Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Period: \_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_

**AP U.S. GOVERNMENT AND POLITICS**

**Unit 2- Interactions Between Branches – Review Packet**

Because power is widely distributed and checks prevent one branch from usurping powers from the others, institutional actors are in the position where they must both compete and cooperate in order to govern.

The three key institutions of the federal government are Congress, the presidency, and the courts. The bureaucracy, which implements policy, is seen by some as an extension of the executive branch and by others as, in effect, a fourth branch of government because of the discretion it can exercise in carrying out policy directives. The Constitution grants specific powers to Congress, the president, and the courts, and in addition, each branch exercises informal powers (developed through political practice, tradition, and legislation). Because checks and balances are designed to prevent one branch from becoming too powerful, Congress and the president, for example, will sometimes cooperate and sometimes compete in governance.

The powers of Congress are set forth in Article I of the Constitution. Congress is bicameral, with the Senate representing states and the House of Representatives reflecting each state’s population. Congress passes laws that cover a wide range of policy areas, and each chamber has different responsibilities and rules. The federal budget is a good example of how the president and Congress must cooperate and compromise. While Congress is empowered to develop and pass a budget, in the modern era the president typically proposes one, which may lead to ideological debate. There are several reasons it is difficult for Congress to pass legislation, including ideological differences. Much of the work of Congress is done in committees, and congressional committees also exercise oversight to ensure that the bureaucracy is carrying out policies as intended.

The expressed powers of the president are set forth in Article II of the Constitution. The president has a significant degree of informal power, which has grown over time. Under the Constitution, Congress checks the power of the president, and this leads to tension between the two branches over both foreign and domestic affairs. The president and Congress have several interrelated powers. For example, while Congress passes legislation, the president must sign it into law. The president appoints judges and members of the cabinet, who must be confirmed by the Senate. The president also oversees most of the bureaucracy. Technology has impacted the president’s use of the “bully pulpit” to influence public opinion. In addition to reaching out to the public through televised press conferences and the State of the Union message, the president is increasingly making use of social media to communicate views to a vast audience.

Using a merit-based civil service system for all staff except top-level political appointees, the federal bureaucracy carries out laws to regulate a wide range of individual and commercial activities. Bureaucrats implement policy using their discretionary and rule-making authority. Both Congress and the president can hold the bureaucracy accountable in policy implementation, and the two branches will sometimes be in conflict over whether or not administrative agencies are carrying out the letter and spirit of the law.

**Essential Questions**

* How do the branches of the national government compete and cooperate in order to govern?
* To what extent have changes in the powers of each branch affected how responsive and accountable the national government is in the 21st century?

**Big Idea #1 The republican ideal in the U.S. is manifested in the structure and operation of the legislative branch.**

**Basic Congressional Requirements**

|  |  |  |
| --- | --- | --- |
| **House of Representatives** |  | **Senate** |
| **435** | Number of members in each Chamber | **100** |
| **25** | Minimum Age | **30** |
| **7 years U.S. Citizen** | Citizenship Requirement | **9 years U.S. Citizen** |
| **2 years** | Term Length | **6 years** |
| **District** | Explain how the representation of each differs - whole state or the populate of the district. | **Whole State** |
| **Article I, Section 2** | Where in the Constitution are the requirements found? | **Article I, Section 3** |

**Powers of Congress**

|  |  |
| --- | --- |
| Define: Enumerated Powers | Specific powers granted to congress |
| Define: Implied Powers | Powers derived from enumerated powers and the necessary and proper clause. These powers are not stated specifically but are considered to be reasonably implied through the exercise of the delegated powers |
| Where in the Constitution are the enumerated powers of Congress found? | Article 1, section 8 |
| Where in the Constitution are the implied powers of Congress found? | Article 1, section 8, clause 18 |
| List the ECONOMIC powers of Congress. | Taxation, coinage of money, regulation of commerce |
| List the MILITARY powers of Congress | Authority to provide for national defense |
| Explain why the Necessary and Proper Clause is used for addressing social and environmental issues. | Because it is broadly interpreted, it allows the government to do almost anything that is not prohibited by the Constitution |

**Structure, powers, and functions of both houses of Congress**

|  |  |  |
| --- | --- | --- |
|  | House of Representatives | Senate |
| Describe and explain how each differ constitutionally in the policy-making process (what powers does one hold that the other does not?) | -Initiate revenue bills  -Impeachment power | -Advise and Consent power (Presidential appointment confirmations)  -Ratify treaties  -Hold impeachment trial |

**Special Notes:**

* By design, the different structures, powers, and functions of the U.S. Senate and House of Representatives affect the policy-making process.
* Though both chambers rely on committees to conduct hearings and debate bills under consideration, different constitutional responsibilities of the House and Senate affect the policy-making process.

