

## Behind the Scenes: The Executive Response to 9/11

### Program Viewing Questions

### About this Lesson

*This lesson is a viewing guide to accompany the program, Behind the Scenes: The Executive Response to 9/11 which took place on February 28, 2008, as part of the Peter Jennings Project for Journalists and the Constitution. This program was made possible through the generous support of The Annenberg Foundation and features a panel of former members of George W. Bush's administration: Andrew Card, Michael Chertoff, Douglas Feith, Timothy Flannigan, and Ari Fleischer and is moderated by White House Correspondent Ann Compton. This panel describes how the executive branch functioned on September 11, 2001 and in the days immediately following the attack. The panel addresses how the administration responded to the crisis as well as how it handled new demands on the Executive Branch.*

*This program is available in its entirety on [www.fora.tv](http://www.fora.tv) (keyword search National Constitution Center) or [http://fora.tv/2009/02/28/Behind the Scenes Executive Response to 911](http://fora.tv/2009/02/28/Behind_the_Scenes_Executive_Response_to_911). The program is 1 hour and 45 minutes and is broken up into 22 chapters, each titled and range in length from approximately 3 minutes to 8 minutes. This program as a whole or in parts can be used to commemorate 9/11, study Article II of the Constitution, journalism, or historiography.*

## Background

### Grade(s) Level

**7-12**

### Classroom Time

1 hour 45 minutes (full program)

or

22 chapters, 3-8 minutes each

### Handouts

Student Viewing Questions

### Constitution Connections

Articles I, II, and III

Amendments IV, V

The attacks on September 11, 2001, changed the United States in ways that were unimaginable at the time of the event. The government's responses to the terrorist attacks and subsequent changes in national security procedure have impacted many people, both at home and abroad.

How the executive branch responded to this unprecedented event tested the Constitution and expanded executive power. In this program, some of the officials closest to the president discuss the actions taken in the minutes and months following the 9/11 attacks.

## Objectives

Students will:

- Record the responses of the panel which include key members of the executive branch under President George W. Bush
- Understand the complexities of the executive branch and the different departments' responsibilities
- Evaluate the actions of the executive branch
- Understand the constitutional questions that arose in response to the actions of each branch of government.

## Standards

From the National Council for the Social Studies <http://www.socialstudies.org/standards/strands/>

**V. Individuals, Groups, and Institutions:** *Social studies programs should include experiences that provide for the study of interactions among individuals, groups, and institutions.*

**VI. Power, Authority, and Governance:** *Social studies programs should include experiences that provide for the study of how people create and change structures of power, authority, and governance.*

**X. Civic Ideals and Practices:** *Social studies programs should include experiences that provide for the study of the ideals, principles, and practices of citizenship in a democratic republic.*

## Activity

### Warm Up

As students are entering the class, display the following question on a blackboard or overhead projector:

**THINK:** In your opinion, how well did former President George W. Bush's administration respond to 9/11? Be prepared to support your answer.

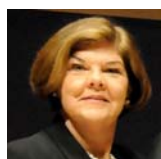
### Primary Activity

1. Ask a few of your student to share their **THINK** answers.
2. Tell students that they are going to watch a program called the Behind the Scenes: The Executive Branch Response to 9/11. Briefly describe the members of the panel and their roles in the government at the time of the attacks. Instruct students to follow along in the viewing questions as they watch the program. You may need to pause at points to allow students time to respond to the questions on the **Program Viewing Questions** handout.

## Behind the Scenes: Executive Response to 9/11

Program Viewing Questions & Answers  
Teacher Guide

### The Panel



Ann  
Compton

ABC News  
White House  
Correspondent



Douglas  
Feith

Under Secretary  
of Defense for  
Policy for United  
States, 2001 –  
2005



Timothy  
Flanigan

Deputy White  
House Counsel,  
2000 – 2002



Michael  
Chertoff

United States  
Secretary of  
Homeland  
Security,  
February 2005–  
January 2009



