

# TEACHING DEMOCRACY

Jenna Rentz & Bryan Shaw  
Mt. Diablo High School  
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Cal Humanities & The California History-Social Science Project

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*The Power  
of the  
Presidency*



**Teaching Democracy** is a partnership between the California History-Social Science Project (CHSSP) and Cal Humanities. **Teaching Democracy** seeks to both deepen student understanding of the history of American democracy and promote an engaged and knowledgeable citizenry. Our partnership hopes to invigorate K-16 educators to formulate new ways to help students make connections between ideas upon which the United States was founded and its governance.

**Teaching Democracy** provides three major curricular resources for teachers and their students: presentations by leading scholars, selected primary sources, and Standards-aligned curriculum for teachers, including this lesson. These materials will be distributed in five online webinars scheduled for 2012 and archived with recorded presentations on the Teaching Democracy website for future classroom use.

### **About The California History-Social Science Project:**

One of nine disciplinary networks that make up the California Subject Matter Projects (CSMP), the California History-Social Science Project (CHSSP) is headquartered at the University of California, Davis, and its six sites are housed in the departments of history and geography at university campuses throughout California. Our K-16 collaborative is dedicated to providing the highest quality history instruction, with a special focus on meeting the needs of English learners, native speakers with low literacy, and students from economically disadvantaged communities. For more information, visit [chssp.ucdavis.edu](http://chssp.ucdavis.edu).

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Cal Humanities sees the humanities as relevant, meaningful ways to understand the human condition and connect us to each other in order to become a better California. A state partner of the National Endowment for the Humanities, we were originally founded in 1975 as a granting organization, but through the years we have created and implemented our own signature humanities programs and projects. Cal Humanities now plays a critical role across the state in producing, funding, and supporting cultural experiences and events. For more information, visit [www.calhum.org](http://www.calhum.org).

### **About the Authors**

Jenna Rentz and Bryan Shaw teach 11<sup>th</sup> Grade US History at Mt. Diablo High School in Concord, California. Both Rentz and Shaw have served as teacher leaders with the UC Berkeley History-Social Science Project, a CHSSP site serving the greater San Francisco Bay Area.



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**California Content Standards**

- ✓ 11.1.3 Understand the history of the Constitution after 1787 with emphasis on federal versus state authority and growing democratization.
- ✓ 12.4.4 Discuss Article II of the Constitution as it relates to the executive branch, including eligibility for office and length of term, election to and removal from office, the oath of office, and the enumerated executive powers.

**Common Core State Standards**

- ✓ RH.11-12.1. Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.
- ✓ RH.11-12.7. Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.
- ✓ RH.11-12.9. Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.

## How did the President's war-making powers evolve over the course of the Vietnam War?



*Vice-President Lyndon B. Johnson standing among group of Vietnamese soldiers and Americans during a visit to Saigon, South Vietnam. May 12, 1962. Thomas J. O'Halloran, Photographer. Source: Library of Congress, Prints & Photograph Division. <http://www.loc.gov/pictures/item/2011661233>.*

This lesson focuses on the war-making powers of the Presidency, with a specific focus on the Vietnam War. Students will first review the President's Commander in Chief powers outlined in the Constitution. With that Constitutional authority as a foundation for their investigation, students will then consider the war-making power exercised by American presidents during the Vietnam War. Although there was never a Congressional declaration of war, American military advisors were in Vietnam since the 1950s. American intervention in Vietnam would not end until the fall of Saigon in 1975. In addition to the Constitution, students will review both the Gulf of Tonkin Resolution and the War Powers Act to develop their own answer to the following focus question: *How did the President's war-making powers evolve over the course of the Vietnam War?*



## Procedures

### Step 1: Word Cloud Introduction (Class Time: 5 minutes)

Display on an overhead or projector **Student Handout 1.1: Word Cloud Introduction**. (If you do not have access to an overhead or projector, copies can be made and distributed). Do not reveal any information about the word cloud. It is a graphic representation of the frequency of words from a written source. Tell students to study the word cloud silently for one minute. Next, on their reflection handout, have students write the words that stand out to them. Students can then make a prediction as to what the word cloud text is about. Students can think-pair-share their answers or share their answers in small groups. After all students have made their prediction, tell students that the word cloud is from the Constitution of the United States. It specifically details the war-making responsibilities of the President of the United States.

### Step 2: Comparing the Constitutional Role of the President and Congress (Class Time: 30 minutes)

Introduce the lesson focus question: *How did the President's war-making powers evolve over the course of the Vietnam War?* Explain to students that in the United States, the ability to declare, make and fund a war is a shared responsibility between the executive and legislative branches of the government that is outlined in the Constitution. Remind students that the Constitution has been interpreted in many different ways over time by the President, Congress, the Judiciary, and the public at large. The President's powers are listed in Article II, Section 2 of the Constitution. Distribute **Student Handout 1.2: An Excerpt from Article II, Section 2 of the U.S. Constitution (1787)**. As a class, read the selected passage. As the passage is read, direct students to circle the nouns and underline the verbs in the passage. Then read the focus question for the passage: *How does the Constitution define the president's powers in matters of war?*

Instruct students to think about the passage focus question as they complete the sentence deconstruction chart. This activity is specifically designed to help students break down (or organize) text in order to understand the sum of its parts. In the "Questions and Conclusions" column, students can write any questions they might have about the passage. In particular, encourage students to write down any additional information they would need to understand the war-making ability of the president. You could also use this column to help students define any words they do not know, or to make conclusions about the passage. After completing the sentence deconstruction chart, have students answer the focus question in a complete sentence.

