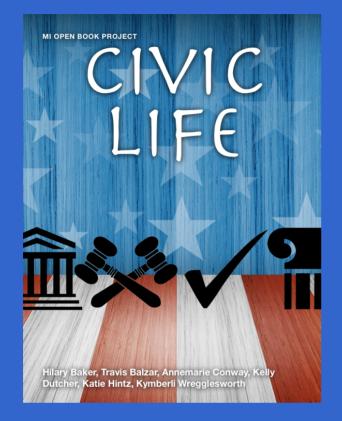


About the Authors

MICHIGAN OPEN BOOK PROJECT



This is version 1.5.2 of this text, released August 2018

Information on the latest version and updates are available on the project homepage: <u>http://textbooks.wmisd.org/dashboard.html</u>





MICHIGAN OPEN BOOK PROJECT

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Annemarie Conway teaches AP US Government, psychology, sociology, American Government, and economics for Charlevoix Middle High School. She graduated from Kalamazoo College with her bachelors degree in political science. She earned her Masters of Education with an emphasis in History from Grand Valley State University. Throughout her teaching career she has worked with AP College Board as a reader, table leader and question leader for the US Government & Politics AP exam. She also sponsors Charlevoix's Model United Nations program.



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Kelly teaches Economics, Civics, U.S. History, and College Readiness at Harbor Springs High School. Aside from teaching, she is also a Michigan Youth in Government advisor, and class of 2017 sponsor. Mrs. Dutcher is a graduate of Lake Superior State University where she received her BS in Social Studies and Secondary Education. She is currently working towards receiving her MA in American History and Government at Ashland University, and was awarded the James Madison Memorial Fellowship in 2014. Kelly loves teaching at the high school level, and helping bring social studies to life for her students. She shares her life with her husband Jordan and three young daughters: Daphne, Au-

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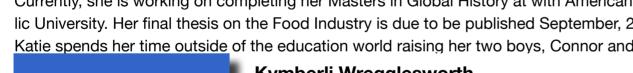
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Katie is completing her seventh year as a teacher at Gladwin High School, where she has taught every Social Studies course available, including: American Government, Sociology, Current Events, World History, Economics, Social Problems in the United States, and Law. A graduate of Saginaw Valley State University's Secondary Education Program, she majored in History, minored in Sociology and earned a Social Studies Endorsement. As Social Studies Department Chair, she was inspired to participate to the Open Book Project because of the disjointed resources that most economics teachers are forced to scrape together to create a captivating curriculum.

Currently, she is working on completing her Masters in Global History at with American Public University. Her final thesis on the Food Industry is due to be published September, 2015. Katie spends her time outside of the education world raising her two boys, Connor and







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Kymberli has a BA in history and political science from Alma College, a MA in education from Michigan State University, and will be completing her MA in American History and Government from Ashland University this spring upon completion of her thesis on suffragist and equal rights activist Alice Paul. She was named a James Madison Fellow in 2011 and was chosen as the Michigan Council for the Social Studies High School Educator of the Year in 2015. Kymberli returned to her high school alma mater where she teaches Civics, World History, Current Events, Women's Studies, and World Cultures, as well as serving as National Honor Society adviser and executive director of the Miss Onaway Scholarship Program. When not doing history geek stuff, she enjoys spending time in the



The Michigan Open Book Project Team would like to thank the following individuals for their help in reviewing some content in the book and guiding the development process.

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Former Executive Director

Linda Start has served as the Executive Director of the Michigan Center for Civic Education for more than twenty-five years. Start has presented at hundreds of school districts across Michigan and is sought out as a speaker for many national civic education conferences. As the Executive Director of the Michigan Civic Education Center, Start served on the Committee to draft the Michigan Civics Standards and presented the Civics Standards and Benchmarks to the Michigan State Board of Education. Start served on a Review Committee for the National Standards in Civics and Government. Start represents Michigan in several national networks of civic educators. In addition, Start was asked to join a group of civic education experts in the United States to work with emerging democracies in Eastern Europe. Start has worked closelv with civic educators in Poland. Ukraine, the Czech Republic, and Slovakia. A

