* What role does the Constitution designate for Congress in foreign policy?
* What is the War Powers Act?
* How does the way that we structure our domestic politics affect U.S. foreign policy?
* How does Congress shape foreign policy?
* What is divided government? How does it influence foreign policy?
* How does Congress shape public opinion over foreign policy?

Constitutional Foundations of Congress and FP

Congressional authority over foreign policy is anchored in two articles of the constitution:

1. Congress and declaration of war, art 1 section 8, limited now

2. Congress and the “power of the purse”

3. Senate and treaties, 1/3 can reject all of opposing party treaties

Stealth multilateralism – presidents attempting to work around senate treaties (Test Ban treaty, nukes), nonbinding agreements, but with issues like climate change -> need a treaty binding

To declare War, grant Letters of Marque and Reprisal, and make

Rules concerning Captures on Land and Water...” Article I, Section 8

“To raise and support Armies...To provide and maintain a Navy” Article I, Section 8

“To make Rules for the Government and Regulation of the land and naval Forces; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States...” Article I, Section 8“

He shall have the power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur...” Article II, Section 2

THE WAR POWERS ACT (1973)

Congressional attempt to rein in presidential war-making power after the Vietnam War:

1. Passed over President Nixon’s veto.

2. Viewed by every president since Nixon as unconstitutional because it violates separation of powers.

3. Laid out rules for when president must seek authorization from congress (AUMF and Obama (Al Qaeda v. ISIS))

PRACTICAL POLITICS OF CONGRESSIONAL OVERSIGHT

How does the way we structure domestic politics effect FP? Some pressuring Obama to escalate ISIS

* Important role for institutions
* Distribution of powers
* Institutions: rules that structure how two individuals or groups with contending interests reach a collective choice
* Example: Bargaining over congressional authority to wage war against ISIS
* Operative institutions:

War Powers Act – allows Obama 60 days against ISIS,

Constitution – President argued he did not need congressional approval because of AUMF, Obama then asked for a compromise proposition by allocating funds to train troops in Iraq

Elections – congressional officials in 2014, did not want to cast tough votes, HILLARY

PARTISANSHIP AND CONGRESSIONAL OVERSIGHT

* Partisan composition of Congress and Executive Branch important
* Divided government (President’s party does NOT hold both chambers of Congress) generates greater Congressional oversight of foreign policy (including decisions to use military force), We are currently Unified government
* Definitional sidebars:

- What is partisanship?

Ideological identification of politician, generally thought of in terms of a left (Democratic) - right (Republican) continuum

Conventional wisdom: Republicans tougher on foreign policy than Democrats, although rise of isolationism associated with rise of Tea Party wing changing this

- Examples of Congressional oversight

Call more hearings

Engage in public criticism

Pass legislation that restricts Presidential action, Patriot act requires president to get approval every x years

Set conditions on spending bills to implement policy, defense authorization bills

DIVIDED GOVERNMENT AND CONGRESSIONAL OVERSIGHT(CHECKS)

* Why divided government lead to more Congressional oversight?

-Electoral incentives to increase when opposing party controls White House

-Presidential information advantage: more likely to share information with own party, so opposition increase oversight to offset, calls hearings

-Examples: Congress and the Iraq War, 2003-06; Obama and Syria 2013 (Obama sucks at it -repubs)

* Congressional opposition can be effective constraint on use of military force IF numerous: President’s less likely to engage in military force as opposition party gets more seats in Congress (Howell and Pevehouse 2005)

Important corrective: politics does not stop at the water’s edge (national security)

CONGRESS AND PUBLIC OPINION IN FOREIGN POLICY

* Public criticism of president—through hearings or access to media
* Important oversight role in form of hearings (constitutional power)
  + Open congressional committee meetings on some element of foreign policy
  + Presence or absence of divided governments shapes number of hearings

Agenda setting: Public criticism of president can also shape public opinion of president by altering how media covers, Trump and middle east

DISCUSSION OF KAYE AND WEISSMAN READINGS  
Kaye, stealth multilateralism

* Declining political capacity to secure Senate support for treaties
* President opts for workaround (stealth multilateralism), executive agreements
* Limits willingness of other states to make concessions to United States (for us to lead)
* Non-binding agreements – work arounds
* Goes so far -> Risks seen in Versailles (Wilson league of nations) and Paris Climate Pact (Obama supported it through exec orders, trump can withdraw), also can undermine treaties

Weisman, congress and war

* Strong critique of Congressional inactivity on decisions to use military force
* Historical shift with 9/11: more Congressional deference to President
* Congressional failures in Libya, Syria (not vietnam)