

AMERICAN GOVERNMENT

Separation of powers and the democratic process

Americans regularly exercise their democratic rights by voting and by participating in political parties and election campaigns.

- The early American way of life encouraged democracy. The colonists inhabited a land of forest and wilderness. They had to work together to build shelter, provide food, and clear the land for farms and dwellings. This need for cooperation strengthened the belief that, in the New World, people should be on an equal footing, with nobody having special privileges.
- The urge for equality affected the original 13 colonies' relations with the mother country, England. The Declaration of Independence in 1776 proclaimed that all men are created equal, that all have the right to "Life, Liberty, and the Pursuit of Happiness."
- The Declaration of Independence, and the Constitution, confirm that the government would draw its power from the people themselves and exercise it through their elected representatives. During the Revolutionary War, the colonies had formed a national congress to present England with a united front. Under an agreement known as the Articles of Confederation, a postwar congress was allowed to handle only problems that were beyond the capabilities of individual states.

The Constitution

- The Articles of Confederation failed as a governing document for the United States because the states did not cooperate as expected. To cure this weakness, the congress asked each state to send a delegate to a convention. The so-called Constitutional Convention met in Philadelphia in May of 1787, with George Washington presiding.
- The delegates struck a balance between those who wanted a strong central government and those who did not. The resulting master plan, or Constitution, set up a system in which some powers were given to the national, or federal, government, while others were reserved for the states.
- The Constitution divided the national government into three parts, or branches: the legislative, the executive, and the judicial. Called "separation of powers," this division gives each branch certain duties and substantial independence from the others. It also gives each branch some authority over the others through a system of "checks and balances."



Library of Congress

- Here are a few examples of how checks and balances work in practice.
 - If Congress passes a proposed law, or "bill," that the president considers unwise, he can veto it. That means that the bill is dead unless two-thirds of the members of both the House and the Senate vote to enact it despite the president's veto.
 - If Congress passes and the president signs, a law that is challenged in the federal courts as contrary to the Constitution, the courts can nullify that law. (The federal courts cannot issue advisory or theoretical opinions, however; their jurisdiction is limited to actual disputes.)
 - The president has the power to make treaties with other nations and to make appointments to federal positions, including judgeships. The Senate, however, must approve all treaties and confirm the appointments before they can go into effect.

Bill of Rights



- The Constitution written in Philadelphia in 1787 could not go into effect until it was ratified by a majority of citizens in at least 9 of the then 13 U.S. states. During this ratification process, misgivings arose. Many citizens felt uneasy because the document failed to explicitly guarantee the rights of individuals. The desired language was added in 10 amendments to the Constitution, collectively known as the Bill of Rights.
 - The Bill of Rights guarantees Americans freedom of speech, of religion, and of the press. They have the right to assemble in public places, to protest government actions, and to demand change. There is a right to own firearms. Because of the Bill of Rights, neither police officers nor soldiers can stop and search a person without good reason. Nor can they search a person's home without permission

from a court to do so. The Bill of Rights guarantees a speedy trial to anyone accused of a crime. The trial must be by jury if requested, and the accused person must be allowed representation by a lawyer and to call witnesses to speak for him or her. Cruel and unusual punishment is forbidden. With the addition of the Bill of Rights, the Constitution was ratified by all 13 states and went into effect in 1789.

- Since then 17 other amendments have been added to the Constitution. Perhaps the most important of these are the Thirteenth and Fourteenth, which outlaw slavery and guarantee all citizens equal protection of the laws, and the Nineteenth, which gives women the right to vote.
- The Constitution can be amended in either of two ways. Congress can propose an amendment, provided that two-thirds of the members of both the House and the Senate vote in favor of it. Or the legislatures of two-thirds of the states can call a convention to propose amendments. (This second method has never been used.) In either case a proposed amendment does not go into effect until ratified by three-fourths of the states.

Legislative Branch

- The legislative branch - the Congress - is made up of elected representatives from each of the 50 states. It is the only branch of U.S. government that can make federal laws, levy federal taxes, declare war, and put foreign treaties into effect.
- Members of the House of Representatives are elected to two-year terms. To be selected as a Representative, a person must be at least 25 years of age and 7 years as resident of the US. Each member represents a district in his or her home state. The number of districts is determined by a census, which is conducted every 10 years. The most populous states are allowed more representatives than the smaller ones, some of which have only one. In all, there are 435 representatives in the House. The governor of a state appoints the vacancy with authorization of the state legislature.
- Senators are elected to six-year terms. Each state has two senators, regardless of population. Senators' terms are staggered, so that one-third of the Senate stands for election every two years. No two senators at same state terminate at the same time. There are 100 senators. To be selected as a senator, a person must be at least 30 years of age and 9 years as resident of the US. The governor of a state appoints the vacancy with authorization of the state legislature.
- To become a law, a bill must pass both the House and the Senate. After the bill is introduced in either body, it is studied by one or more committees, amended, voted out of committee, and discussed in the chamber of the House or Senate. If passed by one body, it goes to the other for consideration. When a bill passes the House and the Senate in different forms, members of both bodies meet in a "conference committee" to iron out the differences. Groups that try to persuade members of Congress to vote for or against a bill are called "lobbies." They may try to exert their influence at almost any stage of the legislative process. Once both bodies have passed the same version of a bill, it goes to the president for approval.



