

Unit #2b: Interaction Among the Branches—The Presidency

AP US Government & Politics

Mr. Coia

Name: _____ Date: _____ Period: _____

Tues 10/29 (Wed 10/30)

- Semester Exam Review-MC and FRQ
- Discussion topic: How “relatable” do we want our president to be?
- Watch: [Comedians in Cars Getting Coffee](#) (19 mins)
- Read through Essential Knowledge
- Vocab cards

HW: Key terms index cards and title card; Read/mark AMSCO packet 119-128

Thurs 10/31 (Mon 11/4)

- *Reading quiz* AMSCO packet 119-128
- Read Article II, section II and complete Presidential Powers sheet
- Lecture/Discussion topic: Evolution and Overview of the Presidency

HW: Read/mark AMSCO packet 128-141; finish card sets

Tues 11/5 (Wed 11/6)

- **Key Terms cards due**
- **Notebook check**
- *Reading quiz* AMSCO packet 128-141
- Divided Government sheet
- 22nd and 25th Amendments
- Vocab game; bring both decks

HW: Read/mark AMSCO packet 141-151

Thurs 11/7 (Fri 11/8)

- *Reading quiz* AMSCO packet 141-151
- Staff & Cabinet of Presidency
- Congress and the imperial presidency
 - War Powers Resolution

HW: Watch [Presidential Mandate](#) (35 min) Does Trump have a mandate? Why or why not?

Tues 11/12 (Wed 11/13)

- Federalist #70 read/mark/questions
- Clip: [Between Two Ferns](#)
- Lecture/Discussion topics:
 - Informal checks on president
 - privilege, impoundment, line item veto

HW: Schoology Wrap It Up chapter 14 quiz; Finish Fed 70 (Foundational Doc sheet)

Thurs 11/14 (Fri 11/15)

- DVD: [Youngstown v. Sawyer](#) (20 min)
- Read, mark, discuss article: [“I’ve Got a Pen”](#)
- Watch: [I’m Just an Executive Order](#)
- Research: [Presidential Executive Order database](#). Find one from Obama and one from Trump that you find interesting.

HW: Listen to [Borrowed Future episode 3: “Is College Even Worth It?”](#)

Notebook and Supply Check

You'll need the following for our notebook check **on Tues 11/5 (Wed 11/6)**. You need ALL the pieces to receive credit. No partial credit offered on this.

You need **three** tabs with the following:

GOV Handouts:

- *Unit Guide 3*
- Unit guide 2
- Conservative/Liberal Chart
- Understanding the Amendments (unit guide 1, p.6)
- Federalist Papers #10, 51, Brutus (unit 1, p. 13-22)
- Declaration of Independence (unit 1, p. 9-12)
- Foundational Documents Organizer: Federalist 51
- Foundational Documents Organizer: Brutus
- Landmark Supreme Court Cases (unit 1, p. 29-30)
- Key Terms: Foundations of American Democracy (unit 1, p. 7-8)
- *Key Terms: Interaction Among Branches-Congress (unit 2a, p.5)*
- *Functions of Congress sheet (unit 2a, p. 7)*
- Chapter 3: Federalism section handout
- AP Government Curriculum (unit 1, p.3)
- Essential Knowledge for Unit 1 (unit 1, p. 4)
- AP GOV Syllabus
- Class Rules sheet, initialed

GOV Classwork:

Notes from lectures, presentations, mini-lessons. Remember you should be taking notes each class period. You will also have at least 25 sheets of loose-leaf paper in your binder, and your pens, pencils, highlighter, etc.

GOV Outlines:

Unit 2a: Interaction Among Branches--Congress outlines (this includes all of your THREE outlines put in order with a cover page stapled to the top). This will help you review for semester tests and the AP exam in May. [If you are using a notebook, put that in this place for this check.]

