Power Under Pressure

Read a crisis scenario through the rules of the presidency.

9-12.GOV.35 "Analyze Article II of the Constitution as it relates to the executive branch, including appointments, oath of office, Commander-in-chief of the military, powers of the president, eligibility for office, succession (25th Amendment)..."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline presidential powers, circle checks or limits on those powers, and write T beside each rule about when a president serves or who takes over. Use your marks to compare what a president can do with what the Constitution requires.

A President Faces a Crisis

1. After a major coastal storm, a president faces urgent choices. Article II makes the president the head of the executive branch and commander in chief of the armed forces, but it does not give the president unlimited authority. A person must be a natural-born citizen, at least 35 years old, and a resident of the United States for 14 years to be eligible for the office. Before taking office, the president swears or affirms an oath to faithfully execute the office and preserve, protect, and defend the Constitution. That oath matters when fast decisions affect people far beyond the storm zone.

2. Suppose the president wants a new leader for an existing agency to coordinate recovery. The president nominates that officer, but many top appointments require the Senate's advice and consent. If aid depends on an agreement with another country, the president can negotiate a treaty, but it takes approval by two thirds of senators present. The president might also issue an executive order directing federal agencies to carry out existing law. Executive orders are not named in Article II, and an order cannot override a law or the Constitution. As commander in chief, the president directs the military, while Congress retains its power to declare war.

3. Now imagine the storm disrupts a transfer of power. Article II sets a four-year presidential term. Under the 20th Amendment, that term begins and ends at noon on January 20, even if an emergency continues. The 22nd Amendment generally bars a person from being elected president more than twice. If the president dies, resigns, or is removed, the 25th Amendment makes the vice president president. If the president cannot perform the job temporarily, the amendment provides a process for the vice president to serve as acting president. These rules keep the office functioning without letting a crisis erase constitutional limits.

2 ANSWER WITH EVIDENCE

Use the passage

1. Why could the president issue a recovery order without a Senate vote but need Senate approval to appoint many agency leaders?

2. The president negotiates a storm-recovery treaty with another country. What must happen before it can take effect, and how does that limit the president?

3. A president claims that being commander in chief includes the power to declare war. How does the passage challenge that claim?

4. During the storm, the president temporarily cannot perform the job. Which rule could keep the executive branch operating, and why would the emergency not extend the president's term?

3 YOUR TURN

Your own words

Write four or five sentences advising a president during an emergency other than a storm. Describe one action the president could take, a constitutional check or legal limit on that action, and how the 25th Amendment would keep the office functioning if the president became temporarily unable to serve.

ANSWER KEY

Power Under Pressure

HIGH SCHOOL · 9-12.GOV.35

PART 1 · READ AND MARK

Underline presidential powers, circle checks or limits on those powers, and write T beside each rule about when a president serves or who takes over. Use your marks to compare what a president can do with what the Constitution requires. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	Why could the president issue a recovery order without a Senate vote but need Senate approval to appoint many agency leaders?	**The president can direct agencies through an executive order that stays within the law. Many top appointments, unlike executive orders, require the Senate's advice and consent.**
2	The president negotiates a storm-recovery treaty with another country. What must happen before it can take effect, and how does that limit the president?	**Two thirds of senators present must approve the treaty. The president cannot make it take effect alone.**
3	A president claims that being commander in chief includes the power to declare war. How does the passage challenge that claim?	**The president directs the military as commander in chief, but Congress has the power to declare war.**
4	During the storm, the president temporarily cannot perform the job. Which rule could keep the executive branch operating, and why would the emergency not extend the president's term?	**The 25th Amendment provides a process for the vice president to serve as acting president. Under the 20th Amendment, the presidential term still ends at noon on January 20.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

After a cyberattack disables federal computers, the president could issue an executive order directing agencies to restore their systems under existing law. The order could not override a law passed by Congress. If the president became temporarily unable to work, the 25th Amendment provides a process for the vice president to serve as acting president. The vice president could then direct the executive branch while the president could not perform the job.

Accept other plausible emergencies and presidential actions if the response identifies an accurate check or limit. For temporary inability, look for the vice president serving as acting president, not automatically becoming president.