Andrew  
Card

White House  
Chief of Staff,  
2000 – 2006



Ari  
Fleischer

Press Secretary,  
2001 – 2003

### Chapters

**Chapter 1. Peter Jennings Project (4 min 21 sec)**

**Chapter 2. Introduction (2 min 37 sec)**

**Chapter 3. Notifying the President of 9/11 Attack (8 min 22 sec)**

- **What was Ann Compton's role on the morning of September 11, 2001?**

*Ann Compton is a White House correspondent and was one of a small group of reporters in the classroom and one of only two reporters allowed on Air Force One on September 11<sup>th</sup>.*

- **Write three interesting details from Andrew Card's memory of the morning of September 11<sup>th</sup>.**

*Answers will vary, but some notable interesting details: Red tide smell, president going for a jog, classroom that was turned into the command center, etc.*

**Chapter 4. Ari Fleischer Told Bush to Say Nothing (1 min 38 sec)**

- **What was Ari Fleischer's advice to the president? Why?**

*Ari Fleischer advised the president to "Not say anything yet". He wanted to be sure that the president had all the available information before making any announcements.*

- **In your opinion, do you believe that Ari Fleischer's advice to the president was good? Why or why not?**

*Answers will vary.*

### Chapter 5. Justice Department Reactions (4 min 47 sec)

- **Why is it important to distinguish whether it was a civil crime scene versus a military attack?**

*Civil crime scenes will be handled by the FBI while military attacks will be the responsibility of the armed forces.*

- **Why were the highest-ranking officials evacuated and moved to secure locations?**

*At the time, there was little information about the scope the attack, and to avoid decapitation of the government, the highest-ranking officials were evacuated.*

### Chapter 6. George W. Bush Echoes His Father (3 min 58 sec)

- **Why was Douglas Feith in Russia?**

*The government was interested in creating a new relationship with Russia. Douglas Feith was in Moscow negotiating with the Russian Defense Ministry on nuclear weapons reductions and missile defense.*

- **While in Russia, Douglas Feith listened to a statement that President George W. Bush was saying over the phone while in Russia during which he stated, “this act of terrorism will not stand.” According to Douglas Feith, what does this statement imply?**

*These words, also once stated by President George H.W. Bush, implied war.*

- **Douglas Feith states that when a major event happens, more current information is available from the press than the intelligence service (i.e. FBI, CIA, etc). Why?**

*Douglas Feith acknowledges the number of journalists available in many locations can have more information than can be reported on by the government.*

### Chapter 7. President Authorizes Military to Shoot Planes Down (5 min 28 sec)

- **Does the Pentagon have the authority to order civilian planes to be shot down? Who has the authority to order the commercial planes to be shot down?**

*The pilot does not have the authority to make the judgment to shoot down a commercial plane. The president has the authority to order commercial planes to be shot down.*

- **Under what authority did the President give the order to shoot down commercial planes?**

*Timothy Flannigan cites the authority granted to the president as the commander in chief of the US Armed Forces, but also cites a NORAD statute to back up the executive power.*

### Chapter 8. Identifying Other Terrorists (2 min 50 sec)

- **How did Secretary Michael Chertoff initially identify who was responsible for the attacks?**

*Using the phone calls made from passengers to their families, and the plane’s manifests, the identifications of the attackers were obtained.*

- **What were the three ways to detain people immediately following the event?**

*1) Arrest them for a crime, if there was enough evidence to do so 2) If there was not enough evidence and the person was in the United States illegally, immigration authorities*

*were used to detain suspects 3) Hold people as material witnesses to investigate (needed permission from a judge)*

#### **Chapter 9. Constitutional Issues in the Pentagon (6 min 19 sec)**

- **To what extent was the Constitution considered in the Pentagon's reactions to 9/11?**  
*The declaration of war changed the options available to the Pentagon. Previously, terrorist attacks were not handled as they were after 9/11 because war was never declared. This war which aimed to prevent further attacks needed to be appropriate, sensible and flexible. At the time of the declaration of war, the specific enemy was not known. The prevention of future attacks became a constitutional issue because future attacks to the nation can seriously question the ability of our government to protect its citizens.*
- **Who has the authority to ground all the planes?**  
*The Secretary of Transportation, which is under the executive branch.*
- **Define decapitation of government.**  
*The removal of all high-ranking members of the government.*

