarized Communist ideology by saying, “From each according to his ability, to each according to his need.” Capitalism, on the other hand, is an economic system where production is controlled by individual citizens whose incentive and reward for production comes in the form of economic profit. These two ways of life were at odds with each other, and for eight presidential administrations, the Cold War was fought through a series of proxy wars, where the two superpowers backed nations and governments which supported their own respective ideology.

Foreign policy in the United States during this period was dictated by containing the spread of communism. Therefore, most foreign interventions were to prevent communism or to challenge communist dominance. For example, the Korean War in 1950 pitted Soviet Union backed North Korea against a U.S. backed South Korea.

U.S. intervention against North Vietnam’s Communist regime beginning in 1955 led to two decades of military engagement and more than 58,000 American deaths. Both the Korean War and the Vietnam War were fought for many years without a formal declaration of war by Congress. In 1973, Congress, feeling that past presidents had exceeded their Constitutional powers, passed the War Powers Resolution. This required the president to notify Congress when committing U. S. forces to military action and limiting the number of days troops can be in combat without a formal declaration of war.

These proxy wars in Southeast Asia and Latin America were fought because both the Soviet Union and United States knew that an all out declaration of war, or a “hot” war with nuclear weapons, meant worldwide annihilation. The doctrine known as mutually assured destruction (MAD) helped the superpowers exercise restraint.

President Ronald Reagan inherited a country terrified of Soviet dominance of the world. Reagan labeled the Soviet Union an “evil empire” and committed himself to defeating communism. Assessing the military capacity of the United States, President Reagan realized that the USSR had steadily increased their arsenal over the years and had surpassed the United States in might. President Reagan quickly accelerated military spending but was hesitant about foreign intervention with the memory of the tragedies of Vietnam War looming in recent American memory.

However, with Soviet backed communist governments operating dangerously close to the United States in Nicaragua, Cuba, and briefly in Grenada, President Reagan had his hands full trying to deal with the ever present threat of communism.

THE WHITE HOUSE
WASHINGTON

167984

ND016

October 25, 1983

Dear Mr. Speaker:

On October 12, a violent series of events in Grenada was set in motion, which led to the murder of Prime Minister Maurice Bishop and a number of his Cabinet colleagues, as well as the deaths of a number of civilians. Over 40 killings were reported. There was no government ensuring the protection of life and property and restoring law and order. The only indication of authority was an announcement that a barbaric shoot-to-kill curfew was in effect. Under these circumstances, we were necessarily concerned about the safety of innocent lives on the island, including those of up to 1,000 United States citizens.

The Organization of Eastern Caribbean States (OECS) became seriously concerned by the deteriorating conditions in the member State of Grenada. The other members of the OECS are Antigua, Dominica, Montserrat, St. Kitts/Nevis, Saint Lucia, and Saint Vincent and the Grenadines. We were formally advised that the Authority of Heads of Government of Member States of the OECS, acting pursuant to the Treaty establishing the OECS, met in emergency session on October 21. The meeting took note of the anarchic conditions and the serious violations of human rights and bloodshed that had occurred, and the consequent unprecedented threat to the peace and security of the region created by the vacuum of authority in Grenada. The OECS determined to take immediate, necessary steps to restore order in Grenada so as to protect against further loss of life, pending the restoration of effective governmental institutions. To this end, the OECS formed a collective security force comprising elements from member States to restore order in Grenada and requested the immediate cooperation of a number of friendly countries, including the governments of Barbados, Jamaica and the United States, in these efforts. In response to this call for assistance and in view of the overriding importance of protecting the lives of the United States citizens in Grenada, I have authorized the Armed Forces of the United States to participate along with these other nations in this collective security force.

In accordance with my desire that the Congress be informed on this matter, and consistent with the War Powers Resolution, I am providing this report on this deployment of United States Armed Forces.