Rebecca Bush is currently the Social Studies Consultant at the Ottawa Area Intermediate School District (OAISD), where she assists K-12 social studies teachers in developing curriculum, modeling instructional strategies in social studies literacy, and designing district-level formative and summative assessments. Additionally, as Project Director, she has written and received multiple Teaching American History grants, working with teachers throughout an eight-county radius. She has presented at various national conferences on multiple topics surrounding social studies instruction as well as innovative techniques and topics in formative and summative assessment design. Currently she is Co-Project Director of The Performance Assessments of Social Studies Thinking (PASST) Project and assists with the professional development of teacher writers for the MI Open Book Project where she serves as an editor of several of the project's texts. Rebecca currently leads the Michigan Social Studies Supervisors Association and is a member of the National Social Studies Supervisors Association America and adjunct professor at Hope College in Holland, MI



David A. Johnson

Project Manager

Michigan Open Book Project

Dave began his career teaching 8th grade United States History in Mesick, Michigan. After almost a decade in the classroom, he took a job at Wexford-Missaukee Intermediate School District (WMISD) as an Instructional Consultant for Social Studies. He is shared across 11 ISDs in Northern Michigan that form the Northern Michigan Learning Consortium. He completed his Masters in Educational Leadership through Central Michigan University in 2011 and is Co-Project Director of the Performance Assessments of Social Studies Thinking (PASST) Project in addition to his duties as the Project Manager for MI Open Book.

Chapter 6

How Effective is the Legislative Branch in Governing?

How does Congress make policy?

What effects Congressional decision making?

How is Congress organized?

The Stru



ILL HI

1. How does Congress make policy?

QUESTIONS TO GUIDE INQUIRY

- 2. What effects Congressional decision making?
- 3. How is Congress organized?

TERMS, PLACES, PEOPLE

Bicameral

Constituent

Gerrymandering

In a letter written to James Madison in 1797, Thomas Jefferson wrote, "The principle of the Constitution is that of a separation of legislative, Executive and Judiciary functions, except in cases specified. If this principle be not expressed in direct terms, it is clearly the spirit of the Constitution..." The separation of powers was one of the fundamental principles of the Constitution's Framers. The Legislative Branch is sometimes referred as the "people's branch" since the Founders believed and intended the legislative branch to closely reflect the will of the citizens. For an excellent overview of the legislative branch, check out this video:

Interactive 6.1 Crash Course - Bicameral Congress



For an excellent overview of the Legislative Branch, check out this video.

As a representative body, Congress must respond to demand of their constituents--those who vote, or elect them into office. The bicameral Congress is comprised of the House of Representatives and the Senate.

The Legislative branch of Congress includes the General accounting office, the government printing office, and the Library of Congress. The U.S. Government Accountability Office (GAO) is an independent, nonpartisan agency that works for Congress. Often called the "congressional watchdog," GAO investigates how the federal government spends taxpayer dollars. The primary function of the Library of Congress is to serve the Congress. The Library serves as the basic research arm of the Congress through its Congressional Research Service, which is the largest public policy "think tank" in America and annually answers nearly a half-million inquiries and produces some 1,000 reports for the Congress.

The Legislative Branch: from Article I of the Constitutionaccording to the Constitution...

Section 1:

All legislative powers herein granted shall be vested in a Congress of the United States . .

Section 1:... Congress of the United States ... shall consist of a Senate and House of Representatives.

Section 2:

The House of Representatives shall be composed of members chosen every second year by the people of the several states

Section 2:

The House of Representatives . . . shall have the sole power of impeachment.

Section 3:

The Senate of the United States shall be composed of two Senators from each state

Section 3:

The Senate shall have the sole power to try all impeachments.

Section 6:

Senators and Representatives shall in all Cases, except Treason, Felony and Breach of the Peace be privileged from Arrest during their Attendance at the Session of their respective Houses and in going to and returning from the same. . . .

Section 6:

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States which shall have been created . . . and no

Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office

Section 7:

All bills for raising revenue shall originate in the House of Representatives

Section 7:

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States...

Section 7:

[Every bill] being disapproved by [the President], shall be repassed by two thirds of the Senate and House of Representatives

Section 8:

The Congress shall have Power To lay and collect Taxes; To borrow money on the credit of the United States

declare war, to raise and support armies, etc.

Section 8:

The Congress shall have Power To. . . To coin Money,



Image source: Shutterstock

Section 8:

The Congress shall have Power To . . . constitute Tribunals inferior to the supreme Court

Section 8:

The Congress shall have Power To . . . to declare War, raise and support Armies, provide and maintain a Navy.

