

UNIT 2: INTERACTIONS AMONG BRANCHES OF GOV'T

In this unit, students continue to explore policy making, focusing on its complexity and the idea that it is a process involving multiple governmental institutions and actors. Students will look at issues or policies from several different perspectives and then apply their knowledge to better understand the complexity of the policy-making process.

The Constitution grants specific powers to Congress, the presidency, and the courts, each of which exercises informal powers (developed through political practice, tradition, and legislation). Because power is widely distributed, and checks prevent one branch from overreaching or usurping powers from the others, institutional actors are in the position where they must both compete and cooperate in order to govern.

Big Idea:

- Which branch of government is the most powerful? Why?
- Are there really checks and balances when one political party controls all three branches of government? Why or why not?
- In what ways has the evolution of government powers affected Americans and their daily lives?

The republican ideal in the U.S. is manifested in the structure and operation of the legislative branch.

TOPIC 2.1 Congress: The Senate and the House of Representatives

LEARNING OBJECTIVE

- Describe the different structures, powers, and functions of each house of Congress

ESSENTIAL KNOWLEDGE

- The Senate is designed to represent states equally, while the House is designed to represent the population
- Different chamber sizes and constituencies influence formality of debate
- Coalitions in Congress are affected by term-length differences
- The enumerated and implied powers in the Constitution allow the creation of public policy by Congress, which includes:
 - Passing a federal budget, raising revenue, and coining money
 - Declaring war and maintaining the armed forces
 - Enacting legislation that addresses a wide range of economic, environmental, and social issues based on the Necessary and Proper Clause

TOPIC 2.2 Structure, Powers, and Functions of Congress

LEARNING OBJECTIVE

- Explain how the structure, powers, and functions of both houses of Congress affect the policy-making process

ESSENTIAL KNOWLEDGE

- 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
- Chamber-specific procedures, rules, and roles that impact the policy-making process include:
 - Number of chamber and debate rules that set the bar high for building majority support
 - Roles of Speaker of the House, President of the Senate, party leadership, and committee leadership in both chambers
 - Filibuster and cloture
 - Holds and unanimous consent in the Senate
 - Role of Rules Committee, Committee of the Whole, and discharge petitions in the House
 - Treaty ratification and confirmation role of the Senate
- 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
- Pork barrel legislation and logrolling affect the lawmaking in both chambers

TOPIC 2.3 Congressional Behavior

LEARNING OBJECTIVE

- Explain how congressional behavior is influenced by election processes, partisanship, and divided government

ESSENTIAL KNOWLEDGE

- Congressional behavior and governing effectiveness are influenced by:
 - Ideological divisions within Congress that can lead to gridlock or create the need for negotiation and compromise
 - Gerrymandering, redistricting, and unequal representation of constituencies have been partially addressed by such Court decisions as *Baker v. Carr* (1961), which opened the door to equal protection challenges to redistricting and stated the "one person, one vote" doctrine, and the no-racial-gerrymandering decision in *Shaw v. Reno* (1993)
 - 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
 - Different role conceptions of "trustee," "delegate," and "politico" as related to constituent accountability in each chamber

The presidency has been enhanced beyond its expressed constitutional powers.

TOPIC 2.4 Roles and Powers of the President

LEARNING OBJECTIVE

- Explain how the president can implement a policy agenda

ESSENTIAL KNOWLEDGE

- Presidents use powers and perform functions of the office to accomplish a policy agenda
- Formal and informal powers of the president include:
 - Vetoes and pocket vetoes – formal powers that enable the president to check Congress
 - Foreign policy – both formal (Commander-in-Chief and treaties) and informal (executive agreements) powers that influence relations with foreign nations
 - Bargaining and persuasion – informal power that enables the president to secure congressional action
 - Executive orders – implied from the president's vested executive power, or from power delegated by Congress, executive orders are used by the president to manage the federal government
 - Signing statements – informal power that informs Congress and the public of the president's interpretation of laws passed by Congress and signed by the president

TOPIC 2.5 Checks on the Presidency

LEARNING OBJECTIVE

- Explain how the president's agenda can create tension and frequent confrontations with Congress

ESSENTIAL KNOWLEDGE

- The potential for conflict with the Senate depends upon the type of executive branch appointments, including:
 - Cabinet members
 - Ambassadors
 - White House staff
- Senate confirmation is an important check on appointment powers, but the president's longest lasting influence lies in life-tenured judicial appointments
- Policy initiatives and executive orders promoted by the president often lead to conflict with congressional agenda

TOPIC 2.6 Expansion of Presidential Power

LEARNING OBJECTIVE

- Explain how presidents have interpreted and justified their use of formal and informal powers

ESSENTIAL KNOWLEDGE

- Justifications for a single executive are set forth in *Federalist No. 70*
- Term-of-office and constitutional-power restrictions, including the passage of the **Twenty-second Amendment**, demonstrate changing presidential roles
- 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

TOPIC 2.7 Presidential Communication

LEARNING OBJECTIVE

- Explain how communication technology has changed the president's relationship with the national constituency and the other branches

ESSENTIAL KNOWLEDGE

- The communication impact of the presidency can be demonstrated through such factors as:
 - Modern technology, social media, and rapid response to political issues
 - Nationally broadcast State of the Union messages and the president's bully pulpit used as tools for agenda setting

The design of the judicial branch protects the Supreme Court's independence as a branch of government, and the emergence and use of judicial review remains a powerful judicial practice.

