

TROL in American Govt: Constitutional or Border Crisis?

High School AP Government & Politics

Learning Objectives: Students will be able to:

CON-4A: Explain how the president can implement a policy agenda.

CON-4B: Explain how the president's agenda can create tension and frequent confrontation with Congress.

Enduring Understanding:

CON-4: The presidency has been enhanced beyond its expressed constitutional powers.

Essential Knowledge:

CON-4A.1: Presidents use powers and perform functions of the office to accomplish a policy agenda.

CON-4A.2: Executive Orders—implied from the president's vested executive power, or from power delegated by Congress, executive orders are used by the president to manage the federal government

Signing statements—informal power that informs Congress and the public of the president's interpretation of laws passed by Congress and signed by the president.

CON-4C.1: Justification for a single executive are set forth in Federalist No. 70.

Approx. Time: Two 90 minute block or four 45 minute blocks

Hook: Ask students which branch of government has the “power of the purse” to appropriate money. Next, ask students what it means for the president to be Commander-in-Chief. Ask them what kind of power is given to the president in that role and what limits, if any, should be placed on the president to use that power in a national emergency.

Explain to the students that today they will be researching President Trump's emergency declaration concerning the southern border and his effort to move money to build the border wall, after being denied the funding by Congress.

OVERVIEW

Students will work in groups to analyze primary sources about President Trump's emergency declaration concerning the southern border and the securing of funds to complete a border wall. Students will present their findings to the class allowing classmates to record the information. Once all materials have been presented, students will divide themselves into two groups either supporting the president and his reasoning or against and will debate their positions. Finally, students will write an argumentative essay on the subject using prior knowledge and the US Constitution, *Federalist 51*, *Federalist 70*, and any relevant court decisions.

ACTIVITY

1. Place the students in groups (10 total) and assign them a document. Some are much longer than others so I would suggest making those groups a little larger.
2. Have students analyze and summarize the documents and create some kind of presentation for the class. If they make posters, then the presentations could be posted around the room like a gallery walk. If they make digital presentations (Google Slides, Prezi) they can be displayed one at a time.
3. Students should record all information on their graphic organizers.

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4. Once all information is collected, have them divide into two groups supporting or opposing the president's actions. Give them time to deliberate as a group and then have them debate the topic for an appropriate amount of time.
5. For a final assessment, assign them the argumentative essay.

DOCUMENTS

All documents are in pdf format and can either be printed out for groups or shared digitally.

1. **Trump proclamation for National Emergency**
2. **10 USC 12302 Ready Reserve Soldiers**
3. **National Emergencies Act Fact Sheet**
4. **Appropriations Clauses**
5. **List of National Emergencies (long—may want larger group)?**
6. **Yes, There is a Crisis at the Border**
7. **Not the Border Crisis Trump Says It Is (very long—need larger group)**
8. **Legal Challenges to Trump Emergency Declaration Face Uphill Battle**
9. **Budget Impoundment**
10. **Iran Contra Affair**

Budget impoundment and Iran Contra Affair are included to see if students can make connections about checks and balances and appropriations to President Trump's action on border security and funding the wall.

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DOCUMENT 1

Presidential Proclamation on Declaring a National Emergency Concerning the Southern Border of the United States

NATIONAL SECURITY & DEFENSE

Issued on: February 15, 2019

The current situation at the southern border presents a border security and humanitarian crisis that threatens core national security interests and constitutes a national emergency. The southern border is a major entry point for criminals, gang members, and illicit narcotics. The problem of large-scale unlawful migration through the southern border is long-standing, and despite the executive branch's exercise of existing statutory authorities, the situation has worsened in certain respects in recent years. In particular, recent years have seen sharp increases in the number of family units entering and seeking entry to the United States and an inability to provide detention space for many of these aliens while their removal proceedings are pending. If not detained, such aliens are often released into the country and are often difficult to remove from the United States because they fail to appear for hearings, do not comply with orders of removal, or are otherwise difficult to locate. In response to the directive in my April 4, 2018, memorandum and subsequent requests for support by the Secretary of Homeland Security, the Department of Defense has provided support and resources to the Department of Homeland Security at the southern border. Because of the gravity of the current emergency situation, it is necessary for the Armed Forces to provide additional support to address the crisis.