#### **Chapter 10. Military or Law Enforcement Reaction (5 min 10 sec)**

- **Why was the prevention of future attacks a military case?**  
*The purpose of our reaction to 9/11 is to prevent the next attack, and in order to do this the military had to be used, broadening the focus beyond the specific people who carried out the attack (as the FBI did in previous terrorist attacks).*
- **In what way was the declaration of "war on terror" broader than the war on a specific group like al Qaeda?**  
*There is no information about where the next attack would be from, so the executive branch sought the power to take actions against other groups, not just al Qaeda.*

#### **Chapter 11. Constitutional Protections if More Attacks (4 min 32 sec)**

- **What would have happened to Constitutional protections if attacks continued on the days following September 11<sup>th</sup>?**  
*According to Sec. Michael Chertoff, the government needed to ensure that additional attacks did not occur because that would have signified that the government was unable to perform its primary responsibility: to protect its citizens. Douglas Feith adds to this by saying that if additional attacks had occurred, many people would have called for more actions to preserve national security, which may have infringed upon our constitutional rights, but would be accepted by the public because of the threat of terrorism. Some of these preventative measures could still be in place after the threat level diminishes, as had happened in the past.*
- **What historical precedent does Sec. Michael Chertoff refer to when questioning what could have happened if the attacks were to have continued?**  
*Franklin Roosevelt's detention of Japanese during World War II was referenced in Sec. Chertoff's response to the question. Sec. Chertoff asserts that perhaps if further attacks were to have taken place, there may have been a public demand to intern Muslim Americans.*

**Chapter 12. Possibility of Preventing Future Attacks (7 min 29 sec)**

- **To what is Andrew Card referring when citing the job to preserve, protect, and defend the Constitution?**

*The Oath of Office, Article 2, Section 1*

- **To whom does the president turn when asking for additional tools to use to help defend the Constitution?**

*Lawyers, Congress. Lawyers can interpret the law to see if there is any action already granted to the president that he/she can take. Congress must grant any additional powers sought by the executive.*

- **Is the Patriot Act a unilateral expansion of Executive power?**

*No, Congress needed to pass this bill into law for the president to gain that power. President Bush had the backing of the Legislative Branch.*

**Chapter 13. Truth Commission (2 min 56 sec)**

- **What is a “Truth Commission”?**

*A Truth Commission is gathered to discover and investigate past wrongdoing by a government.*

- **There are many different perspectives of whether or not the executive branch handled the days following 9/11 in an appropriate manner. Where do you fall in the spectrum of opinions? Why?**

*Answers will vary.*

**Chapter 14. National Security Strategy (2 min 2 sec)**

- **Who devised the National Security Strategy?**

*It was developed by many different agencies headed by the executive branch.*

**Chapter 15. Battlefield Combatants and Guantanamo Detention (7 min 42 sec)**

- **How was finding intelligence different in this war than previous wars?**

*Because terrorists are not organized and do not engage in battle like proper militaries, there were no troop movement to observe. Intelligence would be gathered from the detainees who were captured in battle.*

- **Were the detainees initially offered habeas corpus rights? What changed this practice?**

*No, the Supreme Court later ruled that the detainees should be guaranteed habeas corpus rights in *Hamdi v. Rumsfeld* (2006).*

- **According to Andrew Card, why was Guantanamo a “natural” choice to hold detainees?**

*Previous actions taken by the government regarding Haitian refugees were used as precedent for detaining the illegal combatants.*

**Chapter 16. How Journalists Help Get Message Out (3 min 59 sec)**

- **How did 9/11 affect the jobs of journalists?**

*The job of journalists became more difficult after 9/11 because the public was very supportive of the actions of the president.*



### Chapter 17. Use of Language and New Terms (3 min 29 sec)

- **How did the term “illegal combatants” originate?**

*The term combatant was defined in the Geneva Convention to identify anyone fighting in a war. In defining a combatant, the Geneva Convention listed the following:*

- a. That of being commanded by a person responsible for his subordinates;*
- b. That of having a fixed distinctive sign recognizable at a distance;*
- c. That of carrying arms openly;*
- d. That of conducting their operations in accordance with the laws and customs of war.*

*This was done so that those who were captured who fit this description would be granted Prisoner of War privileges. Those who were detained from the War on Terror did not fit the definition of a combatant as outlined by the Geneva Convention.*

