

# DOWNLOAD PDF THE EXECUTIVE BRANCH : THE PRESIDENCY AND THE BUREAUCRACY

## Chapter 1 : The Structure of the Federal Bureaucracy

*Outlines the structure of the executive branch of the federal government. It grants the formal powers of the president such as his responsibilities as Commander in Chief of the military, and to propose amendments to treaties.*

Chapter Study Outline Introduction The bureaucracy is the administrative heart and soul of government. Policies passed by authoritative decision makers are interpreted and implemented by executive agencies and departments. Created by elected officeholders, bureaucratic organizations exist to perform essential public functions both on a day-to-day basis and, especially, at times of national emergencies. How Does Bureaucracy Work? What is the political status of the federal bureaucracy? What is its power? How does the public view it? What essential functions do bureaucratic agencies and departments perform? Public bureaucracies are full of routines that ensure that services are delivered regularly; those routines are the product of political deals among a variety of political actors. Although it performs essential functions, bureaucracy is the subject of a great deal of mistrust and criticism from politicians and the American public more generally. Whereas administration refers to all the ways in which human beings rationally coordinate their efforts to achieve common goals, bureaucracy refers to the actual offices, tasks, and principles of organization employed in the most formal and sustained administration. Bureaucratic organization enhances efficiency by providing a hierarchical division of labor, allocating jobs and resources, and promoting the accumulation of expertise. Bureaucracy represents a significant human achievement, in which public aims can be accomplished by dividing up tasks and matching them to a specific labor force that develops specialized skills, routinizing procedure and providing necessary incentive structures and oversight arrangements. Bureaucrats fulfill important roles including implementing laws, making and enforcing rules when legislative prescriptions are vague, and settling disputes as courts would through administrative adjudication. Bureaucracies exist, too, because Congress finds it valuable to delegate; it is common practice for legislatures to express their intent toward a certain action and to have that action fulfilled and supervised by the bureaucracy. How is the Executive Branch Organized? How are individual departments and agencies organized? What types of departments and agencies exist? How do their functions and political environments differ? Cabinet departments, independent agencies, government corporations, and independent regulatory commissions are four different types of the operating parts of the bureaucratic whole. Departments are organized hierarchically, with a cabinet secretary at the top, several top administrators and undersecretaries beneath him or her, a specialized bureau level, and oftentimes many divisions, offices, and units within bureaus as well. The Problem of Bureaucratic Control What goals and motivations do bureaucrats have? To the extent that bureaucrats and bureaucracies are agents, how is this problematic? Bureaucrats and bureaucratic agencies and departments are agents; control of the bureaucracy is a good example of the principal-agent problem as elected officeholders in the legislative branch and the White House seek control over bureaucratic activities. Bureaucratic agents are subject to before-the-fact control mechanisms including the appointment process and procedural controls. Bureaucracies are also subject to after-the-fact control mechanisms including the provision of incentives for success and the withholding of incentives for nonperformance of a particular task. These mechanisms must be employed to restrict the possibility of bureaucratic drift, wherein the bureaucracy might produce policy more to its liking than to the original intention of the authoritative policy makers. Congress can promote responsible bureaucracy through oversight and the deployment and withholding of incentives. Congress uses public hearings to monitor bureaucratic behavior. Under some circumstances, Congress can also control the bureaucracy by re-writing legislation and altering appropriations to provide greater direction to those who must implement its policies. In part, these mixed messages allow bureaucrats greater discretion in making and implementing public policy. What strategies exist to reduce the size and scope of the federal executive? What are the inherent challenges involved with each strategy? Currently the national federal service includes about 2. Despite fears that the bureaucracy is growing out of hand, the federal

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government has hardly grown at all in the last thirty years. Overall, government is very close to the size it was in the late s, and the cost of government has not grown faster than the economy. Still, many Americans argue that government is too big and should be reduced; the most common efforts to reduce the bureaucracy include termination, privatization and devolution. Termination—the outright elimination of government programs and the agencies that administer them—is difficult because the public is attached to the services government provides and does not want favored programs to be cut; deregulation, a related effort to reduce regulatory restraints on individual conduct, has been more popular but has only met with incremental success. Reduction in bureaucracy can also be achieved through devolution—efforts to downsize the federal bureaucracy by delegating policy implementation to state and local governments. Privatization—the act of moving all or part of a program from the public sector to the private sector—can also reduce the size of the federal workforce but generally does not decrease the cost of government or the scope of national government power. While at a theoretical level, public bureaucracy is a concrete instrument of purposeful political action, at a practical level this depends greatly on the motivations of bureaucratic agents. One problem is that bureaucracy requires hierarchy and professional expertise, which can be oppositional to representation. Clear legislative guidance is an effective way for Congress to successfully control bureaucracy. Although there are many possible ways for bureaucracy to be used effectively, none of these are quick fixes; since all of the essential governmental services are provided by bureaucracies, any fix requires a sober analysis of the problem. Norton and Company, Inc.

