

Line Item Veto

by Justin R. Bailey and Bernadette B. Carpenter

In 1996, Congress passed the Line Item Veto giving President Clinton the authority to veto portions of appropriations bills. Though the Supreme Court struck down the law in *Clinton v. City of New York* (1998), the merits of an expansion of presidential power to include the line item veto persists.

Note: Module is primarily taught in an upper-level high school AP U.S. Government and Politics class. Students are typically familiar with the otherwise difficult language of the texts because of previous class content.

GRADES

11 - 12

DISCIPLINE

Social Studies

COURSE

AP United
States
Government and
Politics

Section 1: What Task?

Teaching Task

Task Template 2 - Argumentation

Should the president of the United States have the power of the line-item veto? After reading informational texts and articles, write an editorial in which you address the question and argue for or against the merits of the line-item veto. Support your position with evidence from the text(s).



Be sure to acknowledge competing views.

Standards

Common Core State Standards for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects

RH.11-12.1

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

RH.11-12.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

RH.11-12.4

Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines faction in Federalist No. 10).

RH.11-12.10

By the end of grade 12, read and comprehend history/social studies texts in the grades 11—CCR text complexity band independently and proficiently.

WHST.11-12.1

Write arguments focused on discipline-specific content.

WHST.11-12.1.a

Introduce precise, knowledgeable claim(s), establish the significance of the claim(s), distinguish the claim(s) from alternate or opposing claims, and create an organization that logically sequences the claim(s), counterclaims, reasons, and evidence.

WHST.11-12.1.b

Develop claim(s) and counterclaims fairly and thoroughly, supplying the most relevant data and evidence for each while pointing out the strengths and limitations of both claim(s) and counterclaims in a discipline-appropriate form that anticipates the audience's knowledge level, concerns, values, and

possible biases.

WHST.11-12.1.c

Use words, phrases, and clauses as well as varied syntax to link the major sections of the text, create cohesion, and clarify the relationships between claim(s) and reasons, between reasons and evidence, and between claim(s) and counterclaims.

WHST.11-12.1.d

Establish and maintain a formal style and objective tone while attending to the norms and conventions of the discipline in which they are writing.

WHST.11-12.1.e

Provide a concluding statement or section that follows from or supports the argument presented.

WHST.11-12.4

Produce clear and coherent writing in which the development, organization, and style are appropriate to task, purpose, and audience.

WHST.11-12.5

Develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach, focusing on addressing what is most significant for a specific purpose and audience.

WHST.11-12.9

Draw evidence from informational texts to support analysis, reflection, and research.

WHST.11-12.10

Write routinely over extended time frames (time for reflection and revision) and shorter time frames (a single sitting or a day or two) for a range of discipline-specific tasks, purposes, and audiences.

Core Content for Social Studies Assessment Version 4.1

SS-HS-1.2.1

Students will analyze how powers of government are distributed and shared among levels and branches and evaluate how this distribution of powers protects the "common good" (e.g., Congress legislates on behalf of the people; the President represents the people as a nation; the Supreme Court acts on behalf of the people as a whole when it interprets the Constitution).

AP U.S. Government and Politics

IV.B.

Relationships among these four institutions and varying balances of power

I.B.

Separation of powers

V.D.

The role of the bureaucracy and the courts in policy implementation and interpretation

Texts

% Line-Item Veto Reading/Writing Packet

- "Line-Item Veto"; Larry Sabato, A More Perfect Constitution; 2007. Included in linked reading packet.
- "Fact Sheet: The Legislative Line-Item Veto: Constitutional, Effective, and Bipartisan"; Office of the Press Secretary; June 2006.

Included in linked reading packet.