- **Why did the members of the Geneva Convention define combatants so strictly?**

*The members of the Geneva Convention define combatants so strictly to protect civilians, because if those who are combatants do not wear uniforms, they can be mistaken for civilians. In giving these combatants privileges, it provides an incentive to follow the rules of war.*

### Chapter 18. Justifying Detention of Suspects (3 min 59 sec)

- **In war, the military has the right to kill without a trial, no probable cause, warrant, or judicial review. Should this change if the target is on American soil? Why or why not?**

*Answers will vary.*

- **Sec. Michael Chertoff says, “If your country decides that you cannot detain someone or kill without a trial, then the consequences would be that if we’re in operations in Afghanistan, we would be doing nothing but serving subpoenas.” This statement summarizes his view that extending constitutional rights Do you agree that extending our nation’s constitutional rights to combatants abroad would be impractical during a war? Why or why not?**

*Answers will vary.*

### Chapter 19. Errors Made on 9/11 (8 min 42 sec)

- **Summarize each panel member’s response to errors that were made on September 11<sup>th</sup> and the days and weeks following. Which of these problems do you feel is the most serious?**

*Ari Fleischer: There were lots of wrong first reports.*

*Andrew Card: The failure of the different government agencies to communicate with each other*



*Michael Chertoff: In failing to anticipate this type of event, the government's reactions had to be decided in the midst of a crisis, instead of pre-planned and promptly executed.*

*Timothy Flannigan: Integration of intelligence services was a big problem*

*Douglas Feith: The administration would have been better off if they brought in the Congress regarding the detainee situation.*

#### **Chapter 20. Mistakes in Afghanistan (4 min 24 sec)**

- **What was one of the major problems in America's stabilization and reconstruction in Afghanistan?**

*According to Douglas Feith, the failure was United States was not organized to do this for the past 60 years. The multilateral effort with other countries, who did not contribute the resources that were expected is another reason for some failures and finally the terrorists are backed up by people in Pakistan, which creates more complexities.*

#### **Chapter 21. Failure to Catch Bin Laden (5 min 7 sec)**

- **Name one reason that the mission to capture Bin Laden failed, according to Douglas Feith.**

*Topography of the region is the key reason that the mission to capture Bin Laden failed.*

- **What historical example did the United States utilize to make the plan to use a small number of armed forces? Why?**

*The British and Soviets had very large forces, which gave the Afghans the impression that they were going to occupy the country. The U.S. did not want to give that impression.*

#### **Chapter 22. Decisions of How to Treat Detainees (6 min 40 sec)**

- **Do you believe the executive branch's decision to detain illegal combatants was a way that the Bush administration expanded presidential power? Why or why not?**

*Answers will vary.*

- **Sec. Michael Chertoff acknowledges that there was a point at which the executive branch should have included the legislative branch in the decision making process. At which point was this and regarding what does he admit this mistake by the executive branch?**

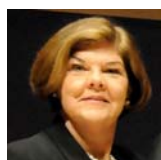
*In Michael Chertoff's opinion the executive branch should have consulted Congress on what to do with the detainees in 2003-04 after the initial threat was over and things in the United States had stabilized.*

Name: \_\_\_\_\_ Date: \_\_\_\_\_ Class: \_\_\_\_\_

**Behind the Scenes: The Executive Response to 9/11****Program Viewing Questions**

*The program you are about to see is a part of the National Constitution Center's Peter Jennings Project. The National Constitution Center in Philadelphia hosts this program each year because of its commitment to help journalists understand the Constitution and its implication in new events today. Peter Jennings was a long-time anchor and editor of ABC News "World News Tonight," whose interest in the Constitution helped design this program to continue his vision of bringing enthusiasm for study of the Constitution to life.*

*This program, Behind the Scenes: The Executive Response to 9/11 features a panel of former members of George H.W. Bush's administration: Andrew Card, Michael Chertoff, Douglas Feith, Timothy Flannigan, and Ari Fleischer and is moderated by White House Correspondent Ann Compton. This panel describes how the executive branch functioned on September 11, 2001 and in the days immediately following the tragedy. The panel addresses how the administration responded to the crisis as well as how it handled new demands on the Executive Branch. As you view this program please answer the questions below:*