**Congressional Leadership**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **House of Representatives** | | **Senate** | |
| Constitutional Required Leadership Offices  \*Identify and Describe role in policy making process. | 1. Speaker of the House   -Primary leadership officer in the House  -Appoints members to the Rules Committee  -Unlike the Senate, the Speaker of the House wields great power individually as leader of the House of Representatives. Any legislation opposed by the Speaker is very unlikely to pass. | | 1. Vice-President of the United States (Serves as President of the Senate)   -Primary role is ceremonial. Does not attend Senate sessions.  -Votes only in cases of a tie   1. President Pro Tempore of the Senate   (Serves as President of the Senate when the Vice-President is not present)  -Customarily given to a senior member of the majority party in the Senate  -Traditional power intended for this role has been replaced by the Majority Leader | |
| Additional Leadership Offices  (Include committees) | Majority Party | Minority Party | Majority Party | Minority Party |
| \*Identify and Describe role in policy making process. | Majority Leader-Assists Speaker  Majority Whip-Helps with scheduling of votes and projected vote counts  Committee Chairs-Run Committees | Minority Leader-Leader of the Minority Party...primed to take over as Speaker should party control change  Minority Whip-Helps with scheduling of votes and projected vote counts  Ranking Member-Highest Minority Party Member on committees, primed to take over as committee chair should party control change | Majority Whip-Helps with scheduling of votes and projected vote counts  Committee Chairs-Run Committees | Minority Leader-Leader of the Minority Party...primed to take over as Speaker should party control change  Minority Whip-Helps with scheduling of votes and projected vote counts  Ranking Member-Highest Minority Party Member on committees, primed to take over as committee chair should party control change |

**Procedures, rules, and roles that impact the policy-making process**

|  |  |  |
| --- | --- | --- |
|  | **Define and describe the impact in the policy-making process** | **House of Representatives (HR)**  **Senate (S)**  **Both (B)** |
| Filibuster | An attempt to defeat a bill in the Senate by talking indefinitely, thus preventing the Senate from taking action on the bill. | Senate |
| Cloture | Mechanism requiring 60 senators to vote to cut off debate; after a cloture motion has passed, members may spend no more than 30 additional hours debating the legislation at issue. | Senate |
| Discharge Petition | A device by which any member of the House, after a committee has had a bill for thirty days, may petition to have it brought to the floor. If a majority of members agree, the bill is discharged for the committee. | House |
| Treaty Ratification | Senatorial power, to give consent to a treaty proposed by the president. | Senate |
| Confirmation of Judges | The authority given by the U.S. Constitution to the Senate to ratify treaties and confirm presidential cabinet, ambassadorial, and judicial appointments. | Senate |
| Rules Committee | The "traffic cop" of the House that sets the legislative calendar and issues rules for debate on a bill. | House |

**Special Notes:**

* Senate confirmation is an important check on appointment powers, but the president’s longest lasting influence lies in life-tenured judicial appointments.
* Chamber-specific procedures, rules, and roles impact the policy-making process.

|  |  |
| --- | --- |
|  | **Define and describe the impact in the budgetary process – include examples.** |
| Discretionary Spending | A spending category through which governments can spend through an appropriations bill. |
| Mandatory Spending | Those areas of the federal budget that must be enacted each year by law and are not dependent on annual review by committees of Congress. |
| Pork Barrel Legislation | Legislation that gives tangible benefits to constituents in several districts or states in the hopes of winning their votes in return. |
| Logrolling | Vote trading; voting to support a colleague's bill in return for a promise of future support; often takes place on specialized bills targeting money or projects to selected congressional districts |

**Special Note:** Congress must generate a budget that addresses both discretionary and mandatory spending, and as entitlement costs grow, discretionary spending opportunities will decrease unless tax revenues increase or the budget deficit increases.