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## Chapter 2 : Who Controls the Executive Branch? | Power Line

*The Executive Branch. The President and the Bureaucracy. The presidency is more than just a single person, it is a complex office. It is the only office at any level of government in this country that is elected nationally.*

US presidents exercise centralized control over the bureaucracy primarily through reactive oversight. William West takes an in-depth look at how the President is able to oversee this vast bureaucracy. He writes that centralized influence over agency policy making is mostly reactive and based around the practice of regulatory review. Scholars have offered very different assessments of the U. Greatly under-appreciated in different assessments of the administrative presidency is the fact that centralized executive oversight of agency policy making is primarily reactive. Presidents can influence the bureaucracy indirectly through the appointment of seven-hundred or so political executives who share their views. Although this process is important and has become increasingly systematic over the past half century, it is also a limited means of control for reasons that are well-documented. Accordingly, recent presidents have asserted direct and centralized influence over administration by requiring the Office of Management and Budget OMB to review agency rules before they go into effect. As the exercise of delegated legislative authority, rulemaking is the most important way in which the U. It is used to regulate business as well as to establish standards governing the administration of government loans, grants, subsidies, benefits, and the like. Regulatory review nonetheless allows the Executive Office of the President to screen and in many cases influence roughly agency policies per year. Its emergence as a reactive means of oversight stands in contrast to the much-more-limited proactive role of the White House in agency policy making. In a recent study , for example, Connor Raso and I found that only 7 out of rules published in the spring Unified Agenda of Federal Regulations were White House initiatives. Moreover, these had to do primarily with internal agency management practices as opposed to substantive policy. Our findings are roughly consistent with other available evidence and the impressions of agency officials. Although the White House occasionally advances its policy agenda through the bureaucracy in a proactive way, those efforts pale in comparison with its reactive involvement. The observation that centralized executive oversight is primarily reactive has important implications for our understanding of the administrative presidency. Presidents lack the organizational capacity to monitor and influence what agencies do in more than a selective way, and in any case they do not particularly care about administrative management as an end in itself. Reactive oversight thus allows the White House to focus its limited resources on agency initiatives that are problematic while ignoring the majority that are not. Much as fire-alarm oversight by Congress is allegedly cued by complaints from the constituents legislators wish to serve, attention to agency rules by OIRA and other actors within the White House has sometimes been triggered by appeals from those who are opposed to regulatory requirements. Indeed, such appeals have been explicitly invited from the business community in at least two documented instances. To a greater extent, however, centralized executive oversight is a device that allows the White House to addresses conflict within the bureaucracy and the larger political system. Its most important function is thus to vet bureaucratic policy initiatives within the executive branch and White House, itself, and to facilitate the resolution of conflict through negotiation and the escalation of issues to a level where they can be resolved. This addresses an underappreciated institutional need of the presidency that has grown in importance with the continued expansion of government and the devolution of policy-making authority to the bureaucracy. Descriptive theory in turn speaks to analyses that endorse the centralization of executive authority as a needed source of coordination. Although not everyone shares their premises, these arguments have become increasingly popular with the piecemeal growth of a fragmented administrative state since the New Deal. An understanding of the reactive dynamics of presidential oversight lends perspective to these arguments. Although vetting produces a kind of coordination, it is not the kind implied by those who stress the advantages of top-down planning and control by a unitary actor. Presidents rarely become personally involved in the conduct of centralized administrative oversight for

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reasons that should be apparent. Instead, executive coordination occurs primarily through ad hoc negotiation among agencies and White House officials with different priorities. Although this can be salutary, it does not tend to involve the comparison of agency programs in any systematic way. Because it focuses on discrete issues, moreover, there is no guarantee that the effects of reactive oversight will be consistent from one case to the next.

