

Treaty Power of the Government

The Constitution of the United States of America outlines the powers of our federal government. One of the powers of our government is the ability to create foreign policy and regulate treaties with foreign countries on the behalf of US citizens. This is a very important role for our government, and to ensure that it is carried out appropriately, the Constitution outlines how this power is divided within our federal government.

Article II, Section 2.

The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

- 1.) According to Article II of the Constitution, “treaties are equivalent in status to federal legislation,” and, “must be in line with the US Constitution.” What does this mean?

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2.) According to Article II, who has the power to make treaties?

- a.) The President
- b.) The Congress
- c.) The Supreme Court
- d.) The Senate

3.) According to Article II, who must consent before a treaty can be passed?

- a.) Two-thirds of the House of Representatives
- b.) Two-thirds of the Senate
- c.) Two-thirds of the Congress
- d.) Two-thirds of the Supreme Court

4.) In Article II, there is a distinction made between *AGREEMENTS* and *TREATIES*. Which of the following statements is true about agreements?

- a.) They must be submitted for the consent of the Senate
- b.) They must be submitted for the consent of the House of Representatives
- c.) They are not submitted to the Senate
- d.) They are not submitted to the House of Representatives