

4.2 Government of the USA

US Congress.

Aspect: Debates about the relationship of Congress with the executive and judicial branches of government.

Key aims, themes and concepts

- To identify the main political factors shaping the relationship between Congress and the other two branches of the federal government.
- To illustrate how these relationships impact on the political process using relevant historical and contemporary examples.

Assessment objectives covered

AO1

Demonstrate knowledge and understanding of relevant institutions, processes, political concepts, theories and issues – through an identification of the constitutional relationships between Congress and the executive and judicial branches of government.

AO2

Interpret and apply political information to identify and explain relevant similarities, differences, and connections – through an examination of the political factors that determine these relationships.

AO3

Analyse and evaluate the areas of government and politics studied to construct arguments, make substantiated judgements and draw conclusions – through critical analysis of the ways in which these relationships determine how Congress functions within a political system of “separated institutions sharing powers”.

Introduction

Start the session by asking students to identify the constitutional roles of Congress, the executive and the judiciary and those areas in which there is potential for co-operation or conflict between them.



Activity:

This can be done through a teacher led general discussion or a *PowerPoint* presentation to encourage participation.

Main lesson

You should outline the different political circumstances that impact on the relationship between Congress and the other branches of the federal government.



Activity:

Ask students to construct a flow chart that shows the differing outcomes in terms of a co-operative or conflicted relationship depending on particular political factors. These may include: Congressional majority party the same/different to President's party, whether reliable majorities in Congress support the executive's agenda/initiatives, whether Congress is supportive/critical in holding the executive to account, whether Supreme Court decisions uphold Congressional legislation or declare it unconstitutional.

In the session you should provide examples of the ways in which these political factors shape Congressional relationships with the executive and the judiciary. Together with students, you can discuss and develop the identified factors. There are **suggested activities** noted after some of the pointers. The major factors you may wish to include are:

- *Party allegiance* – the Congress's relationship with the executive depends on their similar or dissimilar party allegiances. Historical examples of co-operation may be taken from Franklin Roosevelt's administration in New Deal period or Lyndon Johnson's "Great Society" programme. The conflicted relationship between Congress and executive may be illustrated with reference to Congressional opposition to President Obama (increasing after the mid-term elections of 2010). It is important also to observe that a common party allegiance does not guarantee co-operation between legislature and executive when the president's party controls Congress.



Activity:

Students may consider the significance of party allegiance in shaping the contemporary Congress's relationship with President Trump.

- *Congressional cohesion* – Congress's ability to work effectively with the executive also depends on whether there are reliable majorities in both the House of Representatives and the Senate that are prepared to co-operate with the president. Increased

polarisation within parties (Tea Party Republicans for example) means it is harder to predict the ways in which both Houses in Congress may support or oppose executive initiatives.

- *Congress's investigative role* – the extent to which Congress is prepared to fulfil its role of holding the executive to account is another important factor shaping the relationship between the two institutions. Examples of the breakdown in the relationship are when Congress threatens to or decides to impeach the President.



Activity:

Students may examine how Congress's interprets its investigative role by comparing and contrasting its approach in the Watergate, Irangate and Clinton impeachment scandals.

- *Institutional outlooks* – Congress's relationship with the Supreme Court depends on the approach the two institutions take to political and social issues. Congress and the Court may be opposed or the Court may seek to influence social attitudes in the face of Congressional intransigence. Examples include the Supreme Court declaring Congressional New Deal legislation unconstitutional and taking the lead through its decisions advancing civil rights and individual liberties.

Key terms introduced or developed in this session

'Separated institutions sharing powers', party allegiance, congressional cohesion, executive accountability.

Conclusions

The teacher should summarise recent developments in the relationship between Congress and the other institutions of the federal government in the context of the election of President Trump. To what extent will Congressional Republicans support a president who on numerous occasions appears to be in their party but not of it? What influence will Congress have in determining the make-up of the Supreme Court through the Senate's power to approve presidential nominees? Using such examples, students can be encouraged to see the Congressional relationship with the executive and the judiciary as multi-faceted and dynamic and one in which personalities and politics combine in constantly changing ways.

Extension work:

Congress's relationship with the other institutions of the federal government is not only determined by the political factors outlined here. There are numerous other ways in which these relationships can be impacted and shaped, including changes in public opinion and responses to moments of national crisis.



Activity:

Examine how Congress responds to changing public opinion in the context of opposition to major overseas military interventions (Vietnam, Afghanistan, Iraq) and the impact of this on congressional-executive relations.



Activity:

In addition explore how congressional-executive relations have been shaped in the context of responses to moments of real or perceived national crisis (the Wall Street Crash and depression, the Cold War, 9/11 and its aftermath). You may wish to develop this activity into a debate between those who argue in favour of Congress taking a supportive role at such times and those who emphasise the importance of it acting as a “critical friend” in holding the executive to account.