Unit 2: Interactions Among Branches of Government

3 BRANCHES of U.S. GOVERNMENT

- **Constitution** (provided a separation of powers)
  - **Legislative** (makes laws)
    - Congress
      - Senate
      - House of Representatives
  - **Executive** (carries out laws)
    - President
      - Vice President
      - Cabinet
  - **Judicial** (interprets laws)
    - Supreme Court
    - Other Federal Courts

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Chapter 6: Congress
Chapter 6: Congress

- Chapter 6.1. We will trace the roots of the legislative branch outlined by the U.S. Constitution.
Pro_11:14 Where no counsel is, the people fall: but in the multitude of counsellors there is safety.
GROUP ACTIVITY: (Prize Drop Quiz for group that answers fastest with the most correct answer.

- How did the Great Compromise impact Congress?
- What is a bicameral legislature?
- How is the number of members of the House of Representatives and the Senate determined?
- What did the Framers expect the House to be?
- What was the original intent of the Framers in regard to the Senate?
Representation:

- The U.S. Constitution requires a census which entails the counting of all Americans, be conducted every ten years.
- This determines how many representatives each State has.
- There is a fixed number of 435 seats in the House distributed to the States on the basis of population.
CONGRESSIONAL DISTRICTS:

- Seat member of the House of Representatives represents a district in their State.
- In 2010, the average number of people in a district was 731,000.
CONGRESSIONAL DISTRICTS:

- After each U.S. Census, the number of seats allotted to each state is adjusted by a constitutionally mandated process called apportionment.

- After seats are apportioned, congressional districts must be redrawn by the State legislature.

- To reflect population shifts to ensure that each member in Congress represents approximately the same number of residents.
APPLICATION QUESTION

What is the significance, if the Republican Party is the majority in the State legislature in California, when it comes to redistricting?
CLASS ACTIVITY

List the differences in representation and qualification for the House and Senate.

List examples of what Congress can do today with the necessary and proper clause that was not foreseen by the founding fathers.
QUIZ

- What are the Constitutional powers of Congress?
- What are examples of the House and Senate sharing power?
- What increased Congress's scope and authority?
- Who alone is given formal law-making powers in the Constitution?
- What are revenue bills?
- Where must revenue bills originate from?
Other Branches Influence Legislation:

- Presidents issue proclamations and executive orders with the force of law.
- Bureaucrats issue quasi-legislative rules and are charged with enforcing laws, rules, and regulations.
- Supreme Court and lower federal courts render opinions that generate principles that also have the force of law.
APPLICATION QUESTION:

How can Congress resolve the DACA issue? What can the President do to influence the DACA issue?
GROUP ACTIVITY: LIST.

Give examples of powers that both the House and the Senate have.
SHORT ANSWER

What is impeachment? What roles do the House and Senate play in the process?
Chapter 6: Congress

- THE MEMBERS OF CONGRESS 6.2: Characterize the demographic attributes of members of Congress, and identify factors that affect their chances for reelection.
ACTIVITY

In your groups, create a skit demonstrating what constituents are, trustees, delegates, and politico.
Chapter 6: Congress

- Staying in Congress: 6.3.
These are those that were numbered, which Moses and Aaron numbered, and the princes of Israel, being twelve men: each one was for the house of his fathers.
SHORT ANSWER

Why is it difficult for independent candidates to run for office?

What are incumbents?

What is advantage of incumbency?
Redistricting:

- The process of redrawing congressional districts to reflect increases or decreases in seats allotted to the states.
- Population shifts within a state.
- Largely a political process.
- In most state district lines are drawn by partisan state legislatures.
- The Majority party in State legislature uses redistricting as an opportunity to ensure formation of voting districts to protect the majority.
Redistricting:

- Redistricting has become highly personal in recent years.
- To avoid contentions, some states appoint nonpartisan committees or some other independent means of drawing district lines.
- The process vary in detail.
- Most states require legislative approval of redistricting plans.
Gerrymandering:

- The redistricting process often involves gerrymandering.
- The drawing of congressional districts to produce a particular electoral outcome.
- Without regard to the shape of the district.
Gerrymandering:

- The requirement under the Voting Rights Act of 1965 for minorities to get an equal chance to elect candidates for their choice.
- Legislators end up drawing oddly shaped districts to elect more members of their party.
Gerrymandering Impact:

- The boundaries of a member’s district determine the demographic and partisan makeup of their constituency.
- In districts that heavily favor members of one party over another, it may be hard to have competitive elections.
- Voters from the minority party may feel alienated from the political process.
CLASS ACTIVITY

- Teacher will draw a map of California and place areas of Political Party D is strong and R are strong.
- When is the State legislator able to redraw district lines?
- California State legislator is controlled by R, how would you draw the district lines in the map?
Baker v. Carr:

- Law suit alleged that the Tennessee law favored voting districts in rural areas over urban areas.
- Issue: Did the Supreme Court have jurisdiction over questions of legislative apportionment?
- Is it appropriate for the Court to act on political questions?
- The Court held that there were no such questions to be answered in this case and that legislative apportionment was a justiciable issue.
- The majority opinion gave examples where the Court had intervened to correct constitutional violations in matters pertaining to state administration and the officers through whom state affairs are conducted.
- The Fourteenth Amendment equal protection issues merited evaluation in this case.
Shaw v. Reno

- North Carolina attempted to create an all African American voting district.
- Most African American voters tend to support the Democratic Party.
- Appellants stated an equal protection claim by alleging that North Carolina's reapportionment scheme was so irrational on its face.
- It could be understood only as an effort to segregate voters based on race, and that separation lacks sufficient justification.
- The Supreme Court held that you cannot create a voting district based solely on race.
APPLICATION QUESTION

○ How does the two Supreme Court cases affect the issue of redistricting?
Chapter 6: Congress

- HOW IS CONGRESS ORGANIZED: 6.4. Assess the role of the committee system, political parties, and congressional leadership in organizing congress.
Joh_13:34 A new commandment I give unto you, That ye love one another; as I have loved you, that ye also love one another.
POP QUIZ!!!!!!!!!
GROUP QUIZ

- How is Congress Divided?
- What is the majority and minority party?
- What is the role of a caucus?
ACTIVITY

List the similarities and differences of the House and Senate in its leadership, how it is organized, and its rules and procedures.

List the similarities and differences of the House and Senate in regards to committees.

List them on the board.
GROUP ACTIVITY

• Pick a committee and explain what they do.
• Standing Committee
• Subcommittees
• Joint Committees
• Conference Committees
• Select Committees
• House Committee in Rules
APPLICATION QUESTIONS

• If the Democrats win the House of Representatives how will that affect committee assignments?
• If a immigration bill is stuck in a immigration and border security sub-committee in the House of Representatives, what can happen in order to take the bill out of committee?
• What experience would most likely lead a congressman to serve in the Armed Services Committee?
• If the House and Senate have different versions of a immigration bill, what will happen next?
Chapter 6: Congress

- CONGRESS: 6.5, We will identify three of the most significant powers of Congress
SHORT ANSWER

What powers are expressly given to Congress from Article I Section 7 and 8 from the Constitution?

What are examples of the necessary and proper clause allowing Congress to pass laws beyond the intent of the founding fathers?
APPLICATION QUESTION

- If students at Parkland High School (Florida) want Congress to pass stricter gun control laws, what must they do in order for their request to be considered?
- Compare and contrast on how the House and Senate would consider this bill.
APPLICATION QUESTION

- What is the difference in the House and Senate in regards to how a bill is considered?
- A bill that would impose a tax on all Sci Fi memorabilia produced in nations outside the U.S. is in the Senate, what can Senator Fujita of the State of California do to stop the bill from moving forward?
- What can the Senate do in response to Senator Fujita’s efforts?
HOLDS:

- Is a tactic by which a senator asks to be informed before a particular bill or nomination is brought to the floor.
- This request signals the Senate leadership and sponsors of the bill that a colleague may have objections to the bill (or nomination).
- And should be consulted before further action is taken.
Filibuster:

- Long speeches in an attempt to stall a bill.
- To stop filibuster, 60 Senators must agree, and 30 more additional hours given and the debate ends (Cloture).
Unanimous consent:

- A senator may request unanimous consent on the floor to set aside a specified rule of procedure so as to expedite proceedings on a bill.
- If no Senator objects, the Senate permits the action, but if any one senator objects, the request is rejected.
- These agreements are usually proposed by the majority leader or floor manager of the measure, and reflect negotiations among senators interested in the measure.
Unanimous consent:

- Many are "time agreements," which limit the time available for debate and specify who will control that time.
- Many also permit only a list of specified amendments, or require amendments to be to the measure.
- Many also contain other provisions, such as empowering the majority leader to call up the measure at will or specifying when consideration will begin or end.
Video Reaction

Describe the process of how the tax overhaul became law. What are the roles of the president, house, and senate?

What two agencies assist the Executive and Congress in regards to the budget?

If a bill is passed by both houses, what four things may happen to the bill?
APPLICATION QUESTION

When a congressman secures funding from the Federal government to build a bridge in her district, even though a bridge is already built a mile way last year so to bring extra jobs even though they don’t need the bridge, this is an example of?
APPLICATION QUESTION

What is this video an example of congress doing?
APPLICATION QUESTION

Describe senatorial courtesy.
Chapter 6: Congress

○ HOW MEMBERS OF CONGRESS MAKE DECISIONS: 6.6 We will analyze factors that influence how members of Congress make decisions.
(Deu 1:13) Take you wise men, and understanding, and known among your tribes, and I will make them rulers over you.
QUESTIONS

- How do political parties influence Congress?
- What are incentives in voting with your political parties?
- Give an example of logrolling.
- Describe how interest groups, lobbyists and Political Action Committees (PACs) influence Congress.
DISCUSSION QUESTIONS

Do you think Congressmen should vote on the basis of their voters or from their own expertise and experience or a combination of both?
Chapter 6: Congress

- TOWARD REFORM BALANCING INSTITUTIONAL POWER

6.7 Evaluate the strategic interactions between Congress, the presidents, and the courts.
APPLICATION QUESTION

- If the President wanted to use the military to arrest undocumented immigrants and Congress disagreed, what can Congress do?
CONGRESS AND THE PRESIDENT:

- Since the 1930s the President has had more institutional power.
- Times of crisis (wars, economic crisis, national security threats).
- Congress unable to meet public demands for solutions.
- Congress willingly handed over its authority to the chief executive.
CONGRESS AND THE PRESIDENT:

○ Congress retains ultimate legislative authority to question executive actions.