NOW, THEREFORE, I, DONALD J. TRUMP, by the authority vested in me by the Constitution and the laws of the United States of America, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.), hereby declare that a national emergency exists at the southern border of the United States, and that section 12302 of title 10, United States Code, is invoked and made available, according to its terms, to the Secretaries of the military departments concerned, subject to the direction of the Secretary of Defense in the case of the Secretaries of the Army, Navy, and Air Force. To provide additional authority to the Department of Defense to support the Federal Government's response to the emergency at the southern border, I hereby declare that this emergency requires use of the Armed Forces and, in accordance with section 301 of the National Emergencies Act (50 U.S.C. 1631), that the construction authority provided in section 2808 of title 10, United States Code, is invoked and made available, according to its terms, to the Secretary of Defense and, at the discretion of the Secretary of Defense, to the Secretaries of the military departments. I hereby direct as follows:

Section 1. The Secretary of Defense, or the Secretary of each relevant military department, as appropriate and consistent with applicable law, shall order as many units or members of the Ready Reserve to active duty as the Secretary concerned, in the Secretary's discretion, determines to be appropriate to assist and support the activities of the Secretary of Homeland Security at the southern border.

Sec. 2. The Secretary of Defense, the Secretary of the Interior, the Secretary of Homeland Security, and, subject to the discretion of the Secretary of Defense, the Secretaries of the military departments, shall take all appropriate actions, consistent with applicable law, to use or support the use of the authorities herein invoked, including, if necessary, the transfer and acceptance of jurisdiction over border lands.



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Sec. 3. This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of February, in the year of our Lord two thousand nineteen, and of the Independence of the United States of America the two hundred and forty-third.

DONALD J. TRUMP

■ Source:

https://www.whitehouse.gov/presidential-actions/presidential-proclamation-declaring-national-emergency-concerning-southern-border-united-states/?fbclid=IwAR1HPJKI5tQ8w1c9vFRtQQTmMWBeqP_86F7VcXN5Dh--1A0s9tAeF5UjxQM



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DOCUMENT 2

10 U.S.C. §12302

Sec. 12302. Ready Reserve

(a) In time of national emergency declared by the President after January 1, 1953, or when otherwise authorized by law, an authority designated by the Secretary concerned may, without the consent of the persons concerned, order any unit, and any member not assigned to a unit organized to serve as a unit, in the Ready Reserve under the jurisdiction of that Secretary to active duty for not more than 24 consecutive months.

(b) To achieve fair treatment as between members in the Ready Reserve who are being considered for recall to duty without their consent, consideration shall be given to -

- (1) the length and nature of previous service, to assure such sharing of exposure to hazards as the national security and military requirements will reasonably allow;
- (2) family responsibilities; and
- (3) employment necessary to maintain the national health, safety, or interest.

The Secretary of Defense shall prescribe such policies and procedures as he considers necessary to carry out this subsection. He shall report on those policies and procedures at least once a year to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(c) Not more than 1,000,000 members of the Ready Reserve may be on active duty, without their consent, under this section at any one time.

■ Source: <https://www.law.cornell.edu/uscode/text/10/12302>

DOCUMENT 3

National Emergencies Act, Sections 201 and 301

Fact Sheet

The National Emergencies Act (NEA) authorizes the president to declare a “national emergency.”¹A declaration under NEA triggers emergency authorities contained in other federal statutes. Past NEA declarations have addressed, among other things, the imposition of export controls and limitations on transactions and property from specified nations.²A national emergency was declared in 2001 after the September 11th terrorist attacks and has been renewed every year since then.

What the Law Does

The NEA authorizes the president to declare a national emergency, which declaration activates emergency powers contained in other federal statutes.³During the 2009 H1N1 influenza pandemic, the president’s declaration of a national emergency under the NEA, coupled with the HHS secretary’s prior determination of a public health emergency under Section 319 of the Public Health Service Act (PHSA), permitted the activation of Social Security Act (SSA) Section 1135 waiver authorities. (See Figure A for the text of the 2009 H1N1 NEA declaration.)