- "Senator Robert Byrd's Speeches in Opposition to the Line Item Veto"; CongressLink.org Included in linked reading packet.
- "House 'Line-item Veto: Proposal Invites Abuse by Executive Branch'"; Richard Kogan; June 2006.
 Included in linked reading packet.
- % The President Needs Line-Item Veto Authority
- **%** A Line-Item Veto Would Upset the Constitutional Balance
- % Reader responses to U.S. News editorials
- % Pork and the Line Item Veto

LDC Student Work Rubric - Argumentation

	Not Yet	Approaches Expectations	Meets Expectations	Advanced
	1	2	3	4
Focus	Attempts to address prompt, but lacks focus or is off-task.	Addresses prompt appropriately and establishes a position, but focus is uneven. D. Addresses additional demands superficially.	Addresses prompt appropriately and maintains a clear, steady focus. Provides a generally convincing position. D: Addresses additional demands sufficiently	Addresses all aspects of prompt appropriately with a consistently strong focus and convincing position. D: Addresses additional demands with thoroughness and makes a connection to claim.
Controlling Idea	Attempts to establish a claim, but lacks a clear purpose.	Establishes a claim.	Establishes a credible claim.	Establishes and maintains a substantive and credible claim or proposal.
Reading/Research	Attempts to reference reading materials to develop response, but lacks connections or relevance to the purpose of the prompt.	Presents information from reading materials relevant to the purpose of the prompt with minor lapses in accuracy or completeness.	Accurately presents details from reading materials relevant to the purpose of the prompt to develop argument or claim.	Accurately and effectively presents important details from reading materials to develop argument or claim.
Development	Attempts to provide details in response to the prompt, but lacks sufficient development or relevance to the purpose of the prompt.	Presents appropriate details to support and develop the focus, controlling idea, or claim, with minor lapses in the reasoning, examples, or explanations.	Presents appropriate and sufficient details to support and develop the focus, controlling idea, or claim.	Presents thorough and detailed information to effectively support and develop the focus, controlling idea, or claim.
Organization	Attempts to organize ideas, but lacks control of structure.	Uses an appropriate organizational structure for development of reasoning and logic, with minor lapses in structure and/or coherence.	Maintains an appropriate organizational structure to address specific requirements of the prompt. Structure reveals the reasoning and logic of the argument.	Maintains an organizational structure that intentionally and effectively enhances the presentation of information as required by the specific prompt. Structure enhances development of the reasoning and logic of the argument.
Conventions	Attempts to demonstrate standard English conventions, but lacks cohesion and control of grammar, usage, and mechanics. Sources are used without citation.	Demonstrates an uneven command of standard English conventions and cohesion. Uses language and tone with some inaccurate, inappropriate, or uneven features. Inconsistently cites sources.	Demonstrates a command of standard English conventions and cohesion, with few errors. Response includes language and tone appropriate to the audience, purpose, and specific requirements of the prompt. Cites sources using appropriate format with only minor errors.	Demonstrates and maintains a well-developed command of standard English conventions and cohesion, with few errors. Response includes language and tone consistently appropriate to the audience, purpose, and specific requirements of the prompt. Consistently cites sources using appropriate format.
Content Understanding	Attempts to include disciplinary content in argument, but understanding of content is weak; content is irrelevant, inappropriate, or inaccurate.	Briefly notes disciplinary content relevant to the prompt; shows basic or uneven understanding of content; minor errors in explanation.	Accurately presents disciplinary content relevant to the prompt with sufficient explanations that demonstrate understanding.	Integrates relevant and accurate disciplinary content with thorough explanations that demonstrate in-depth understanding.

Background for Students

This module fits within the sub-unit detailing the powers granted to the executive branch of the federal government. The sub-unit fits within the larger unit of a three-branch federal system. This unit falls directly after the unit on the judicial branch. The line-item veto, or partial veto, is an important issue due to what is at stake. The allowance of line-item vetoes would dramatically change the balance of power of the U.S. government and redefine our "checks and balances" system. The line-item veto would allow the power of an executive authority to nullify or cancel specific provisions of a bill without vetoing the entire legislative package. You will analyze how powers of government are distributed and shared among levels and branches and evaluate how a "line-item veto" would change this distribution of power.

