Happy Birthday
James Madison!
March 16, 1751
(died June 28, 1836)
Happy Birthday James Madison!

- “Father of the Constitution”
- Co-Author of the *Federalist Papers*
- Proposed the Bill of Rights (1789)
- Fourth President of the United States
Acronyms

- SCOTUS
- POTUS
- CBO
- GAO
- OMB
- EPA
- FED
- ADA
- PAC
Answers

- SCOTUS – Supreme Court of the United States
- POTUS – President of the United States
- CBO – Congressional Budget Office
- GAO – General Accounting Office
- OMB – Office of Management & Budget
- EPA – Environmental Protection Agency
- FED – Federal Reserve Board of Governors
- ADA – American with Disabilities Act (1990)
- PAC – Political Action Committee
Override presidential veto in both houses of Congress

Senate approval of a treaty

Impeachment trial in the Senate

Proposal for a Constitutional Amendment in both houses of Congress

Proposal for a Constitutional Amendment in national convention
Where did we begin?

- English heritage
  - Magna Carta (1215)
  - Habeas Corpus (1679)
  - English Bill of Rights (1689)
  - Enlightenment – Locke, Hobbes, Montesquieu, Rousseau
    - Social contract theory
    - dismissed divine rule of kings
5 basic principles (ideas) in the Declaration of Independence

- all men created equal
- endowed with unalienable rights
- purpose of gov’t = security of rights
- just powers of gov’t by consent
- right to alter or abolish when gov’t becomes destructive of these ends
Articles of Confederation

- National government could not levy taxes from states
- No national army
- No control over trade (domestic of foreign)
- No federal supremacy
- No Supreme Court
- No Executive
- Amendments required unanimous vote
- Pass national laws – 9/13 vote
- *1781-1787 (*technically since Second Continental Congress, 1776 -)
- Did establish a Post Office; Land Ordinance of 1785, Northwest Ordinance (1787)
Constitutional Convention
Summer 1787

- **Virginia Plan**
  (Edmund Randolph and James Madison)
  - Strong central government with bicameral legislature
  - 3 branches
  - Representation of one house based on population
  - Judiciary with veto power of legislative acts

- **New Jersey Plan**
  (William Patterson)
  - Plural executive
  - National government supreme
  - Unicameral legislature – one vote per state
  - National government could tax and regulate trade
Preamble … “We the People of the United States, in Order to form a more perfect Union…”

7 articles
- Article I – Legislative, II – Executive, III – Judicial, IV – Federalism (Full faith credit, extradition, creation new states)
  V – Amendment Process, VI – Supremacy Clause, VII – Ratification of the Constitution

27 Amendments (Bill of Rights 1-10, ratified 1791)

1787 – Constitutional Convention

“Supreme Law of the Land” (Article VI)

Living document – read and interpreted by courts around the world.
ELEMENTS OF THE CONSTITUTION

- **Separation of Powers** - this established the individual powers of the three branches (Legislative, Executive, and Judicial).

- **Checks and Balances** - this prevents any of the three branches from gaining too much power (examples?).

- **Federalism** - established the power of the levels of government (Federal vs. State)

- **REPUBLICANISM** – we elect representatives to run the government for us.
Principles of the Constitution

- Checks and Balances
- Separation of Powers
- Federalism
- Republicanism
- Judicial review (inherent power – *Marbury v. Madison*)
- Other liberties included within the articles
  - Writ of habeas corpus - statement issued by a judge of a charge to “hold the body”
  - No bill of attainder - laws that make an individual guilty of a crime without a trial, were barred
  - No ex post facto laws - which declared an action a crime after it had been performed, were not permitted
Figure 2.2: What are the separation of powers and checks and balances under the U.S. Constitution?

