

Answer Key

Unit 2—Commander in Chief: War and the Constitution

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