Extension

Homework: Analysis of additional digital articles. Suggestions:

- "Should Obama Get Line-Item Veto Power?" U.S. News Digital Weekly. (7/16/2010);
- "Pork and the Line Item Veto." National Review. (8/26/1991) Buckley Jr., William F. (Editorial).

Section 2: What Skills?

Preparing for the Task

TASK ENGAGEMENT: Ability to connect the task and new content to existing knowledge, skills,

experiences, interests, and concerns

TASK ANALYSIS: Ability to understand and explain the task's prompt and rubric.

SCORING EXPECTATIONS: Ability to understand and explain what will count as a strong response to

the teaching task prompt.

Reading Process

TEXT SELECTION: Ability to identify appropriate texts and evaluate their credibility.

ACTIVE READING: Ability to identify the central point and main supporting elements of a text.

ESSENTIAL VOCABULARY: Ability to apply strategies for developing an understanding of text(s) by

locating words and phrases that identify key concepts and facts, or information.

ACADEMIC INTEGRITY: Ability to use and credit sources appropriately.

NOTE-TAKING: Ability to read purposefully and select relevant information; to summarize and/or

paraphrase.

Transition to Writing

BRIDGING: Ability to begin linking reading results to writing task.

Writing Process

CONTROLLING IDEA: Ability to establish a controlling idea and consolidate information relevant to task.

PLANNING: Ability to develop a line of thought and text structure appropriate to an

information/explanation task.

DEVELOPMENT: Ability to construct an initial draft with an emerging line of thought and structure.

REVISION: Ability to refine text, including line of thought, language usage, and tone as appropriate to

audience and purpose.

EDITING: Ability to proofread and format a piece to make it more effective.

COMPLETION: Ability to submit final piece that meets expectations.

Section 3: What Instruction?

PACING SKILL AND DEFINITION PRODUCT AND PROMPT **SCORING GUIDE INSTRUCTIONAL STRATEGIES** Preparing for the Task **TASK POLITICAL CARTOON** Student meets Warm-Up: The President's Veto Pen - This activity 45 mins **ENGAGEMENT**: **ANALYSIS** expectations if reacquaints students with the concept of presidential Ability to connect the Analyze the cartoon he/she does the veto. task and new content to related to the concept following: • Project the "Veto Accomplished" political cartoon via existing knowledge, of presidential veto. Answers PowerPoint. Cartoon skills, experiences, · Address the questions questions interests, and concerns below in written form: • Link this task to earlier class content (Three-Branch related to Define the term Federal System). cartoon "veto." Discuss student responses. Expectations o Identify the symbols • Clarify timetable and support plans for the task. determined portrayed in the through cartoon and analyze questioning what they represent. What is the significance of the President's pen? What is the political or historical context of the cartoon? o Brainstorm reasons why a president would exercise his/her veto power. o Critical Thinking: If you were president, under what circumstances would you use the veto pen?

PACING SKILL AND DEFINITION PRODUCT AND PROMPT **SCORING GUIDE INSTRUCTIONAL STRATEGIES** 45 mins **TASK REVIEW AND LINK** Student meets What does the Constitution say about the Presidential **ENGAGEMENT**: **PREVIOUS** expectations if Veto? - To understand the Constitutional implication of a Ability to connect the **KNOWLEDGE** he/she does the line-item veto, students will revisit important concepts. task and new content to Review: following: • a. Project the Separation of Powers on PowerPoint, existing knowledge, · a. Define the and ask students to define the constitutional concept Answer skills, experiences, constitutional concept questions as of "separation of powers." interests, and concerns of "separation of exit slip • b. Have students identify the main functions of each powers." branch. • b. Identify the main c. Then review the concept of "checks and balances" by projecting the corresponding PowerPoint slide, functions of each and discuss examples of how each branch checks branch. c. Review the concept the other two. Pay close attention to "presidential of "checks and veto" and "congressional override." balances"; discuss d. Introduce the Presentment Clause. Ask students to interpret the clause and address the corresponding examples of how each branch checks the questions. other two. Pay close attention to "presidential veto" and "congressional override." d. Interpret the "Presentment clause" and address the corresponding questions. Additional Attachments: **Review and Presentment Clause TASK ANALYSIS: QUICK WRITE** Student meets • Introduce and discuss full task (including timetable). 20 mins Ability to understand In a quick write, write your expectations if follow content that introduces 3-branch federal and explain the task's first reaction to the he/she does the prompt and rubric. question: following: system). • Discuss student responses. Should the president Completion of • Clarify timetable and support plans for the task. have the power to quick-write partially veto specific lines of a legislative bill

20 mins

SCORING EXPECTATIONS:

Ability to understand and explain what will count as a strong response to the teaching task prompt.