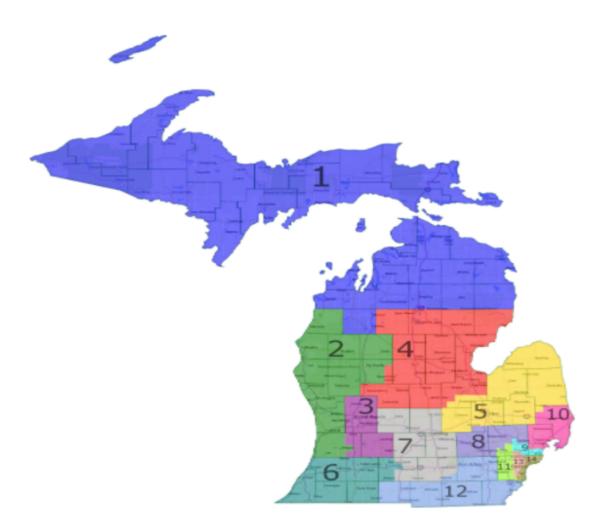
Section 8:

The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Interactive 6.2 Legislative Web Quest



Use what you already know and the internet to fill in this legislative overview.



How is the Michigan Legislature Similar?

The Michigan Legislature, like the US Congress is bicameral-consisting of two independent houses. The Michigan Legislature is made up of two chambers. The Michigan Senate has 38 members and the Michigan House of Representatives has 110 members. Each chamber meets at the capitol in Lansing to pass laws for Michigan.

The population determines the number from each state. Population is determined every 10 years with the census. The Legislative districts are restructured to meet the changing population. As you can see from looking at the distribution map, Michigan now has 14 representative districts. At one point in time, Michigan had 19 districts; however, the number was decreased as Michigan's population decreased. The population does impact the electoral college and how many electors each state has. "Suppose you were an idiot. Suppose you were a member of Congress. But I repeat myself."

-- Mark Twain, 1891

What reasons might Mark Twain have had for expressing his sentiments about Congress? Might a well known author, journalist, or actor in today's society express a similar sentiment about the U.S. Congress? Would the reasons for a similar type of comment be the same? Many Americans tend to have a negative view of Congress. If this is the case, why do so many Americans love their own member of Congress but despise Congress as a congressional body? Read about this interesting phenomenon here:

> Interactive 6.3 We Love our Congressman, Hate congress



Read about this phenomenon here.

As much as the article might be true and interesting, the fact remains that the more we learn about Congress, the more we tend to understand why Congress functions the way it does. One former Congressman from Indiana, Lee Hamilton, who served in the U.S. House of Representatives for 34 years, sees as his role, to educate Americans about how Congress works. As he writes in his book, How Congress Works and Why You Should Care, "Certainly the Congress has several important roles--to make the country work, to pass the budget, to manage conflict, to tackle the tough issues. Yet the most fundamental task of Congress is not to deal with any specific problem on the national agenda but to act as a check on the power of a single leader in order to maintain freedom for the American people. An independent legislature made up of representatives of the people is a key test

Interactive 6.4 The US Congress and You



Learn more from Bob Woodward here!

of freedom in our country, or in any country. Indeed, I doubt freedom can exist--or ever has existed--in a nation without a free and independent parliament. So, ever since it was first set up as the First Branch in our system of government, the historic mission of Congress has been to maintain freedom." Voters in every state elect two senators each for a total of 100. The Vice President serves as the President of the Senate. The President Pro Tempore serves as the presiding officer of the Senate. The House includes 435 voting representatives. The Speaker of the House presides over the House.

To what extent does gerrymandering impact the effectiveness of Congress?

Interactive 6.5 Crash Course: Congressional Leadership



Learn even more with this video from the Crash Course series.

Gerrymandering is a practice intended to establish a political advantage for a particular party or group by manipulating district boundaries to create partisan advantaged districts. For an excellent crash course on the topic, watch the following video:

The following are perspectives on gerrymandering and the impact it has on you as a member of a representative or Senator's district, on Congress itself, elections and our government. The following two videos provide a more thorough explanation of gerrymandering and why it is seen as a problem by many.

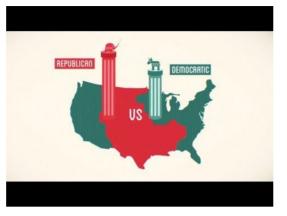
This video is a short TED talk explanation of the history of gerrymandering. As you view it, be sure that you can answer the "5 Ws": What gerrymandering looks like in reality, Who is

impacted by the gerrymandering process, Where can gerrymandering happen, When gerrymandering can occur, and why gerrymandering would occur.