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## Chapter 3 : The Executive Branch Jeopardy Template

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Bureaucracy in a Democracy Chapter Study Outline Introduction The bureaucracy is the administrative heart and soul of government. Policies passed by authoritative decision makers are interpreted and implemented by executive agencies and departments. Created by elected officeholders, bureaucratic organizations exist to perform essential public functions both on a day-to-day basis and, especially, at times of national emergencies. What is the political status of the federal bureaucracy? What is its power? How does the public view it? What essential functions do bureaucratic agencies and departments perform? Public bureaucracies are full of routines that ensure that services are delivered regularly; those routines are the product of political deals among a variety of political actors. Although it performs essential functions, bureaucracy is the subject of a great deal of mistrust and criticism from politicians and the American public more generally. Whereas administration refers to all the ways in which human beings rationally coordinate their efforts to achieve common goals, bureaucracy refers to the actual offices, tasks, and principles of organization employed in the most formal and sustained administration. Bureaucratic organization enhances efficiency by providing a hierarchical division of labor, allocating jobs and resources, and promoting the accumulation of expertise. Bureaucracy represents a significant human achievement, in which public aims can be accomplished by dividing up tasks and matching them to a specific labor force that develops specialized skills, routinizing procedure, and providing necessary incentive structures and oversight arrangements. Bureaucrats fulfill important roles, including implementing laws, making and enforcing rules when legislative prescriptions are vague, and settling disputes as courts would through administrative adjudication. Bureaucracies exist, too, because Congress finds it valuable to delegate; it is common practice for legislatures to express their intent toward a certain action and to have that action fulfilled and supervised by the bureaucracy. How is the Executive Branch Organized? How are individual departments and agencies organized? What types of departments and agencies exist? How do their functions and political environments differ? Cabinet departments, independent agencies, government corporations, and independent regulatory commissions are four different types of the operating parts of the bureaucratic whole. Departments are organized hierarchically, with a cabinet secretary at the top, several top administrators and undersecretaries beneath him or her, a specialized bureau level, and oftentimes many divisions, offices, and units within bureaus as well. The Problem of Bureaucratic Control What goals and motivations do bureaucrats have? To the extent that bureaucrats and bureaucracies are agents, how is this problematic? Bureaucrats and bureaucratic agencies and departments are agents; control of the bureaucracy is a good example of the principal-agent problem as elected officeholders in the legislative branch and the White House seek control over bureaucratic activities. Bureaucratic agents are subject to before-the-fact control mechanisms including the appointment process and procedural controls. Bureaucracies are also subject to after-the-fact control mechanisms including the provision of incentives for success and the withholding of incentives for nonperformance of a particular task. These mechanisms must be employed to restrict the possibility of bureaucratic drift wherein the bureaucracy might produce policy more to its liking than to the original intention of the authoritative policy makers. Congress can promote responsible bureaucracy through oversight and the deployment and withholding of incentives. Congress uses public hearings to monitor bureaucratic behavior. Under some circumstances, Congress can also control the bureaucracy by re-writing legislation and altering appropriations to provide greater direction to those who must implement its policies. In part, these mixed messages allow bureaucrats greater discretion in making and implementing public policy. How Can Bureaucracy Be Reduced? What strategies exist to reduce the size and scope of the federal executive? What are the inherent challenges involved with each strategy? Currently the national federal service includes about 2. Despite fears that the

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bureaucracy is growing out of hand, the federal government has hardly grown at all in the last thirty years. Overall, government is very close to the size it was in the late s, and the cost of government has not grown faster than the economy. Still, many Americans argue that government is too big and should be reduced; the most common efforts to reduce the bureaucracy include termination, privatization and devolution.

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## Chapter 4 : The President & The Executive Branch - Reading Through History

*As the "chief executive," the president can direct bureaucratic agencies; efforts to control the expanding executive branch helped create the "managerial" presidency. Congress can promote responsible bureaucracy through oversight and the deployment and withholding of incentives. Congress uses public hearings to monitor bureaucratic behavior.*