**LEGISLATIVE BRANCH POWERS**
- Pass all federal laws
- Pass the federal budget
- Declare war
- Establish lower federal courts and the number of judges

**EXECUTIVE BRANCH POWERS**
- Enforce federal laws and court orders
- Propose legislation to Congress
- Make foreign treaties
- Nominate officers of the United States government and federal judges
- Serve as commander in chief of the armed forces
- Pardon people convicted in federal courts or grant reprieves

**JUDICIAL BRANCH POWERS**
- Interpret federal laws and U.S. Constitution
- Review the decisions of lower state and federal courts

**EXECUTIVE CHECKS ON THE LEGISLATIVE**
- Veto legislation
- Call Congress into special session
- Implement (or fail to implement) laws passed by Congress

**LEGISLATIVE CHECKS ON THE EXECUTIVE**
- Impeach the president
- Reject legislation or funding the president wants
- Refuse to confirm nominees or approve treaties
- Override the president’s veto by a two-thirds vote

**JUDICIAL CHECKS ON THE EXECUTIVE**
- Declare executive branch actions unconstitutional
- Chief justice presides over impeachment trial

**EXECUTIVE CHECKS ON THE JUDICIAL**
- Appoint federal judges
- Refuse to implement decisions

**LEGISLATIVE CHECKS ON THE JUDICIAL**
- Change the number and jurisdiction of federal courts
- Impeach federal judges
- Propose constitutional amendments to override judicial decisions

*This power belongs to the Senate only.*
Question:

How was the Constitution ratified?
Question: How was the Constitution ratified?

Answer: (Article VII) Approved by 3/4, or 9 states, via vote in special conventions (approved by the people!)
Question:

What are the two formal procedures for amending the Constitution?
Proposal?
Ratification?
Amendment process in Article V

- Amendments may be proposed by:
  - 2/3 of both houses of Congress, or
  - A convention called for by 2/3 of both houses of Congress upon application by 2/3 of the state legislatures

- Amendments may be ratified by:
  - ¾ of state legislatures or
  - ¾ of conventions in the states

- Congress selects the mode of ratification.
Question:

What are “political institutions”?
Question: What are “political institutions”? 

Answer:

- **Formal** (Constitution):
  - Executive
    - Bureaucracy
  - Legislative
  - Judicial

- **Informal**: Interest Groups, NGO’s, think tanks, political parties, the Media
Marbury v. Madison (1803)

- Judicial review
- 1st time S.C. declared a Congressional act -- Judiciary Act of 1789 -- unconstitutional
- Chief Justice John Marshall wrote decision
- Legitimized the independence and Constitutional role of the Supreme Court
- Marbury v. Madison (1803)
- See p.330 in O’Connor textbook; This is a very important case!
Federalist Papers

- PUBLIUS (Latin for “the people”)
- Alexander Hamilton, James Madison, John Jay
  - Federalist Papers (85 articles total) to support the Constitution and to respond to Antifederalists’ dissent for the ratification
  - Promoted a strong central government

  - Hamilton (51), Madison (26), John Jay (5), and Hamilton and Madison co-authored 3
  - Two of the most famous Federalist Papers…
  - Federalist Nos. 10 and 51 (Madison)
Federalist No. 10’s defense of the large republic:

- The problem of faction defined
- How to deal with faction?
  - Remove causes - how?
    - Destroy liberty
    - Give same opinions, etc.
  - Control the effects – how?
    - prevent majority interest from forming, or
    - If formed, make it difficult to unite
- Question: democracy or republic?
- Question: small or large republic?
- Benefits of large republic:
  - Diversity of interests and opinions
  - Less opportunity to “concert and oppress”
  - Better reps
Federalist No. 10

Publius (James Madison)
Factions (passions) and REPUBLICAN form of government

Factions allow us to consider all sides; inevitable differences; but dangerous if not monitored. Government is the mediator between factions, none should gain enough power to violate other’s rights in free government

“Faction is thus sown into the nature of man.”

“liberty is to faction what air is to fire…”

“The regulation of these various and interfering interests forms the principal task of modern legislation…”

George Washington in his Farewell Address warned against factions and political parties

Federalist No. 10
Publius (James Madison)

Separation of branches; Checks and balances

“The great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.”

“ambition must be made to counteract ambition”

“If men were angels, no government would be necessary.”

Federalist No. 51
Publius (Alexander Hamilton)

Judicial power implied judicial review

The independence of judges is an essential safeguard against effects of society

(Judicial Branch) has “neither FORCE NOR WILL, but merely judgment…”

“right of the courts to pronounce legislative acts void…”

“No legislative act, therefore, contrary to the constitution, can be valid.”