How the Law Works

The NEA does not provide any specific emergency authority on its own, but relies on emergency authorities provided in other statutes. A national emergency declaration allows for the activation of these other statutory authorities. Emergency statutory provisions are not activated automatically, however; they must be specifically identified in the president’s declaration before these authorities may be given effect.

Declaration

NEA Section 201 authorizes the president to declare a national emergency. The proclamation of a national emergency must be immediately transmitted to Congress and published in the *Federal Register*.^{1,2}Under NEA Section 301, statutory emergency authorities enabled by the national emergency declaration cannot be exercised until the president specifies the provisions of law under which the president or other officials will act. Such specification may be made either in the declaration or in subsequent Executive Orders published in the *Federal Register* and transmitted to Congress.

Termination

A national emergency can be terminated if the president issues a proclamation or if Congress enacts a joint resolution terminating the emergency. A national emergency will terminate automatically upon the anniversary of the proclamation unless the president renews the proclamation by transmitting notice to Congress within a 90-day period prior to the anniversary date and publishing it in the *Federal Register*.ce, to assure such sharing of exposure to hazards as the national security and military requirements will reasonably allow;

Source:

<http://www.astho.org/Programs/Preparedness/Public-Health-Emergency-Law/Emergency-Authority-and-Immunity-Toolkit/National-Emergencies-Act.-Sections-201-and-301-Fact-Sheet/>

DOCUMENT 4

Article 1, Section 9, Clause 7

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

APPROPRIATIONS

The restriction on drawing money from the Treasury “was intended as a restriction upon the disbursing authority of the Executive department,” and “means simply that no money can be paid out of the Treasury unless it has been appropriated by an act of Congress.”²⁰⁰⁴ Congress may recognize and pay a claim of an equitable, moral, or honorary nature. When it directs a specific sum to be paid to a certain person, neither the Secretary of the Treasury nor any court has discretion to determine whether the person is entitled to receive it.²⁰⁰⁵ In making appropriations to pay claims arising out of the Civil War, Congress could, the Court held, provide that certain persons, i.e., those who had participated in the rebellion, should not be paid out of the funds made available by the general appropriation, but that such persons should seek relief from Congress.²⁰⁰⁶

The Court has also recognized that Congress has wide discretion with regard to the extent to which it may prescribe details of expenditures for which it appropriates funds, and has approved the frequent practice of making “lump sum” appropriations, i.e., general appropriations of large amounts to be allotted and expended as directed by designated government agencies. As an example, the Court cited the act of June 17, 1902,²⁰⁰⁷ “where all moneys received from the sale and disposal of public lands in a large number of states and territories [were] set aside as a special fund to be expended for the reclamation of arid and semi-arid lands within those states and territories,” and “[t]he expenditures [were] to be made under the direction of the Secretary of the Interior upon such projects as he determined to be practicable and advisable.” The Court declared: “The constitutionality of this delegation of authority has never been seriously questioned.”²⁰⁰⁸

PAYMENT OF CLAIMS

No officer of the Federal Government is authorized to pay a debt due from the United States, whether reduced to judgment or not, without an appropriation for that purpose.²⁰⁰⁹ Nor may a government employee, by erroneous advice to a claimant, bind the United States through equitable estoppel principles to pay a claim for which an appropriation has not been made.²⁰¹⁰

After the Civil War, a number of controversies arose out of attempts by Congress to restrict the payment of the claims of persons who had aided the Rebellion but had thereafter received a pardon from the President. The Supreme Court held that Congress could not prescribe the evidentiary effect of a pardon in a proceeding in the Court of Claims for property confiscated during the Civil War,²⁰¹¹ but that where the confiscated property had been sold and the proceeds paid into the Treasury, a pardon did not of its own force authorize the restoration of such proceeds.²⁰¹² It was within the competence of Congress to declare that the amount due to persons thus pardoned should not be paid out of the Treasury and that no general appropriation should extend to their claims.²⁰¹³



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Footnotes

2004

Cincinnati Soap Co. v. United States, [301 U.S. 308](#), 321 (1937); Knot v. United States, [95 U.S. 149](#), 154 (1877).