**Congressional Behavior and Governing Effectiveness**

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| --- | --- | --- | --- |
|  | **Define and explain how it influences congressional behavior.** | | |
| Divided Government | The political condition in which different political parties control the White House and Congress. | | |
| Partisan | Strong allegiance to one's own political party, often leading to unwillingness to compromise with members of the opposing party. | | |
| Bi-Partisan | Two political parties working together to reach a common goal | | |
| “Lame—Duck” President | A president whose successor has already been named | | |
|  | | **Definition** | **Describe the different role as related to constitute accountability in each chamber.** |
| Trustee | | Role played by elected representatives who listen to the constituents' opinions and then use their best judgment to make final decisions. | H of R:.  Senate: |
| Delegate | | Someone who speaks or acts on behalf of an organization at a meeting or conference between organizations of the same level. | H of R:.  Senate: |
| Politico | | Role played by elected representatives who act as trustees or as delegates, depending on the issue. | H of R:.  Senate: |

**Special Notes:**

* Ideological divisions within Congress that can lead to gridlock or create the need for negotiation and compromise.
* Elections that have led to a divided government, including partisan votes against presidential initiatives and congressional refusal to confirm appointments of “lame-duck” presidents of the opposite party.
* Coalitions in Congress are affected by term-length differences.

**Gerrymandering and redistricting**

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| --- | --- | --- | --- | --- |
|  | **Define and describe the impact in the budgetary process – include examples.** | | | |
| Gerrymandering | When districts have been drawn to the advantage of the dominant party in power in the legislature. | | | |
| Redistricting | The redrawing of congressional and other legislative district lines following the census, to accommodate population shifts and keep districts as equal as possible in population | | | |
| **Court Case** | | **Year** | **Brief description of the case and outcome** | **Constitutional principles** |
| *Baker v. Carr* | | 1962 | Tennessee had been using same redistricting formula for over 50 years. Question arose as to whether federal courts could intervene in cases that involve state legislative redistricting. Supreme Court decides that yes federal courts can intervene to guarantee “one man, one vote” No one voter should count more than another in a democracy. | -Article III  -14th Amendment (Equal Protection Clause) |
| *Shaw v. Reno* | | 1993 | North Carolina creates “majority-minority” legislative districts. This plan is challenged and the Supreme Court rules that race can not be the sole factor that dictates how legislative districts are drawn. | -14th Amendment (Equal Protection Clause)  -15th Amendment |

**Special Note:** Gerrymandering, redistricting, and unequal representation of constituencies have been partially addressed by such Supreme Court decisions.

**Big Idea #2 The presidency has been enhanced beyond its expressed constitutional powers.**

**Formal and Informal Powers of the President**

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| --- | --- | --- | --- | --- |
|  | Formal or Informal? | | Define | Explain how the president would use to implement policy. |
| Veto | Formal | | The power of one branch of the government to refuse approval of measures proposed by another | Usually the threat alone of a veto can be used to deter congressional legislation the president does not agree with |
| Pocket-Veto | Formal | | Occurs when the president does not sign a bill into law within 10 days of arriving on his desk AND if Congress has officially adjourned (but not simply recessed) | Could be an instance where the president does not want to be publically on record for vetoing a piece of legislation but doesn’t want it to become law either |
| Executive Orders | Informal | | Directive issued by the president to one or more agency or organization within the executive branch. This is an inherent power of the president that allows him or her to, as the Constitution directs, "take care that the laws be faithfully executed" (Article 2, Section 3) | If a president can not get legislation he supports passed, an executive order is a way around this |
| Treaties | Formal | | A formal agreement between two countries on a topic | If a president wants a long-lasting agreement with another country, he or she would attempt to get a treaty ratified by the U.S. Senate |
| Commander-in-Chief | Formal | | Role of the president to serve as head of the armed forces | The president’s power as Commander-in-Chief gives wide latitude to the range of options a President has in military policy |
| Executive Agreements | Informal | | Agreement made by the President of the United States and another foreign head of the state that does not require a formal treaty and is not subject to Senate approval. This is and inherent power of the president in conducting foreign relations | If a treaty is not possible for political reasons, presidents might find an executive agreement to be a reasonable substitute for getting a foreign policy aim accomplished |
| Bargaining & Persuasion | Informal | | The ability of the president to use the power of the office in order to get members of Congress to agree with him or her on legislative priorities | Presidents have a wide variety of political tools they can employ for bargaining purposes with members of Congress |
| Signing Statements | Informal | | An addition issued by the President that accompanies the signing of a law. These are often controversial because their legal status remains uncertain | A way for presidents to clarify legislation in order to best suit how a President wants that legislation to be interpreted |
| Explain how presidents have interpreted and justified their use of formal and informal powers. | | In times of crisis or perceived crisis presidents have historically looked to justify their increased powers...for example: 9/11, national emergency declarations etc. | | |

