

# Answer Key

## Unit 2—Commander in Chief: War and the Constitution

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### CONSTITUTIONAL CONNECTION: WAR AND THE CONSTITUTION

1. Some students may say that a declaration of war is the beginning of a war and that war cannot exist without a declaration; others may say declaring war can happen at any time after the beginning of hostilities, or not at all.
2. The Necessary and Proper Clause empowers Congress to make all needed and appropriate laws for “any department” of the government. Students may say that this increases Congress’s war powers by allowing it to make rules for the executive and judicial branches regarding war.
3. To lead the military; accept additional reasoned answers.
4. The Supreme Court has ruled on the President’s power to suspend habeas corpus; conditions when it may be suspended; Congress’s power to create military commissions to try illegal combatants; interpreted the Constitution as it may apply to enemy combatants and illegal combatants; interpreted international treaties ratified by the United States; and other issues related to war.

### WAR IN THE EARLY REPUBLIC

#### Handout A: War in the Early Republic

1. Washington: Barbary pirates, threat of war with France or England; Adams: Barbary pirates, threat of war with France or England; Jefferson: Barbary pirates; Madison: England, Barbary pirates.
2. Students may say that Madison appreciated the Constitution’s delegation of the power to declare war to the federal government’s largest and most deliberative body, made

up of representatives of the states and the people from throughout the nation.

3. Accept reasoned answers.

### HANDOUT B: NAME THAT PRESIDENT

#### Section I

1. Washington
2. Adams
3. Washington, Adams
4. Washington, Adams
5. Jefferson, Madison
6. Washington, Adams
7. Madison
8. Madison

#### Section II

1-4: accept reasoned answers.

### LYNDON JOHNSON AND RICHARD NIXON

#### Handout A: Lyndon Johnson and Richard Nixon, and the War Powers Resolution

1. The delegates to the Constitutional Convention agreed that the President alone should not be able to start wars. At first, they gave the power to “make war” to Congress. But after some discussion, they agreed that the legislature was too large and too slow to do this effectively. They changed “make war” to “declare war.” This ensured that the President could not declare war on his own. (But it left him with the power, as Commander in Chief, to repel attacks without waiting for approval from Congress. Congress was also given the power to approve the military budget. The President is Commander in Chief of the military forces. The delegates at the

Constitutional Convention did not want to create an executive that would be as powerful and unaccountable as a King, but recognized that an individual is more suited to swift action and decision making than a large body like Congress.

2. A law limiting the President's ability to commit troops around the world without approval from Congress or a declaration of war.
3. He believed it was an unconstitutional limitation on the President's power.
4. Accept reasoned answers.

### Handout C: The War Powers Resolution

1. The reason for this law is to be true to the Founders' intent and make sure both the President and Congress agree when the military should go into combat.
2. The President can only exercise his power as Commander in Chief when there is a declaration of war, when Congress specifically authorizes him to do so, or when there is a "national emergency" of an attack on the US or the military.
3. The President has to check with Congress before sending troops into combat.
4. If there is no declaration of war, the President has two days to report to Congress on the reasons for the deployment; what authority he had to begin it; and how long he expects it to take place.

5. Troops must be withdrawn within 60 days unless Congress declares war or authorizes the use of force; extends the deadline; or unless Congress cannot meet because of the war.
6. Any time troops are fighting anywhere outside the US without a declaration of war, Congress can tell the President to remove the troops.

### GEORGE W. BUSH

#### Handout A: George W. Bush and the War on Terror

1. Deliver Osama bin Laden and shut down the terrorist training camps, or the US will attack.
2. Strict rules of evidence that apply in criminal trials may not apply in Military Tribunals. Criminal trials must be open to the public, unlike Military Tribunals. Verdicts in criminal trials can be appealed in court, while the decisions of Military Tribunals can only be reviewed by the Commander in Chief (the President).
3. The Supreme Court at first dismissed the petitions. After 2004, the Court stopped dismissing them and gradually extended the rights afforded to foreign detainees at Guantanamo Bay.
4. Accept reasoned answers.