*Federalist No. 78*
Hamilton’s defense of Judiciary

- It is the least dangerous branch (No. 78)
- Judiciary should NOT be subordinate to legislature, because judicial review is necessary (No. 78 & 81)

Defense of “judicial review”:
- Someone must decide in cases of “clashing laws”
- Judges may not substitute “will” for “judgment”
- No power to interpret Constitution “in equity” (according to “spirit”)

- Judiciary is NOT the supreme branch: the Constitution embodies the reason of the people and is therefore supreme over ALL (No. 78)
Delegated & Enumerated Powers

- Delegated powers – granted to one of the three branches of the national government by the Constitution (usually refers to powers delegated to President)

- Enumerated – usually refers to Congressional powers Article I, Section 8

- Expressed – powers derived from the Constitution
Implied Powers

- Authority granted by inference of the Constitution’s delegated powers
- (I.8.18.) = Article I, section 8, clause 18 “necessary and proper clause”
- **McCulloch v. Maryland** (1819)
- Congress has the enumerated power to “declare war” whereas the President has Commander-in-Chief power to command armed forces.
McCulloch v. Maryland (1819)

- Federal supremacy (Article VI) - supremacy clause
- Unanimous decision
- Question over the power of Congress to establish a national bank; national gov’t supremacy; federalism
- Implied power - (I.8.18) Congress may “make all laws necessary and proper for carrying into execution …and all other powers vested in…the gov’t of the United States ” or the elastic clause
- Justice John Marshall expanded the role of the national government
- “Power to tax is the power to destroy”
- McCulloch v. Maryland (1819)
Inherent Powers

- Self-evident powers
- Protection of citizens under the government
- Powers which are automatic for a nation-state – foreign negotiations, make international agreements, acquire territory, protection of citizens, etc.
- The US is a sovereign power among nations
- Presidents question their inherent powers during times of crisis and emergencies
Dual Federalism

- Layer cake

- limited powers given to the national government (national defense and foreign policy) and the rest left to the sovereign states

- Each level dominant within its own sphere

- Tenth Amendment

- Conservative stance

- Supreme Court is umpire

- Supreme Court favored this interpretation for the first 100 years of American history

- Decentralist view (states rights)
Cooperative Federalism

- Marble cake (Morton Grodzins)
- Stresses federalism as a system of intergovernmental relations in delivering goods and serves to people
- Calls for all levels of government to work together
- Government is involved in a variety of issues and programs
- New Deal Programs - FDR
- Liberal stance
- Centralist view
Horizontal Federalism

- State to state relations

- **Full Faith & Credit (IV, 1)** requires states to enforce court judgments of other states (divorce) and accept public records as valid (marriage licenses, identifications)

- **Interstate Privileges and Immunities (IV, 2)** must extend to citizens of other states - protection of laws, right to engage in peaceful occupations, access to courts and freedom of discriminatory taxes; states may not impose unreasonable residency requirements (such as medical care or voting requirements for new residents)

- **Extradition (IV, 2)** states must deliver criminals back to home state

- **Interstate Compacts (I, 10)** states must settle disputes peacefully; all state to state compacts must be approved by Congress
Grants

- Ways that federal gov’t disperses $ to state and local governments
- “Grants-in-aid”; revenue sharing
- Categorical -- formula grants, $ for a specific purposes, subject to federal supervision (school lunches, building of highways and airports)
- Project Grants -- state, local, and nongovernmental agencies can apply for $ (universities, employment training programs); National Science Foundation
- Block -- broad grants to states for prescribed activities with few strings attached (child care, welfare, social services, education and health care)
- “Devolution revolution” - the effort to slow the growth of the federal government by returning many functions to the states (welfare) – Welfare Reform Act 1996
Mandates

- Federal law for all levels of government
- New Deal Programs, Great Society Programs, Clean Air Act were mandates for the nation

Unfunded Mandates

- Americans With Disabilities Act 1990 (ADA)
- Unfunded Mandates Reform Act of 1995 - requires the Congressional Budget Office (CBO) and federal agencies to report the impact of unfunded mandates describing the impact on state and local governments
New Techniques of Federal Control (beyond mandates)

- Direct orders - criminal sanction enforced (Equal Opportunity Employment Act of 1972)
- Cross-Cutting Requirements - federal grants may establish conditions (Civil Rights Act 1964)
- Crossover Sanctions - sanctions permit the use of federal $ in programs to influence state/local policies (1984 act reduced fed highway $ if states didn’t increase 21 drinking age)
- Total and Partial Preemption
  - Partial would be fed imposes basic law/policies and state must administer them
  - Mandatory partial preemption - Clean Air Act 1990 - fed national air quality standard and state must devise implementation without fed funds
I (1<sup>st</sup>) Amendment

- Civil Liberties

- “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press, or the right of the people to peacefully to assemble, and to petition the Government for a redress of grievances.”