After considering the powers granted to the President, turn next to the war-making powers given to Congress in Article I, Section 8 of the Constitution. Distribute **Student Handout 1.3: An Excerpt from Article I of the U.S. Constitution (1787)**. As a class, read the selected passage. As the passage is read, direct students to circle the nouns and underline the verbs in the passage and consider the focus question for the text, *How does the Constitution define Congressional power in matters of war?* Then have students complete the chart categorizing Congressional power and accompanying questions. Students should note that the Constitution is more exact about Congress's war powers.



### **Step 3: Tonkin Gulf Resolution (Class Time: 15 minutes)**

After discussing the Constitutional powers given to the President of the United States as defined by Article II, students should be ready to discuss the case study of presidential power in Vietnam. Direct students to read the primary source on **Student Handout 1.4: The Tonkin Gulf Resolution (1964)**. Help students to deconstruct the text and verbally summarize the meaning of each phrase in the passage with the help of the graphic.

### **Step 4: The Legality of United States Participation in the Defense of Vietnam (Class Time: 10 minutes)**

Distribute copies of the primary source, **Student Handout 1.5: The Legality of United States Participation in the Defense of Vietnam**. Help students read through the language of the text. Explain to students that this memorandum is a legal defense for the Vietnam War by the Department of State. This primary source defends the text of the Tonkin Gulf Resolution and asserts that the president is justified in taking any military measure necessary to defend U.S. interests in Vietnam. Have students respond to the questions after this text.

### **Step 5: War Powers Act (Class Time: 10 minutes)**

Introduce the War Powers Act to students. Tell students that even though Congress passed the Tonkin Gulf Resolution in 1964, increased U.S. involvement in Vietnam over the next decade led Congress to fear excessive presidential war powers. Once President Lyndon Johnson gained power to act in Vietnam with the Tonkin Gulf Resolution, he (and President Richard Nixon after him), continued to commit U.S. troops without seeking additional congressional approval. With the Vietnam War becoming increasingly unpopular, Congress passed the War Powers Act of 1973, which stated that the President cannot deploy troops overseas without congressional consent. Distribute **Student Handout 1.6: War Powers Act (1973)** to students and direct them to read the passage and answer the questions individually or in small groups.

### **Step 6: Comparing Presidential Powers**

At this point in the lesson, students have studied all the primary sources and should be ready to make comparisons between them. Tell students that they have studied each of the primary sources in the lesson separately and now it is time to compare them to collect evidence for their lesson focus question, *How did the President's war-making powers evolve over the course of the Vietnam War?* Distribute **Student Handout 1.7: Comparing Presidential Powers**. Have students work in pairs to discuss how each document contributes to the subject of war-making and war powers. Tell students that the final task for this activity is for them to compose a thesis that reflects their thoughts on the President's war powers throughout the Vietnam War.



### **Step 7: Writing Assignment: Developing an Interpretation**

Student will now have an opportunity to transfer their ideas from **Student Handout 1.7** into a polished paragraph. Tell students that they are to expand their thesis statement from the previous activity into a full paragraph that incorporates their interpretations of the primary sources studied throughout the lesson. They will need to select the three strongest points or arguments from their notes in **Student Handout 1.7** as evidence for the paragraph frame.







**Student Handout 1.1K: Word Cloud Introduction Key**



1. Describe: What words stand out to you?

United States, Power, Commander, Impeachment, etc...

2. Guess: What do you think this document is about?

Mixed responses.

3. Explain: What is the document and why is it important?

It is Article II, Section 2 of the U.S. Constitution and it is important because it states the President's role and responsibilities.



### Student Handout 1.2: An Excerpt from Article II, Section 2 of the U.S. Constitution (1787)

**Directions:** read the following excerpt from Article II of the Constitution, and complete the sentence deconstruction chart. Finally, answer the following question: **How does the Constitution define the president's powers in matters of war?**

“The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States.”

Time marker/ connector words	Who (subject) <i>Participants</i>	Action words (verbs/ verb phrases)	Who, What, Where	Questions and Conclusions  <i>What additional information do you need to understand the powers granted by the Constitution?</i>
	The President	shall be		
of the				
and				
and of the				
when		called		

**How does the Constitution define the president's powers in matters of war?**



### Student Handout 1.2K: An Excerpt from Article II, Section 2 of the U.S. Constitution (1787) Key

**Directions:** read the following excerpt from Article II of the Constitution, and complete the sentence deconstruction chart. Finally, answer the following question: **How does the Constitution define the president's powers in matters of war?**

“The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States.”

Time marker/ connector words	Who (subject) <i>Participants</i>	Action words (verbs/ verb phrases)	Who, What, Where	Questions and Conclusions  <i>What additional information do you need to understand the powers granted by the Constitution?</i>
	The President	shall be	Commander in Chief	Questions will vary, but could include:  Does the President have the power to decide where and when the United States fights?  What is the role of Congress? The Courts? The American public?
of the			Army	
and			Navy of the United States	
and of the			Militia of the several States	
when		called	into the actual Service of the United States	

**How does the Constitution define the president's powers in matters of war?**

The President’s war-making powers center on his role as Commander in Chief.