In your own words, what are the important features of a good response to this prompt?

without vetoing the entire bill? Add notes of things you know about

this issue.

Student meets expectations if he/she does the

 Restates some key features of the rubric.

- Link this task to earlier class content (Task should

LIST

following:

- Pass out individual rubric to each student.
- Identify or invite students to identify key features of rubric
- Create a classroom list.

PACING SKILL AND DEFINITION PRODUCT AND PROMPT **SCORING GUIDE INSTRUCTIONAL STRATEGIES** Reading Process 1 hr and **TEXT SELECTION: NOTES** Student meets • Provide citation guide and discuss why each element 30 mins Ability to identify For each of the presented expectations if of citation is needed. texts, list the needed he/she does the appropriate texts and Ask students to brainstorm what makes an author evaluate their bibliographic information. following: credible and/or worthy of study. credibility. Add bullets on why you Provide access to research sources for students to Identifies think the work is credible assess the texts. author, title, and/or worthy of study. publisher, date, Notes: and any other • Class discussion on author "bias" will also be needed needed • Example Discussion Starters: information (for o Would the press secretary have any reason to be example, the "biased" about allowing the president to have the volume for a power of the line-item veto? periodical or the Would a Democratic member of Congress ever editor for an have any rason to be "biased" about allowing anthology). line-item veotes during the presidency of a Includes Republican president? reasonable o Are documents filled with "bias" still worthy of evidence that study? Can the texts still be credible? Do all work is credible documents contain "bias"? and/or worthy of study. **ACTIVE READING:** SHORT CONSTRUCTED 1 hr and Student meets • The active reading activity is to be used for "Line-Item Veto" by Larry Sabato, "Fact Sheet: The 30 mins Ability to identify the **RESPONSE** expectations if central point and main What is the author trying to he/she does the Legislative Line-Item Veto by Office of the Press supporting elements of accomplish? Which parts following: Secretary, "Senator Robert Byrd's Speeches in of the text show you that? Opposition to the Line Item Veto" by Robert Byrd. a text. Answers and "House 'Line-item Veto: Proposal Invites Abuse What competing questions with by Executive Branch'" by Richard Kogan. (All arguments have you credible included in the attached reading packet in "Texts".) encountered or can response. • Invite students to brainstorm ways to figure out any you think of? author's intent. What historical or Invite students to share and discuss their answers for current examples can each text. you note that relate to After the discussion, allow them to add to their the task prompt? entries. 45 mins **ESSENTIAL** LIST Student meets • After scoring, ask some students to share definitions **VOCABULARY**: Ability of terms that others overlooked or misunderstood. So....What's a Line-item expectations if to apply strategies for Veto? he/she does the After scoring, be willing to provide direct instruction or developing an following: guide a close reading if needed to work through a • Using "So...what's a key phrase most students missed. understanding of text(s) Line-item Veto" define Lists by locating words and the term "line-item appropriate phrases that identify veto", and discuss the phrases. key concepts and facts, implications of the Line Provides or information. Item Veto Act of 1996 accurate and subsequent definitions. Supreme Court decision in Clinton v.

New York City.