KEY TERMS:
INSTITUTIONS—THE PRESIDENCY

1. **Executive agreement:** an agreement between the President and another head of state that, unlike a treaty, does not require Senate consent.
2. **Executive order:** presidential rule or regulation that has the force of law.
3. **Executive privilege:** the privilege of a President and his staff to withhold their “privileged” conversations from Congress or the courts.
4. **Impoundment:** refusal of a President to spend money that has been appropriated by Congress.
5. **Line item veto:** power of most governors (and President Clinton for only a few years) to delete or reduce funding in a bill on a line by line basis.
6. **Political appointees:** those who have received presidential appointments to office. Contrast with Civil Service employees, who receive federal jobs by competitive exams.
7. **Senatorial courtesy:** tradition in which the President consults with the senators within a state in which an appointment is to be made.
8. Bully Pulpit _____
9. Pocket veto _____
10. Presidential honeymoon _____
11. Office of management and budget _____
12. Executive office of the president _____
13. Office of management and budget _____
14. Chief of staff _____
15. Mandate _____
16. State of the Union address _____
17. War Powers Act _____
18. Twelfth Amendment _____
19. Twenty-Second Amendment _____
20. Twenty-Third Amendment _____
21. Twenty-Fifth Amendment _____

Name: _____ Date: _____ Period: _____

Divided Government

Party Control of Congress and the Presidency (1973-2018)

Year	POTUS	Senate Majority	House Majority
2019	Trump (R)	R	D
2017	Trump (R)	R	R
2015	Obama (D)	R	R
2013	Obama (D)	D	R
2011	Obama (D)	D	R
2009	Obama (D)	D (61)*	D
2007	Bush #43 (R)	D	D
2005	Bush #43 (R)	R	R
2003	Bush #43 (R)	R	R
2001	Bush #43 (R)	D	R
1999	Clinton (D)	R	R
1997	Clinton (D)	R	R
1995	Clinton (D)	R	R
1993	Clinton (D)	D	D
1991	Bush #41 (R)	D	D
1989	Bush #41 (R)	D	D
1987	Reagan (R)	D	D
1985	Reagan (R)	R	D
1983	Reagan (R)	R	D
1981	Reagan (R)	R	D
1979	Carter (D)	D	D
1977	Carter (D)	D	D
1975	Ford (R)	D	D
1973	Nixon (R)	D	D

1. Define divided government:
2. Circle all the years on the chart where we have divided government.
3. Do we have divided government today?
4. Why does the fact that the Democrats had **61** senators in 2009* matter?
5. Explain some of the causes of divided government.
6. Explain some of the effects of divided government.
7. Explain how divided government is positive. Negative?
8. Do you think the next president will have a divided government?
9. In the 19th century we were much less likely to have divided government. Why do you think Americans are willing to have divided government so often?
10. What would James Madison think about how often we have divided government?

Name: _____ Date: _____ Period: _____

Presidential Powers

[Article II, Section 2](#) of The Constitution lays out the many powers of The President. Use your textbook to fill in the chart below.

POWER	The Words	Your words	Recent Example
1-Commander in Chief			
2-Administrator in Chief – Bureaucracy			
3-The Pardon Power			
4-Diplomat in Chief - Treaties			
5- Appointment Power			
6-The Power to Inform and Convene Congress			

Name: _____ Date: _____ Period: _____

Executive Orders Assignment

Executive order - A rule or regulation issued by the president that has the effect of law. Executive orders are issued to:

- (1) Enforce legislative statutes
- (2) Enforce the Constitution or treaties with foreign nations
- (3) Establish or modify rules and practices of executive administrative agencies

Executive orders can be retracted by successor, nullified by Congress or ruled unconstitutional by a federal court. U.S. presidents have issued over 13,698 of them.

Take a look here to begin: <https://www.gopopro.com/lesson/2015/11/10/executive-orders-inquiry-model?rq=executive>

Answer the following questions with your partner.