- *Schenck v. United States* (1919) speech, clear and present danger

- *Gitlow v. New York* (1925) incorporation of First Amendment’s freedoms of speech and press provisions, citing the Fourteenth Amendment’s due process clause to apply to state law
I (1\textsuperscript{st}) Amendment

- Establishment Clause: “make no law respecting the establishment of …”
  - *Lemon v. Kurtzman* (1971) “lemon test or 3-prong test”
  - *Engel v. Vitale* (1962) no state-sponsored prayer in public school

- Free exercise clause “or prohibiting the free exercise of…”
  - *Reynolds v. United States* (1878) – polygamy is illegal and is not protected under 1\textsuperscript{st} Amendment
  - *Oregon v. Smith* (1990) – unlawful drug use is illegal in religious ceremonies and is not protected under 1\textsuperscript{st} Amendment
XIV (14th) Amendment - 1868

- Defined citizenship
- **Clauses**: privilege and immunities, **Due process**, equal protection
- Incorporation
  - Application of due process clause to the State law – “nor shall any State deprive any person of life, liberty, or property, without the due process of the law”
  - **Gitlow v. New York (1925)**
- 5 sections: also includes congressional representation/districting; Southern rebels denied federal office, rebel debts repudiated
Incorporation Doctrine

- The legal concept under which the Supreme Court (and federal courts) has “nationalized” the Bill of Rights by making most of its provisions applicable to the states through the Fourteenth Amendment.
- The following amendments have not been incorporated: III, VII, X (Grand Jury)
- *Due process clause* applies to civil liberties
- *Equal protection clause* applies to civil rights
Selective Incorporation

- Selective Incorporation – the Supreme Court (or federal courts) decide on a case-by-case basis, when to apply the Bill of Rights to state law from the due process or equal protection clauses in the Fourteenth Amendment.

- **Palko v. Connecticut** (1937) – first rejection by S.C. of “total” incorporation; ruled that the Fifth Amendment double jeopardy provision does not apply to the states through the Fourteenth Amendment. (overturned by **Benton v. Maryland**, 1969 – incorporated double jeopardy)
IV (Fourth) Amendment

- Search and seizures
- **Wolf v. Colorado** (1949) (incorporation case, 4th and 14th Amendments)
- **Mapp v. Ohio** (1961) - (incorporation case, 4th and 14th Amendment)
  - Exclusionary rule
Due Process

- 5th and 14th Amendments
- Protection against deprivation of life, liberty, or property
- Rights of the accused
- Origin from the Magna Carta (1215)
V (Fifth) Amendment

- Due process
- Eminent domain (gov’t will pay $ for private property)
- Self-incrimination
- Double jeopardy
- Capital crime – Grand Jury (except Military and emergencies)
VI (Sixth) Amendment

- Fair and speedy trial; right to counsel

  *Miranda v. Arizona* (1966) rights of the accused, Fifth amendment, right to counsel, self-incrimination

  *Gideon v. Wainwright* (1963) counsel must be provided in felony cases (incorporation case – due process in 6th and 14th Amendments)
Suffrage Amendments

- XV (15) – (1870) African American males
- XVII (17) – (1913) direct elections for US Senators
- XIX (19) – (1920) Women Suffrage
- XXIII (23) - (1961) District of Columbia residents vote for president
- XXIV (24) - (1964) prohibit poll taxes
- XXVI (26) – (1971) 18 year old vote
Article I

- Legislative Branch (Congress)
- House and Senate
- Very detailed powers - enumerated (I.8)
- impeachment
- Gives Congress the most power
- “Necessary-and-proper” clause
- Habeas corpus, no bill of attainder, or ex post facto laws
- Interstate commerce clause
- Census
Enumerated Powers of Congress

- Levy taxes
- Borrow
- Regulate commerce
- Naturalization and bankruptcy
- Coin money
- Establish a Post Office
- Patents and copyrights
- Create Courts
- Declare war
- Create army and navy
- Govern the District of Columbia
- “make all laws necessary and proper for carrying into execution…”
House of Representatives

