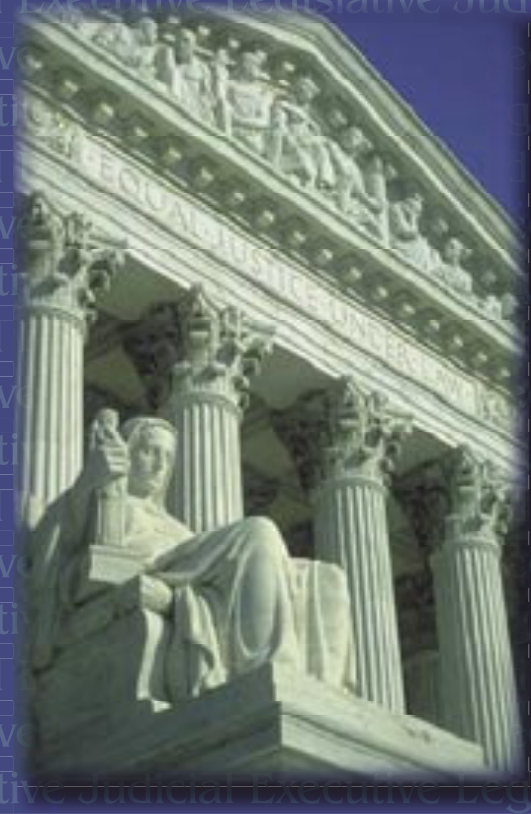


# ABOUT AMERICA

## How the United States Is Governed



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Cover: Bottom left: The dome of the U.S. Capitol building, Washington, D.C., headquarters of the Legislative Branch of the U.S. government. Top: The White House, headquarters of the federal executive. Bottom right: The Supreme Court building, headquarters of the federal judiciary.

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# ABOUT AMERICA

## How the United States Is Governed

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# Overview of national, state, and local governments in the United States



Visitors closely inspect the original pages of the U.S. Constitution of 1787 in the rotunda of the National Archives building in Washington, D.C. The Constitution as interpreted by courts still governs life in America.

The American system of government, begun as an experiment in liberty and democracy in 1776, has proven to be remarkably resilient and adaptable.

While often categorized as a democracy, the United States is more accurately defined as a constitutional federal republic. What does this mean? “Constitutional” refers to the fact that government in the United States is based on a Constitution which is the supreme law of the United States. The Constitution not only provides the framework for how the federal and state governments are structured, but also places significant limits on their powers. “Federal” means that there is both a national government and governments of the 50 states. A “republic” is a form of government in which the people hold power, but elect representatives to exercise that power.

## **UNDERSTANDING HOW THE AMERICAN SYSTEM OF GOVERNMENT OPERATES**

To a visiting observer, the U.S. government may seem straightforward: the Congress makes the laws and the President implements them. A closer inspection reveals a much more complex system of interactions and influences.

As a republic, the ultimate power within the American system rests with the people. This power is exercised through regular, scheduled elections in which voters select the President, members of Congress, and various state and local officials. These officials and their staffs formulate policy, make laws, and direct the day-to-day operations of government.

*“I know of no safe depository of the ultimate powers of the society but the people themselves.”*

– Thomas Jefferson, 1820

## THE ROLE OF THE U.S. CONSTITUTION

The U.S. Constitution is the blueprint for the American system of government. Ratified in 1788, the Constitution defines three separate branches of government (legislative, executive, and judicial), their powers, and how positions in each are to be filled.

One defining characteristic of the Constitution is the system of checks and balances it created to distribute power among the three branches.

Each branch exercises some form of power over the others. For example, justices of the Supreme

Court (judiciary) are appointed by the President (executive), but subject to the consent of the U.S. Senate (legislative). Likewise, the judiciary can strike down as unconstitutional laws passed by Congress and signed by the President. These and other checks and balances ensure that no single branch of government exercises too much power.

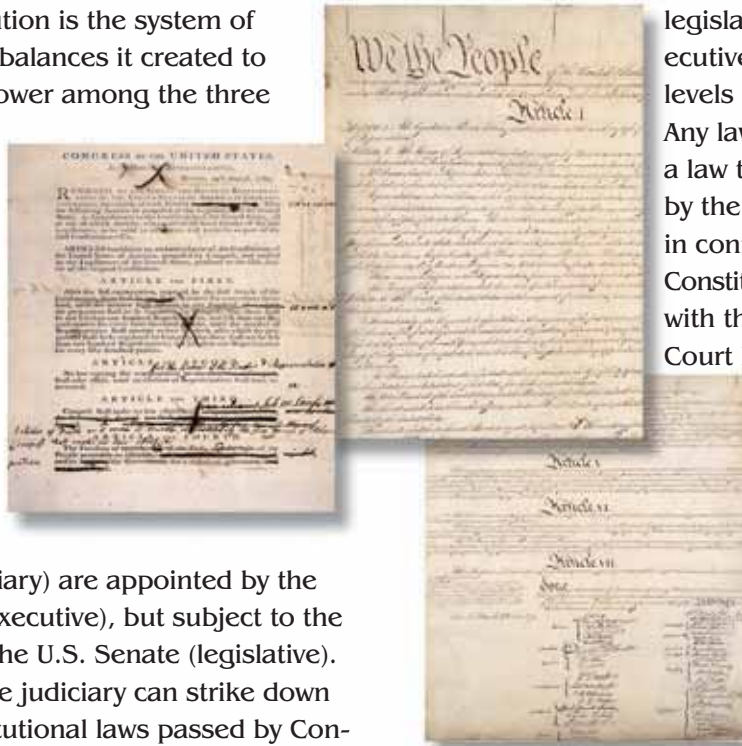
Because the government may exercise only those powers specifically granted to it in the Constitution, the Constitution is an important protection of the rights and powers of the people. The first ten amendments to the Constitution are collectively known as the Bill