### Student Handout 1.3: An Excerpt from Article I, Section 8 of the U.S. Constitution (1787)

**Directions:** read the following excerpt from Article I, Section 8 of the Constitution. Fill in the blanks with verbs in the first column and the nouns or noun phrases (who, what, where) in the second column. As you complete this matrix, consider the following: **How does the Constitution define Congressional power in matters of war?** Once you’ve completed this chart, compare the war-making powers between the President and Congress.

The Congress shall have Power To:

... provide for the common Defence ....

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, ....

Action words (verbs / verb phrases)	Who, what, where
	For the Common defense
Grant	
Make	Rules for the Government and Regulation of the land and naval Forces
Provide for calling forth	
	Insurrections
repel	
provide for organizing, arming, and disciplining	

1. What war-making powers are given to Congress by the Constitution?
2. How do the Congressional war-making powers compare to those given to the President by the Constitution?



### Student Handout 1.3K: An Excerpt from Article I, Section 8 of the U.S. Constitution (1787) Key

**Directions:** read the following excerpt from Article I, Section 8 of the Constitution. Fill in the blanks with verbs in the first column and the nouns or noun phrases (who, what, where) in the second column. As you complete this matrix, consider the following: **How does the Constitution define Congressional power in matters of war?** Once you've completed this chart, compare the war-making powers between the President and Congress.

The Congress shall have Power To:

... provide for the common Defence ....

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, ....

Action words (verbs / verb phrases)	Who, what, where
provide	For the Common defense
Declare	war
Grant	Letters of Marque and Reprisal
Make	Rules for the Government and Regulation of the land and naval Forces
Provide for calling forth	the Militia to execute the Laws of the Union
suppress	Insurrections
repel	Invasions
provide for organizing, arming, and disciplining	the Militia, and for governing such Part of them as may be employed in the Service of the United States

1. What war-making powers are given to Congress by the Constitution? (see list above)
2. How do the Congressional war-making powers compare to those given to the President by the Constitution? Answers may vary, but should include mention of the fact that there are more listed and specific powers granted to Congress by the Constitution.



## Student Handout 1.4 (page 1 of 3): Tonkin Gulf Resolution (1964)

On August 10, 1964, President Lyndon Johnson signed Joint Resolution, H.J. 1145. The resolution had been passed by Congress days earlier in response to alleged attacks on two American ships in the Gulf of Tonkin by North Vietnamese forces. The resolution passed overwhelmingly, with only two Senators (Wayne Morse and Ernest Gruening) dissenting.

### Transcript of Tonkin Gulf Resolution (1964)

#### Eighty-eighth Congress of the United States of America

##### AT THE SECOND SESSION

*Begun and held at the City of Washington on Tuesday, the seventh day of January, one thousand nine hundred and sixty-four*

#### Joint Resolution

To promote the maintenance of international peace and security in southeast Asia.

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attackers are part of deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protest their freedom and has no territorial, military or political ambitions in that area, but desires only that these people should be left in peace to work out their destinies in their own way: Now, therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

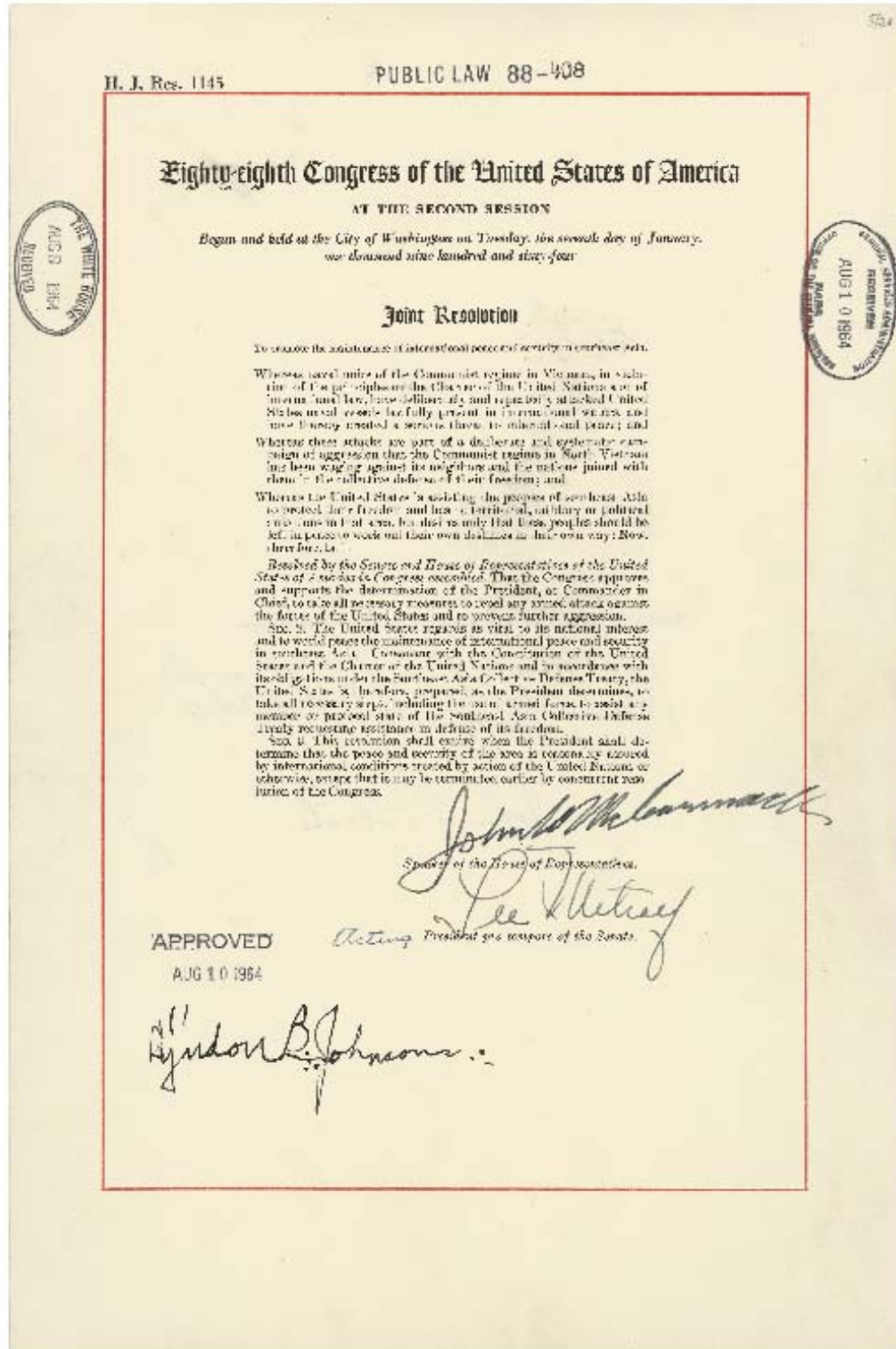
Section 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Section 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