The Capitol Hill

Executive Branch

- The chief executive of the United States is the president, who together with the vice president is elected to a four-year term. As a result of a constitutional amendment that went into effect in 1951, a president may be elected to only two terms. Other than succeeding a president who dies or is disabled, the vice president's only official duty is presiding over the Senate. The vice president may vote in the Senate only to break a tie.



The White House

- The president's powers are formidable but not unlimited. As the chief formulator of national policy, the president proposes legislation to Congress. As mentioned previously, the president may veto any bill passed by Congress. The president is commander-in-chief of the armed forces. The president has the authority to appoint federal judges as vacancies occur, including justices of the Supreme Court. As head of his political party, with ready access to the news media, the president can easily influence public opinion.
- Within the executive branch, the president has broad powers to issue regulations and directives carrying out the work of the federal government's departments and agencies. The president appoints the heads and senior officials of those departments and agencies. Heads of the major departments, called "secretaries," are part of the president's cabinet. The majority of federal workers, however, are selected on the basis of merit, not politics.



*The United States Seal is the official seal of the U.S. government. The dominant figure is the American Eagle shown with its wings spread. The eagle carries in its beak a scroll on which appears the Latin motto *E pluribus unum* ("From many, one"). *E pluribus unum* is the United States motto, appearing on the nation's coins and paper money, and on many of its public monuments.*

- The President's Cabinet -- the Department Secretaries and the federal agencies they run - administer the nation's federal programs, from agriculture policy to veterans' affairs. Below is a Current List of the US Departments:
 - Department of Agriculture
 - Department of Commerce
 - Department of Defense
 - Department of Education
 - Department of Energy
 - Department of the Interior
 - Department of Housing and Urban Development
 - Department of Justice
 - Department of Labor
 - Department of State
 - Department of Transportation
 - Department of the Treasury
 - Department of Veteran's Affairs
 - Department of Health and Human Services

Judicial Branch

- The judicial branch is headed by the U.S. Supreme Court, which is the only court specifically created by the Constitution. In addition, Congress has established 13 federal courts of appeals and, below them, about 95 federal district courts. The Supreme Court meets in Washington, D.C., and the other federal courts are located in cities throughout the United States.



The Supreme Court

- Federal judges are appointed for life or until they retire voluntarily; they can be removed from office only via a laborious process of impeachment and trial in the Congress.
- The federal courts hear cases arising out of the Constitution and federal laws and treaties, maritime cases, cases involving foreign citizens or governments, and cases in which the federal government is itself a party.
- The Supreme Court consists of a chief justice and eight associate justices. With minor exceptions, cases come to the Supreme Court on appeal from lower federal or state courts. Most of these cases involve disputes over the interpretation and constitutionality of actions taken by the executive branch and of laws passed by Congress or the states.



The Supreme Court: Ginsburg, Souter, Thomas, Breyer, Scalia, Stevens, Rehnquist, O'Connor, Kennedy

- Although the three branches are said to be equal, often the Supreme Court has the last word on an issue. The courts can rule a law unconstitutional, which makes it void. Most such rulings are appealed to the Supreme Court, which is thus the final arbiter of what the Constitution means.

Political Parties and Elections

- Americans regularly exercise their democratic rights by voting in elections and by participating in political parties and election campaigns. Today, there are two major political parties in the United States, the Democratic and the Republican. The Democratic Party evolved from the party of Thomas Jefferson, formed before 1800. The Republican Party was established in the 1850s by Abraham Lincoln and others who opposed the expansion of slavery into new states then being admitted to the Union.
- The Democratic Party is considered to be the more liberal party, and the Republican, the more conservative. Democrats generally believe that government has an obligation to provide social and economic programs for those who need them. Republicans are not necessarily opposed to such programs but believe they are too costly to taxpayers. Republicans put more emphasis on encouraging private enterprise in the belief that a strong private sector makes citizens less dependent on government.
- Both major parties have supporters among a wide variety of Americans and embrace a wide range of political views. Members, and even elected officials, of one party do not necessarily agree with each other on every issue. Americans do not have to join a political party to vote or to be a candidate for public office, but running for office without the money and campaign workers a party can provide is difficult.
- Minor political parties - generally referred to as "third parties" - occasionally form in the United States, but their candidates are rarely elected to office.

- At the national level, elections are held every two years, in even-numbered years, on the first Tuesday following the first Monday in November. State and local elections often coincide with national elections, but they also are held in other years and can take place at other times of year.
- Americans are free to determine how much or how little they become involved in the political process. Many citizens actively participate by working as volunteers for a candidate, by promoting a particular cause, or by running for office themselves. Others restrict their participation to voting on Election Day, quietly letting their democratic system work, confident that their freedoms are protected.

Questions and Discussions

1. Cloze (one word is needed in each blank)

Because the Constitution of the United States granted the government so much power, as compared with the earlier Articles of Confederation, several states demanded a list of to guarantee rights against intrusion by the federal government. The first amendments, known as the Bill of Rights, embody libertarian ideas in the United States. The amendments protect such rights as of speech (First Amendment), right against unlawful search and seizure (Fourth Amendment), and the right to a criminal trial by jury (Sixth Amendment).

2. Why did the American Constitution divide the national government into three branches? What are they and their duties?
3. American Constitution is famous for its Bill of Rights. What do you understand about this?
4. How do Americans exercise their rights in terms of politics? What are the main differences between the two largest political parties in the U.S.?