INSTRUCTIONAL STRATEGIES PACING SKILL AND DEFINITION PRODUCT AND PROMPT **SCORING GUIDE** Additional Attachments: So What? handout **ACADEMIC** SHORT CONSTRUCTED 20 mins Student meets • Discuss respect for others' work to assemble **INTEGRITY**: Ability to **RESPONSE** expectations if evidence and create texts. use and credit sources Define "plagiarism" and list he/she does the Discuss academic penalties for stealing others appropriately. following: thoughts and words. ways to avoid it. Provides accurate definition Lists several appropriate strategies 45 mins **NOTE-TAKING**: Ability **NOTES** Student meets Teach a model format for note taking. i.e. Cornell to read purposefully From each text, make a expectations if Check that early student work is in the assigned format (or in another format that gathers the needed and select relevant list of the elements that he/she does the information; to look most important for following: information effectively). summarize and/or answering the prompt. Do Identifies paraphrase. what you need to do to relevant avoid plagiarism. elements. • (a) What strategies will Includes you use to discern information to "credible sources"? support • (b) What implications accurate can your draw? citation (for • Why is it important in example, page the process of inquiry to numbers for a "identify gaps" or long text, clear "unanswered indication when questions" about the quoting directly. topic? 45 mins **NOTE-TAKING:** Ability **OPEN FORUM / ARTICLE** Student meets Pass out the student handouts "Debating the Line-item to read purposefully **ANALYSIS CHART** expectations if Veto: An Open Forum Article Analysis." Briefly go over the directions. Students should then read the four and select relevant Engage in open forum and he/she does the read the four articles. articles and complete the article analysis chart. information; to following: summarize and/or Complete the article Analysis is analysis chart. paraphrase. based upon evidence from texts. Additional Attachments: Open Forum / Article Analysis Chart Transition to Writing

PACING	SKILL AND DEFINITION	PRODUCT AND PROMPT	SCORING GUIDE	INSTRUCTIONAL STRATEGIES
45 mins	BRIDGING: Ability to begin linking reading results to writing task.	ELEVATOR SPEECH Give a quick overview of what you've learned (from your reading/research research) deliverable in the length of an elevator ride. This allows you to talk about your research before writing. This allows you an opportunity to organize your thoughts, make sense of what you've read, and get feedback from your audience.	Student meets expectations if he/she does the following: • Completion	 Many students need time to think and talk about their research before they can write. Pushing them to get a draft done without allowing for this often leads to plagiarism. Elevator speeches are great opportunities to transition to the writing phase. Allow students five minutes to make notes in preparation for their speeches. Depending on the student's speech, it may be time to do additional research, refine the topic, or begin drafting the essay. This is intended to be done in front of whole class but may be modified to be done with partners or in small groups depending on the needs of specific classrooms.
45 mins	BRIDGING: Ability to begin linking reading results to writing task.	NOTES Take notes on a viewing of "How to Construct an Editorial" on YouTube. How to Construct an Editorial View examples of exemplar editorials.	Student meets expectations if he/she does the following: • Completion	 Share examples of type of text students will produce (either from past students or from professional writers). Probably best if exemplar examples are NOT editorials responding to this prompt. Options may include authentic editorials on topics that students are likely to be familiar with. Example editorials used in my classroom (rural east Kentucky) include "Education Equals Prosperity, Period"; Lexington Herald-Leader (Jan '14). Example Class discussion should follow this activity
Writing	Process			
45 mins	CONTROLLING IDEA: Ability to establish a controlling idea and consolidate information relevant to task.	SHORT CONSTRUCTED RESPONSE Write an opening paragraph that includes a controlling idea and sequences the key points you plan to make in your composition.	Student meets expectations if he/she does the following: Writes a concise summary statement or draft opening. Provides direct answer to question: Should the President of the U.S. have the power of a line- item veto? Establishes a controlling idea. Identifies key points that support development of argument.	 Offer several examples of opening paragraphs. Ask class to discuss what makes them strong or weak. Review the list that students created earlier to identify needed elements (from Cluster 1, skill 2).