1. What is an Executive Order?
2. What is the difference between a law and an executive order?
3. Read any one of [Donald Trump's 2018 Executive Orders](#), [Donald Trump's 2017 executive orders](#), or any of [Barack Obama's executive orders](#). And then for your executive order, answer the two questions below.
 - What is the purpose of this specific order?

 - What is your opinion of this order?

Creative Writing:

You are the president. Write an executive order in the official language of an executive order. Use a copy of one of [Donald Trump's 2018 Executive Orders](#) as an example of the official language of an Executive order.

Name: _____ Date: _____ Per: _____

FEDERALIST No. 70 Hamilton

The Federalist Papers ... In Other Words • Paraphrased by Marshall Overstedt

To the People of the State of New York: The executive power shall be vested in a President of the United States.
-Article II Section 1 [1] of the United States Constitution

SOME CONSIDER a vigorous Executive inconsistent with republican government. Republicans cannot accept this supposition without condemning of their own principles. Executive energy is a leading feature of good government. It is essential in defending against foreign attacks, enforcing the laws and protecting property and liberty.

The Roman republic was often forced to take refuge in the absolute power of a dictator against the intrigues of ambitious forces who threatened the existence of all government, as well as invasions of external enemies. There have been many such crises through the ages.

A feeble Executive implies feeble administration, which is another phrase for bad government. Taking for granted, therefore, that all sensible men agree on the necessity of an energetic Executive, we need only ask: what are the ingredients of this energy? How can and should they be mixed with the ingredients of “safety” in the republican sense? And how does this combination relate to the plan reported by the convention?

The ingredients of Executive energy are:

- Unity.
- Duration.
- Public support.
- Competent powers.

A republican’s definition of “safety” includes: A due dependence on the people. A due responsibility.

Politicians and statesmen most celebrated for their sound principles and just views favor a single Executive and a large legislature. They, rightly, consider energy the most vital Executive qualification and believe it is best applied by a single hand. Also rightly, they consider a large legislature best adapted to deliberation and wisdom, and best designed to earn and hold the people’s confidence and protect their rights and interests.

That unity generates energy is not disputed. Decision, activity, secrecy and speed generally characterize the actions of one man; the opposite is true of a “committee.” As a body’s size grows, these qualities shrink.

This unity can be destroyed two ways: (1) by vesting the power in two or more magistrates with equal standing and authority and (2) by vesting it ostensibly in one man subject, in whole or part, to others’ (i.e. counselors’) control and co-operation. (Illustrating the first are the two Consuls of Rome; the second, the constitutions of several States. New York and New Jersey, I believe, are the only States that entrust executive authority wholly to individuals.)

Each method of destroying Executive unity has its supporters, but the “executive council’s” devotees are the most numerous. Other nations’ limited experience teaches us not to be enamoured of a “plural” Executive.

We have seen that the Achaeans, based on their experience with two leaders, were driven to abolish one. Roman history records many “mischiefs” to the republic from dissensions between the Consuls and the military Tribunes, who sometimes were substituted for the Consuls; but it tells us of no advantages of plural magistrates. That the conflicts between them were not more frequent or fatal is astonishing until we recall the Romans’ prudent decision to divide the government between them. The patricians perpetually fought with the plebeians to preserve their ancient power and stature; the Consuls, who were generally chosen from among the patricians, were united by their personal interest in the defense of their order’s privileges. Beyond this reason to unite, after the republic’s armies had greatly expanded its empire, the Consuls customarily divided the administration between themselves by lot: one of them staying at Rome to govern the city and the other taking the command of the distant provinces. This distance probably prevented those collisions from embroiling the republic.

But quitting historical research and purely applying reason and common sense, we see much better reasons to reject the plural Executive – no matter what. Wherever two or more people engage in any common effort, expect differences of opinion. If it is a public trust or office, in which they have equal prestige and power, bitter dissensions are apt to spring, that lessen their respectability, weaken their authority and distract them from their

plans and operations. If dissension attacks a plural supreme executive magistracy, it can impede or frustrate the government's most important measures at times of critical state emergencies. Worse, they can split the community into violent, irreconcilable factions under the Executive's separate power centers.