**Special Notes:**

* Presidents use powers and perform functions of the office to accomplish a policy agenda.
* Different perspectives on the presidential role, ranging from a limited to a more expansive interpretation and use of power, continue to be debated in the context of contemporary events.
* Policy initiatives and executive orders promoted by the president often lead to conflict with the congressional agenda.

**President and Congressional Tension**

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| --- | --- |
| Explain how the president’s agenda can create tension and frequent confrontations with Congress. | Members of Congress are accountable to their states and districts, whereas presidents are accountable to the entire nation as whole thus creating a natural tension between the two. |

**Special Note:.** Policy initiatives and executive orders promoted by the president often lead to conflict with the congressional agenda.

**Tensions between the President and the Senate**

|  |  |
| --- | --- |
|  | Explain how conflict could occur with the Senate for each of the following. |
| Cabinet Members | Confirmation hearings in front of the Senate can get heated with some Senators that politically disagree with the nominee’s ideology and/or qualifications |
| Ambassadors | Confirmation hearings in front of the Senate can get heated with some Senators that politically disagree with the nominee’s ideology and/or qualifications |
| White House Staff | White House staffers are often responsible for helping get presidential nominations and legislation through the Senate and differences in opinion may arise |

**Special Note:.** Senate confirmation is an important check on appointment powers, but the president’s longest lasting influence lies in life-tenured judicial appointments.

**Federalist No. 70**

|  |  |
| --- | --- |
| Author | Alexander Hamilton |
| Main ideas | Importance of a single strong leader as the head of the executive branch |
| Explain the argument for a strong executive. | By putting the power of the executive branch in one person, accountability is promoted. One person also provides decisiveness of action as compared to a large group like Congress which would be more deliberate in action. |

**Presidential Requirements**

|  |  |  |
| --- | --- | --- |
|  | Presidential Requirements | Where in the Constitution are the requirements found? |
| Minimum Age | **35** | **Article II, Section 1** |
| Citizenship Requirement | **14 years U.S. Citizen** | **Article II, Section 1** |
| Length of Term | **4 years** | **Article II, Section 1** |

**Constitutional-Power Restrictions**

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| --- | --- | --- |
|  | Describe the 22nd Amendment | Explain why this demonstrates the changing presidential role. |
| 22nd amendment | Limits the president to two terms or 10 years at the most in office | Passed in response to concerns that the increased power of the presidency in modern times would make it more likely to be abused, hence the need for a congressional check |

**Special Note:** Term-of-office and constitutional-power restrictions, including the passage of the **Twenty-second Amendment**, demonstrate changing presidential roles.

**Communication, technology and the Presidency**

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| --- | --- | --- |
|  | Explain how each has changed the president’s relationship with the **national constituency**. | Explain how each has changed the president’s relationship with the **other government branches.** |
| Modern technology (TV, radio, internet) | Allows for presidents to communicate policy initiatives in a variety of ways through mass media in order to reach a wider audience | Other branches are at a disadvantage in that the President as one person can more easily articulate his policy positions as opposed to the other branches with have multiple members |
| Social media | Much quicker way to convey policy initiatives (modern example is President Trump with Twitter) | Other branches are at a disadvantage in that the President as one person can more easily articulate his policy positions as opposed to the other branches with have multiple members |
| Nationally broadcast State of the Union | Nowadays a much anticipated and publicized annual major policy address | Another example of the power of a president as one person as compared to other branches with multiple members |
| “Bully pulpit” |  |  |

**Big Idea #3- The federal bureaucracy is a powerful institution implementing federal policies with sometimes questionable accountability.**

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| --- | --- |
|  | Define |
| Bureaucracy | A system of government in which most of the important decisions are made by state officials rather than by elected officials. |
| Patronage | A system of rewarding a person for supporting a candidate or party through various means including civil service jobs |
| Merit | The merit system is the process of promoting and hiring government employees based on ability, rather than political connections. |
| Civil Service | A system of hiring and promotion based on the merit principle and the desire to create a non-partisan government service. |
| “Power of the Purse” | The influence that legislatures have over public policy because of their power to vote on money for public purposes. |
| Compliance monitoring | The quality assurance testing carried out over the day to day activities of the business. |

**Special Note:.** Political patronage, civil service, and merit system reforms all impact the effectiveness of the bureaucracy by promoting professionalism, specialization, and neutrality.