○ Halt administration activities by cutting off funds for programs a president wants (Power of the purse)
Describe Congress’s Relations with:

- Congress and the Executive:
- Congress and the judiciary:
- Congress and the people:
Chapter 7: The Presidency
Chapter 7: The Presidency

- CHAPTER 7.1: The Office of the United States. Trace the developments of the presidency and the provision for choosing and replacing presidents.
“It is not for kings, O Lemuel, it is not for kings to drink wine; nor for princes strong drink: Lest they drink, and forget the law, and pervert the judgment of any of the afflicted.” Proverbs 31:4-5.
ACTIVITY:

- Federalist Number 70.
- What does Hamilton challenge in Federalist Number 70 in regards to the executive from the Articles of Confederation?
SHORT ANSWER:

- How can a president be impeached and what is the process of impeachment?
SHORT ANSWER:

- Based on *Federalist Number 70*, what would Hamilton think of executive privilege?
- What did the Supreme Court rule in *U.S. v. Nixon*, and how did it affect the presidency?
SHORT ANSWERS:

- What is the 22d Amendment to the Constitution and why is it significant?
- Should the President be able to serve more than two terms?
SHORT ANSWERS:

- What is the role of the Vice President?
- When can the Vice President vote in the Senate?
SHORT ANSWERS:

- What is the 25th Amendment to the Constitution.
- Describe Presidential succession.
Chapter 7: The Presidency

- THE CONSTITUTIONAL POWERS OF THE PRESIDENT:
  7.2 Identify and describe the constitutional powers of the president.
GROUP ACTIVITY:

- List and define the Constitutional powers of the President.
Content Question:

- How does the congressional fast track affect the President, especially when negotiating with other nations on trade?
APPLICATION QUESTION:

- Describe the process of how President Trump’s nominee to the Supreme Court can be confirmed to be a Supreme Court justice.

- Describe why President Trump might have chosen this nominee.
APPLICATION QUESTION:

- Describe what is going on in this video.
APPLICATION QUESTION:

- If President Trump negotiated a peace treaty with North Korea, what will be the process to make the treaty official?
- Instead of a treaty, what agreement can a president make with another nation and what is different about this than a treaty?
- If President Trump does not like a treaty previously signed by President Clinton, what can he possibly do?
Video Response:

- What authority and role is the president fulfilling when declared that Jerusalem is the capital of Israel?
APPLICATION QUESTION:

- If a man broke a law in the State of California, could he receive a pardon from the President?
- What can the President do for those who are “dreamers” so they would become citizens?
SHORT ANSWER:

○ What is the role of the President and the role of congress in regards to military action?
APPLICATION QUESTION:

- If Congress passes a law on having stricter regulations on coal emissions. The President does not like the bill. What can he do?
Chapter 7: The Presidency

- THE DEVELOPMENT OF PRESIDENTIAL POWER: 7.3 Evaluate the development and expansion of presidential power.
Discussion Questions:

- What are examples of inherent powers?
- How does crises and national emergencies impact presidential power?
- Why is Franklin D. Roosevelt said to be the founder of the modern presidency?
- Do you think the President has too much power?
Chapter 7: The Presidency

- THE PRESIDENTIAL ESTABLISHMENT 7.4: Outline the structure of the Presidential establishment and the functions of each of its components.
SHORT ANSWER:

- What are the roles of the Executive Office of the President and the White House staff?
- If the nation of Iran shot at a U.S. naval vessel, and blocked the Persian Gulf, what council would assist the President during this situation?
SHORT ANSWER:

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Chapter 7: The Presidency

- PRESIDENTIAL LEADERSHIP AND THE IMPORTANCE OF PUBLIC OPINION. 7.5 Explains the concept of presidential leadership, and analyze the importance of public opinion.
Describe the following:

- Power of Persuasion
- Going Public
SHORT ANSWER:

- What are methods the President can use in influencing public opinion to support his agenda?
- What are examples of a bully pulpit the President uses today?
SHORT ANSWER:

- What can the President do with his popularity?
- What is the impact of a national crisis upon how influential the President is?
Chapter 7: The Presidency

APPLICATION QUESTION:

- President Trump wants to build a wall between the United States and Mexico. Describe in what way he can get involved in the legislative process to get the wall he promised his base built.

