James Madison Legacy Project Online Course: Review and Discussion and Research Questions

UNIT 4

Lesson 22

Section 1, Review Questions

Instructions: Indicate whether each of the following statements is true or false.

1. Most of the work of Congress is done when members debate proposed bills on the floor of the House and Senate.
2. Permanent (or standing) committees focus upon major areas of importance to the nation such as agriculture, energy, education, foreign affairs, and defense.
3. Members of permanent committees also serve on subcommittees that specialize in different elements of the overall tasks and responsibilities of their committees.
4. Subcommittees gather information useful in drafting bills by such means as holding hearings including experts and others interested in the topic at hand.
5. Both the House and Senate make their own rules regarding the procedures they use in fulfilling their obligations under the Constitution.
6. The Speaker of the House of Representatives is largely a ceremonial position.
7. Most hearings of committees and subcommittees are open to the public.

Section 1, Discussion and Research Questions

Instructions: Respond briefly to each of the following questions.

1. What purposes are served by open hearings held by Congressional committees?
2. What examples can you identify, if any, of what you would consider to be the abuse of the Congressional power to hold public hearings? Explain your position.
3. The Speaker of the House has broad powers and can determine whether or not a bill can be debated and voted upon. What limits, if any, would you put on the Speaker's powers in regard to controlling what bills should be subject to full debate and a vote?

Section 2, Review Questions

Instructions: Indicate whether each of the following statements is true or false.
1. The rules in the Senate allow any member to use the filibuster to stop a vote on a bill unless at least sixty Senators vote to bring it to the floor (a cloture vote).
2. The “Hastert Rule” in the House of Representatives results in the Speaker preventing any bill going to the floor for a vote unless it is supported by a majority of the majority party.
3. The Hastert Rule does not prevent bills that would have majority support in Congress from being debated and voted upon.
4. “Regular order” refers to the adherence by Congress to the rules it has established for the creation and passing of legislation.
5. Recently Congress has been criticized for its failure to adhere to regular order and by leadership bypassing committees, narrowly controlling the legislative process, and excluding the minority from meaningful participation.

Section 2, Discussion and Research Questions

Instructions: Respond briefly to each of the following questions.

1. What are the benefits and costs of the filibuster?
2. What are the benefits and costs of the Hastert Rule?
3. What elements of the rule of law are violated, if any, by the failure to adhere to regular order in the House of Representatives? Explain your position.
4. What remedies, if any, would you recommend for the polarization and gridlock now common in Congress. Explain your position.

Section 3, Review Questions

Instructions: Indicate whether each of the following statements is true or false.

1. The Speaker of the House and Majority Leader of the Senate have similar powers.
2. Critics of Congress claim that over the past fifteen to twenty years, the leadership has ignored regular order and denied the minority party's opportunity to propose legislation, suggest amendments, and have a voice in the legislative process.
3. The Senate leadership tends to adhere to regular order more than the House leadership.
4. The president’s veto power makes the Executive Branch a third party in the legislative process.
5. The existence of the president’s veto power provides an incentive for compromise between the Executive Branch and Congress.
6. Overriding a president’s veto requires a vote of two-thirds of the House and Senate.

Section 3, Discussion and Research Questions

Instructions: Respond briefly to each of the following questions.

1. How, if at all, do the current processes used in the House and Senate violate the principle of majority rule?
2. What evidence is there during the Obama administration, if any, that the threat of a presidential veto has led Congress to compromise to shape legislation to avoid a veto?
3. Should the president have the power to veto an act passed by a majority of both houses of Congress? Why or why not?

Section 4, Review Questions

Instructions: Indicate whether each of the following statements is true or false.

1. Throughout history, Congress has played a very significant role in the protection of individual rights.
2. The Supreme Court has protected individual rights through its decisions in a number of landmark cases such as Brown v. Board of Education, but has also undermined civil rights in several cases.
3. Congress has passed important legislation in the areas of criminal law and privacy that protected individual rights.
4. Both the Supreme Court and Congress have at times encroached upon individual rights.
5. Some of the most important legislation supporting human rights has been passed by Congress as a result of widespread demands and action from individuals and groups of citizens.
6. President Lyndon Johnson opposed the passing of the Civil Rights and Voting Rights Acts because he thought their passing would result in the loss of the southern membership in the Democratic Party.
7. Presidents can shape legislation pending in Congress through the use of incentives and patronage that benefit individual members of the House and Senate.
8. Presidents’ use of executive orders has sometimes resulted in violations of individual rights and at other times protection of them.

Section 4, Discussion and Research Questions

Instructions: Respond briefly to each of the following questions.

1. Has the Supreme Court or Congress played a more effective role in the protection of human rights throughout the history of the nation? What evidence supports your position?
2. Which branch of the national government, if any, has been the most detrimental to individual rights throughout the history of the nation? What evidence supports your position?
3. What have been the most prominent actions of civil society that have furthered individual rights throughout the history of the nation? What evidence supports your position?

Section 5, Review Questions

Instructions: Indicate whether each of the following statements is true or false.

1. Common ways individuals can influence legislation in Congress and state legislatures include voting, contributing money, joining interest groups, and joining political parties.
2. The wealth of some individuals and interest groups can undermine the role the average American can play in influencing legislation and effecting public policy.
3. Research by Gilens and Page has shown that majorities of the American public have very little influence over the policies the American government adopts.

4. Remedies for the concern about the influence of money in politics include public financing, limiting the amount of contributions, limiting who can contribute, identifying contributors, and limiting the role of PACs.

5. As a result of such misuses of power as the McCarthy hearings, the Supreme Court ruled to limit the investigatory power of Congress.

6. The Supreme Court ruled that the House Un-American Activities Committee overstepped its authority by investigating the personal politics and viewpoints of the American people.

Section 5, Discussion and Research Questions

Instructions: Respond briefly to each of the following questions.

1. Do you think the complex system of separated powers and checks and balances inhibits majority rule? Explain your position.

2. Leading scholars have called Congress a “broken branch” claiming it is hampered in its ability to fulfill its obligations by hyper-partisanship, ideological rigidity and a reluctance to compromise. What is your position on this matter?

3. What policies, if any, would you support regarding the role of money in politics? What would be the fundamental goals of the policies you would support?