2005

United States v. Price, [116 U.S. 43](#) (1885); United States v. Realty Co., [163 U.S.427](#), 439 (1896); Allen v. Smith, [173 U.S. 389](#), 393 (1899).

2006

Hart v. United States, [118 U.S. 62](#), 67 (1886).

2007

[32 Stat. 388](#) (1902).

2008

Cincinnati Soap Co. v. United States, [301 U.S. 308](#), 322 (1937).

2009

Reeside v. Walker, [52 U.S. \(11 How.\) 272](#) (1851).

2010

OPM v. Richmond, [496 U.S. 414](#) (1990).

2011

United States v. Klein, [80 U.S. \(13 Wall.\) 128](#) (1872).

2012

Knot v. United States, [95 U.S. 149](#), 154 (1877); Austin v. United States, [155 U.S. 417](#), 427 (1894).

2013

Hart v. United States, [118 U.S. 62](#), 67 (1886).

Source: <https://www.law.cornell.edu/constitution-conan/article-1/section-9/clause-7>

DOCUMENT 5

List of National Emergencies Since National Emergency Act Created

President Jimmy Carter

Nov 14, 1979: The National Emergency With Respect to Iran, in response to the Iran hostage crisis.

President Bill Clinton

Nov 14, 1994: The National Emergency With Respect to the Proliferation of Weapons of Mass Destruction, that combined two previous national emergencies focused on weapons of mass destruction.

Jan. 2, 1995: The National Emergency With Respect to Prohibiting Transactions with Terrorists Who Threaten to Disrupt the Middle East Peace Process placed economic sanctions in response to the Jerusalem bombing.

March 15, 1995: The National Emergency With Respect to Prohibiting Certain Transactions with Respect to the Development of Iranian Petroleum Resources was an effort to prevent potential deals between oil companies.

October 21, 1995: The National Emergency With Respect to Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers Centered in Colombia was declared after increased reports of drug cartels laundering money through American companies.

March 1, 1996: The National Emergency With Respect to Regulations of the Anchorage and Movement of Vessels with Respect to Cuba was after civilian planes were shot down near Cuba

November 3, 1997: The National Emergency With Respect to Blocking Sudanese Government Property and Prohibiting Transactions with Sudan implemented economic and trade sanctions.

President George W. Bush

June 26, 2001: The National Emergency With Respect to Blocking Property of Persons Who Threaten International Stabilization Efforts in the Western Balkans imposed sanctions on those aiding Albanian insurgents in Macedonia

Aug 17, 2001: The National Emergency With Respect to Export Control Regulations renewed presidential power to control exports in a national emergency since the Export Administration Act of 1979 lapsed.

Sept 14, 2001: The National Emergency with Respect to Certain Terrorist Attacks was in response to the terrorist attacks of 9/11 and the continuing and immediate threat of further attacks on the United States.

Sept 23, 2001: The National Emergency With Respect to Persons who Commit, Threaten to Commit, or Support Terrorism was in response to the terrorist attacks of 9/11.

March 6, 2003: The National Emergency With Respect to Blocking Property of Persons Undermining Democratic Processes or Institutions in Zimbabwe was an effort to punish associates of Robert Mugabe

May 22, 2003: The National Emergency With Respect to Protecting the Development Fund for Iraq and Certain Other Property in Which Iraq has an Interest was issued following the U.S. invasion of Iraq.

May 11, 2004: The National Emergency With Respect to Blocking Property of Certain Persons and Prohibiting the Export of Certain Goods to Syria was in response to Syria supporting terrorist activity in

June 16, 2006: The National Emergency With Respect to Blocking Property of Certain Persons Undermining Democratic Processes or Institutions in Belarus was in response to charges of fraud in the Belarus presidential election.

Oct 27, 2006: The National Emergency With Respect to Blocking Property of Certain Persons Contributing to the Conflict in the Democratic Republic of the Congo was in response to violence around the Congolese presidential election runoff.

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Aug 1, 2007: The National Emergency With Respect to Blocking Property of Persons Undermining the Sovereignty of Lebanon was in response to a breakdown of the rule of law in Lebanon.