**The Panel**

**Ann  
Compton**

ABC News  
White House  
Correspondent



**Douglas  
Feith**

Under Secretary  
of Defense for  
Policy for United  
States, 2001 –  
2005



**Timothy  
Flannigan**

Deputy White  
House Counsel,  
2000 – 2002



**Michael  
Chertoff**

United States  
Secretary of  
Homeland  
Security,  
February 2005–  
January 2009



**Andrew  
Card**

White House  
Chief of Staff,  
2000 – 2006



**Ari  
Fleischer**

Press Secretary,  
2001 – 2003

**Chapter 1. Peter Jennings Project****Chapter 2. Introduction****Chapter 3. Notifying the President of 9/11 Attack**

- What was Ann Compton's role on the morning of September 11, 2001?

- Write three interesting details from Andrew Card's memory of the morning of September 11<sup>th</sup>.

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**Chapter 4. Ari Fleischer Told Bush to Say Nothing**

- What was Ari Fleischer's advice to the president? Why?
- In your opinion, do you believe that Ari Fleischer's advice to the president was good? Why or why not?

**Chapter 5. Justice Department Reactions**

- Why is it important to distinguish whether it was a civil crime scene versus a military attack?
- Why were the highest-ranking officials evacuated and moved to secure locations?

**Chapter 6. George W. Bush Echoes His Father**

- Why was Douglas Feith in Russia?
- While in Russia, Douglas Feith listened to a statement that President George W. Bush was saying over the phone while in Russia during which he stated, "this act of terrorism will not stand." According to Douglas Feith, what does this statement imply?
- Douglas Feith states that when a major event happens, more current information is available from the press than the intelligence service (i.e. FBI, CIA, etc). Why?

**Chapter 7. President Authorizes Military to Shoot Planes Down**

- Does the Pentagon have the authority to order civilian planes to be shot down? Who has the authority to order commercial planes to be shot down?
- Under what authority did the President give the order to shoot down commercial planes?

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- What were the three ways to detain people immediately following the event?

**Chapter 9. Constitutional Issues in the Pentagon**

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- Who has the authority to ground all the planes?
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- To whom does the president turn when asking for additional tools to use to help defend the Constitution?
- Is the Patriot Act a unilateral expansion of Executive power?

**Chapter 13. Truth Commission**

- What is a “Truth Commission”?
- There are many different perspectives of whether or not the executive branch handled the days following 9/11 in an appropriate manner. Where do you fall in the spectrum of opinions? Why?

**Chapter 14. National Security Strategy**

- Who devised the National Security Strategy?

**Chapter 15. Battlefield Combatants and Guantanamo Detention**

- How was finding intelligence different in this war than previous wars?
- Were the detainees initially offered habeas corpus rights? What changed this practice?
- According to Andrew Card, why was Guantanamo a “natural” choice to hold detainees?

**Chapter 16. How Journalists Help Get Message Out**

- How did 9/11 affect the jobs of journalists?

**Chapter 17. Use of Language and New Terms**

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- Why did the members of the Geneva Convention define combatants so strictly?

**Chapter 18. Justifying Detention of Suspects**

- In war, the military has the right to kill without a trial, no probable cause, warrant, or judicial review. Should this change if the target is on American soil? Why or why not?
- Sec. Michael Chertoff says, “If your country decides that you cannot detain someone or kill without a trial, then the consequences would be that if we’re in operations in Afghanistan, we would be doing nothing but serving subpoenas.” This statement summarizes his view that extending constitutional rights Do you agree that extending our nation’s constitutional rights to combatants abroad would be impractical during a war? Why or why not?

**Chapter 19. Errors Made on 9/11**

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- What historical example did the United States utilize to make the plan to use a small number of armed forces? Why?

**Chapter 22. Decisions of How to Treat Detainees**

- Do you believe the executive branch's decision to detain illegal combatants was a way that the Bush administration expanded presidential power? Why or why not?
- Sec. Michael Chertoff acknowledges that there was a point at which the executive branch should have included the legislative branch in the decision making process. At which point was this and regarding what does he admit this mistake by the executive branch?