People often oppose measures merely because they have had no part in planning them or because they were planned by those they dislike. If they are consulted, and disapprove, they feel bound in honor, and by all their human faults to defeat them. Too often society's great interests are sacrificed to the conceit, the obstinacy of those with the power to inflict their passions and caprices on the rest of mankind. Perhaps the present controversy surrounding the Articles of Confederation will, when resolved, further prove the damaging power of this despicable human weakness.

In the interests of free government, division and controversy must be part of the legislative process. But it is unwise to include them in the makeup of the Executive. In the legislature, a speedy decision is more often a bane than a benefit. Though differences of opinion and partisan jarrings in the legislature may sometimes obstruct the legislative process, they often also serve to check the majority's excesses. Once a bill is resolved, opposition must end because the resolution is a law and resisting it is punishable.

But there are no advantages to Executive dissension because it never stops operating. It only embarrasses and weakens the plans and measures it invades, from start to finish. It constantly counteracts the Executive qualities most necessary to vigor and expedition, and there is no counterbalancing good. In the conduct of war, in which Executive energy is the bulwark of national security, plurality would halt the effort.

These observations apply most directly to the proposal for a plurality of equally-empowered officers – a scheme that is not likely to attract many supporters. They also apply, though not equally, to the idea of a council that would ostensibly "advise," but actually control, the Executive. An artful cabal in the council could distract and weaken the whole administration. Even without such intrigue, all those conflicting opinions could laden the executive authority with a spirit of habitual febleness and foot-dragging.

But one of the strongest objections to a plural Executive is that it tends to conceal character flaws and destroy executive responsibility to censure and punishment. The first is the more important, especially in an elective office. People in public trust will more often act in a way to make them unworthy of further trust than subject to legal punishment. But pluralizing the Executive complicates detection in either case. It often becomes impossible, amid mutual accusations, to determine who deserves the blame or punishment for a deadly act. Blame is so skillfully and believably shifted from one to another that the public cannot detect the real culprit. Circumstances that may lead to a national miscarriage or misfortune are sometimes so complicated that, when a number of actors may have had different degrees and kinds of culpability (though we can see that there has been mismanagement) we may not be able to determine who is truly chargeable. "I was overruled by my council. The council was so divided that it was impossible to get a better resolution." These and similar true and false pretexts are always at hand. And who will either take the trouble to thoroughly investigate the case? Should we find a citizen zealous enough to undertake that unpromising task? When there is collusion between the parties concerned, it is very easy to camouflage the situation with so much ambiguity that no one can be certain of the precise conduct of any of the parties.

When our governor was coupled with a council to fill key offices, scandalous appointments were made. When they were investigated, the governor blamed the council members who blamed his nomination. Meanwhile, the people were at a loss to determine who committed their interests to such unqualified hands.

From this we can see that the plural Executive deprives the people of their two greatest assurances of faithful exercise of delegated power: (1) the restraints of public opinion (which also loosens when accountability must be divided among culprits) and (2) the opportunity to uncover misconduct by the persons they trust.

In England, the king is a perpetual officer, unaccountable for his administration, and sacred in his person. Nothing, therefore, can be wiser than annexing him to a constitutional council responsible to the nation for the advice it gives. Without this, there would be no responsibility in the executive department, an unacceptable idea in a free government. But the king is not bound by the resolutions of his council, though it is answerable for the advice it gives.

But in a republic, where every officer should be personally responsible for his official behavior, the reason for the British council not only does not exist but turns against the institution. In the British monarchy, it furnishes a substitute for the personal responsibility of the chief officer, which is the public's guarantee of his good behavior.

In the American republic, the council would destroy, or greatly diminish, the President's intended, necessary accountability.

