Who Decides Abroad?

Trace foreign affairs powers across three branches.

USG.4.1 "Analyze powers the United States Constitution gives to the executive, legislative, and judicial branches of government in the area of foreign affairs and how they have changed over time."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline each branch's foreign affairs powers, then number the examples from earliest to latest. Use your marks to track how those powers worked over time.

Power Beyond the Border

1 The Constitution divides foreign affairs powers, even when one president dominates the news. The president receives ambassadors, negotiates treaties, and commands the armed forces. A treaty needs approval from two-thirds of senators present before it can be ratified. Congress can declare war, fund the military, and regulate trade with other nations. Federal courts decide cases arising under treaties and the Constitution. These rules mean a president cannot make every foreign policy choice alone.

2 In 1940, President Franklin D. Roosevelt agreed to transfer U.S. destroyers to Britain in return for rights to use British bases. He did not submit the deal as a treaty for a Senate vote. This executive agreement showed how presidents could act abroad without using the treaty process. Later, as presidents sent troops into conflicts without formal declarations of war, Congress passed the War Powers Resolution in 1973. It requires the president to report certain troop deployments to Congress within 48 hours.

3 Courts have also shaped the boundary between branches. In 2015, the Supreme Court considered a law allowing Americans born in Jerusalem to list Israel as their birthplace on passports. The president had refused that listing because the United States had not recognized Jerusalem as part of Israel. The Court struck down the law's passport provision, ruling that the president alone has the power to recognize foreign states and their territorial claims. These episodes show presidential initiative growing, alongside continued congressional and judicial checks.

2 ANSWER WITH EVIDENCE

Use the passage

1. How does the Constitution divide treaty-making between the president and the Senate?

2. How did Roosevelt's 1940 deal differ from the treaty process?

3. How did Congress respond in 1973 to presidents sending troops into conflicts without declarations of war?

4. In the 2015 passport dispute, how did the Court settle a conflict between Congress and the president?

3 YOUR TURN

Your own words

Imagine a president proposes a defense treaty and plans to send troops to help an ally. In four or five sentences, explain the roles of all three branches and connect one role to a change described in the passage.

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PART 1 · READ AND MARK

Underline each branch's foreign affairs powers, then number the examples from earliest to latest. Use your marks to track how those powers worked over time. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How does the Constitution divide treaty-making between the president and the Senate?	**The president negotiates treaties, but two-thirds of senators present must approve a treaty before ratification.**
2	How did Roosevelt's 1940 deal differ from the treaty process?	**Roosevelt used an executive agreement, so he did not submit the deal for a Senate treaty vote.**
3	How did Congress respond in 1973 to presidents sending troops into conflicts without declarations of war?	**Congress passed the War Powers Resolution, which requires the president to report certain troop deployments within 48 hours.**
4	In the 2015 passport dispute, how did the Court settle a conflict between Congress and the president?	**The Court struck down the passport provision and ruled that the president alone holds the recognition power.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The president can negotiate the defense treaty, but two-thirds of senators present must approve it before ratification. As commander in chief, the president can direct the troops, while Congress controls military funding and can declare war. Under the 1973 War Powers Resolution, the president must report certain troop deployments to Congress within 48 hours. If a dispute over constitutional authority becomes a case, a federal court can decide it.

Accept answers that distinguish treaty approval from executive agreements and explain the 1973 reporting requirement without claiming that Congress must approve every deployment. For the open task, the court's role should depend on a case being brought.