- If the recent Federal Budget calls for more money towards the military and immigration enforcement, what does it say about the President’s priorities?
SHORT ANSWER:

- Describe and give an example of an executive order.
- Describe and give an example of a signing statement.
Chapter 8: Federal Bureaucracy
Chapter 8: Federal Bureaucracy

- Chapter 8.1: Trace growth and development of the federal bureaucracy.
SHORT ANSWER:

- Describe the Federal Bureaucracy:
- How did the Civil War, the Civil Rights Movement, and the Great Society affect the bureaucracy?
APPLICATION QUESTION:

- Explain the Spoil System and Patronage.
SPOIL SYSTEM:

- An executive’s ability to fire public-office holders of the defeated political party.
- Replace them with party loyalists.
Patronage:

- A form of a spoil system.
- Jobs, grants, or other special favors given as rewards to friends and political allies for their support.
From the Spoils System to the Merit System:

- President Rutherford B. Hayes favored the idea of the replacement of the spoils system with a merit system.
- A system of employment based on qualifications, test scores, and ability, rather than loyalty.
Civil Service Reform Act (1883) Pendleton Act:

- It established a merit system of federal employment on the basis of open competitive exams.
- Created a bi-partisan three-member Civil Service Commission, which operated until 1978.
From the Spoils System to the Merit System:

- Initially only about 10 percent of the positions in the federal Civil Service System were covered by the law.
- Later laws and executive orders extended coverage of the act to over 90 percent of all federal employees.
- The Federal Civil Service System by which many federal bureaucrats are selected.
APPLICATION QUESTION:

- When President Trump nominated Senator Jeff Sessions to be Attorney General, what is the process for Senator Sessions to be confirmed?

- If both the President and Congress is displeased with Attorney General Sessions, who can remove him from his position?
Chapter 8: Federal Bureaucracy

- THE MODERN BUREAUCRACY: 8.2. We will examine the Modern bureaucrats and outline the structure of the modern bureaucracy.
ACTIVITY:

- Give an example of the following components of the federal bureaucracy. Whoever lists the most will win a drop quiz.
  - (1) Cabinet Departments
  - (2) government corporations
  - (3) Independent executive agencies
  - (4) independent regulatory commissions.
Formal Organization:

- Agencies fall into four general types
- (1) Cabinet Departments
- (2) Government corporations
- (3) Independent executive agencies
- (4) Independent regulatory commissions.
Cabinet Departments:

- There are fifteen Cabinet departments.
- They are major administrative units of the executive branch.
- These departments are responsible for conducting broad areas of government operations.
THE CABINET:

- The Vice President,
- The heads of all the departments,
- Heads of the Environmental Protection Agency (EPA),
- Office of Management and Budget (OMB)
- The U.S. Trade Representatives,
- The Council of Economic Advisors,
- the U.S. Ambassadors to the United Nations
- The president’s chief of staff.
Cabinet Departments:

- Executive branch departments are headed by Cabinet members called secretaries.
- (Except the Department of Justice, which headed by the attorney general).
- Secretaries are responsible for establishing their department’s general policy and overseeing its operations.
Cabinet Departments:

- Cabinet secretaries are directly responsible to the president.
- Cabinet secretaries also are tied to Congress.
- Through the appropriations process.
- Their role in implementing legislation and making rules and policy.
Cabinet Departments:

- Most departments are subdivided into bureaus, divisions, sections, or other smaller units.
- It is at this level and that the real work of each agency is done.
- Most departments are subdivided along functional lines.
- But the basis for division may be geography, work processes.
APPLICATION QUESTIONS:

- What are Cabinet departments? List at least three reasons for their creation and provide examples.
CLIENTLE AGENCIES:

- They represent clearly defined interests.
- Labor
- Large Corporations
- Banks
- Defense Contractors
- Subject to outside lobbying
- Active at regional level where agencies conduct most of their program implementation.
Independent Executive Agencies:

- Closely resemble Cabinet departments.
- Has narrower areas of responsibility.
- Generally, independent agencies are appointed by the president.
- Serve like Cabinet secretaries at his pleasure.
Independent Executive Agencies:

- Independent agencies exist apart from executive departments from practical or symbolic reasons.
- NASA and the EPA are examples.
Independent Executive Agencies:

- As an independent agency, the EPA is less indebted to the president on a day-to-day basis.
- Than it would be if it were within a Cabinet department.
- The president still has the ability to appoint its director.
- Often intervenes on high-profile environmental issues and decisions.
Independent Regulatory Commissions:

- Created by Congress.
- Exist outside the major departments.
- To regulate a specific economic activity of interest.
- Congress created these commissions because of the complexity of modern economic issues.
Independent Regulatory Commissions:

- These agencies develop expertise and provide continuity of policy on economic issues.
- Because congress nor the courts have the time or specific talents to do so.
Older Boards and Commissions:

- SEC and the Federal Reserve board) generally are charged with overseeing a certain industry.
- Most were created specifically to be free from partisan political pressure.
Old Boards and Commissions:

- Each is headed by a board composed of five to seven members (always an odd number to avoid tie votes).
- Who are selected by the president and confirmed by the Senate.
- For fixed staggered terms to increase the chances of bipartisan board
Independent Regulatory Commissions:

- Unlike executive department heads, they cannot easily be removed by the president.
- In 1935, the U.S. Supreme Court ruled that in creating independent commissions, Congress intended that they be independent panels of experts.
- As far removed as possible from immediate political pressures.
Government Corporations:

- Government corporations are the most recent addition to the bureaucracy.
- Dating from the early 1930s, they are businesses established by Congress.
- To perform functions that could be provided by private businesses.
- Some of the better-known government corporations include AMTRAK and the Federal Deposit Insurance Corporation (FDIC).
Government Corporations:

- Unlike other governmental agencies, government corporations charge a fee for their services.
- The Tennessee Valley Authority (TVA) for example provide electricity at reduced rates to millions of Americans in Appalachia.
Government Workers and Political Involvement

- As the number of federal employees agencies grew during the 1930s.
- Many Americans began to fear members of the Civil Service would play a major role implementing public policy.
- And elect members of Congress, and even the president.
Government Workers and Political Involvement

- Federal employees still however are prohibited from engaging in political activity while on duty.
- Soliciting contributions from the general public.
- Running for office in partisan elections.
APPLICATION QUESTIONS:

- Identify and describe what agency would oversee the policy of family separation at the border.
- Describe and identify what agency would oversee coal emissions.
- What part of the Federal bureaucracy would determine the interest rates of banks?
Political Activity Act (1939) Hatch Act

- Congress passed this act.
- Designed to prohibit federal employees from becoming directly involved in working for political candidates.
- Although this act allayed many critics fears, other people argue that the Hatch act was too extreme.
Political Activities Act of 1993:

- Today the Government’s political activity is regulated by this act.
- This liberalization of the Hatch Act allows employees to run for public office in non-partisan elections.
- Contribute money, to political organizations.
- Campaign for or against candidates to partisan elections.
APPLICATION QUESTIONS:

- What agency is this FBI agent under?
- Do you think he should have been fired when his private text messages were revealed to be against the president?
Chapter 8: Federal Bureaucracy

- 8.3 WHO ARE THE BUREAUCRATS.
Compare and Contrast:

- Compare and contrast between the National Government and private business.
WHO ARE BUREAUCRACIES ACCOUNTABLE TO?

- Is it the president?
- Congress?
- The People?
- The government should not completely act as a business.
- Nor does it seek reward for ambition like a business.
Video Application:

- Who is this anonymous bureaucrat who wrote this article accountable to?
Describe the following:

- Appointive policy-makings positions.
- Independent Regulatory Commissioners.
- Low level non-policy patronage positions.
Who are Bureaucrats?

- The lower levels of the U.S. Civil Service, most positions are filled by competitive examinations.
- These usually involve a written test.
- Mid-Level to Upper Ranges of Federal Positions submit resumes and do not normally require tests.
Who are Bureaucrats?

- Personnel departments evaluate potential candidates.
- Rank candidates according to how well they fit a particular job opening.
- Only those names designated qualified are then forwarded to the official filling vacancy.
- The remaining ten percent of the federal workforce is made up of persons not covered by the civil service system.
Chapter 8: Federal Bureaucracy

- Chapter 8: Federal Bureaucracy
  How the Bureaucracy Works:
  8.4: We will examine how the bureaucracy Makes Policy.
And Joseph found grace in his sight, and he served him: and he made him overseer over his house, and all that he had he put into his hand.
CREATING DEPARTMENT AGENCIES OR COMMISSION:

- Congress is actually delegated some of its powers from Article I, Section 8 of the U.S. Constitution.
- Laws creating departments, agencies, corporations, or commissions carefully describe their purpose.
- Give them the authority to make numerous policy decisions which have the effect of law.
INTRODUCTION:

- Congress recognizes it does not have the time or expertise to involve itself in every detail of every Federal Program.
- Congress sets general guidelines for agency action.
- It leaves it to the agency to work out the details.
- How agencies execute congressional wishes is called implementation.
- The process by which a law or policy is put into operation.
SHORT ANSWER:
- Describe iron triangles.
- Describe a issue network.
Iron Triangles:

- Historically, political scientists who study how bureaucracy made policy terms it iron triangles.
- Relative stable relationships and patterns of interaction.
- Between Federal workers in agencies and departments, interest groups, and relevant Congressional Committees and subcommittees.
IRON TRIANGLES:

- Today, iron triangles no longer dominate most policy processes.
- Some do persist however such as the relationship between the Department of Veterans Affairs and House Committee on Veteran Affairs, etc.
ISSUE NETWORK:

- Many political scientists examining external influences on the modern bureaucracy prefer to examine issue networks.
- In general, issue networks like iron triangles, include agency officials, members of Congress (and committee staffers) and interest groups and lobbyists.
Issue Networks:

- But also include lawyers, consultants, academics, public relations specialists, and sometimes even the courts.
- Unlike iron triangles, issue networks constantly are changing.
- As members with technical expertise or newly interested parties become involved in issue areas.
APPLICATION QUESTIONS:

- Members of the U.S. Senate is seeking to pass a law that allows Coal companies to drop its waste in neighboring streams coordinates with the Environmental Protection Agency, and also with Coal Special Interests. What is this an example of?