2

Today at about 5:00 AM Eastern Daylight Time, approximately 1,900 United States Army and United States Marine Corps personnel began landing in Grenada. They were supported by elements of the United States Navy and the United States Air Force. Member States of the OECS along with Jamaica and Barbados are providing approximately 300 personnel. This deployment of United States Armed Forces is being undertaken pursuant to my constitutional authority with respect to the conduct of foreign relations and as Commander-in-Chief of the United States Armed Forces.

Although it is not possible at this time to predict the duration of the temporary presence of United States Armed Forces in Grenada, our objectives in providing this support are clear. They are to join the OECS collective security forces in assisting the restoration of conditions of law and order and of governmental institutions to the island of Grenada, and to facilitate the protection and evacuation of United States citizens. Our forces will remain only so long as their presence is required.

Sincerely,



The Honorable Thomas P. O'Neill, Jr.
Speaker of the House of Representatives
Washington, D.C. 20510

EXECUTIVE POWER IN TIMES OF CRISIS

Student Handout

C

Barack Obama, 44th President of the United States

Term: January 20, 2008-



I already know these things about President Obama:

Primary Source C1: S.J. Resolution 23

Directions: Select passages from the resolution that clearly explain which executive powers are granted to the president as Commander-in-Chief. Write the selection down and explain its meaning in your own words.

Passage from the Text	Explanation of Meaning

Primary Source C2: The Threat of Terrorism

Directions: Look at the image and then read the background on the threat of Terrorism. Use these resources and your prior knowledge to answer the questions below.

Prompt	Response
Write three adjectives to describe this threat. Relate each adjective to a specific item in the image or the background.	
What would happen if the president were to ignore this threat?	

EXECUTIVE POWER IN TIMES OF CRISIS

Student Handout

C

Primary Source C3: Remarks on March 26, 2011

Directions: Read President Obama's remarks on Libya, and use the space below to explain what Obama felt his powers were according to this speech. Choose a specific passage from the text, and then explain its meaning using your own words.

Passage from the Text	Explanation of Meaning

Synthesis

Directions: Now that you've examined numerous primary sources related to this topic, use the space below to synthesize what you've learned.

Prompt	Response
What actions did this president take that were clearly within the realm of his powers as executive?	
What actions could potentially be outside of his executive powers as detailed in the 9/14 resolution? Were his actions justified? Why or why not?	

107TH CONGRESS
1ST SESSION

S. J. RES. 23

To authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2001

Mr. DASCHLE (for himself and Mr. LOTT) introduced the following joint resolution; which was read twice, considered, read the third time, and passed

JOINT RESOLUTION

To authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.

Whereas on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens;

Whereas such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad;

Whereas in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence;

Whereas such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States; and

Whereas the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the “Authorization for Use of Military Force”.

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

(b) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—

Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supercedes any requirement of the War Powers Resolution.



Photo taken by Michael Foran

Terrorism

Background Information

“Terrorism has once again shown it is prepared deliberately to stop at nothing in creating human victims. An end must be put to this. As never before, it is vital to unite forces of the entire world community against terror.” -Vladimir Putin

Terrorism within the United States has a long history dating back to the early 19th century. Defined as systematic “use of threats to intimidate or coerce, especially for political purpose,” terrorism is meant to alter, through fear, the day to day routine of a society.

Al-Qaeda, a militant and extremist Islamic terrorist organization, claimed responsibility for the September 11, 2001 terrorist attack on the World Trade Center, Pentagon, and the attempt on the U.S. Capitol. While the United States had previously been the victim of terrorist attacks, the scale of an attack like September 11 had never been seen on American soil.

Days later, on September 14, 2001 the Congress passed a Joint Resolution 23, known as the 9/14 resolution, that greatly expanded presidential power to allow the United States to quickly find and hold responsible the terrorists behind the 9/11 attacks.

After the attacks of September 11th, the United States declared a War on Terror, and invaded Afghanistan to oust a ruling authority, known as the Taliban, that was friendly to al-Qaeda. One of the major difficulties in fighting a war on terrorism is that terrorists, by nature, are not affiliated with an official state. Rather, they organize and plan in secret, target civilian populations in their attacks, and run their operations clandestinely. Ending the state sponsorship of terrorism in Afghanistan did not result in finding Osama bin Laden, the mastermind behind the September 11 attacks. On May 2, 2011, bin Laden was killed in a covert operation under President Obama’s leadership.