*Source: Tonkin Gulf Resolution; Public Law 88-408, 88th Congress, August 7, 1964; General Records of the United States Government; Record Group 11; National Archives.*



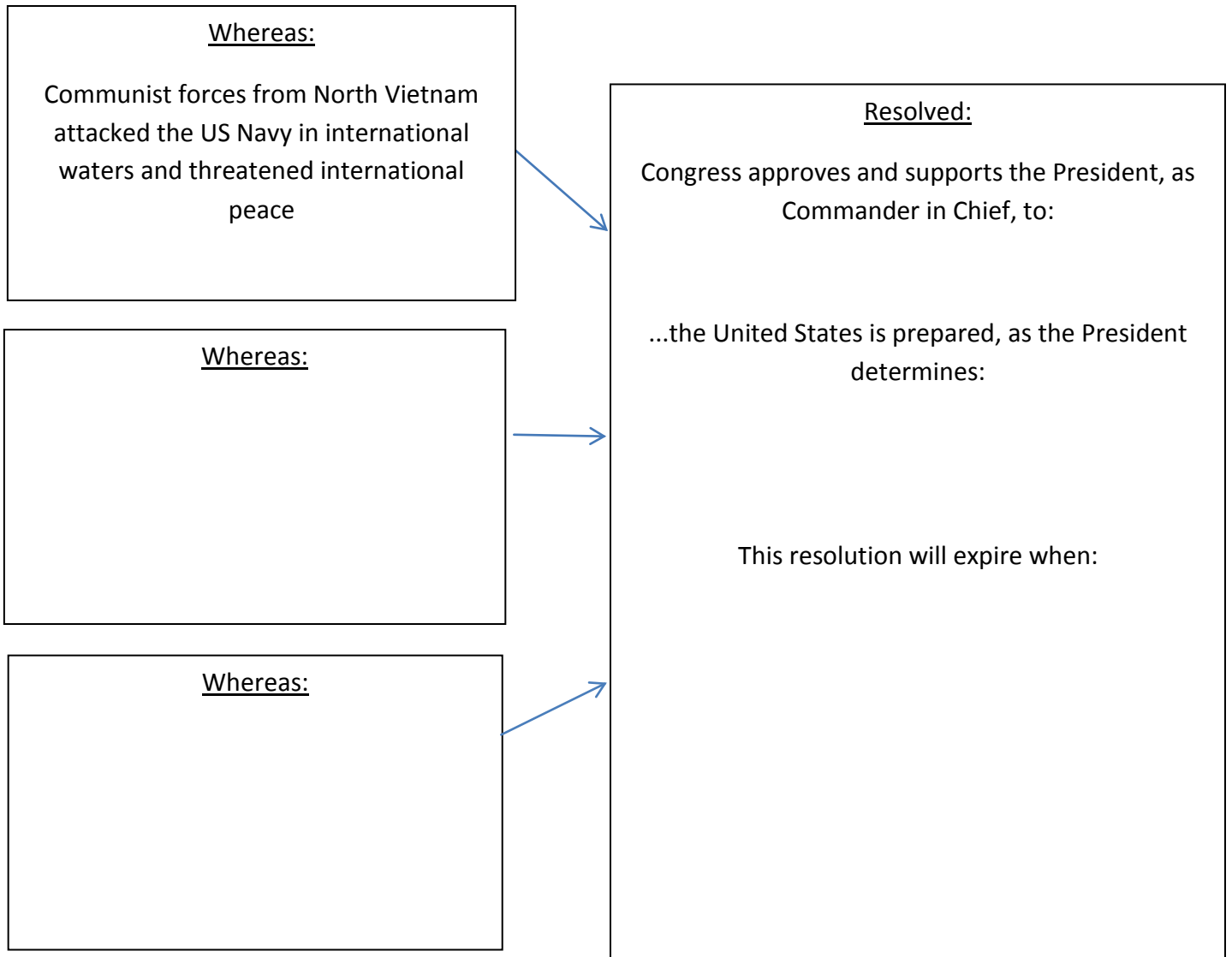
**Student Handout 1.4 (page 2 of 3): Tonkin Gulf Resolution (1964)**