Please notice that a good number of the powers of the president are contingent upon approval by the Senate. This was indeed deliberate and part of the concept of separation of powers which we have discussed many times in class. Government power is to be, theoretically, limited. Foundations of the Modern Presidency What has happened over time, however, is that the office of the president has gained considerable power and authority. Though only Congress can declare war, presidents have made war by sending troops into military action. Presidents have power over U. The power to execute laws enables presidents to determine how laws will be interpreted and applied. Presidents possess legislative authority not only to use the veto but also to recommend proposals to Congress. For all these reasons, a more activist presidency has evolved during the modern era. Your textbook discusses reasons why presidential powers have evolved over time. There are three key theories of presidential power that account for this, as well as a historical progression of expansion of power at the federal level: Most of the early presidents of this country followed this theory in how they exercised the power of the presidency. Do you consider the presidency of George W. Bush to be of this type? The Electoral College Perhaps no aspect of the presidency is as confusing as how it is that we go about choosing the president. The president is not chosen by direct popular election. Instead the Founding Fathers created a system of indirect election of the president known as the Electoral College. There were several reasons why the Founding Fathers chose to create this method of choosing the president, but two are more important than the others. First of all was the conflict between the states. Each of the states was very suspicious and jealous of the other states. With population differences there was concern that a direct election of the president would favor the states that had larger populations. Second, was a distrust of the will of the people. It was thought that the people might make an unwise decision depending on who ran for office. The Founding Fathers thus wanted a way to temper the will of the people. By design each state was provided with the same number of electors as they had members of Congress U. The electors were not required to vote according to the outcome of the popular vote, though they could take it into consideration. Once the ballots of the electors were cast, they were sealed and sent to the U. A candidate for president had to receive a majority of the electoral votes cast. If no candidate received a majority, then the election was settled by the House of Representatives. This part of the electoral system survives to today. After the presidency of George Washington, the results of the use of the Electoral College were mixed. The election of was the first to provide controversy. Thomas Jefferson and Aaron Burr both received equal numbers of electoral votes, and the House was required to settle the election. It took 36 ballots for the House to finally choose Jefferson as president, and there were charges of corruption and deals to finally break the deadlock. The election of finally brought about some changes in the way the Electoral College functioned. In Andrew Jackson overwhelmingly won the popular vote and received the most electoral votes, but not a majority. The House of Representatives decided that John Quincy Adams was a better choice for president than Jackson and chose him, which left supporters of Jackson quite unhappy. In Jackson was finally elected president. At his behest, the states decided to change how electors voted. Electoral votes were now tied to the popular vote. A new provision called unit rule was implemented, which required that whichever candidate won the most votes in the popular vote then they were to be given all of the electoral votes from that state. Bush and Al Gore. Though there has been considerable criticism of this system of choosing the president there have been no fundamental changes to how it works since Jackson.

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## Chapter 5 : The Presidency and the Bureaucracy

33 CHAPTER THREE *The Executive Branch: The President and the Bureaucracy* CHAPTER OVERVIEW *This chapter stresses the contrasting public perceptions of the presidency.*

These people then vote on the president. What is an Executive Order? What is Foreign Policy? This includes the agencies and employees of the executive branch. What is the Federal Bureaucracy? This is where the President of the United States both lives and works. What is The White House? What is Washington DC? This is basically a pardon for an entire group of people. This prohibits a group of nations from trading with a target nation. What is an Embargo? What are Government Corporations? He is currently the Vice President of the United States. Who is Mike Pence? This is the indirect method we use to elect our presidents in the United States. What is the Electoral College? What is The War Powers Resolution? The War Powers Act? This is a formal agreement between two or more countries. What is a Treaty? What is the Federal Budget? What is National Security? This person immediately follows the Vice President in succession to the presidency. Who is the Speaker of the House? Who is Paul Ryan? What is an Ambassador? This is a group of advisors that include the heads of the top-level executive departments. What is an Executive Agreement? What is Presidential Succession? What is the role of Chief Executive? What is carrying out the laws passed by Congress? What are Trade Sanctions? What is the Department of Justice? Who is the President?

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## Chapter 6 : SparkNotes: The Bureaucracy: The Federal Bureaucracy

*AP GOPO Unit 4 Study Guide - Herrin The Executive Branch - Page 1 Unit 4 STUDY GUIDE The Executive Branch - The President & Bureaucracy 1.*

After many votes, the House of Representatives chose Jefferson, and soon thereafter the amendment was speedily approved. The 25th amendment superseded this clause regarding presidential disability, vacancy of the office, and methods of succession Section 1 The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows: Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President. The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States. No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States. In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected. The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them. Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session. Section 3 He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may

