

Interactions Among Branches of Government Legislative & Judicial

United States Congress

bicameral legislature

House of Representatives

435 members

2 year terms

smaller constituencies (Congressional districts)

apportionment

[Census Department Information](#)

redistricting

Baker v. Carr (1961) – Supreme Court decides conflicts

Wesberry v. Sanders (1963): one person, one vote principle

roughly 735,000 in each district

gerrymandering

Shaw v. Reno (1993) – prohibits using race

illegally tampering with redistricting

younger membership

less prestige

lower visibility in media

Qualifications

25 years old

7 year U.S. citizen

Senate

100 members

6 year terms

larger constituencies (two per state)

older membership

more prestige

higher visibility in media

Qualifications

30 years old

U.S. citizen

9 year resident of state

Congressional Privileges

\$174,000 salary/year

pension up to 80% of largest salary

franking privilege

free office space

free office staff

free from arrest (except for treason, felony, breach of peace)

Congressmen can be censured by a majority vote

Congressmen can be expelled by a 2/3 vote of that House

Congressional Leadership

[Current House Leadership](#)

[Current Senate Leadership](#)

House of Representatives

Speaker of the House

powers of the Speaker

recognition

scheduling

appointments

Majority Leader

Majority Whip

Minority Leader

Minority Whip

Both parties also have several deputy whips

Senate

Vice President presides

President Pro Tempore

Majority Leader

Majority Whip

Minority Leader

Minority Whip

Congressional Committees

where the majority of work in Congress is completed

Standing Committees – permanent

House of Reps

Rules, Ways & Means, Appropriations, Armed Services, etc.

Senate

Foreign Relations, Finance, Judiciary, etc.

Subcommittees – smaller groups, more detailed subjects

Special committees – temporary

Joint committees – staffed by both Representatives & Senators

Conference committee – joint to resolve differences in legislation

Committee Membership

members want membership on committees to influence policy, help constituents

Chairpersons have most power on committee

same powers as Speaker of House within committee

Selection is based on:

party affiliation

chairperson

seniority

expertise

Support for Congress

Congressional staff

drafts legislation, communication, research, elections

Library of Congress
Congressional Budget Office (CBO)
General Accounting Office (GAO)

Powers of Congress

Expressed Powers – directly stated in the Constitution

- To collect taxes
- To borrow money
- To regulate foreign and interstate commerce
- To establish naturalization & bankruptcy laws
- To coin money, regulate weights & measures
- To punish counterfeiters
- To establish post offices and post roads
- To grant patents and copyrights
- To create courts inferior to the Supreme Court
- To define and punish piracy
- To exercise jurisdiction of the District of Columbia
- To declare war
- To raise and support armies
- To provide and maintain a navy
- To provide for and maintain a militia
- All revenue bills must start in the House of Reps
- Senate ratifies treaties
- Senate confirms executive appointments

Additional Powers

Implied & Denied powers

Power to investigate – Legislative oversight

- subpoena witnesses
- witnesses testify under oath
- grant immunity

Contempt of Congress

Watkins v. U.S. – 1957 – 5th amendment applies

How a bill becomes a law

see Waples Figure 4.5

Types of bills

- private
- public
- resolutions
 - joint resolutions
- riders

Process

- see additional handout
- add filibuster in the Senate
- vote of cloture

Amending bills

- amendments can be proposed at any time
- go through same process

Voting on bills

House of Reps

- Voice vote
- Standing vote
- Record vote

Senate

- Roll Call vote
- also voice & standing

Roles

- Trustee
- Delegate
- Politico

Influences of Congressional votes

- constituents
- casework
- Pork Barrel legislation AKA “earmarks”
 - logrolling
- grants & contracts
- Political parties
- President
- interest groups & lobbyists

Judicial System

Guiding Principles of the Judicial System

- Equal justice under the law
 - Due Process of the law
 - procedural
 - substantive

The Adversary System

- Presumption of Innocence

Types of Law

Civil law

- suit to recover damages from offending parties
- plaintiffs v. defendant

Criminal law

- jail for those who threaten civilization with harm

Constitutional law

- dealing with issues of constitutionality

Equity law

- injunction – stop action
- writ of mandamus – order an action

Jurisdiction

the area in which a court can enforce its power

Federal

- constitutional law

- federal law

- treaties w/foreign nations

- international law

- state governments are parties to action plaintiffs from different states

State & Local

- state & local laws

Concurrent

- civil dispute with different states over \$10,000

Original jurisdiction

- trial court

Appellate jurisdiction

- review of violations of due process

Lower Federal Court System

Constitutional federal courts

- est. by Congress via Article III

Federal District courts

- 94 of those courts

- at least one in each state and territory

- grand jury

 - indictment

- petit jury

 - trial jury of 12 members

Federal Court of Appeals

- 12 judicial circuits based on geography

- special court of appeals

 - executive agencies

Selection of federal judges

all are appointed by President and confirmed by Senate

Federalist 78

Factors

- party affiliation

- judicial philosophy

- senatorial courtesy

- background of federal judges

The Supreme Court

Jurisdiction of Supreme Court

- representative of foreign governments

- state is a party to the case

- appellate jurisdiction (99% of cases)

Justices (8 plus 1 Chief Justice)

appointed to life term

removed for "treason, bribery, or other high crimes"

associate justice - \$164,100.00

chief justice - \$171,500.00

Selecting Justices

same backgrounds as federal judges

American Bar Association (ABA) rates judges

interest groups

sitting judges

Roles of the Supreme Court

judicial review

Marbury v. Madison (1803)

Dred Scott example

interpretation of laws

Lau v. Nichols

overruling earlier decisions

Plessy v. Ferguson

Brown v. Board of Education (1954)

stare decisis – "let the decision stand"

precedent

Overview of process

Limit on Supreme Court Power

Restrictions on cases

only "real" court cases, not hypothetical

harm must be done

must deal with "substantial federal question"

no "political" questions

should we go to war?

Limited control over agenda

can't create cases, must be brought to them

Lack of enforcement power