Additionally, be sure you understand the difference between "packing" and "cracking" and in what instances each might be utilized.

This next video provides a thorough description of how gerrymandering occurs. As you watch the video make sure you can explain how control over gerrymandering can shift. Additionally, make sure you can explain how the interests of candidates and the interests of voters is different. Lastly, as you listen to the three proposed options for fixing gerrymandering, think about which option makes the most sense to you. Which option would you choose and why?

Interactive 6.6 Gerrymandering



Learn more about gerrymandering here.

Interactive 6.7 Gerrymandering



Learn more about Gerrymandering with this video.



QUESTIONS TO GUIDE INQUIRY

- 1. How does Congress make policy?
- 2. What effects Congressional decision making?
- 3. How is Congress organized?

TERMS, PLACES, PEOPLE

the Elastic Clause

Congress has certain roles and responsibilities to govern the US. What are the powers of Congress?

Do the powers of Congress allow them to effectively govern?



Powers of Congress

The powers of the federal government that are specifically described in the Constitution are sometimes called 'delegated' or 'expressed powers,' but most often they are known as 'enumerated powers.' They describe how a central government with three distinct branches can operate effectively. The 27 expressed powers of Congress listed in Article I, Section 8 of the Constitution grant the legislative branch a huge amount of authority over American national policy, both foreign and domestic.

The most important powers include the power to tax, to borrow money, to regulate commerce and currency, to declare war, and to raise armies and maintain the navy. These powers give Congress the authority to set policy on the most basic matters of war and peace.

Congress's other expressed powers are wide-ranging, including:

• The power to establish rules to allow foreign-born immigrants to become citizens of the United States

- · The power to make rules for bankruptcies
- The power to punish counterfeiters

• The power to provide for copyrights and patents to protect the work of inventors and artists

 The power to organize all federal courts below the Supreme Court

• The power to punish pirates

• The power to hire pirates to attack foreign enemies

• The power to make rules to regulate the conduct of the armed forces

• The power to call out the militia to defend the country from invasions or insurrections

- · The power to organize and discipline the militia
- The power to govern the federal capital (Washington, DC)

• The power to acquire lands from the states for use by the federal government

And, last but definitely not least:

• The power to "make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers...."

· The power to set up a national post office

Some powers of Congress are implied, which means that they are not expressly stated but suggested. The "necessary and proper clause" gives Congress the power to make laws regarding some subjects that are not expressly stated or described in the Constitution but are considered to be "necessary and proper" to carry out the delegated duties of Congress.

"The Congress shall have Power To ...make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

Also known as the 'elastic clause' it stretches powers given Congress. For example, nowhere in the Constitution is a provision for the construction of the Hoover Dam in 1931, but Congress determined is was 'necessary and proper' to do so under the expressed power to regulate commerce. Implied powers have been known to create tension based on the interpretation of what the constitution implies. Both strict and conservative views of the implied powers have been debated throughout years of the legislative branch using their powers.

Which powers/situations are allowed to the Legislative Branch? Which powers/situations are denied to the Legislative Branch? For each of the following scenarios identify if it is a power allowed or denied to the Legislative Branch. 1. A bill proposing immigration reform is being considered.

2. You hold your office for life during good behavior.

3. The United States selects a new ambassador to Argentina and needs approval..

4. There is a vacancy on the Supreme Court and a new justice must be nominated.

5. The state of Arizona is suing California over water rights.

6. The US Army wants more money for tanks.

7. A law recently passed by the state of Louisiana has been challenged as being unconstitutional.

8. Ralph Z. is being tried for a federal crime of internet computer hacking.

9. Impeachment trial against the president is being conducted.

10. A vetoed bill is overridden by $\frac{2}{3}$ vote.

11. A State of the Union message is being prepared.

12. An ambassador from a foreign country is being tried for driving while intoxicated.

13. A law is declared null and void.

14. War is declared on Transylvania.

15. A federal income tax cut is being proposed.

16. A treaty with a foreign country to import oil is being negotiated.

17. A case has arisen over land between two Indian tribes who claim the land was given to each of them under separate treaties.