June 26, 2008: The National Emergency With Respect to Continuing Certain Restrictions with Respect to North Korea cited the risk of proliferation of weapons-usable fissile material. President Trump renewed this June 22, 2018 citing the “existence and risk of proliferation of weapons-usable fissile material on the Korean Peninsula and the actions and policies of the Government of North Korea continue to pose an unusual and extraordinary threat.”

President Barack Obama

April 12, 2010: The National Emergency With Respect to Blocking Property of Certain Persons Contributing to the Conflict in Somalia was in respect to threats posed by Somali pirates.

February 25, 2011: The National Emergency With Respect to Blocking Property and Prohibiting Certain Transactions Related to Libya froze the assets of Libyan leader Muammar Gaddafi.

July 25, 2011: The National Emergency With Respect to Blocking Property of Transnational Criminals was in response to the rise in crime by specific organizations: Los Zetas (Mexico), The Brothers’ Circle (former Soviet Union countries), the Yakuza (Japan), and the Camorra (Italy).

May 16, 2012: The National Emergency With Respect to Blocking Property of Persons Threatening the Peace, Security, or Stability of Yemen addressed political unrest within the Yemen government.

March 16, 2014: The National Emergency With Respect to Blocking Property of Certain Persons Contributing to the Situation in Ukraine was in response to the Russian invasion of Crimea.

April 3, 2014: The National Emergency With Respect to Blocking Property of Certain Persons With Respect to South Sudan was in response to the ongoing civil war.

May 12, 2014: The National Emergency With Respect to Blocking Property of Certain Persons Contributing to the Conflict in the Central African Republic was in response to violence towards humanitarian aid workers.

March 8, 2015: The National Emergency With Respect to Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela was in response to human rights violations.

April 1, 2015: The National Emergency With Respect to Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities was in response to Chinese cyber attacks on the U.S.

Nov 23, 2015: The National Emergency With Respect to Blocking Property of Certain Persons Contributing to the Situation in Burundi was declared after a failed coup.

President Donald Trump

Dec 20, 2017: The National Emergency With Respect to Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption imposed sanctions on the Myanmar general for his role persecuting Rohingya Muslims.

Sept 12, 2018: The National Emergency With Respect to Imposing Certain Sanctions in the Event of Foreign Interference in a United States Election attempted to prevent any meddling with the 2018 midterm elections amid the ongoing investigation into Russian interference in the 2016 presidential election.

Nov 27, 2018: The National Emergency With Respect to Blocking Property of Certain Persons Contributing to the Situation in Nicaragua was declared by President Trump in response to violence and the Ortega regime’s “systematic dismantling and undermining of democratic institutions and the rule of law” that constitutes an “unusual and extraordinary threat to the national security and foreign policy of the United States.”.

Source:

<https://www.wsbtv.com/news/national/hot-topics/here-s-a-list-of-the-31-national-emergencies-that-have-been-in-effect-for-years/921291239>



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DOCUMENT 6

Yes, There is a Crisis at the Border

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Source: <https://www.heritage.org/immigration/commentary/yes-there-crisis-the-border>



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DOCUMENT 7

Yes, There's a Crisis at the Border and It's Trump's Fault

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Source: <https://www.politico.com/magazine/story/2019/04/05/border-crisis-donald-trump-226573>

DOCUMENT 8

Legal Challenges to Trump Emergency Declaration Face Uphill Battle

FEBRUARY 15, 2019 / 7:27 PM
Alison Frankel, Tom Hals

(Reuters) - Democratic lawmakers, states and others mulling legal challenges to President Donald Trump's national emergency declaration to obtain funds to build a U.S.-Mexico border wall face an uphill and probably losing battle in a showdown likely to be decided by the conservative-majority Supreme Court, legal experts said.

After being rebuffed by the U.S. Congress in his request for \$5.7 billion to help build the wall that was a signature 2016 campaign promise, Trump on Friday invoked emergency powers given to the president under a 1976 law. The move, according to the White House, enables Trump to bypass lawmakers and redirect money already appropriated by Congress for other purposes and use it for wall construction.