PACING	SKILL AND DEFINITION	PRODUCT AND PROMPT	SCORING GUIDE	INSTRUCTIONAL STRATEGIES
25 mins	PLANNING: Ability to develop a line of thought and text structure appropriate to an information/explanation task.	OUTLINE Create an outline based on your notes and reading in which you state your claim, sequence your points, and note your supporting evidence.	Student meets expectations if he/she does the following: Creates an outline or organizer. Supports controlling idea. Uses evidence from texts read earlier.	 Provide and teach one or more examples of outlines or organizers. Invite students to generate questions in pairs about how the format works, and then take and answer questions.
25 mins	DEVELOPMENT: Ability to construct an initial draft with an emerging line of thought and structure.	SHORT CONSTRUCTED RESPONSE Introduction: Write an opening paragraph that includes a controlling idea and sequences the key points you plan to make in your composition.	Work meets expectations if it Provides direct answer to main prompt requirements. Establishes a controlling idea. Identifies key points that will shape be developed later in the piece	In pairs, students share their opening paragraphs and discuss ways to improve.
45 mins	DEVELOPMENT: Ability to construct an initial draft with an emerging line of thought and structure.	LONG CONSTRUCTED RESPONSE Body Paragraphs: Working from your notes, create a paragraph in which you have one topic sentence that shares your main point and multiple other sentences that use evidence from your notes.	Work meets expectations if each paragraph: Reflects the student's plan for topics. Includes information from students' notes.	Not Provided
20 mins	DEVELOPMENT: Ability to construct an initial draft with an emerging line of thought and structure.	SHORT CONSTRUCTED RESPONSE Conclusion: Write a final paragraph that sums up your essay.	Work meets expectations if conclusion provides a fresh, short summary of the main thinking of the piece.	Not Provided

PACING	SKILL AND DEFINITION	PRODUCT AND PROMPT	SCORING GUIDE	INSTRUCTIONAL STRATEGIES
45 mins	REVISION: Ability to refine text, including line of thought, language usage, and tone as appropriate to audience and purpose.	LONG CONSTRUCTED RESPONSE Refine composition's analysis, logic, and organization of ideas/points. Use textual evidence carefully, with accurate citations. Decide what to include and what not to include.	Student meets expectations if he/she does the following: Provides complete draft with all parts. Supports the opening in the later sections with evidence and citations. Improves earlier edition.	 Sample useful feedback that balances support for strengths and clarity about weaknesses. Assign students to provide each other with feedback on those issues.
45 mins	EDITING: Ability to proofread and format a piece to make it more effective.	LONG CONSTRUCTED RESPONSE Revise draft to have sound spelling, capitalization, punctuation, and grammar. Adjust formatting as needed to provide clear, appealing text.	Student meets expectations if he/she does the following: Provides draft free from distracting surface errors. Uses format that supports purpose.	 Briefly review selected skills that many students need to improve. Teach a short list of proofreading marks. Assign students to proofread each other's texts a second time.
Not provided	COMPLETION: Ability to submit final piece that meets expectations.	LONG CONSTRUCTED RESPONSE Turn in your complete set of drafts, plus the final version of your piece	Student meets expectations if he/she does the following: • Fits the "Meets Expectations" category in the rubric for the teaching task.	Not Provided

Instructional Resources

No resources specified

Section 4: What Results?

Student Work Samples

Meets Expectations



Approaches Expectations



Teacher Reflection

Not provided

All Attachments

- Stine-Item Veto Reading/Writing Packet: https://s.ldc.org/u/7676vtzw3ebgklcws4bka8tba
- % The President Needs Line-Item Veto Authority: https://s.ldc.org/u/1jti6xubz266gj945cyj6n9rq
- % A Line-Item Veto Would Upset the Constitutional Balance : https://s.ldc.org/u/8apx3gnfw5aoayvprojbpn7au
- % Reader responses to U.S. News editorials: https://s.ldc.org/u/65tfb0h338yleftlvaymbtsah
- Pork and the Line Item Veto: https://s.ldc.org/u/45gio9xjkve096qaetbowb52e
- Work sample 1 : https://s.ldc.org/u/c2ozhmag8zln99mewoxkmnxrs
- Work sample 2: https://s.ldc.org/u/9379jsc0rpt30bw8a1t6tonyc