- 435, 2 year term, 25 years old, 7 year resident, citizen
- Apportionment by population for each state; Florida has *27 Congressional districts (after 2010 Census)
- Districts decided by state legislatures, census of pop every 10 years
- Smaller constituency, less staffers, less media, limited debate time
- All appropriation/revenue bills start in the HOUSE
- **Ways and Means Committee**
- Rules Committee (decides rules of debate)
- Quorum (218)
- Speaker of the House (3rd in the succession of presidency)
- Policy specialists
- Power to vote for impeachment (accusation)
Gerrymandering

- Drawing of boundary lines for Congressional districts to obtain partisan or factional advantage
- From Governor Gerry of MA in 1811, the shape of his district looked like a salamander
- Shaw v. Reno (1993) racial gerrymandering unconstitutional, equal protection clause XIV Amendment
- State Legislatures redraw districts after census (every ten years), sometimes add or lose Congressional districts based on their state’s population increases or decreases
- http://www.floridaredistricting.org/
Senate

- 100 (2 per state)
- Larger constituency, more staffers, more seniority, more media, more prestige
- 6 year term, 30 years old, 9 years resident, citizen
- Riders allowed on bills
- Filibuster and cloture (3/5 of Senate)
- Confirmation presidential nominations: federal judges, ambassadors, US marshals, Supreme Court justices
- Ratify treaties (2/3)
- Hold impeachment trials (2/3)
Legislative veto

- Congress invalidates Executive Branch acts/policies
- Rejection of a presidential or administrative agency action by a vote of one of both houses of Congress without the consent of the president
- *Immigration and Naturalization Service (INS) v. Chadha (1983)* Supreme Court held that legislative veto is unconstitutional; question over the separation of powers
- See the term “congressional review”
Bipartisan Campaign Finance Reform Act (BCRA)

- “McCain-Feingold bill” (2002)
- Changed some parts in FECA 1974
- *$2,100 (individual) to candidate for each election
- *$10,000 (individual) to state party or PAC
- *$26,700 (individual) to national party committee
- Ban on soft $ - donations to party committees for buying equipment, remodeling headquarters, staffing regional offices, or get-out-the-vote drives; not for a specific candidate
- Definition of hard $ - financial contributions given directly to a candidate running for office
- *Buckley v. Valeo (1976*) individual candidate can spend unlimited amount on self campaign

*based upon tax yearly codes
Citizens United v. FEC (2010)

- *Citizens United v. FEC (2010)*
- p. 459

Citizens United sought an injunction against the Federal Election Commission in the United States District Court for the District of Columbia to prevent the application of the Bipartisan Campaign Reform Act (BCRA) to its film *Hillary: The Movie*. The Movie expressed opinions about whether Senator Hillary Rodham Clinton would make a good president.

In an attempt to regulate "big money" campaign contributions, the BCRA applies a variety of restrictions to "electioneering communications." Section 203 of the BCRA prevents corporations or labor unions from funding such communication from their general treasuries. Sections 201 and 311 require the disclosure of donors to such communication and a disclaimer when the communication is not authorized by the candidate it intends to support.

Citizens United argued that: 1) Section 203 violates the First Amendment on its face and when applied to *The Movie* and its related advertisements, and that 2) Sections 201 and 203 are also unconstitutional as applied to the circumstances.
By a 5-to-4 vote along ideological lines, the majority held that under the First Amendment corporate funding of independent political broadcasts in candidate elections cannot be limited. Justice Anthony M. Kennedy wrote for the majority joined by Chief Justice John G. Roberts and Justices Antonin G. Scalia, Samuel A. Alito, and Clarence Thomas. Justice John Paul Stevens dissented, joined by Justices Ruth Bader Ginsburg, Stephen G. Breyer, and Sonia Sotomayor. The majority maintained that political speech is indispensable to a democracy, which is no less true because the speech comes from a corporation. The majority also held that the BCRA's disclosure requirements as applied to The Movie were constitutional, reasoning that disclosure is justified by a "governmental interest" in providing the "electorate with information" about election-related spending resources. The Court also upheld the disclosure requirements for political advertising sponsors and it upheld the ban on direct contributions to candidates from corporations and unions.
Article II

