

Title: Lincoln and War Powers

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Course: American Government

Time Frame: two to three fifty minute periods

Subjects:

Civil War

Grade Levels:

11

Classroom/Homework Activity to be performed:

- Students will analyze relevant parts of the Constitution and actions taken by President Lincoln during the Civil War. They will then assess the degree to which Lincoln's actions were constitutional.

Rationale:

- I want students to understand that constitutional interpretation, particularly in matters concerning war powers, is an ambiguous process. Students will gain better understanding of what the Constitution has to say about war powers, as well as increasing their understanding of the Civil War. They will also practice presenting their findings to others.

Lesson objectives - the student will:

- Analyze relevant portions of Articles I and II of the Constitution
- Assess the degree to which key actions taken by President Lincoln during the Civil War were constitutional
- Conduct and present research to peers

District, state, or national performance and knowledge standards/goals/skills met:

- Show –Me Standards SS1: principles expressed in the documents shaping constitutional democracy in the United States
- SS3: principles and processes of governance systems
- SS7: the use of tools of social science inquiry (such as surveys, statistics, maps, documents)

Secondary materials (book, article, video documentary, etc.) needed:

- Background information on the writ of habeas corpus: <http://www.nps.gov/fomc/historyculture/the-writ-of-habeas-corpus.htm>
- Background information on Ex parte Milligan: http://www.pbs.org/wnet/supremecourt/antebellum/landmark_exparte.html
- Background information on Ex parte Vallandigham: http://www.oyez.org/cases/1851-1900/1863/1863_2

Primary materials (book, article, video documentary, etc.) needed:

- See the following website for relevant parts of the Constitution: <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/warandtreaty.htm>
- Proclamation Calling Militia and Convening Congress: <http://www.historyplace.com/lincoln/proc-1.htm>
- Proclamation of Blockade Against Southern Ports: <http://www.historyplace.com/lincoln/proc-2.htm>
- Letter to Winfield Scott: <http://teachingamericanhistory.org/library/index.asp?document=414>
- Habeas corpus and Ex Parte Merryman: <http://teachingamericanhistory.org/library/index.asp?document=442>
- Special Session Message, July 4, 1861: <http://www.fordham.edu/halsall/mod/1861lincoln-special.asp>
- Proclamation Suspending the Writ of Habeas Corpus: <http://teachingamericanhistory.org/library/index.asp?document=425>
- Ex parte Milligan: <http://www.sinc.sunysb.edu/Class/pol325/Milligan.htm>
- Ex parte Vallandigham: http://memory.loc.gov/cgi-bin/query/P?mal:1:./temp/~ammem_2TVK::

http://memory.loc.gov/cgi-bin/query/P?mal:5:./temp/~ammem_2TVK::

Full description of activity or assignment:

Introduce the lesson by discussing the importance of understanding the appropriate allocation of power in waging war. What may happen if the president has too much or too little power to wage war? It may be helpful to discuss post-World War II conflicts in which the use of presidential power was/is seen as controversial, such as Korea, Vietnam, Afghanistan, Iraq, or Libya.

Students will individually analyze parts of Articles I and II of the Constitution at the website listed above in order to better understand how war powers should be allocated. Students may refer to the complete text of the two articles in their textbook. They will answer the following questions:

1. Article I describes the powers of which branch of government?
2. According to the Constitution, what war powers does Congress have?
3. According to the Constitution, what war powers does the president have?
4. Under what situations may the writ of habeas corpus be suspended?
5. Who has the authority to suspend the writ of habeas corpus? Explain

Briefly discuss the following controversial actions that Lincoln took: blockaded southern ports (a blockade is considered an act of war), shut down newspapers, called for more troops, suspended habeas corpus, and ordered navy to buy more warships (appropriation act requiring congressional approval). Do students feel that these actions are justified?

Break students into groups of four, with each student being responsible for documents covering two topics that deal with Lincoln's handling of the war. Students will complete document analysis worksheets (<http://www.archives.gov/education/lessons/worksheets/document.html>) on their two documents, while looking for clues as to whether Lincoln's actions were constitutional and/or justified. The teacher should circulate around the room helping students as needed. Students will then report to the rest of their group. Finally, the group, after hearing each member's findings will present their verdict on whether Lincoln's actions were constitutional and why

in a short presentation of five to ten minutes.

1. Proclamation Calling Militia and Convening Congress: <http://www.historyplace.com/lincoln/proc-1.htm>
2. Proclamation of Blockade Against Southern Ports: <http://www.historyplace.com/lincoln/proc-2.htm>
3. Letter to Winfield Scott: <http://teachingamericanhistory.org/library/index.asp?document=414>
4. Habeas corpus and Ex Parte Merryman: <http://www.nps.gov/fomc/historyculture/the-writ-of-habeus-corpus.htm> ; <http://teachingamericanhistory.org/library/index.asp?document=442>
5. Special Session Message, July 4, 1861: <http://www.fordham.edu/halsall/mod/1861lincoln-special.asp>
6. Proclamation Suspending the Writ of Habeas Corpus: <http://teachingamericanhistory.org/library/index.asp?document=425>
7. Ex parte Milligan: http://www.pbs.org/wnet/supremecourt/antebellum/landmark_exparte.html ; <http://www.sinc.sunysb.edu/Class/pol325/Milligan.htm>
8. Ex parte Vallandigham: http://www.oyez.org/cases/1851-1900/1863/1863_2 ; http://memory.loc.gov/cgi-bin/query/P?mal:1:./temp/~ammem_2TVK::
http://memory.loc.gov/cgi-bin/query/P?mal:5:./temp/~ammem_2TVK::

Full explanation of the assessment method and/or scoring guide:

- Students will be individually assessed on the degree to which they accurately and thoroughly answer the above questions on the Constitution, complete two document analysis worksheets, and actively participate in all phases of the lesson. Groups will be assessed on the degree to which they present a compelling case as to whether Lincoln's actions were constitutional and/or justified. Outstanding presentations will be five to ten minutes long; make specific reference to multiple documents in building a case; demonstrate accurate understanding of Articles I and II of the Constitution and the relevant events during the Civil War; and will consider and appropriately explain opposing viewpoints.