The idea of a council to the Executive, so common in State constitutions, is derived from the antirepublicans' maxim that power is safer in a body than in a single man. If I were to admit the maxim applies to the case, I would argue that the advantage on that side would not counterbalance the many disadvantages on the other. But I do not think the rule applies the Executive power. I believe executive power is more easily confined when it is in one person, that it is far safer to have one "target" for the people's jealousy and watchfulness and that executive plurality is more dangerous than friendly to liberty.

With a little thought, we can see that the kind of security sought in a multiple Executive is unattainable. There would need to be so many members that organizing them would be difficult at best, or they would be more a source of danger than security. The united credit and influence of several individuals must be more threatening to liberty than their separate credit and influence. So, when power is given to so few men that a clever leader can combine their interests and views in "common enterprise," it becomes easier to abuse. And the abuse becomes more dangerous than when lodged in one man. For, because he acts alone, he will be more closely watched and cannot amass as large a conspiratorial body as when associated with others. The Decemvirs of Rome were more feared as usurpers than any one of them would have been. No one would propose an Executive much larger than that body: the number suggested for the council is six to twelve. This body would not be too large for easy manipulation, from which America would have more to fear than from the ambition of any individual. A council to an officer, who is responsible for what he does, will only clog his good intentions, will often become his instrument and accomplice in bad enterprises and almost always hide his faults.

As to expense, obviously, the council would need to be large enough to serve its intended purposes. This means the salaries of the members, who must move to live at the seat of government, would amount to a "serious" figure. I will only add that, before the appearance of the Constitution, I rarely met an intelligent man from any State who did not admit that, from experience, the unity of the New York executive is one of the best features of our constitution.

Publius

QUESTIONS

Use your own words or quote from the document and then explain.

1. What benefits does a strong presidency provide to a representative democracy?
2. Why does a weak executive create a bad government?
3. What are four ingredients of an energetic executive?
4. What, according to Hamilton, is the most necessary quality for a president?
5. What are characteristics of the legislative branch? Why do these characteristics provide evidence for a unified executive?
6. What problems might arise if the presidency were split between two people?

Essential Knowledge for Unit 2b: Interactions Among Branches of Government—The Presidency

CON-4.A Explain how the president can implement a policy agenda.

CON-4.A.1 Presidents use powers and perform functions of the office to accomplish a policy agenda.

CON-4.A.2 Formal and informal powers of the president include:

- **Vetoes and pocket vetoes**—formal powers that enable the president to check Congress
- **Foreign policy**—both formal (commander-in-chief and treaties) and informal (executive agreements) powers that influence relations with foreign nations
- **Bargaining and persuasion**—informal power that enables the president to secure congressional action
- **Executive orders**—implied from the president’s vested “executive power,” or from power delegated by Congress, executive orders allow the president to manage the federal government
- **Signing statements**—informal power that informs Congress and the public of the president’s interpretation of laws passed by Congress and signed by the president

CON-4.B .1 The potential for conflict with the Senate depends upon the type of executive branch appointments, including: Cabinet members, Ambassadors, White House staff

CON-4.B.2 Senate confirmation is an important check on appointment powers, but the president’s longest lasting influence lies in life-tenured judicial appointments.

CON-4.B.3 Policy initiatives and executive orders promoted by the president often lead to conflict with the congressional agenda.

CON-4.C.1 Justifications for a single executive are set forth in Federalist No. 70.

CON-4.C.2 Term-of-office and constitutional-power restrictions, including the passage of the Twenty-Second Amendment, demonstrate changing presidential roles.

CON-4.C.3 Different perspectives on the presidential role, ranging from a limited to a more expansive interpretation and use of power, continue to be debated in the context of contemporary events.

CON-4.D.1 The communication impact of the presidency can be demonstrated through such factors as:

- Modern technology, social media, and rapid response to political issues
- Nationally broadcast State of the Union messages and the president’s bully pulpit used as tools for agenda setting