- Executive Powers
- Vague on purpose and meaning
- Commander-in-Chief (power to make war)
- Make treaties
- Make pardons
- State of the Union Address
- Appointments to the federal gov’t

http://www.articleii.org/index.html
Presidency

- Article II

- 4 year term, 35 yrs. old, 14 yr. resident and US natural-born citizen

- XXII (22) Amendment, max 2 terms in office, or 10 years, reaction to FDR

- XII (12) changed the election process of the president (electoral)

- XXV (25) disability and succession of president
Formal Powers of President

- *Commander in Chief
- *Commission Officers (of military)
- Grant pardons
- State of the Union, Convene Congress
- *Receive ambassadors, or other public Ministers
- Wield “executive power”
- “Take Care” that Laws be faithfully executed
- Appoint officials (ambassadors, public ministers, SC Justices, and all other officers)
- Veto and approve legislation
- *Make treaties
- *denotes foreign powers
Informal Powers of the President

- Morale builder
- Party leader
- Legislative leader
- Coalition leader
- Crisis manager
- Personnel recruiter
- “Leader of the Free World”
- Persuader “bully pulpit” (Teddy Roosevelt)
Veto

- President can veto and send the bill back to Congress with the reasons why.
- Pocket veto -- if the President does not sign or veto within 10 days, and Congress adjourns, the bill is dead.
- Bill turns into LAW – “put it in a drawer” if President neither signs or vetoes within 10 days (Congress in session), bill becomes law.
War Powers Resolution of 1973

- Reaction to Vietnam Conflict
  - Congressional act sent to Nixon, he vetoed it, sent back to Congress, overrode veto with 2/3 vote
  - Presidents since Nixon have violated and have not been punished

- President can commit US forces to action only
  - After a declaration of war by Congress
  - In national emergency created by an attack on the U.S. of its forces
  - President must report his action to Congress within 48 hours and withdrawn troops within 60 days
  - Congress, with a concurrent resolution, can remove troops after 90 days without a veto by President

War Powers Resolution
Line-item veto

- Most state governors have this power
- Line Item Veto Act 1996
- Intent was to give President more power over the budget
- Clinton et al. v. New York et al. (1998) decision 6-3; unconstitutional
impoundment

- Refusal of the president to spend $ appropriated by Congress for a specific program
- Temporary delay tactic to control spending
- [Budget and Impoundment Control Act (1974)] reduced the President’s impoundment powers
Participation in Government

- **Conventional** - Relatively routine political behavior that uses institutional channels and is acceptable to the dominant culture (voting, writing elected officials, political demonstrations - holding signs in protest, signing a petition)

- **Unconventional** - relatively uncommon political behavior that challenges or defies established institutions and dominant norms (Boston Tea Party 1773, boycotting, occupying buildings, locking arms to block, striking, 1968 Dem Convention, assembly of a militia group, suicide bombers)
Executive Privilege

- Confidential communication between the president and his advisors does not have to be disclosed.
- This was justified because the president needs to be able to get candid advice, and the separation of powers implies that no one needs to know.
- *United States vs. Nixon (1974)* Supreme Court ruled that the president does not have absolute unqualified executive privilege.

p. 270
Executive Orders

- An executive order in the United States is a directive issued by the President, the head of the executive branch of the federal government.
- U.S. Presidents have issued executive orders since 1789. Although there is no Constitutional provision or statute that explicitly permits executive orders, there is a vague grant of "executive power" given in Article II, Section 1 of the Constitution and the statement "take Care that the Laws be faithfully executed" in Article II, Section 3.
- Most executive orders are orders issued by the President to US executive officers to help direct their operation, the result of failing to comply being removal from office.
- FDR, Truman, L.B. Johnson, Obama
- (See pp.292-293, p. 316)
Executive agreements

- Formal international agreements entered into by the president with another head of state that do not require the consent of the Senate
- A way of getting around the Constitutional “advice and consent” of the Senate
- Nonbinding for subsequent presidential administrations
- p. 274
Bureaucrats = Civil Servants

- A bureaucrat, or a civil servant, is someone who works for government at any level. When we refer to the “federal bureaucracy,” we mean either the structure OR the federal employees (not state and non local government workers).
- Some are appointed by the President, however most are career-level employees.
- These are NON-elected public officials.
- More than 2.7 million federal employees
- p. 298, 300
Government Workers and Political Involvement

- **Hatch Act** of 1939
  - Prohibits civil servants from taking activist roles in partisan campaigns – federal employees cannot make political contributions, work for a particular party, or campaign for a particular candidate