Peter Shane, a professor at Ohio State University's Moritz College of Law, said challenges to the emergency declaration could end up as a replay of the legal battle against Trump's travel ban targeting people from several Muslim-majority nations. The Supreme Court last year upheld the travel ban after lower courts had ruled against Trump, with the justices giving the president deference on immigration and national security issues.

Trump has painted illegal immigration and drug trafficking across the border as a national security threat.

"Courts are reluctant to second-guess the president on matters of national security," Shane said.

Democrats, state attorneys general and at least one advocacy group have vowed to take the Republican president to court over the declaration.

"I'll sign the final papers as soon as I get into the Oval Office and we'll have a national emergency and then we'll be sued," Trump said at the White House.

The National Emergencies Act of 1976 has been invoked dozens of times by presidents without a single successful legal challenge. Congress never defined a national emergency in the law.

The legal experts said Trump's declaration could be challenged on at least two fronts: that there is no genuine emergency and that Trump's action overstepped his powers because under the U.S. Constitution Congress has authority over federal appropriations, not the president.

Trump made the declaration after asking Congress to appropriate \$5.7 billion for wall construction and lawmakers gave him none.

The Supreme Court has a 5-4 conservative majority that includes two justices appointed by Trump, Brett Kavanaugh and Neil Gorsuch. Chief Justice John Roberts has emerged as the court's swing vote, and the decision on the legality of Trump's action could come down to him.

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"The handwriting is on the wall here," said Steven Schwinn, a professor at the John Marshall Law School in Chicago. "The Supreme Court is almost certain to uphold President Trump's emergency."

Legal experts said the 1976 law gives presidents vast discretion. Trump plans to redirect \$6.7 billion in federal funds to pay for a wall, money that would come from a U.S. treasury forfeiture fund, a defense counter-drug program and the military construction budget.

"The odds favor the president by a significant majority," George Washington University Law School professor Jonathan Turley said. "He has the authority to make the declaration and he has the money."

But the administration's defense of Trump's action may not be a smooth ride. Lawsuits could delay the use of funds the president is planning to tap, and legal experts said the bulk of funds may be tied up for years.

Trump is running for re-election next year and a loss would mean his presidency ends in January 2021. It is possible the legal fight over the emergency declaration might not be resolved by then.

"My guess is the money, the significant amount of money, won't flow before the 2020 election," Harvard Law School professor Mark Tushnet said.

Nancy Pelosi, the Democratic speaker of the House of Representatives, and Chuck Schumer, the Republican-led Senate's top Democrat, said Trump actions "clearly violate the Congress's exclusive power of the purse."

Congress is unlikely to muster a veto-proof majority to vote down Trump's emergency move. The Democratic-led House could try to sue, but courts generally do not allow Congress to litigate after lawmakers fail to legislate, the legal experts said.

States may lead the fight. California Governor Gavin Newsom and state Attorney General Xavier Becerra, both Democrats, said they anticipated they would sue, saying the state would be harmed because Trump's action could drain money from its drug-fighting efforts, endangering its residents.

One possible advantage for California is that its case likely could at some point go to the San Francisco-based 9th U.S. Circuit Court of Appeals, which has dealt Trump setbacks on previous policies including the travel ban and potentially could impose or uphold an injunction against the emergency declaration.

Legal experts said landowners along the border could sue because they face the imminent threat of land seizure by the federal government to build the wall.

Opponents may have more traction arguing that the president is unlawfully trying to tap funds Congress appropriated for the Pentagon, the experts said. The Defense Department construction money that Trump wants has almost never been used for domestic construction. In addition, Congress required the money be spent supporting military operations, and opponents could argue the border wall fails to qualify.

Reporting by Tom Hals in Wilmington, Delaware and Alison Frankel in New York; Editing by Noeleen Walder and Will Dunham

■ Source:

<https://www.reuters.com/article/us-usa-shutdown-challenges-legal/legal-challenges-to-trump-emergency-declaration-face-uphill-battle-idUSKCN1Q500D>



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DOCUMENT 9

Budget and Impoundment Control Act becomes law, July 12, 1974

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■ Source:

<https://www.politico.com/story/2017/07/12/budget-and-impoundment-control-act-becomes-law-july-12-1974-240372>

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DOCUMENT 10

The Iran-Contra affair

Reagan's administration was embroiled in scandal when it came to light that the United States had sold weapons to Iran and funneled the money to Nicaraguan rebels.