**Tasks performed by departments, agencies, commissions, and government corporations**

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| --- | --- |
|  | Explain how each assists the bureaucracy in carrying out the responsibilities of the national government |
| Writing and enforcing regulations | Bureaucracies have discretion in interpreting congressional legislation and thus make it more specific. Agencies wield large amounts of power via the regulation component of bureaucracies |
| Issuing fines | Fines are another example of government agencies having wide latitude in carrying out the legislative intent of Congress |
| Testifying before Congress | Informs Congress through its oversight function of the job that the government agency is doing |
| Issue networks and “Iron Triangle” | Iron triangles form mutually beneficial alliances between interest groups, bureaucracies, and Congress. Issue networks are looser policy networks that form between media pundits, experts in the field etc. |

**Bureaucratic Agencies**

|  |  |  |
| --- | --- | --- |
|  | Explain how the federal bureaucracy uses delegated discretionary authority for rule making and implementation. | Cite a recent example in the past 2 years. |
| Department of Homeland Security | Ensures a safe, secure, and resilient homeland against terrorism and other potential threats; carries out mission through promulgation of regulatory actions. | Trump border policy |
| Department of Transportation | Serves the U.S. by ensuring a fast, safe, efficient, accessible and convenient transportation system that meets vital national interests. | Review of 737 Max |
| Department of Veterans Affairs | Provies near comprehensive health care services to eligible military veterans and VA medical centers and outpatients. | Recent concerns regarding care in VA medical centers, Trump budget seeking increase in VA funding |
| Department of Education | Promotes student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access. | ESSA |
| Environmental Protection Agency (EPA) | Protects human health and the environment, makes sure the U.S. plays a role in the global environmental health. | Trump requesting budget reductions |
| Federal Elections Commission (FEC) | The independent regulatory agency charged with administering and enforcing the federal finance law, and other election/voting law. | Trump tweets about FEC regarding SNL |
| Securities and Exchange Commission (SEC) | Regulates the various U.S. stock exchanges | Elon Musk tweets |

**Special Note:.** Discretionary and rule-making authority to implement policy are given to bureaucratic departments, agencies, and commissions.

**Methods of Oversight**

|  |  |
| --- | --- |
|  | For each, explain how Congress uses its oversight power in its relationship with the executive branch. |
| Committee hearings | Congress can investigate executive branch officials...recent examples are Democrats in the House with Trump officials and Republicans in Congress with Obama officials |
| Power of the Purse | Appropriations can be used by Congress to prioritize policy initiatives via the federal budget |

**Special Notes:**

* As a means to curtail the use of presidential power, congressional oversight serves as a check of executive authorization and appropriation.
* Presidential ideology, authority, and influence affect how executive branch agencies carry out the goals of the administration.
* Compliance monitoring can pose a challenge to policy implementation.

**Presidential responsibilities and goals**

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| --- | --- |
| Explain how the president ensures that executive branch agencies and departments carry out their responsibilities in concert with the goals of the administration. | Ultimately agencies and departments report to the president in many cases. If they are not doing their job they will be fired or asked to resign. Numerous examples from the Trump administration. |

**Special Note:** Presidential ideology, authority, and influence affect how executive branch agencies carry out the goals of the administration.

**Governmental branches hold the bureaucracy accountable**

|  |  |  |
| --- | --- | --- |
| How does each ensure that the bureaucracy is held accountable? | Formal Powers | Informal Powers |
| * Congress | Legislation, overriding vetoes, advice and consent, treaty power | Use of the media, congressional oversight of the bureaucracy |
| * President | Veto power, commander-in-chief | Executive orders, executive agreements, signing statements |
| * The Courts | Supreme Court (judicial review implied but not listed in constitution) | Discretion in accepting cases |

**Special Note:.** Governmental branches can hold the bureaucracy accountable given the competing interests of Congress, the president, and the federal courts.