

**Subject:** Civics and Government

**Grade Level:** 9–12

### Standards:

#### **Indiana DOE**

##### *Academic (4)*

##### *USG.3.7*

Explain the relationships among branches of the United States government and Indiana government, which involve separation and sharing of powers as a means to limited government.

##### *USG.3.12*

Analyze the functions of the Cabinet of the executive branch in the United States and in Indiana.

##### *USG.3.19*

Identify the historical significance of and analyze decisions by the United States Supreme Court about the constitutional principles of separation of powers and checks and balances in such landmark cases as *Marbury v. Madison* (1803), *Baker v. Carr* (1962), *United States v. Nixon* (1974), *Clinton v. City of New York* (1998), and *Bush v. Gore* (2000).

##### *LH.5.1*

Write arguments focused on discipline-specific content.

#### **Nationwide**

##### *National Standards for Civics and Government (5)*

##### *D1.1.*

Explain how a question reflects an enduring issue in the field.

##### *D2.Civ.3.*

Analyze the impact of constitutions, laws, treaties, and international agreements on the maintenance of national and international order.

##### *D2.Civ.4.*

## LESSON PLAN - LAME DUCKS & THE PEACEFUL TRANSFER OF POWER

Explain how the U.S. Constitution establishes a system of government that has powers, responsibilities, and limits that have changed over time and that are still contested.

*D2.Civ.11.*

Evaluate multiple procedures for making governmental decisions at the local, state, national, and international levels in terms of the civic purposes achieved.

*D2.His.2.*

Analyze change and continuity in historical eras.

### Materials Needed:

Students will need access to:

A computer or laptop or a way to show video in class

Students may need headphones

Access to PBS Learning Media

Access to the internet

### Learning Objectives:

- See how the United States has made a peaceful transfer of power from one Presidential administration to another, despite obstacles that have arisen.
- Explore the meaning of “lame duck.”
- Consider problems associated with Presidential pardons and discuss whether these orders should be subject to judicial review.
- Compare the dynamics of a Presidential transition due to an election and one due to a President’s death in office.

### Introduction/Anticipatory Set:

From election day to inauguration, a new President has a daunting set of decisions to make before taking office. The outgoing President feels obliged to make important decisions, too, to solidify the legacy of the prior administration. How can it all be done in less than eighty days?

### Body of Lesson:

1. The United States has an unbroken tradition of making a peaceful transfer of power from one President’s administration to another.

## LESSON PLAN - LAME DUCKS &amp; THE PEACEFUL TRANSFER OF POWER

- a. A couple of transfers were difficult because candidates challenged the results of their elections.
  - i. The Bush-Gore election of 2000 hinged on the outcome of Florida's votes, in which George W. Bush led by 327 votes out of more than six million cast. The Supreme Court ruled to stop a ballot recount, which made this result official.
  - ii. The Biden-Trump election of 2020 was called fraudulent by Donald Trump's campaign, but recounts in various states yielded no evidence of fraud.
- b. Writers of the Constitution provided that inconclusive elections could be decided by Congress, so that the transfer of power could proceed.
  - i. A notable example was the Hayes-Tilden election of 1876. Congress agreed to award the election to Rutherford B. Hayes in return for ending Federal supervision of Reconstruction in the South.
  - ii. A delayed transfer of power could lead to an overthrow of the government.
- c. Learning Activity:
  - i. View the video, "Lame Ducks & the Peaceful Transfer of Power."
  - ii. Ask students to imagine they were lame-duck Presidents. What would be their top priorities for the period of transition? Why?
2. One of the most controversial powers of an outgoing President is the right to pardon or grant clemency to convicted felons, those facing trial, and those who have lost their citizenship for various reasons.
  - a. Learning Activity:
    - i. Refer students to the "List of People Pardoned or Granted Clemency by the President of the United States" (<http://alturl.com/tm2ke>).
    - ii. Have them write a 1-page essay (approximately 250 words) arguing in favor of one of these pardons that they believe would have been unpopular.
    - iii. Also have students indicate whether they think Presidential pardons should be subject to judicial review, and why.
3. The term "lame duck" originated in British financial markets, where it described hapless investors whose strategies seemed always to fail. In the late nineteenth century, the term was used more often to describe political leaders whose policies were ineffectual, especially those who were nearing the end of their elected terms.
  - a. Learning Activity:
    - i. Refer your students to the article, "Where Did the Term Lame Duck Originate?" (<http://alturl.com/exv4m>).
    - ii. Have each student write a 1-page essay (approximately 250 words) describing in their own words the source and current application of this term.

### Summary/Closure

Each transition from one President to another is a pivotal point in American history. The outgoing President is able to take several actions to emphasize the political legacy of that administration. Likewise, the incoming President can set the tone of the new administration by selecting certain cabinet members, agency appointees, etc. This is also a time of great vulnerability, since anyone who wants to thwart the will of the people can attempt to invalidate the results of the election or block the confirmation of the new President's appointees.

### Extension Activities

A similar transfer of power occurs when a President dies in office. However, the incoming President, who previously served as Vice President in the same administration, seldom makes some of the decisions that are necessary with a new administration. Generally, the deceased President's cabinet and agency staff remain in place, so the Senate does not need to confirm new appointments. The newly elevated President usually works for the passage of legislation that the deceased President had submitted to Congress.

1. Learning Activity:
  - a. Have each student select a President who died in office in the twentieth century:
    1. William McKinley
    2. Warren G. Harding
    3. Franklin D. Roosevelt
    4. John F. Kennedy
  - b. Have each student research the period of transition following that President's death, then write a 3-page essay (approximately 750 words) describing:
    1. Threats to national security (wars in progress, economic crises, etc.).
    2. Imminent opportunities for national growth or progress.
    3. Significant policy differences that the incoming President had with the deceased President.
  - c. Discuss, What might we learn from the transition after a President dies that might help us make a less disruptive transition after an election?

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