TOPIC 2.8 The Judicial Branch

LEARNING OBJECTIVE

- Explain the principle of judicial review and how it checks the power of other institutions and state governments

ESSENTIAL KNOWLEDGE

- The foundation for powers of the judicial branch and how its independence checks the power of other institutions and state governments are set forth in:
 - **Article III of the Constitution**
 - ***Federalist No. 78***
 - ***Marbury v. Madison*** (1803)

TOPIC 2.9 Legitimacy of the Judicial Branch

LEARNING OBJECTIVE

- Explain how the exercise of judicial review in conjunction with life tenure can lead to debate about the legitimacy of the Supreme Court's power

ESSENTIAL KNOWLEDGE

- Precedents and *stare decisis* play an important role in judicial decision making
- Ideological changes in the composition of the Supreme Court due to presidential appointments have led to the Court's establishing new or rejecting existing precedents

TOPIC 2.10 The Court in Action

LEARNING OBJECTIVE

- Explain how the exercise of judicial review in conjunction with life tenure can lead to debate about the legitimacy of the Supreme Court's power

ESSENTIAL KNOWLEDGE

- Controversial or unpopular Supreme Court decisions can lead to challenges of the Court's legitimacy and power which Congress and the president can address only through future appointments, legislation changing the Court's jurisdiction, or refusing to implement decisions
- Political discussion about the Supreme Court's power is illustrated by the ongoing debate over judicial activism versus judicial restraint

TOPIC 2.11 Checks on the Judicial Branch

LEARNING OBJECTIVE

- Explain how other branches in the government can limit the Supreme Court's power

ESSENTIAL KNOWLEDGE

- Restrictions on the Supreme Court are represented by:
 - Congressional legislation to modify the impact of prior Supreme Court decisions
 - Constitutional amendments
 - Judicial appointments and confirmations
 - The president and states evading or ignoring Supreme Court decisions
 - Legislation impacting court jurisdiction

The federal bureaucracy implements federal policies.

TOPIC 2.12 The Bureaucracy

LEARNING OBJECTIVE

- Explain how the bureaucracy carries out the responsibilities of the federal government

ESSENTIAL KNOWLEDGE

- Tasks performed by departments, agencies, commissions, and government corporations are represented by:
 - Writing and enforcing regulations
 - Issuing fines
 - Testifying before Congress
 - Issue networks and “iron triangles”
- Political patronage, civil service, and merit system reforms all impact the effectiveness of the bureaucracy by promoting professionalism, specialization, and neutrality

TOPIC 2.13 Discretionary and Rule-Making Authority

LEARNING OBJECTIVE

- Explain how the federal bureaucracy uses delegated discretionary authority for rule making and implementation

ESSENTIAL KNOWLEDGE

- Discretionary and rule-making authority to implement policy are given to bureaucratic departments, agencies, and commissions, such as:
 - Department of Homeland Security
 - Department of Transportation
 - Department of Veterans Affairs
 - Department of Education
 - Environmental Protection Agency (EPA)
 - Federal Elections Commission (FEC)
 - Securities and Exchange Commission (SEC)

TOPIC 2.14 Holding the Bureaucracy Accountable

LEARNING OBJECTIVE

- Explain how Congress uses its oversight power in its relationship with the executive branch

ESSENTIAL KNOWLEDGE

- Oversight and methods used by Congress to ensure that legislation is implemented as intended are represented by:
 - Committee hearings
 - Power of the purse
- As a means to curtail the use of presidential power, congressional oversight serves as a check of executive authorization and appropriation

LEARNING OBJECTIVE

- Explain how the president ensures that executive branch agencies and departments carry out their responsibilities in concert with the goals of the administration

ESSENTIAL KNOWLEDGE

- 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

TOPIC 2.15 Policy and the Branches of Government

LEARNING OBJECTIVE

- Explain the extent to which governmental branches can hold the bureaucracy accountable given the competing interests of Congress, the president, and the federal courts

ESSENTIAL KNOWLEDGE

- Formal and informal powers of Congress, the president, and courts over the bureaucracy are used to maintain its accountability