- Department of Homeland Security, Department of Education, along with a committee in the Senate, along with the security experts, discuss a rule or law to have security guards stationed in all schools to prevent school shootings. This is an example of?
INTERAGENCY COUNCILS:

- Increasing complexity of many policy domains, many alliances have also been created within the bureaucracy.
- One such example is an interagency councils.
- Working groups created to facilitate the coordination of policy making and implementation across a host of agencies.
Interagency Councils:

- Depending on how well these councils are funded.
- They can be the prime movers of administration policy in any area where an interagency council exists.
Policy Coordinating Committees:

- Recent Presidential administrations created the PCCs.
- To facilitate interaction among agencies and departments at the subcabinet level.
- To deal with issues where there are extraordinary complex policy problems.
PCC:

- One example of this is the Homeland Security Council PCC.
- Oversees multiple agencies and executive departments.
- To ensure consistent effective homeland security policies in the federal, state, and local level in the aftermath of 9-11.
SHORT ANSWER:

- Describe rule making.
- Describe policy making.
- Describe administrative adjudication.
Making Policy:

- The main purpose of these decision-making bodies is policy making.
- Policy making and implementation take place on both informal and formal levels.
- Practically, many decisions are left to individual government and employees on a day-to-day basis.
Making Policy:

- First they exercise broad judgment in decisions concerning citizens with whom they interact.
- Second, taken together their individual actions add up to the agency;
- Apply various policies are equally important parts of the policy-making process.
Administrative Discretion:

- The ability of bureaucrats to make choices concerning the best way to implement congressional or executive intentions.
- Also allows decisions made by bureaucrats tremendous amount of leeway.
- Exercised through two formal administrative procedures.
  - Rule making
  - Administrative adjudication.
Rule Making:

- Is a quasi-legislative process that results in regulations that have the characteristics of a legislative act.

- Regulations are the rules that govern the operation of all government programs and have the force of law.
Rule Making:

- Bureaucratic rule makers often act as lawmakers as well as law enforcers.
- When they make rules or draft regulations to implement various congressional statutes.
- Some political scientists say that rule making “is the single most important function performed by agencies of government.”
MAN REPEATEDLY RAMS TRUCK INTO TV STATION
DALLAS, TX
Video APPLICATION QUESTION:

- What is the Federal Drug Administration doing in this video?
Administrative Procedure Act:

- Established rule-making procedures to give everyone the chance to participate in the process.
Administrative Procedure Act:

- (1) public notice of the time, place, and nature of the rule-making proceedings be provided in the Federal Register.
- (2) Interested parties be given the opportunity to submit written arguments and facts relevant to the rule.
- (3) The statutory purpose and basis of the rule be stated.
- Once rules are written, thirty days generally must elapse before they take effect.
Administrative Procedure Act:

- At times, agencies are required by law to conduct a formal hearing before issuing rules.
- Evidence is gathered and witnesses testify and are cross-examined.
- Agency administrators must review the entire record and then justify the new rules.
Administrative Adjudication:

- Agencies regularly find that persons or businesses are not in compliance with the federal laws.
- The agencies are charged with enforcing these laws.
- They also enforce laws on private entities that violate a agency rule or regulation.
Administrative Adjudication:

- To force compliance, some agencies resort to administrative adjudication,
- A quasi-judicial process in which a bureaucratic agency settles disputes between two parties.
- In a manner similar to the way courts revolve disputes.
Administrative Adjudication:

- Administrative adjudication is referred to as quasi judicial.
- Adjudication by any body other than the judiciary would be a violation of the constitutional principle of separation of powers.
Administrative Adjudication:

- Several agencies and boards employ administrative law judges to conduct hearings.
- Although these judges are employed by the agencies, they are strictly independent and cannot be removed except for gross misconduct.
UW Tech Policy Lab
SHORT ANSWER:

- Go online and discover an example of discretionary or rule making authority of the following departments. (You can pick two).
- U.S. Department of Agriculture
- U.S. Department of Defense
- U.S. Department of Homeland Security
- U.S. Department of Transportation
- U.S. Department of State
- U.S. Department of Veterans Affairs
- U.S. Department of Education
Chapter 8: Federal Bureaucracy

- TOWARD REFORM: Making Agencies Accountable: 8.5: Evaluate controls designed to make agencies more accountable.
SHORT ANSWER:

- How does the Constitution provide oversight to the Federal Bureaucracy?
- How can Congress provide oversight of Federal Bureaucracy?
- How does the Federal Judiciary provide oversight?
OVERSIGHT:

- Under the Constitutional system, the President provides accountability to the agencies.
- Congress creates agencies, funds them, and establishes the broad rules for their operation.
CONGRESSIONAL REVIEWS: Review various Agencies through:

- Oversight committee investigation.
- Hearings.
- The power of the purse.
Federal Judiciary:

- Has the ultimate authority to review administrative actions, like in most other cases.
- To determine if its Constitutional or not.
GROWTH OF THE EXECUTIVE BRANCH:

- With the enormous increased growth of the National Government and Executive Branch.
- President has delegated more and more to the bureaucrats.
- But most presidents have continued to try to exercise some control over the bureaucracy.
PRESIDENTIAL POWER OVER BUREAUCRACY:

- Presidents try to appoint the best possible people to carry out their wishes and policy preferences.
- Presidents with the approval of Congress can reorganize the bureaucracy.
- They also can make changes in an agency’s annual budget requests.
- Ignore legislative initiatives originating within the bureaucracy.
EXECUTIVE ORDERS:

- Presidents also can shape policy and provide direction to bureaucrats by issuing executive orders.
- Executive orders are rules or regulations issued by the president that have the effect of law.
- All executive orders must be published in the Federal Register.
PRESIDENT POWER OVER BUREAUCRACY:

- A president can direct an agency to act, but it may take some time for the order to be carried out.
- Given the many jobs of any president, few can ensure that all their orders will be carried out or that they will like all the rules that are made.
APPLICATION QUESTION

When the President signs a executive order, issuing a travel ban of individuals from certain nations, what parts of the Federal bureaucracy is involved in helping the President to enforce this decision?
Congressional Control:

- Congress can confirm or reject nominees to top bureaucratic positions.
- Plays an important role in checking the power of the bureaucracy.
- Constitutionally, it possesses the authority to create or abolish department agencies.
- It may also transfer agency functions and expand to contract bureaucratic discretion, (e.g., Creation of the Department of Homeland Security).
Congressional Control:

- Can use it investigatory powers to conduct program evaluations or hold oversight hearings.
- Representatives of agencies also appear before these committees on a regular basis.
- To inform members about agencies activities ongoing investigations and budget requests.
- There are two different forms of congressional oversight.
ACTIVITY:

- Describe the power of the purse.
- The Department of Homeland Security issued a policy to separate parents from their children crossing illegally at the border. Describe what can happen to the policy through congress and the judiciary.
Power of the Purse:

○ Congress also has the power of the purse.
○ To control the bureaucracy, Congress uses its abilities to authorize spending and appropriate funds for an agency’s activities.
○ Money can be a powerful tool to coerce bureaucrats to make particular policies.
Power of the Purse:

- The first step in the funding process is authorization.
- Authorization legislation originates in various legislative committees.
- That oversee particular agencies and sets the maximum amounts that agencies can spend on a particular program.
Power of the Purse: House Appropriation Committee

- Once programs are authorized, funds for them must be appropriated before they can be spent.
- Appropriations originate with the House Appropriation Committee.
- Not the specialized legislative committees.
- The committee routinely holds hearings to allow agency heads to justify their budget requests.
Police Patrol and fire alarm oversight:

- To help Congress’s oversight of the bureaucracy's financial affairs.
- Congress created the Government Accountability Office (GAO).
- At the same time that the Office of management of budget (OMB) was created by the executive branch.
- Congress essentially created its own bureaucracy to keep an eye on what the executive branch and bureaucracy were doing.
Judicial Oversight:

- Legislators also increase their formal oversight of the executive branch.
- By allowing citizens to appeal adverse bureaucratic decisions to agencies, congress and even the courts.
Judicial Control:

- Federal judges can issue injunctions or orders to an executive agency even before a rule is publicized.
- Giving the federal judiciary a potent check on the bureaucracy.
- The courts also have ruled that agencies must give all affected individuals their due process rights guaranteed by the U.S. Constitution.
Judicial Control:

- In a informal and indirect level, litigation or even a threat of litigation often exerts a strong influence on bureaucrats.
- Injured parties can bring suit against agencies for their failure to enforce a law.
- In general, courts give greater weight to the opinions of bureaucrats and usually defer to their expertise.
Judicial Control:

- The development of specialized courts, have altered this relationship in some agencies with the federal courts.
- Here, courts are less likely to defer to agency rulings.
- An example is the Court of International Trade.
- Because this court’s judges are experts, they defer less to agency decisions than more generalized Federal Courts.
VIDEO APPLICATION:

- How are the federal agencies involved with the internet and net neutrality? What are ways to reverse this decision?
Judiciary Branch
Chapter 9: Judiciary Branch

- Chapter 9 Judiciary:
- 9.1 Trace the development of the Federal Judiciary and the origins of Judicial Review:
Pro_21:3  To do justice and judgment is more acceptable to the LORD than sacrifice.
Politics and the Supreme Court

- Elected Presidents nominate judges to the federal courts and justices to the Supreme Court.
- Elected Senators ultimately confirm (or decline to confirm) presidential nominees to the federal bench.
Politics and the Supreme Court

- Interest groups routinely seek out good test cases to advance their policy positions.
- The U.S. government, generally through the Department of Justice and the U.S. solicitor general (a political appointee in that department) seeks to advance its position in court.
- Interest groups often line up on opposing sides to advance their positions.
- Much in the same way lobbyists do in congress.
ARTICLE III SECTION 1

- The judicial Power of the United States … in one Supreme Court.
- And in such inferior Courts as the Congress may from time to time ordain and establish.”
ARTICLE III SECTION 2

- This section also specifies that all federal crimes shall be tried by jury in the state in which the crime was committed.
- Except those involving impeachment.
Federalist Number 78.