**Student Handout 1.4 (page 3 of 3): Tonkin Gulf Resolution (1964)**

*Directions:* The Tonkin Gulf Resolution provides a justification for the United States’ involvement in the Vietnam War in general, and the President’s war-making powers in particular. Congress approved of three major arguments to justify American action, each one beginning with the word “whereas.” Complete the following graphic (the first one is done for you) to understand their argument in your own words. Finally, consider the following question: **How did the Tonkin Gulf Resolution change presidential war-making powers?**



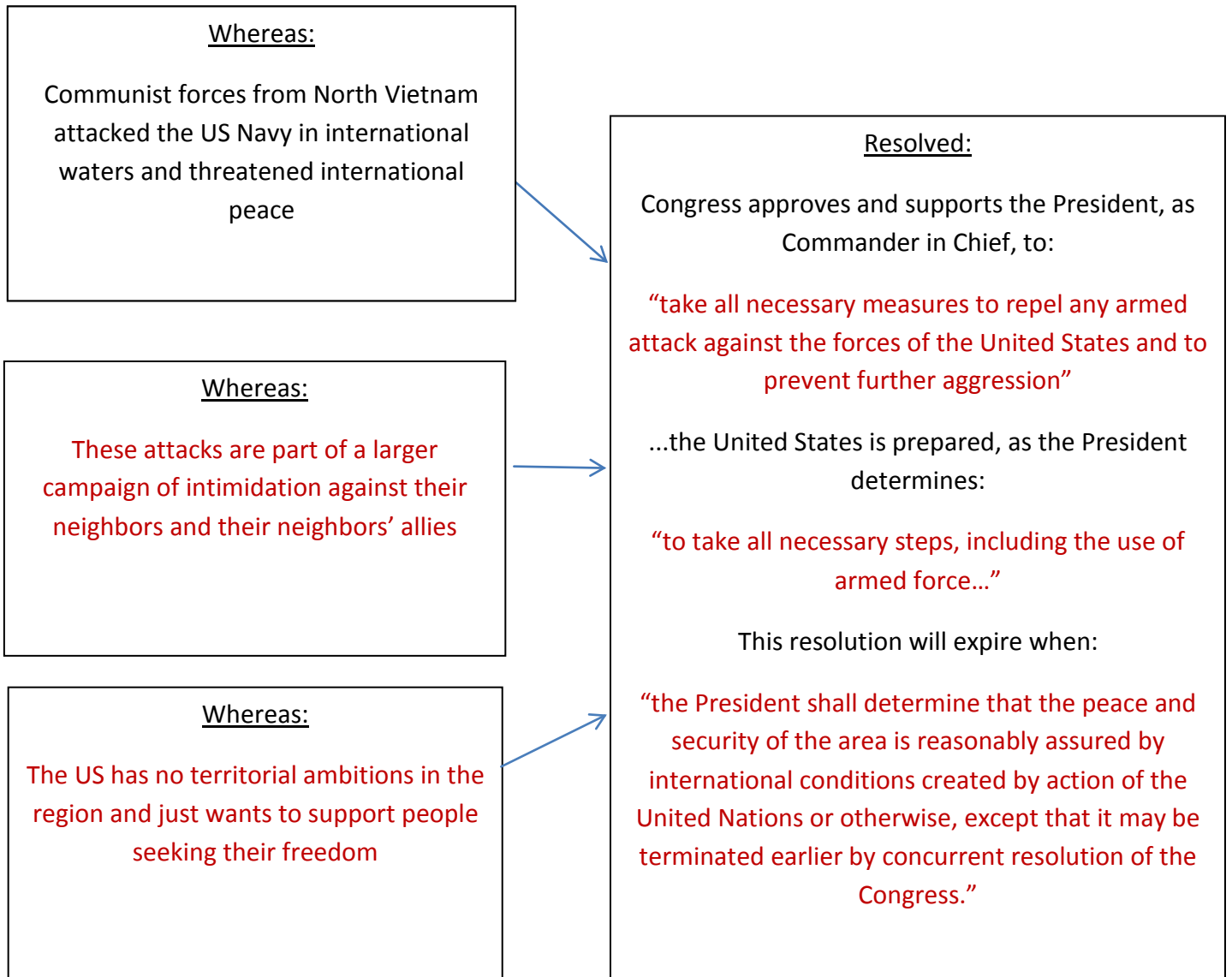
**How did the Tonkin Gulf Resolution change presidential war-making powers?**





### Student Handout 1.4K: Tonkin Gulf Resolution (1964) Key

*Directions:* The Tonkin Gulf Resolution provides a justification for the United States’ involvement in the Vietnam War in general, and the President’s war-making powers in particular. Congress approved of three major arguments to justify American action, each one beginning with the word “whereas.” Complete the following graphic (the first one is done for you) to understand their argument in your own words. Finally, consider the following question: **How did the Tonkin Gulf Resolution change presidential war-making powers?**



### How did the Tonkin Gulf Resolution change presidential war-making powers?

Answers will vary but should include discussion of the expansion of presidential war powers and the willingness of Congress to cede their war-making powers to the Executive Branch.

