

# Analyzing Presidential Decisions

**Directions:** In this activity, partners OR groups of students will discuss the hypothetical scenarios below, and evaluate the president's decision in each of the cases below. Students should draw upon their knowledge of the formal powers of the president outlined in Article II of the Constitution as well as the informal powers and roles enjoyed by modern presidents. For each scenario, groups should discuss and identify answers to the questions and keep track of discussion in notes (either using a Google Doc OR answer and write down responses to A,B,C, and D for each scenario).

## Scenario #1

The president issues an order that women in the armed forces may now serve in a direct combat capacity during wartime.

- a) Identify and explain which formal Constitutional powers apply to this scenario.
- b) What informal powers and/or roles of the president apply? Explain.
- c) Are the president's actions constitutional? Identify which section of the Constitution supports your answer.
- d) If Congress disagrees with the president's action outlined above, what actions can Congress take to limit the president?

## Scenario #2

For several months there have been credible reports that there is mass genocide being carried out on the part of the government against ethnic minorities in a small African nation. Amnesty International estimates that more than 500,000 have been murdered thus far. In a speech to a joint session of Congress, the president of the United States declares that he will commit 25,000 American troops to assist the United Nations in an effort to stop the violence against civilians and restore peace to the country. In his speech, the president contends "as the last remaining Superpower, the United States has a moral obligation and the means to stop the murders of countless innocent men, women and children."

- a) Identify and explain which formal Constitutional powers apply to this scenario.
- b) What informal powers and/or roles of the president apply? Explain.
- c) Are the president's actions constitutional? Identify which section of the Constitution supports your answer.
- d) If Congress disagrees with the president's action outlined above, what actions can Congress take to limit the president?

### Scenario #3

The president and the Secretary of State negotiate an agreement with North Korea to end its designs on building a nuclear weapon. In exchange, the U.S. will commit \$15 billion in humanitarian aid to the North Korean people suffering from mass starvation, and forgive up to \$25 billion in loans by the North Korean government to U.S. banks. The president consulted Congress, but did not request a treaty.

- a) Identify and explain which formal Constitutional powers apply to this scenario.
- b) What informal powers and/or roles of the president apply? Explain.
- c) Are the president's actions constitutional? Identify which section of the Constitution supports your answer.
- d) If Congress disagrees with the president's action outlined above, what actions can Congress take to limit the president?

### Scenario #4

A major earthquake hits 80 miles south of San Francisco incurring enormous damage with hundreds feared dead or missing, and billions of dollars in property damage. The president mobilizes the National Guard as well as regular army units to assist in the rescue effort and to help maintain order. He instructs agencies of the federal government (ex: FEMA, Health and Human Services, Homeland Security) to send aid. After visiting the "Quake Zone," the president addresses a joint session of Congress and requests short and long term financial assistance for the affected areas.

- a) Identify and explain which formal Constitutional powers apply to this scenario.
- b) What informal powers and/or roles of the president apply? Explain.
- c) Are the president's actions constitutional? Identify which section of the Constitution supports your answer.
- d) If Congress disagrees with the president's action outlined above, what actions can Congress take to limit the president?

### Scenario #5

In a 7-2 decision, U.S. Supreme Court strikes down an Oklahoma state law requiring the teaching of intelligent design (*the theory that life, or the universe, cannot have arisen by chance and was designed and created by some intelligent entity*) in public schools. As an act of defiance of the decision, the governor of Oklahoma orders the closing of several public schools which had heretofore refused to teach the intelligent design curriculum. The president of the United States commits National Guard troops to forcibly open the public schools and restore order.

- a) Identify and explain which formal Constitutional powers apply to this scenario.
- b) What informal powers and/or roles of the president apply? Explain.
- c) Are the president's actions constitutional? Identify which section of the Constitution supports your answer.
- d) If Congress disagrees with the president's action outlined above, what actions can Congress take to limit the president?

**Scenario #6**

In his State of the Union Address, the president outlines a comprehensive plan to overhaul the Social Security system including an option to privatize Social Security accounts. He expects Congress to pass his plan in its entirety.

- a) Identify and explain which formal Constitutional powers apply to this scenario.
- b) What informal powers and/or roles of the president apply? Explain.
- c) Are the president's actions constitutional? Identify which section of the Constitution supports your answer.

If Congress disagrees with the president's action outlined above, what actions can Congress take to limit the president?