## Honors Government Week Three

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<thead>
<tr>
<th>ESSENTIAL QUESTION:</th>
<th>How do the principles of government, such as federalism, assist or impede the function of government?</th>
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<tbody>
<tr>
<td>PROCEDURES:</td>
<td><strong>Day 1:</strong> Governor Hogan’s “stay at home” Executive Order (an in depth look at state powers).&lt;br&gt;<strong>Day 2:</strong> Can President Trump declare a national shutdown? (examine the difference between federal and state powers)&lt;br&gt;<strong>Day 3:</strong> National Lockdown: Is it legal?</td>
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<td>WORK TO BE RETURNED:</td>
<td>Assignment 1: Use information from class and article one to answer the constructed response question.&lt;br&gt;Assignment 2: Use information from class and article two to answer the four questions in complete sentences.&lt;br&gt;Assignment 3: Use prior knowledge and info. from the articles to answer the constructed response question.</td>
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### Background Info:

**Executive Order** - a rule or order issued by the president to an executive branch of the government and having the force of law.

**Federalism** - The division of power between the federal and state governments. Found in the Tenth Amendment of the U.S Constitution.

The main constitutional responsibility of the governor of Maryland, and any other State’s chief executive, is to carry out the business of the state and to enforce the laws passed by the Legislature

**Difference between Federal (president) and State (governor) executive power:**

- Under the Tenth Amendment to the U.S. Constitution, all powers not granted to the federal government are reserved for the states and the people. All state governments are modeled after the federal government and consist of three branches: executive, legislative, and judicial. The U.S. The Constitution mandates that all states uphold a “republican form” of government, although the three-branch structure is not required.
- In every state, the executive branch is headed by a governor who is directly elected by the people.
- Local governments, such as Wicomico County have a mayor as their executive leader.
Article One

ORDER OF THE GOVERNOR OF THE STATE OF MARYLAND
NUMBER 20-03-30-01
AMENDING AND RESTATING THE ORDER OF MARCH 23, 2020, PROHIBITING LARGE GATHERINGS AND EVENTS AND CLOSING SENIOR CENTERS, AND ALL NON-ESSENTIAL BUSINESS.

A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency still exists; WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed throughout Maryland; WHEREAS, To reduce the spread of COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health recommend canceling large gatherings and social distancing in smaller gatherings.

1. Stay-at-Home Order. a. All persons living in the State of Maryland are hereby ordered, effective as of 8:00 p.m. on March 30, 2020, to stay in their homes or places of residences.
2. Gatherings Large Than 10 Persons Prohibited.
3. Closure of Non-Essential Businesses, Generally.
5. A person who knowingly and willfully violates this Order is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding $5,000 or both.

Assignment 1

Directions: Write a paragraph (at least 8 sentences) for the question below. In your responses, include information from article one, what you’ve learned in class, information from the news, websites, etc.

1. How has Governor Hogan impacted your life recently? What parts of his executive order have changed lives across Maryland? Be sure to include specific portions of the executive order. Include activities that you can/cannot do as well as places that are/are not accessible now.

Article Two

“Could Trump declare a national coronavirus shutdown? Momentum is rising”

BY REID WILSON - 03/20/20 05:59 PM EDT

Momentum appears to be building for a national shutdown to confront the coronavirus crisis, raising the prospect that President Trump could issue an order requiring people to stay at home.

Such an order would be unprecedented in American history, but some of Trump's top advisers have said publicly they would be open to it. Dr. Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases, said Sunday he had raised the prospect of such a dramatic step with the administration.

“I think we should really be overly aggressive and get criticized for overreacting,” Fauci said Sunday on NBC's "Meet The Press." “I think Americans should be prepared that they're going to have to hunker down significantly more than we as a country are doing.” More and more states and cities on Friday were taking drastic steps to stop the spread of the coronavirus, which has infected more than 14,000 Americans. Even some who have been outspoken critics of the Trump administration say faster action must be taken to avoid a catastrophe on the level that Italy faces today.

“We are two weeks behind Italy,” Ezekiel Emanuel, a former top Obama administration official now at the University of Pennsylvania and the Wharton School, said Friday on MSNBC. “I am a little curious why the task force and the president have not made this a mandate nationwide. Not the lockdown but a mandate for all the states and to close restaurants and do the other things. It seems to me they are being slow on this.”

What such an order at the federal level might look like — and even whether Trump has the authority to issue an order — is unclear, because no president had ever tried it before.

“I don’t think Congress has ever authorized the president to issue a curfew or a shelter-in-place order,” said Michael Klarman, a constitutional law expert at Harvard Law School. “I’m sure the Trump people will think Trump can do whatever he thinks is necessary to protect the nation's health. I have a hard time imagining this
Supreme Court ruling otherwise. And I have little doubt Trump would violate a court order anyway if he thought he could get away with it.” Most experts said anything Trump tried would most likely take the form of an executive order.