### Student Handout 1.5 (page 1 of 2): The Legality of United States Participation in the Defense of Viet-Nam

*This is an excerpt from a legal memorandum prepared by Leonard C. Meeker, Legal Advisor of the Department of State, and was submitted to the Senate committee on Foreign Relations on March 8, 1966. (To see the full memo, [click here](#)).*

The following excerpt provides a legal argument justifying US military involvement in the Vietnam War, despite a formal declaration of war from Congress.

As you read the following paragraph, answer the specific questions that follow in order to develop your own answer to our focus question: *How did the President's war-making powers evolve over the course of the Vietnam War?*

#### IV. The President Has Full Authority to Commit United States Forces in the Collective Defense of South Viet-Nam

1 There can be no question in present circumstances of the President's authority to commit United States  
2 forces to the defense of South Viet-Nam. The *grant of authority* to the President in article II of the  
3 Constitution extends to the actions of the United States currently undertaken in Viet-Nam. In fact,  
4 however, it is unnecessary to determine whether *this grant* standing alone is sufficient to authorize the  
5 actions taken in Viet-Nam. *These actions* rest not only on the exercise of Presidential powers under  
6 article II but on the SEATO treaty\*-a treaty advised and consented to by the Senate-and on actions of  
7 the Congress, particularly the joint resolution of August 10, 1964. When *these sources of authority* are  
8 taken together-article II of the Constitution, the SEATO treaty, and actions by the Congress - there can  
9 be no question of the legality under domestic law of United States actions in Viet-Nam.

\*\*SEATO: Southeast Asian Treaty Organization, an alliance of the United States, France, Great Britain, New Zealand, Australia, the Philippines, Thailand and Pakistan formed in 1954 to prevent the expansion of communism. For more information: <http://history.state.gov/milestones/1953-1960/SEATO>.

#### Sourcing the Document.

1. Who is the author? What do you know about his or her position? How might that position affect his or her opinion?
2. When was this written? What was happening in the United States at this time?
3. Who was the audience for this source? What do you know about them?



## Student Handout 1.5 (page 2 of 2): The Legality of United States Participation in the Defense of Viet-Nam

### Analyzing the Document

4. On lines 1 and 8-9, the author uses the phrase, “there can be no question,” which suggests that the author’s claim is true. Use your own words to rewrite this phrase in these two sentences.
5. This excerpt contains a number of reference devices or substitutes that point to other words or phrases in the text. For example, the phrase “grant of authority” in line 2 refers to “the President’s authority to commit United States forces” in lines 1-2. These reference devices have all been italicized in the text. Draw arrows to connect them to the terms they refer to within the text. Please note that the reference can occur either before or after the substitute. (The first one has been done for you).
6. In lines 6-7, the author refers to “actions of Congress, particularly the joint resolution of August 10, 1964.” What resolution is the author referring to and what did it have to do with this document?
7. The last sentence of the paragraph (lines 7-9) contains the author’s main argument or thesis. What does the author believe and what reasons does he give for his opinion?
8. What evidence does this source provide related to the focus question: *How did the President’s war-making powers evolve over the course of the Vietnam War?*



**Student Handout 1.5K (page 1 of 3): The Legality of United States Participation in the Defense of Viet-Nam Key**

This is an excerpt from a legal memorandum prepared by Leonard C. Meeker, Legal Advisor of the Department of State, and was submitted to the Senate committee on Foreign Relations on March 8, 1966. (To see the full memo, [click here](#)).

The following excerpt provides a legal argument justifying US military involvement in the Vietnam War, despite a formal declaration of war from Congress.

As you read the following paragraph, answer the specific questions that follow in order to develop your own answer to our focus question: *How did the President's war-making powers evolve over the course of the Vietnam War?*

**IV. The President Has Full Authority to Commit United States Forces in the Collective Defense of South Viet-Nam**

1 There can be no question in present circumstances of the President's authority to commit United States  
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3 Constitution extends to the actions of the United States currently undertaken in Viet-Nam. In fact,  
4 however, it is unnecessary to determine whether *this grant* standing alone is sufficient to authorize the  
5 actions taken in Viet-Nam. *These actions* rest not only on the exercise of Presidential powers under  
6 article II but on the SEATO treaty\*-a treaty advised and consented to by the Senate-and on actions of  
7 the Congress, particularly the joint resolution of August 10, 1964. When *these sources of authority* are  
8 taken together, article II of the Constitution, the SEATO treaty, and actions by the Congress- there can  
9 be no question of the legality under domestic law of United States actions in Viet-Nam.

**Student Handout 1.5K (page 2 of 3): The Legality of United States Participation in the Defense of Viet-Nam Key**

1. Who is the author? What do you know about his or her position? How might that position affect his or her opinion?

The author was Leonard C. Meeker, a legal advisor in the State Department. As an employee of the State Department, part of the Executive Branch, his job was to provide legal justification for the US' involvement and in particular, the President's actions in the conflict.

2. When was this written? What was happening in the United States at this time?

This document was written in 1966, two years after the Tonkin Gulf Resolution. The United States was at war with North Vietnam and sent troops into armed conflict even though war had not been officially declared by Congress.

3. Who was the audience for this source? What do you know about them?

The audience for this document was the Senate Foreign Relations Committee, which had influence over both the funding for and continued authorization of the US' participation in the war. Given that, it was likely imperative that Meeker make a compelling case for both the US' participation in the war and the President's continued authority as Commander in Chief.

4. On lines 1 and 8-9, the author uses the phrase, "there can be no question," which suggests that the author's claim is true. Use your own words to rewrite this phrase in these two sentences.

