**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?

|  |  |  |
| --- | --- | --- |
| Congress17th AmendmentAdvice and ConsentApportionmentAppropriationsBicameralismCaseworkCaucusesCloture RuleCommitteesConstituencyDecentralizationDelegateDivided GovernmentEnumerated Powers (w/ examples)Expressed Powers (w examples)FilibusterFrankingGerrymanderingGridlockImpeachmentIncumbencyLegislative VetoLogrollingMarkupNecessary and Proper ClauseOmnibus BillOversightPACsPork Barrel“Power of the Purse”ReapportionmentRedistrictingResolutionStanding CommitteesTemporary CommitteesTrusteeWar PowersWays and Means CommitteeWhipThe PresidencyAmnestyBully PulpitCabinetCommander-in-ChiefCommutationExecutive Agreement | Executive OrderExecutive PrivilegeHoneymoon PeriodImpeachmentLame DuckLine Item VetoPardonPocket VetoPresidential CoattailsPresidential Mandate/Electoral MandateVetoThe JudiciaryAmicus CuriaeAppellate CourtsAppellate JurisdictionBriefCircuit CourtCivil LawClass-Action SuitConstructionism (strict vs. loose or liberal)Court-PackingCriminal LawDistrict CourtsJudicial ActivismJudicial RestraintJudicial ReviewLitigantLitigationOral argumentOriginal JurisdictionPrecedent/Stare DecisisRule of 4Senatorial CourtesyWrit of CertiorariWrit of MandamusThe BureaucracyAppropriationsCivil Service SystemDeregulationGovernment CorporationsImplementationIndependent Executive AgenciesIndependent Regulatory CommissionIron TrianglesIssue NetworksMerit System | Office of Personnel ManagementRed TapeRegulationSpoils System/PatronageStreet-level BureaucratsPolicy IssuesBudget DeficitBudget SurplusDiscretionary SpendingEntitlement ProgramsFederal Reserve Board/”The Fed”Fiscal PolicyMandatory SpendingMedicaidMedicareMonetary PolicyProgressive TaxRegressive TaxSocial SecurityRequired 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 ActPresidential Succession ActPendleton Civil Service ActRequired Documents:Federalist 64Federalist 70Federalist 78U.S. Constitution * Article I
* Amendment 22
* Article III
 |

American Democracy Now

12: Congress

13: The Presidency

14: The Bureaucracy

15: The Judiciary

16: Economic Policy

17: Domestic Policy