Who Decides Force?

Trace how laws have shaped decisions about military action.

MWH.P.2.1.C "Analyze the impact of constitutions, laws, treaties, and international agreements, by comparing how various governmental powers and responsibilities have changed over time."

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline each power or responsibility given to Congress and circle each one given to the president. Number the laws in the order they were adopted so you can track what changed.

A Decision Shared

1 When the United States considers using military force, two branches have different jobs. The Constitution gives Congress the power to declare war and makes the president commander in chief of the armed forces. That design gives Congress a formal decision about war while the president directs the military. Yet the Constitution does not spell out a detailed clock for every troop deployment. Over time, lawmakers have debated what should happen when a president sends forces into hostilities without a declaration of war. Later laws tried to clarify how the branches would share that decision.

2 In 1973, Congress passed the War Powers Resolution over President Richard Nixon's veto. It requires a president, when possible, to consult Congress before introducing U.S. forces into hostilities. In certain deployments, the president must report to Congress within 48 hours. Without a declaration of war or specific authorization from Congress, the resolution generally requires the use of forces to end within 60 days, with up to 30 more days for withdrawal. Compared with the Constitution's broad division of powers, this law set reporting and time limits. Congress gained a clearer way to demand information and revisit a deployment.

3 After the September 11, 2001, attacks, Congress passed an Authorization for Use of Military Force, or AUMF. It authorized the president to use necessary and appropriate force against nations, organizations, or persons the president determined planned, authorized, committed, or aided those attacks, or harbored such organizations or persons. Its stated goal was to prevent future international terrorist acts against the United States by those nations, organizations, or persons. Unlike a deployment lacking congressional authorization under the 1973 resolution, force under this authorization was not subject to that resolution's 60-day limit. Congress defined eligible categories, while the president determined who met the law's terms and directed military action.

2 ANSWER WITH EVIDENCE

Use the passage

1. How did the 1973 resolution add to the Constitution's division of responsibilities between Congress and the president?

2. How does the 1973 resolution affect Congress's ability to oversee a deployment that it has not authorized?

3. How did the 2001 authorization change the time limit that would otherwise apply under the 1973 resolution?

4. Under the 2001 authorization, how were decisions about whom to fight divided between Congress and the president?

3 YOUR TURN

Your own words

Imagine Congress considers a law allowing a president to send troops into hostilities after any cyberattack and keep them there for 120 days without reporting to Congress. In four sentences, compare the proposal with the 1973 resolution and the 2001 authorization, explain how it would shift the branches' responsibilities, and recommend one change.

ANSWER KEY

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HIGH SCHOOL · MWH.P.2.1.C

PART 1 · READ AND MARK

Underline each power or responsibility given to Congress and circle each one given to the president. Number the laws in the order they were adopted so you can track what changed. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	How did the 1973 resolution add to the Constitution's division of responsibilities between Congress and the president?	**The Constitution assigns Congress the power to declare war and makes the president commander in chief. The resolution added consultation, reporting, and time limits for certain uses of force.**
2	How does the 1973 resolution affect Congress's ability to oversee a deployment that it has not authorized?	**It gives Congress information through consultation and required reports. Without congressional authorization, the use of forces generally must end within 60 days, with up to 30 more days for withdrawal.**
3	How did the 2001 authorization change the time limit that would otherwise apply under the 1973 resolution?	**Congress specifically authorized force against actors covered by the 2001 law, so that use of force was not subject to the resolution's 60-day limit for deployments lacking congressional authorization.**
4	Under the 2001 authorization, how were decisions about whom to fight divided between Congress and the president?	**Congress specified categories of actors tied to the September 11 attacks. The president determined which nations, organizations, or persons met those terms.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The 1973 resolution requires a report within 48 hours in certain deployments, but this proposal would remove that duty. Its 120-day permission also differs from the resolution's 60-day limit when Congress has not authorized force. Unlike the 2001 authorization, which covers actors tied to specific attacks, this law would let the president decide which cyberattacks justify force. Congress should require a report within 48 hours so it can review the president's decision.

Accept answers that accurately distinguish the resolution's limit on force lacking congressional authorization from the 2001 law's specific authorization. For the open task, accept other supported recommendations that give Congress a clear role in reviewing or limiting the proposed use of force.