“I assume that he would do this by executive order invoking the state of national emergency and the fact that he’s treating this as essentially as being at war with a virus, with emergency conditions traditionally being associated with more expansive presidential powers,” said Miranda Yaver, an expert in both presidential powers and public health at the University of California at Los Angeles. “Given that we are in a state of national emergency, and this national emergency is so gravely endangering public health and safety, I think that extraordinary times call for extraordinary measures.”

That wartime footing, something Trump has embraced more in recent days, has historically given presidents broader executive authority, and a measure of deference from the courts.

Several experts pointed to Franklin Roosevelt’s 1942 executive order interning more than 100,000 Japanese Americans months after the attack on Pearl Harbor. That order was upheld by the Supreme Court in 1944, in Korematsu v. United States — a decision the current Supreme Court repudiated in 2018, when Chief Justice John Roberts called it “gravely wrong.”

“Presidents, especially in wartime, have vast amounts of power in their role as commander-in-chief, and it would be up to the courts to stop any action that Trump took that was deemed unconstitutional,” said Matthew Dallek, an expert on presidential authority at The George Washington University’s Graduate School of Political Management.

Dallek said it is unclear whether a presidential executive order requiring Americans to stay in their homes would be anything more than symbolic. If such an order is enforceable, it is not clear who would do so. The president cannot deploy American troops around the country to keep people in their homes.

“More likely, he would issue an order and ask states to spread the message and ask people to comply voluntarily, and the states could, in theory, call out the National Guard,” Dallek said.

The Trump administration has claimed vast executive powers in its first three years in office, from a ban on travel from Muslim-majority countries to shifting money between budgets to build a border wall. But the coronavirus has posed a challenge on an entirely different scale, and Trump, initially skeptical that the virus would spread widely in the United States, has not taken action as aggressively as state and local governments have.

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Assignment 2

Directions: Use Article Two, as well as, what you’ve learned in class, information from the news, websites, etc. to answer the following questions below in complete sentences.

1. What is an executive order? Give one example of an executive order that either President Trump, or another President has given.

2. What is federalism? Name one State power, one Federal power and one shared power.

3. Why is it important to divide power between the states and federal government?
4. If President Trump issued a National Shutdown, how would this violate the principle of federalism? explain.

**Article Three**

**Why There’s No National Lockdown**

“Enforcing a large-scale quarantine would be legally murky, even if it’s what the country needs to slow the spread of the coronavirus”

March 31st, 2020     By: Lawrence Gotin

Even if the president desired to take stronger action, America’s national-level response would be hampered in part by its federalist system. Constitutional authority for ordering major public-health interventions, such as mass quarantines and physical distancing, lies primarily with U.S. states and localities via their “police powers”—a drastic difference from the national authorities of countries such as China and Italy. Still, the federal government does have narrow authorities to reduce the spread of COVID-19, which are most expansive at the U.S. border. Trump has, for example, banned the entry of foreign nationals who have traveled in many of the world’s regions, including China and most of Europe, within 14 days before their arrival to the U.S. More recently, the president closed America’s borders with both Mexico and Canada.

Within states, the president has little to no power to act, because of states’ sovereign rights to exercise their police powers. The president cannot direct a governor to implement or withdraw an order to stay at home or to close businesses such as bars, restaurants, and theaters. Even in a national emergency, governors retain primary authority to control the spread of an infectious disease within their states. However, as governors’ powers extend only to their states’ borders, they can limit intrastate movement (through travel restrictions, mass quarantines, or isolation orders), but cannot restrict interstate travel.

When governments, federal or state, do have the authority to order mass quarantines, constitutional and ethical principles—as well as American values—require that these orders be balanced against long-standing safeguards of personal liberty and privacy. Such orders would impose extreme limitations on individual liberties including the right to travel and associate. Their enforcement could entail invasions on personal privacy, such as government use of electronic surveillance to monitor individuals’ movements. Even so, courts would likely uphold containment orders against individuals that are based on sound science (including testing positive for the virus) and are proportionate. Individuals hold liberties, such as freedom of movement, only up to the point where they pose a risk to others.

**Assignment 3**

**Directions:** Write a paragraph (at least 8 sentences) for the question below. In your responses, include information from article one and two, what you’ve learned in class, information from the news, websites, etc.
Constitutional authority for ordering major public-health interventions, such as mass quarantines and physical distancing, lies primarily with U.S. states and localities via their “police powers”. How can President Trump legally issue a national shutdown? In your opinion should the federal government order a national lockdown? Explain using examples from the articles.