- Alexander Hamilton argued in Federalist No 78 that the “independence of judges.”
- Was needed “to guard the Constitution and the rights of individuals.”
- Alexander Hamilton first publicly endorsed the idea of judicial review on Federalist No. 78.
SHORT ANSWER:

- Why did Alexander Hamilton claim that the Supreme Court was "the least dangerous branch? Explain why or why not this characterization is correct today.
APPLICATION QUESTION:

- What can Congress do to check the judiciary?
Checks and Balances of the Judiciary:

- The Constitution gives Congress the authority to alter the Court’s jurisdiction (its ability to hear certain kinds of cases).
- Congress can also propose constitutional amendments that, if ratified, can effectively reverse judicial decisions.
- It can impeach and remove federal judges.
Checks and Balances of the Judiciary:

- It is the president who, with the "advice and consent" of the Senate, appoints all federal judges.
- The Court can in turn check the presidency by presiding over presidential impeachment.
- Article I Section 3 states that the Chief Justice will preside when the President is tried.
APPLICATION QUESTIONS:

- If Congress passed a law that banned teachers from taking a second job. A teacher sued and it went to the Supreme Court and the Supreme Court reversed the decision declaring it unconstitutional, what did the court just do?
- What is the significance of Marbury v. Madison?
- Describe Judicial review.
Homework Help: Marbury v. Madison
Chapter 9: Judiciary Branch

- THE AMERICAN LEGAL SYSTEM: 9.2 … Describe the structure and main components of the American legal system.
Pro_1:3 To receive the instruction of wisdom, justice, and judgment, and equity;
SHORT ANSWER:

- What are Article III Courts?
- How were Constitutional courts established?
- How long do judges serve in Constitutional Courts?
- Describe legislative courts.
SHORT ANSWER:

- What is the difference of the Federal Court of Appeals and the U.S. Supreme Court?
- Describe what kind of cases the Supreme Court hear.
- Describe Stare Decisis
APPLICATION QUESTION:

- A public school teacher who is a lay preacher for the Seventh-day Adventist Church is fired because the administrators found his sermons online and thought them objectionable. The school teacher decides to sue for having his first amendment rights violated. What court can hear his case and how can it go to the U.S. Supreme Court?

- When the State of New Jersey and the State of New York signed a contract to build a subway tunnel between the two states using New Jersey workers to build the tunnel. New York changes its mind and want to hire workers from Canada. New Jersey decides to sue New York. Who hears the case and why?
Chapter 9: Judiciary Branch

- Chapter 9: Judiciary Branch
  How Federal Court Judges Are Selected: 9.3. We will outline the criteria and process used to select federal court judges:
APPLICATION QUESTION:

- If there is a vacancy for the Federal District Judge in Indiana, describe how a new judge could be nominated.
- Describe what possible reasons why President Trump nominated Brett Kavanaugh for the Supreme Court.
Chapter 9: Judiciary Branch

- THE SUPREME COURT: 9.4. Evaluate the Supreme Court’s process for accepting, hearing, and deciding cases.
SHORT ANSWER:

Describe the two types of jurisdiction of the Supreme Court and what cases they hear.
VIDEO RESPONSE:

- Describe how this case could have reached the Supreme Court.
- What issues do you see in regards to this case?
APPLICATION QUESTION:

- List what type of cases are most likely to be heard by the Supreme Court.
APPLICATION QUESTION:

- If the Supreme Court hears a case on abortion, describe how interest groups could affect the case.
Short Answer:

- Describe Judicial Restraint.
- Describe Judicial Activism.
- Describe strict constructionist
- Describe how Supreme Court is affected by public opinion.
VIDEO RESPONSE:

- Was the court exercising judicial restraint or judicial activism in its ruling on gay marriage?
- What is the impact of the decision to the States, and even to religious groups who do not agree with same-sex marriage?
Chapter 9: Judiciary Branch

- TOWARD REFORM: POWER, POLICY MAKING, and the Court. 9.5: Assess the role of the Supreme Court in the policy-making process.
Psa_103:6 The LORD executeth righteousness and judgment for all that are oppressed.
Short Answer:

- What does the Supreme Court need in order for its decisions to be enforced?
- Describe how the Supreme Court makes policy.
- Describe Judicial implementation.