18. The presiding officer is the Speaker of the House.

19. Implied powers held

20. Can propose a national amendment through the formal amendment process.

21. A bill is passed through the bill process where committees work, debate and amend the bill before proposed.

22. Consists of both a House of Representatives and Senate.

23. The cabinet serves as advisors.

Checks and Balances

Checks and Balances are a core democratic principle of American government, whereby each branch of the government (executive, judicial, and legislative) has some measure of influence over the other branches and may choose to block procedures of the other branches.

Interactive 6.9 Federalism



If you need to, review this video on Federalism from the third chapter.

The three branches are inevitably linked together. The separate powers that

each has, and the checks and balances that each has to each other are imperative for the constitutional government that the



Image source: Shutterstock

Constitution has created. The following checks and balances show how each are similarly compared to a friendly game of rock, paper, scissors.

Legislative Branch- Checks on the Executive

- Impeachment power (House)
- Trial of impeachments (Senate)
- Selection of the President (House) and Vice President (Senate) in the case of no majority of electoral votes
 - May override Presidential vetoes
 - Senate approves departmental appointments
 - Senate approves treaties and ambassadors
 - Approval of replacement Vice President
 - Power to declare war
 - Power to enact taxes and allocate funds
- President must, from time-to-time, deliver a State of the Union address
 - Checks on the Judiciary

- Senate approves federal judges
- Impeachment power (House)
- Trial of impeachments (Senate)
- Power to initiate constitutional amendments
- Power to set courts inferior to the Supreme Court
- Power to set jurisdiction of courts
- Power to alter the size of the Supreme Court
- Checks on the Legislature because it is bicameral, the Legislative branch has a degree of self-checking.
 - Bills must be passed by both houses of Congress
 - House must originate revenue bills
- Neither house may adjourn for more than three days without the consent of the other house
 - All journals are to be published

Executive Branch

- Checks on the Legislature
- Veto power

- Vice President is President of the Senate
- Commander in chief of the military
- Recess appointments
- Emergency calling into session of one or both houses of Congress
- May force adjournment when both houses cannot agree on adjournment
 - Compensation cannot be diminished
 - Checks on the Judiciary
 - Power to appoint judges
 - Pardon power
 - Checks on the Executive
- Vice President and Cabinet can vote that the President is unable to discharge his duties

Judicial Branch

- Checks on the Legislature
- Judicial review

- Seats are held on good behavior
- Compensation cannot be diminished
- Checks on the Executive
- Judicial review

• Chief Justice sits as President of the Senate during presidential impeachment

Do you like running things? Branches of Power allows you to do something that no one else can: control all three branches of government! You'll have the power to write any laws you want about issues you choose. Careful, though, there's a lot to juggle when you're playing all three branches. Good luck!

Interactive 6.10 iCivics - Who has the Power?





QUESTIONS TO GUIDE INQUIRY

- 1. How does Congress make policy?
- 2. What effects Congressional decision making?
- 3. How is Congress organized?

TERMS, PLACES, PEOPLE

hopper

standing committee

select committee

filibuster

The Bill Process

As you have seen, Congress has a variety of powers--making laws, declaring war, and amending the Constitution. Creating laws is the most important power that Congress has. So, where do members of Congress get ideas for potential legislation?

• The executive branch--Annually, through his State of the Union Address, the president outlines his legislative agenda, among other things. Sometimes this may include creating departments or agencies; other times, it may include the consolidation or elimination of them. Additionally, executive departments as well as agencies are other regular sources of proposals for legislative action.

• Constituents--Often residents of a representative's district or senator's state will suggest legislation which can include the introduction of special legislation to address an individual problem or specific issue or the repeal of an existing law. Some legislators value this contribution more than others and become concerned if they feel this part of the legislative process is compromised. Here is an example of a legislator in Arizona expressing her concerns about the importance of maintaining the process of constituents' contributions. <u>https://www.youtube.com/watch?v=6syKWDyZdpg</u>

 Interest groups--Through the practice of lobbying, organizations, industries, and groups formed around a specific interest often try to affect legislation. Lobbyists who are well informed, knowledgeable, organized, and cooperative can often be quite effective in helping ensure important details are included in bills that become laws.

When a Representative has written a bill, the bill needs a sponsor. The Representative or Senator talks with other representatives about the bill in hopes of getting their support for it. Once a bill has a sponsor and the support of additional representatives or senators, it is ready to be introduced.

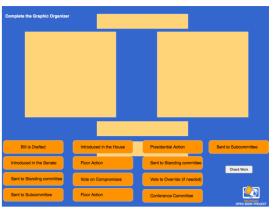
Gallery 6.1 How Our Laws are Made

Interactive 6.11 How a Bill Becomes a Law



Learn more in this Crash Course!