The War on Terror also included a 2003 invasion of Iraq, and the ousting of Iraqi dictator Saddam Hussein. Additionally, then President George W. Bush labeled the countries Iran, Iraq and North Korea an “axis of evil.”

President Barack Obama stepped into office with U.S. troops still stationed in Iraq and Afghanistan. Al-Qaeda and other terrorist organizations still exist. According to a report published by the Brookings Institute in 2010, al-Qaeda has grown by absorbing regional jihadist groups from across the Arab world and north and south of the Mediterranean. Thus far, the United States has, through intelligence efforts, been able to prevent and thwart any further major terrorist attacks on American soil. A decade after 9/11, with the threat of terrorism no less present, President Obama still holds the additional powers granted by the resolution passed on September 14, 2001.

Weekly Address: President Obama Says the Mission in Libya is Succeeding

For Immediate Release March 26, 2011

Last week, when I ordered our armed forces to help protect the Libyan people from the brutality of Moammar Qaddafi, I pledged to keep the American people fully informed. Since then, I've spoken about the limited scope and specific purpose of this mission. Today, I can report that thanks to our brave men and women in uniform, we've made important progress.

As Commander in Chief, I face no greater decision than sending our military men and women into harm's way. And the United States should not—and cannot—intervene every time there's a crisis somewhere in the world.

But I firmly believe that when innocent people are being brutalized; when someone like Qaddafi threatens a bloodbath that could destabilize an entire region; and when the international community is prepared to come together to save many thousands of lives—then it's in our national interest to act. And it's our responsibility. This is one of those times.

Our military mission in Libya is clear and focused. Along with our allies and partners, we're enforcing the mandate of the United Nations Security Council. We're protecting the Libyan people from Qaddafi's forces. And we've put in place a no fly zone and other measures to prevent further atrocities.

We're succeeding in our mission. We've taken out Libya's air defenses. Qaddafi's forces are no longer advancing across Libya. In places like Benghazi, a city of some 700,000 that Qaddafi threatened to show "no mercy," his forces have been pushed back. So make no mistake, because we acted quickly, a humanitarian catastrophe has been avoided and the lives of countless civilians—innocent men, women and children—have been saved.

As I pledged at the outset, the role of American forces has been limited. We are not putting any ground forces into Libya. Our military has provided unique capabilities at the beginning, but this is now a broad, international effort. Our allies and partners are enforcing the no fly zone over Libya and the arms embargo at sea. Key Arab partners like Qatar and the United Arab Emirates have committed aircraft. And as agreed this week, responsibility for this operation is being transferred from the United States to our NATO allies and partners.

This is how the international community should work—more nations, not just the United States, bearing the responsibility and cost of upholding peace and security.

This military effort is part of our larger strategy to support the Libyan people and hold the Qaddafi regime accountable. Together with the international community, we're delivering urgent humanitarian assistance. We're offering support to the Libyan opposition. We've frozen tens of billions of dollars of Qaddafi's assets that can help meet the needs and aspirations of the Libyan people. And every day, the pressure on Qaddafi and his regime is increasing.

Our message is clear and unwavering. Qaddafi's attacks against civilians must stop. His forces must pull back. Humanitarian assistance must be allowed to reach those in need. Those responsible for violence must be held accountable. Moammar Qaddafi has lost the confidence of his people and the legitimacy to rule, and the aspirations of the Libyan people must be realized.

In recent days, we've heard the voices of Libyans expressing their gratitude for this mission. "You saved our lives," said one Libyan. Said another, "Today, there is hope."

Every American can be proud of the lives we've saved in Libya and of the service of our men and women in uniform who once again have stood up for our interests and our ideals. And people in Libya and around the world are seeing that the United States of America stands with those who hope for a future where they can determine their own destiny.