

## HERTOG 2020 Political Studies Program

### ADMINISTRATION & CRISIS

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When crisis engulfs the nation, how should the federal government—especially the president—respond? Of course, when crisis strikes, the best response is for everyone—government and citizens alike—to have prepared in advance. But when “unknown knowns” suddenly appear and shake our sense of normalcy, we look to the President and his Administration to respond. This seminar will examine several case studies through American history to better understand presidential crisis management.

#### Books:

- Course Reader

**Discussants:** Discussants are assigned to specific questions below and should be ready to offer a reflective response to their assigned question during the seminar. Discussants do not need to prepare a formal written response, but they are encouraged to work from personal notes.

#### Resources

To learn more about the ideas and figures discussed in this course, we encourage you to explore a project supported by the Hertog Foundation: **The Great Thinkers** (<http://thegreatthinkers.org/>) and **Contemporary Thinkers** (<http://contemporarythinkers.org/>) websites. These sites are aimed at introducing important thinkers in Western thought, with a particular emphasis on politics and philosophy.

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### Monday, July 27, 2020

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2 p.m. to 4 p.m. ET

Constitutional Origins & Original Crises

#### Readings:

- Declaration of Independence (1776)
- James Madison, “Vices of the Political System of the United States” (1787)
- Ron Chernow, *Washington: A Life*, pp. 517–519
- *The Federalist* Nos. 1, 2, 9, 70, 76 (Gideon ed., Liberty Fund)
- Lindsay Chervinsky, *The Cabinet*, Chs. 6–7, pp. 193–263

#### Questions:

1. What did the Founders consider the greatest defects of the national and state governments under the Articles of Confederation? Why?
2. Why were they so alarmed by Shays’ Rebellion and other uprisings in 1786–87? Weren’t the uprisings examples of democracy in action?

3. What dire predictions did Publius make about the nation's future if the Articles were not abandoned?
4. What was at stake for the world if the U.S. failed so early in its existence?
5. What were the weaknesses in the Articles regarding the role of the President?
6. How did the original crises surrounding the creation of the Constitution shape the Founders' understanding of executive power?
7. What relationship does *Federalist 70 & 76* anticipate between a President and members of his Administration?

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## Wednesday, July 29, 2020

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2 p.m. to 4 p.m. ET

### The Civil War's Outbreak

#### Readings:

- Abraham Lincoln, First Inaugural Address, March 4, 1861
- James McPherson, *Battle Cry of Freedom*, Ch. 8, pp. 234–75
- William Rehnquist, *All the Laws But One*, Chs. 1–3, pp. 3–39
- Lincoln, A Proclamation, April 15, 1861
- Lincoln, Message to Congress, July 4, 1861

#### Questions:

1. Describe the crisis facing Lincoln when he took office in March 1861.
2. What possible courses of action could Lincoln take in response to secession? How did Buchanan respond? What was the advice of the Committee of Thirteen? The Committee of Thirty-Three? Was there a peaceful way to avert disunion?
3. How did Lincoln respond to this initial crisis? What were his chief aims? What constraints did he face?
4. According to Lincoln, his duty under the Constitution is “that the laws of the Union be faithfully executed in all the States.” What, in practice, did this mean for secession?
5. What actions were available to Lincoln during the bombardment of Fort Sumter? What action did he ultimately take?
6. Why did Lincoln suspend the writ of habeas corpus? What authority does he claim to act on? Was he right to do so?

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## Friday, July 31, 2020

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2 p.m. to 4 p.m. ET

### Al Qaeda's Attacks of Sept. 11, 2001

#### Readings:

- *Final Report of the National Commission on Terrorist Attacks Upon the United States*, Chs. 8, 10, 11, pp. 254–77, 325–60
- George W. Bush, *Decision Points*, Ch. 5, pp. 126–50

## Questions:

1. Describe the situation of the Bush Administration in the months preceding the 9/11 attacks. What initiatives and challenges were they focused on? What warnings did President Bush receive prior to the 9/11 attacks?
2. What actions did the President and his Administration take in response to warnings from the intelligence community? How did it delegate responsibilities for countering terrorist attacks?
3. What failures did the 9/11 Commission identify in the US response to the threats? In your view, what was the biggest failure?
4. Could the 9/11 plot have been disrupted? If so, how?
5. Describe the Bush Administration's response to the attacks—both the immediate response and "Phase Two". What were the main goals? What constraints did they face? What alternative courses of action were available to them?

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## Tuesday, August 4, 2020

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2 p.m. to 4 p.m. ET

Pandemics in the 20<sup>th</sup> & 21<sup>st</sup> Centuries

## Readings:

- Alfred Crosby, *America's Forgotten Pandemic: The Influenza of 1918*, Chs. 1–5, pp. 3–69
- Congressional Research Service, "The 2009 Influenza Pandemic: An Overview," September 10, 2009
- Gillian SteelFisher et al., "The Public's Response to the 2009 H1N1 Influenza Pandemic," *New England Journal of Medicine* (2010)

## Questions:

1. Why did the government underestimate the threat the 1918 influenza posed?
2. How did the government balance the twin crises of war and public health?
3. Given the demands of war and the state of medical science at the time, was there more the government could have done to fight the pandemic?
4. How did the experiences of the 1918 pandemic and the 9/11 attacks affect the response to the 2009 influenza outbreak?
5. What is the federal and state government's proper role in health matters? Where would you have stood on the question of vaccination if you were in the government during the 2009 influenza?

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## Thursday, August 6, 2020

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2 p.m. to 4 p.m. ET

Covid-19 & Constitutional Administration

## Readings:

- Peter Shane, "Trump Shouldn't Be Able to Fire Fauci for Contradicting Him," *The Atlantic*, April 1, 2020
- Greg Weiner, "Expertise and Prudential Politics," *Law & Liberty*, April 27, 2020

- Yuval Levin, “The Coronavirus Crisis Shows Experts Aren’t Enough,” *The Wall Street Journal*, May 14, 2020
- Philip Wallach, “Crisis Government,” *National Affairs* (Summer 2020)
- Congressional Research Service, “Constitutional Considerations of Remote Voting in Congress,” April 14, 2020
- H. Res. 965, May 15, 2020

**Questions:**

1. How much deference should elected officials show subject-matter experts?
2. What is the role of the federal and state governments in a public health crisis?
3. How effective is the US constitutional form of government in responding to a crisis?  
What are its strengths and weaknesses?