Interactive 6.13 How A Bill Becomes A Law



Test your knowledge by filling in this graphic organizer.

Do you want to see how Congress makes laws? Explore LawCraft, where you play a member of Congress from the state of your choice. You can pick an issue that's important to you and your constituents and take it all the way through the lawmaking process. If you're successful, you'll have a bill you can print and show off. See if you can make the compromises necessary to get your bill passed and still make a law you're proud of!

Interactive 6.12 Law Craft



In the U.S. House of Representatives, a bill is introduced when it is placed in the **hopper**—a special box on the side of the clerk's desk. When a bill is introduced in the U.S. House of Representatives, a bill clerk assigns it a number that begins with H.R. A reading clerk then reads the bill to all of the members in the House of Representatives, and the Speaker of the House sends the bill to one of the House **standing committees**.

What is a committee? A group of people officially delegated to perform a function, such as investigating, considering, reporting, or acting on a matter. When referring to committee and subcommittee work in Congress, that means that members study potential legislation by holding public hearings, receiving testimony, doing research, and projecting the impact that potential legislation might play on those affected by the legislation.

In both the Senate and the House are permanent, or standing committees which have jurisdiction over particular subjects. Members of those permanent committees also appoint subcommittees to carefully examine specific proposals within certain areas. It is within these committees that the deliberative work of Congress occurs. Because of that, committee assignments are extremely important, often shaping members' careers as they serve on certain committees and in some cases, gaining national prominence. Both houses also have the authority to use **select committees** as well as task forces which have specific assignments and only exist for a limited amount of time.

The House and Senate can override president's veto by a ²/₃ majority vote in both houses. Senate, and only the senate, is able to filibuster. A **filibuster** is a parliamentary procedure and strategy where debate over a proposed piece of legislation is extended and delayed, allowing one or more members to delay or entirely prevent a vote on the proposal.

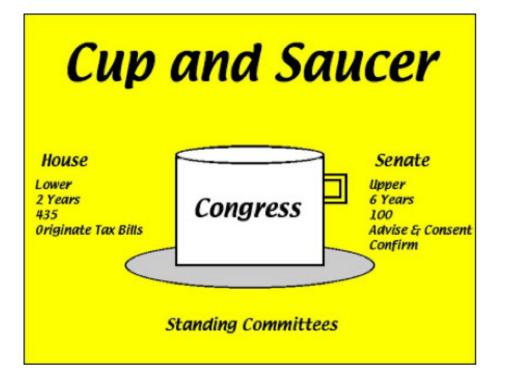
Discover current United States legislative activities from <u>http://</u> www.congress.gov

What are current US legislation that could impact you?

Who are your current legislative branch representatives? Go to <u>https://www.congress.gov/</u>

What is happening in Michigan? Go to <u>https://</u> www.legislature.mi.gov/(S(wk0n4ixfjqkowljatm3j4qj2))/ <u>mileg.aspx?page=Home</u> for current legislative activities in the state of Michigan.

What current Michigan legislation could impact you today?



The Legislative Branch - the Cup and Saucer Analogy

The House of Representatives is the cup with hot tea, the saucer is the senate for cooling the house.

"Thus far I have considered the circumstances which point out the necessity of a well-constructed Senate only as they relate to the representatives of the people. To a people as little blinded by prejudice or corrupted by flattery as those whom I address, I shall not scruple to add, that such an institution may be sometimes necessary as a defense to the people against their own temporary errors and delusions. As the cool and deliberate sense of the community ought, in all governments, and actually will, in all free governments, ultimately prevail over the views of its rulers; so there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures which they themselves will afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain their authority over the public mind? What bitter anguish would not the people of Athens have often escaped if their government had contained so provident a safeguard against the tyranny of their own passions?" (excerpt from Federalist Paper 63)

What Does Congress do for You?

Though it often goes unnoticed, the work of Congress has a considerable impact on many aspects of our everyday lives improving air and water quality, reducing the incidence of disease, increasing access to education, stabilizing financial institutions, building interstate highways, increasing arms control, and much more. Although the process can be messy and drawn out, in the end most sessions of Congress have a solid record of accomplishments. The greatest, most long-lasting achievements of Congress typically involve a significant amount of bipartisan compromise. (from center on congress)