The President's authority to commit forces in Vietnam is indisputable.

The US' involvement in the war is also indisputable, because of 1) Article II of the Constitution, 2) the SEATO treaty, and 3) actions by Congress (the Tonkin Gulf Resolution).

5. This excerpt contains a number of reference devices or substitutes that point to other words or phrases in the text. For example, the phrase "grant of authority" in line 2 refers to "the President's authority to commit United States forces" in lines 1-2. These reference devices have all been italicized in the text. Draw arrows to connect them to the terms they refer to within the text. Please note that the reference can occur either before or after the substitute. (The first one has been done for you).

See above.

6. In lines 6-7, the author refers to "actions of Congress, particularly the joint resolution of August 10, 1964." What resolution is the author referring to and what did it have to do with this document?

The author is referring to the Tonkin Gulf Resolution, in which Congress ceded the ability to wage war in Vietnam to the President.



**Student Handout 1.5K (page 3 of 3): The Legality of United States Participation in the Defense of Viet-Nam Key**

7. The last sentence of the paragraph (lines 7-9) contains the author's main argument or thesis. What does the author believe and what reasons does he give for his opinion?

The author believes that there are three main sources of authority for the US involvement in the war, and, in particular, the President's use of force: Article II of the Constitution (the Commander in Chief role), the SEATO Treaty, signed by Congress, which authorized the use of force to defend our allies, and the Tonkin Gulf Resolution.

8. What evidence does this source provide related to the focus question: *How did the President's war-making powers evolve over the course of the Vietnam War?*

This source summarizes the impact of the SEATO treaty and the Tonkin Gulf Resolution, both of which granted additional war-making powers to the President.

### Student Handout 1.6: The War Powers Resolution (1973)

*The following selections are excerpted from the War Powers Resolution (HJ 542), passed by Congress with a 2/3 majority after being vetoed by President Richard Nixon on November 7, 1973. After reading each section, answer the questions that follow. Finally, return to the focus question: How did the President's war-making powers evolve over the course of the Vietnam War?*

**SEC. 2. (a)** - It is the purpose of this joint resolution to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

1. According to this Resolution, who would have the power to introduce the United States military into hostile situations?

**SEC. 2. (c)** - The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

2. What are the specific circumstances when the president as Commander-in-Chief could move forces into hostilities?

**SEC. 3.** The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situation where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations?

3. At what point does the President need to involve Congress in the event of an armed conflict?
4. According to these excerpts, what impact did the War Powers Resolution have upon the President's ability to wage war?

### Student Handout 1.6K: The War Powers Resolution (1973) Key

*The following selections are excerpted from the War Powers Resolution (HJ 542), passed by Congress with a 2/3 majority after being vetoed by President Richard Nixon on November 7, 1973. After reading each section, answer the questions that follow. Finally, return to the focus question: How did the President's war-making powers evolve over the course of the Vietnam War?*

SEC. 2. (a) - It is the purpose of this joint resolution to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

1. According to this Resolution, who would have the power to introduce the United States military into hostile situations?

**The collective judgment of both the Congress and the President**

SEC. 2. (c) - The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

2. What are the specific circumstances when the president as Commander-in-Chief could move forces into hostilities?

**(1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.**

SEC. 3. The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situation where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations?

3. At what point does the President need to involve Congress in the event of an armed conflict?

**At every step: before, during, and up to the end of the armed conflict.**

4. According to these excerpts, what impact did the War Powers Resolution have upon the President's ability to wage war?

**It limited the President's ability to wage war by providing specific and explicit directives to collaborate and consult with Congress.**



### Student Handout 1.7: Comparing Presidential Powers

*Directions: Using quotes from the excerpts from the Constitution, the Tonkin Gulf Resolution, the State Department Memo on the Legality of the US' involvement in Vietnam, and the War Powers Resolution, compare the changing interpretation of the President's war-making powers by completing the following chart. As you complete this chart, keep in mind our focus question: How did the President's war-making powers evolve over the course of the Vietnam War?*

<b>Document</b>	<b>Date of publication</b>	<b>Historical Context:</b> <i>What was happening when this document was signed, adopted, approved, or disseminated? How might this context have impacted the content of the document?</i>	<b>Impact on Presidential war powers:</b> <i>What specific powers are listed? Does the document limit or expand presidential power?</i>
<i>Article II, Section 2 of the Constitution</i>			
<i>The Tonkin Gulf Resolution</i>			
<i>The Legality of United States Participation in the Defense of Viet-Nam</i>			
<i>The War Powers Resolution</i>			

**Develop a Thesis:** *How did the President's war-making powers evolve over the course of the Vietnam War?*

### Student Handout 1.7K: Comparing Presidential Powers Key

*Directions: Using quotes from the excerpts from the Constitution, the Tonkin Gulf Resolution, the State Department Memo on the Legality of the US' involvement in Vietnam, and the War Powers Resolution, compare the changing interpretation of the President's war-making powers by completing the following chart. As you complete this chart, keep in mind our focus question: How did the President's war-making powers evolve over the course of the Vietnam War?*

