**Unit 2: Interactions Among Branches of Government (25-36% of Exam)**

Brief Narrative:

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 di cult 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.

The federal judiciary, including the Supreme Court, established under Article III, is designed to be an independent branch of government. The Court’s most far-reaching power, judicial review, was justified in *Marbury v. Madison* (1803), where the Court declared that it had the constitutional authority to overturn acts of Congress, state laws, or executive action deemed to be unconstitutional. Thus, judicial review serves as an important check on other branches of government. Appointed for life, justices are somewhat insulated from public opinion. It is not surprising that over the years the Court has handed down decisions that have been unpopular and controversial. Congress and the president may influence the Court through the appointment process, by refusing to implement a Court decision, or by passing legislation that changes the Court’s jurisdiction.

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?

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| Congress  17th Amendment  Advice and Consent  Apportionment  Appropriations  Bicameralism  Casework  Caucuses  Cloture Rule  Committees  Constituency  Decentralization  Delegate  Divided Government  Enumerated Powers (w/ examples)  Expressed Powers (w examples)  Filibuster  Franking  Gerrymandering  Gridlock  Impeachment  Incumbency  Legislative Veto  Logrolling  Markup  Necessary and Proper Clause  Omnibus Bill  Oversight  PACs  Pork Barrel  “Power of the Purse”  Reapportionment  Redistricting  Resolution  Standing Committees  Temporary Committees  Trustee  War Powers  Ways and Means Committee  Whip  The Presidency  Amnesty  Bully Pulpit  Cabinet  Commander-in-Chief  Commutation  Executive Agreement | Executive Order  Executive Privilege  Honeymoon Period  Impeachment  Lame Duck  Line Item Veto  Pardon  Pocket Veto  Presidential Coattails  Presidential Mandate/Electoral Mandate  Veto  The Judiciary  Amicus Curiae  Appellate Courts  Appellate Jurisdiction  Brief  Circuit Court  Civil Law  Class-Action Suit  Constructionism (strict vs. loose or liberal)  Court-Packing  Criminal Law  District Courts  Judicial Activism  Judicial Restraint  Judicial Review  Litigant  Litigation  Oral argument  Original Jurisdiction  Precedent/Stare Decisis  Rule of 4  Senatorial Courtesy  Writ of Certiorari  Writ of Mandamus  The Bureaucracy  Appropriations  Civil Service System  Deregulation  Government Corporations  Implementation  Independent Executive Agencies  Independent Regulatory Commission  Iron Triangles  Issue Networks  Merit System | Office of Personnel Management  Red Tape  Regulation  Spoils System/Patronage  Street-level Bureaucrats  Policy Issues  Budget Deficit  Budget Surplus  Discretionary Spending  Entitlement Programs  Federal Reserve Board/”The Fed”  Fiscal Policy  Mandatory Spending  Medicaid  Medicare  Monetary Policy  Progressive Tax  Regressive Tax  Social Security  Required Supreme Court Cases:  *Baker v. Carr*  *Shaw v. Reno*  *Marbury v. Madison*  *McCulloch v. Maryland*  *Gibbons v. Ogden*  *United States v. Lopez*  Required Legislation:  War Powers Act  Presidential Succession Act  Pendleton Civil Service Act  Required Documents:  Federalist 64  Federalist 70  Federalist 78  U.S. Constitution   * Article I * Amendment 22 * Article III |

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12: Congress

13: The Presidency

14: The Bureaucracy

15: The Judiciary

16: Economic Policy

17: Domestic Policy