Overview

- In the Iran-Contra affair, the Reagan administration secretly sold weapons to Iran to effect the release of American hostages held in Lebanon.
- Money from the Iran weapons-sale then was used to fund the Contras, a group of guerrilla “freedom fighters” opposed to the Marxist government of Nicaragua.
- Both the sale of arms to Iran and the military aid to the Contras were illegal, and Colonel Oliver North and others in the president’s administration were dismissed and charged with breaking the law.

The Iran-Contra affair

Issues of Central American communism and Middle Eastern terrorism combined in the Iran-Contra affair to cast a shadow over President Reagan's second term in office.

The first stage of the events involved a weapons-for-hostages exchange in which officials in the Reagan administration sold antitank missiles to Iran. In exchange, Iran worked to have American hostages released from Lebanon. Reagan administration officials, including Colonel Oliver North, then used the money from the missile sales to fund US military support for the Contras, anticommunist guerrillas who were fighting against the Marxist government in Nicaragua.

The problem with all this was that President Reagan had vowed that his administration would never negotiate with hostage-takers, on top of the fact that Congress had placed an embargo on the sale of weapons to Iran. Congress also had passed the Boland Amendment, limiting US assistance to the Contras in Nicaragua, citing evidence that they had tortured and murdered civilians. Therefore, both the sale of arms to Iran and the use of money from that sale to aid the Contras was illegal.

The scandal began to unravel after an C-123 supply plane over northern Nicaragua was shot down in October 1986. An American who survived the crash described how he had been hired by the CIA to load and drop weapons cargoes to the Contras, and, soon, investigative reporters and Congress were uncovering the various elements of the scandal.

By late 1986, the US Attorney General announced that between \$10 and \$30 million of the money received from Iran in the missiles-for-hostages deal had been diverted to fund military aid to the Contras, though later it was found that US funding for the Contras—with Iranian and other monies—amounted to more than \$70 million.

Reagan and Iran-Contra

Although it is certain that Reagan condoned the sale of missiles for hostages in Iran, there is no evidence that the president knew that Oliver North was diverting money from the missile sales to the Nicaraguan Contras.

Some people blamed Reagan’s hands-off administrative style as a contributing factor in Iran-Contra. For, while Reagan concerned himself with big-picture strategy in domestic and foreign policy, he assigned others responsibility for carrying out the details. But this administrative approach seemed to lead to serious—some said impeachable—consequences in the Iran-Contra affair. Reagan earned another nickname, the “Teflon president,” since scandals never seemed to stick to him and his popularity with the public remained unchanged.

All Kahn Academy content is available for free at <http://www.khanacademy.org>

Source: <https://www.khanacademy.org/humanities/us-history/modern-us/1980s-america/a/iran-contra>



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Name _____ Date _____

Analyze and summarize each document and record your information here.

1 Trump Proclamation for National Emergency

2 10 USC 12302 Ready Reserve Soldiers

3 NEA Fact Sheet

4 Appropriations Clause

5 List of National Emergencies



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6 Yes, There is a Crisis at the Border

7 Yes, There's a Crisis at the Border and It's Trump's Fault

8 Legal Challenges to Trump Emergency Declaration Face Uphill Battle

9 Budget Impoundment

10 Iran Contra Affair

Argumentative Essay: Border Crisis or Constitutional Crisis?

Develop an argument that either supports or opposes the idea of allowing the president alone to re-allocate money authorized by Congress after a national emergency has been declared by that president.

In your essay, you must:

- Articulate a defensible claim or thesis that responds to the prompt and establishes a line of reasoning;
- Support your claim with at least TWO pieces of accurate and relevant information;
- At least ONE piece of evidence must be from one of the following foundational documents:
 - ***Federalist No. 51***
 - **U.S. Constitution**
 - ***Federalist No. 70***
- Use a second piece of evidence from another foundational document from the list of from your study of checks and balances.
- Use reasoning to explain why your evidence supports your claim/thesis.
- Respond to an opposing or alternative perspective using refutation, concession, or rebuttal