<b>Document</b>	<b>Date of publication</b>	<b>Historical Context:</b> <i>What was happening when this document was signed, adopted, approved, or disseminated? How might this context have impacted the content of the document?</i>	<b>Impact on Presidential war powers:</b> <i>What specific powers are listed? Does the document limit or expand presidential power?</i>
<i>Article II, Section 2 and Article 1, Section 8 of the U.S. Constitution</i>	1787	The political philosophy expressed in the Constitution reflects both America's colonial experience (and subsequent rebellion), as well as the limitations of our first form of government under the Articles of Confederation.	The Framers limited their discussion of presidential war-making to the role of Commander in Chief, while detailing a variety of specific Congressional war powers.
<i>The Tonkin Gulf Resolution</i>	1964	This document was signed one week after the Gulf of Tonkin incident. The United States had many military "advisors" on the ground in Vietnam.	This document ceded many of Congress' war powers to the Executive branch. Of particular note: "to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."
<i>The Legality of United States Participation in the Defense of Viet-Nam</i>	1966	This memo was prepared for the Senate Foreign Relations Committee two years after the Tonkin Gulf Resolution and during a period of increased US fighting and troops in Vietnam.	This memo provided an official seal of approval for both the war and the President's leadership sans a Congressional declaration of war because of Article II, the SEATO treaty, and the Tonkin Gulf Resolution.


**Student Handout 1.7K: Comparing Presidential Powers Key**

<b>Document</b>	<b>Date of publication</b>	<b>Historical Context:</b> <i>What was happening when this document was signed, adopted, approved, or disseminated? How might this context have impacted the content of the document?</i>	<b>Impact on Presidential war powers:</b> <i>What specific powers are listed? Does the document limit or expand presidential power?</i>
<i>The War Powers Resolution</i>	1973	This resolution was passed over a Presidential veto two years before the last American troops left Vietnam. By this point, the administration faced overwhelming opposition to the US involvement in Vietnam and a growing perception that victory may be impossible to achieve.	The resolution outlines specific situations where the President's Commander in Chief responsibilities can be invoked, and the requirement to consult and gain support from the Congress.

**Develop a Thesis:** *How did the President's war-making powers evolve over the course of the Vietnam War?*

Possible options (students should highlight change over time):

1. The President's war-making powers evolved over the course the Vietnam War.
2. The President's war-making powers expanded and contracted during the Vietnam War.

At first, Congress gave the President wide latitude through the Tonkin Gulf Resolution. They granted him the ability to commit U.S. troops until the end of hostilities in Vietnam, which is usually their authority. The War Powers Resolution contracted that power by requiring increased consultation and collaboration with Congress.



**Student Handout 1.8: Developing an Interpretation** - *How did the President's war-making powers evolve over the course of the Vietnam War?*

Directions: Expand the thesis statement you wrote in Handout 1.7: Comparing Presidential Powers using the following analytical paragraph frame. In your paragraph, make sure you include both specific examples and quotes from the four primary sources (*The US Constitution*, *The Tonkin Gulf Resolution*, *The Legality of United States Participation in the Defense of Viet-nam*, and *the War Powers Resolution*) we've studied as evidence, as well as a specific description of how that evidence supports your thesis.

Thesis (from Handout 1.7):

Evidence #1 (first reason in support of thesis with specific examples or quotes):

Evidence #2 (second reason in support of thesis with specific examples or quotes):

Evidence #3 (third reason in support of thesis with specific examples or quotes):

Analysis (This shows that..., This is significant because..., This means that...):

Concluding statement (restate thesis):

**Student Handout 1.8K: Developing an Interpretation Key - How did the President's war-making powers evolve over the course of the Vietnam War?**

Directions: Expand the thesis statement you wrote in Handout 1.7: Comparing Presidential Powers using the following analytical paragraph frame. In your paragraph, make sure you include both specific examples and quotes from the four primary sources (*The US Constitution*, *The Tonkin Gulf Resolution*, *The Legality of United States Participation in the Defense of Viet-nam*, and *the War Powers Resolution*) we've studied as evidence, as well as a specific description of how that evidence supports your thesis.

Thesis (from Handout 1.7):

The President's war-making powers evolved over the course of the Vietnam War. At first, Congress gave the President wide latitude through the Tonkin Gulf Resolution. They granted him the ability to commit U.S. troops until the end of hostilities in Vietnam, which is usually their authority. The War Powers Resolution contracted that power by requiring increased consultation and collaboration with Congress.

Evidence #1 (first reason in support of thesis with specific examples or quotes):

Article II, Section 2 of *The U.S. Constitution* summarized the war-making powers of the Presidency as the Commander in Chief, with other war-making powers left to Congress, as detailed in Article I, Section 8. The Tonkin Gulf Resolution expanded the war-making powers of the President, authorizing the President, "...to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

Evidence #2 (second reason in support of thesis with specific examples or quotes):

*The Legality of the United States Participation in the Defense of Viet-nam* provided additional support for the expansion of the President's war-making powers. As Leonard Meeker argued, "When these sources of authority are taken together-article II of the Constitution, the SEATO treaty, and actions by the Congress - there can be no question of the legality under domestic law of United States actions in Viet-Nam."

Evidence #3 (third reason in support of thesis with specific examples or quotes):

The War Powers Resolution reversed the trend of expanded presidential powers by requiring "...the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities."

Analysis (This shows that..., This is significant because..., This means that...):

Each of these documents demonstrates the fact that presidential war-making power can vary over time, depending upon the interpretation of governmental leaders and specific historical events.

Concluding statement (restate thesis):

As the US expanded its involvement in the Vietnam War, Presidential war-making powers grew. As American forces began their withdrawal from the conflict, limits were placed on the powers granted to the Commander in Chief.