

Teaching American History Grant: Learning Experience 2008-2009  
Dina Warnken, James Feicht, and John Filor – Arlington Central School District

**Topic Title:** Presidential Powers: Expressed and Unwritten (Use and Expansion)

**Grade Level:** 11<sup>th</sup> grade US History, Regents level, 12<sup>th</sup> grade Participation in Government, AP level, and 12<sup>th</sup> Grade Rights and Responsibilities

UNIT TWO: CONSTITUTIONAL FOUNDATIONS FOR THE UNITED STATES  
DEMOCRATIC REPUBLIC

I. THE CONSTITUTION: THE FOUNDATION OF AMERICAN SOCIETY

E. Basic constitutional principles

- (1) national power—limits and potentials
- (2) federalism—balance between nation and state
- (3) the judiciary—interpreter of the Constitution or shaper of public policy
- (4) civil liberties—protecting individual liberties from governmental abuses; the balance between government and the individual
- (5) criminal procedures—the balance between the rights of the accused and protection of the community and victims
- (6) equality—its historic and present meaning as a constitutional value
- (8) the rights of ethnic and racial groups under the Constitution
- (9) Presidential power in wartime and in foreign affairs
- (10) the separation of powers and the capacity to govern
- (11) avenues of representation
- (12) property rights and economic policy
- (13) constitutional change and flexibility

F. Implementing the new constitutional principles

- (2). Development of unwritten constitutional

**Essential Question(s):**

- How have the powers of the presidency been used and expanded?
- What have been the consequences (both positive and negative) of the use and expansion of presidential powers?
- How have the other branches of government responded to the use and extension of presidential power?
- Why do you think the Framers of the Constitution limited the role and powers of the executive branch?
- How has public opinion affected the use of power, and the expansion / contraction of power, by the president?
- Have recent presidents (Clinton, Bush, etc.) undermined the constitutional separation of powers by abusing their executive power?
- How and should the powers of the presidency be curbed?

**Time Allotment** (classroom time): Approximately two 45 minute class periods and two nights worth of homework.

**Vocabulary (key terms):**

Precedent

Executive Order

Executive privilege

Checks and balances

Federalism

Separation of powers

National power

Civil liberties

Unwritten Constitution

Secession

Emancipation proclamation

Martial Law

Habeas corpus

Fire side chat

**Materials/Resources:**

Primary source documents of Presidents Lincoln, Roosevelt, and George W. Bush with questions.

The Constitution: Reviewing the portions that pertain to presidential powers during and relating to wartime (Article II)

Emancipation Proclamation

Lincoln's suspension of Habeas Corpus reading

Political Cartoon of Lincoln's Inauguration, North vs. South

FDR's Arsenal of Democracy speech

FDR's Lend Lease Act speech-audio

FISA Article, explanation of

New York Times article on Expansion of Presidential Power

**Procedure:**

Day I: Review the Constitution and presidential powers of wartime (Art. II)

A. Why do you think the Framers of the Constitution limited the role and powers of the executive branch? This question will start a class discussion focused on Presidential powers and how more recent presidents have expanded and/or abused those powers.

B. Students will be given a packet of primary and secondary source documents (as listed) and corresponding questions.

C. Homework: Students will read the remainder of the packet and answer the questions that accompany each primary source.

Day II:

A. Focus Question: based on the homework and the completion of the document analysis, "How have the powers of the presidency been expanded and/or abused?"

- The lesson can be implemented by dividing students into cooperative groups, having students work as individuals on the resource packet, or working as a full class group. Students will be asked to read and examine the resource documents. They will be given time to answer the questions on their own. The teacher will act as a facilitator in a "Chalk and Talk" manner to have the class discuss and debate their answers to the opinion questions. Students' responses will be written on the board in a chart of "Pros and Cons" to encourage debate and discussion.

**Resources Used:**

[http://edsitement.heh.gov/printable\\_lesson-plan.asp/id=769](http://edsitement.heh.gov/printable_lesson-plan.asp/id=769)

*New York Illustrated News*

Voices of America: Readings in American History Thomas R. Frazier

*New York Times*

<http://www.fas.org/irp/agency/doj/fisa/>

<http://www.fdrlibrary.marist.edu/audio.html>

**Assessment:**

Students will write an advice letter to a future president. Students will be required to cite multiple examples (primary sources) of the use and / or extension of presidential power. Within the students responses they will be assessed on their justification and evidential support for their opinion of how this new president should use the powers of the office of the president.