- **Federal Employees Political Activities Act** of 1993
  - Liberalizes Hatch Act – federal employees can run for office in nonpartisan elections and contribute money to campaigns in partisan elections
White House Office (WHO)

- The “West Wing” staff (approx. 500 people)
- President’s closest advisors
- Staffers do NOT have to be confirmed by Senate
- Chief of staff
- Domestic advisors
- Legislative liaison
- Press Secretary
- Various styles: Pyramid structure, Circular Structure, and Ad hoc Structure (See “Fast Track” notes)
- This is the president’s leadership style
Executive Office of the President (EOP)

- Agencies that report directly to the president.
- Heads must approved by the Senate.
- Office of Management & Budget (OMB) is the most powerful agency (assembles of the budget)
- Central Intelligence Agency (CIA)
- Council of Economic Advisors (CEA)
- Office of Personnel Management (OPM)
- National Security Council (NSC)
- Office of U.S. Trade Representative
- p. 285-286
“Bureaucratic Agencies”

1. Cabinet departments
2. Government corporations
3. Independent executive agencies
4. Independent regulatory commissions
CABINET

15 Executive Departments

- Large, broad area administrative units, responsible for a national interest function
- State, Defense, Treasury, Justice, Labor, etc. (see handout)
- Composed of Secretaries of the Executive Branch and the Attorney General (Justice Dept.)
  - Tenure of Office Act
  - Cabinet Secretaries confirmed by Senate
  - Can be fired by President
- Each department has subdivided bureaus, divisions, sections, or smaller units (i.e. Transportation Security Administration, or TSA, is part of Dept. of Homeland Security)
- p. 272
Independent Executive Agencies

- Governmental units that closely resemble a Cabinet department but have narrower areas of responsibility, and perform services rather than regulatory services

- CIA
- NASA
- EPA

p. 307-308
Government Corporations

- Businesses established by Congress to perform functions that could be provided by private businesses.
- TVA
- FDIC
- AMTRAK
- U.S. Postal Service
- p. 309
Independent Regulatory Commissions

- Agencies created by Congress to exist outside the major departments to regulate a specific economic activity or interest; created for continuity of economic policies; Congress and the courts have neither time nor expertise to regulate
- 1935 SCOTUS ruled these agencies protected from political pressures (can not fire members)
- Presidential appointments – confirmed by Senate – are for staggered term of years (7 to 14 years) to create bipartisan members; odd number members on each board (5 to 7 members) to prevent a tie.
- National Labor Relations Board (NLRB)
- Federal Reserve Board, FCC, SEC, FEC
- OSHA (Occupational Safety and Health Administration)

p. 308-309
Figure 9.4: What is an iron triangle?
docket

- Supreme Court’s agenda of cases to be heard
- +/- 80 granted *writ of certiorari* “to be informed”
- 2-3 are original jurisdiction
- Rule of Four
- *stare decisis*
- Appellate jurisdiction
- Must address a Constitutional or federal question
- *Amicus curiae* (“friends of the court” or briefs filed by interest groups)
entitlement

- A claim for government funds that cannot be abridged without violating the rights of the claimant, for example Social Security benefits or payments on a contract; any federal government program that benefits to Americans who meet requirements specified by law.
- 50% of our budget
Electoral systems

- **Winner-take-all**: an electoral system in which the party that receives at least one more vote than any other party wins the election; “First-past-the-post”; “plurality system”

- **Proportional representation**: a voting system that apportions legislative seats according to the percentage of the vote won by a particular political party
Multimedia Resources

- Apps
  - Quizlet
  - Pocket Justice
  - CRAM
  - Presidents
  - US Presidents
  - Constitution
  - FedPapers
  - USA Manual
  - Declaration
  - Congress
Multimedia Resources Continued

- http://www.constitutioncenter.org/
- http://www.icivics.org/
- http://teachingamericanhistory.org
- http://www.billofrightsinstitute.org
Resources

- AP Central College Board
  - Government & Politics - US Home Page
Format of Exam

- 50% - 60 questions – 45 minutes
- 50% - 4 Free Response Questions – 100 minutes (25 minutes per question)
GOOD LUCK!

AP Government & Politics - US EXAM

Thursday, May 10, 2018
8:30 a.m.

Relax and do your best!