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adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States. For instance, the authority to negotiate treaties has been assigned to the President alone as part of a general authority to control diplomatic communications. Thus, since the early Republic, the Clause has not been interpreted to give the Senate a constitutionally mandated role in advising the President before the conclusion of the treaty. Also of substantial vintage is the practice by which the Senate puts reservations on treaties, in which it modifies or excludes the legal effect of the treaty. The President then has the choice, as with all treaties to which the Senate has assented, to ratify the treaty or not, as he sees fit. The question of whether the President may terminate treaties without Senate consent is more contested. In , President Carter gave notice to Taiwan of the termination of our mutual defense treaty. Court of Appeals for the District of Columbia held that the President did have authority to terminate the treaty, but the Supreme Court in *Goldwater v. Carter* , vacated the judgment without reaching the merits. The treaty termination in *Goldwater* accorded with the terms of the treaty itself. Holland suggests that the Treaty Clause permits treaties to be made on subjects that would go beyond the powers otherwise enumerated for the federal government in the Constitution. Covert , however, the Court held that treaties may not violate the individual rights provisions of the Constitution. A still-debated question is the extent to which the Treaty Clause is the sole permissible mechanism for making substantial agreements with other nations. In fact, the majority of U. The Supreme Court has endorsed unilateral executive agreements by the President in some limited circumstances. For instance, in *United States v. Belmont* , the Court upheld an agreement to settle property claims of the government and U. The Court has never made clear the exact scope of executive agreements, but permissible ones appear to include one-shot claim settlements and agreements attendant to diplomatic recognition. With so-called congressional-executive agreements, Congress has also on occasion enacted legislation that authorizes agreements with other nations. It is sometimes argued in favor of the substantial interchangeability of treaties with so-called congressional-executive agreements that Congress enjoys enumerated powers that touch on foreign affairs, like the authority to regulate commerce with foreign nations. But, unlike legislation, international agreements establish binding agreements with foreign nations, potentially setting up entanglements that mere legislation does not. Neilson , the Supreme Court has distinguished between treaties that are now called self-executing and treaties that are non-self-executing. Self-executing treaties have domestic force in U. Non-self-executing treaties require additional legislation before the treaty has such domestic force. *Texas* , the Court suggested there may be a presumption against finding treaties self-executing unless the treaty text in which the Senate concurred clearly indicated its self-executing status. Appointments

The remainder of Paragraphs 2 and 3 of Article II deals with the subject of official appointments. With regard to diplomatic officials, judges and other officers of the United States, Article II lays out four modes of appointment. The text, however, raises the questions: *Chadha* , may implicitly have given the Buckley formulation more substance. Distinguishing inferior from principal officers has also sometimes proved puzzling. Perhaps the greatest source of controversy regarding the Appointments Clause, however, surrounds its implications, if any, for the removal of federal officers. *United States* , and, indeed, may not reserve for itself any direct role in the removal of officers other than through impeachment, *Bowsher v.* The Court has since held, in that vein, that officers of the United States may not be shielded from presidential removal by multiple layers of restrictions on removal. Thus, inferior officers appointed by heads of departments who are not themselves removable at will by the President must be removable at will by the officers who appoint them. *Free Enterprise Fund v. Accounting Oversight Board* The Recess Appointments Clause was included in Article II in the apparent anticipation that government must operate year-round, but Congress would typically be away from the capital for months at a time. Over the ensuing decades—and extending to modern times when Congress itself sits nearly year-round—the somewhat awkward wording of the Clause seemed to pose two issues that the Supreme Court decided for the first time in *First*, does the power of recess appointments extend to vacancies that initially occurred while the Senate was not in recess? As a result, in the particular

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case, the Court ruled against the President, because the relevant recess was too short. Davis and Jacob E. McGinnis The practice and jurisprudence of the Treaty and Appointments Clauses err when they depart, as they too often do, from the original meaning of the Constitution. Shane Article II of the U. Constitution is plainly critical to establishing two fundamental institutional relationships:

## Chapter 7 : Article II - The United States Constitution

*Although the executive branch controls the majority of the federal bureaucracy, the legislative and judiciary branches also have some influence. Congress, for example, controls the Library of Congress, the Congressional Research Service, and the Government Accountability Office, among other bureaucracies.*

## Chapter 8 : Executive Branch Vocabulary Quiz | U.S. Government Quiz

*While the study of the presidency has been regarded as a theoretical backwater in comparison with the literature on Congress and courts, in recent years a new literature has put the study of the executive branch on firmer ground.*

## Chapter 9 : List of federal agencies in the United States - Wikipedia

*The power of the Executive Branch is vested in the President of the United States, who also acts as head of state and Commander-in-Chief of the armed forces. The President is responsible for.*