of Rights. The Bill of Rights guarantees important freedoms to every American, including freedom of speech, press, and religion, and the right to be free from unreasonable searches, and to have a trial by jury.

The Constitution, as the supreme law of the land, limits the legislative and executive powers of all levels of government. Any law or portion of a law that is deemed by the courts to be in conflict with the Constitution is nullified, with the U.S. Supreme Court having the final say in such matters.

Amendments to the Constitution are adopted when proposed by two-thirds of the House and Senate

and ratified by three-fourths of the states. This is a difficult process, with only 27 amendments having been made since the Constitution was ratified. Of these, only 16 have been adopted since 1800.



On the right, two overlapping pages of the original text of the Constitution. On the left, a printed, annotated version of a House joint resolution amending the Constitution and proposing a Bill of Rights with 17 amendments, August 24, 1789.

## **HOW FEDERAL, STATE, AND LOCAL GOVERNMENTS INTERACT**

The Constitution not only defines the structure and powers of the federal government, but also contains general provisions regarding state government. Each state, in turn, has its own constitution which contains provisions for local governments within the state. Local governments may include cities, counties, towns, school districts, and special-purpose districts, which govern such matters as local natural resources or transportation networks.

The federal government is limited to the powers and responsibilities specifically granted to it by the U.S. Constitution. Some of the powers listed in the Constitution include regulating commerce between the states, providing for national defense, creating money, regulating immigration and naturalization, and entering into treaties with foreign countries.

Over time, however, the Constitution has been interpreted and amended to adapt to changing circumstances, and the powers exercised by the federal government have changed with it. Working with the states, the federal government cre-

ates certain laws and programs that are funded federally, but administered by the states. Education, social welfare, assisted housing and nutrition, homeland security, transportation, and emergency response are key areas where states deliver services using federal funds and subject to federal guidelines.

This gives the federal government the power to influence the states. For example, in the 1970s, the federal government wanted to lower highway speed limits to reduce energy consumption. Rather than simply legislate a lower speed limit, the federal government threatened to withhold money for road projects from states that did not themselves lower the speed limit in their states. In many cases, the states must also partially fund the programs to qualify for federal funds.

A local government is chartered according to its state's constitution. Just as the policies enacted by the state government must not conflict with federal law, a local government is subject to the legal environment created by the state's constitution and statutes.

## Sovereignty of Indian Tribes



Matthew Thomas, leader of the Narragansett Indian tribe, addresses 24 eastern U.S. tribes at a meeting in Mashantucket, Connecticut, in 2003. Like other groups, Native Americans pursue unified political agendas.

**F**ederally recognized American Indian tribes are considered sovereign entities within the United States. This sovereign status—sometimes called “nation-within-a-nation”—is protected by treaty, federal law, and court rulings. Members of tribes are not subject to state or local income, sales, or property taxes, and states have little power to regulate Indians in tribal territories. Tribes have their own rule-making bodies and judicial systems to settle disputes arising on tribal lands or between tribal members. While significant, tribal sovereignty is not absolute; Indians are subject to federal taxes and to laws passed by the U.S. Congress.



## Similarities and differences between the U.S. system of government and other forms of democratic government



Arab-Americans vote in the 2004 U.S. presidential election in a school in Dearborn, Michigan.

As a constitutional federal republic, the United States is not unique. Many “democracies” are in fact constitutional republics, and share with the United States long traditions of democratic representation, the rule of law, and constitutional protections.

One significant difference between the United States and some other major democracies is the selection and role of the head of government. In parliamentary systems, the head of government is a prime minister selected from the parliament, and is typically the leader of the majority political party or coalition. The prime minister appoints a cabinet of ministers often consisting of other members of parliament. A separate head of state may be a monarch or an elected

President (or comparable official).

In the United States, the President is both head of government and head of state. The President is elected separately from the legislature and may or may not be of the legislature’s majority political party. The President’s cabinet consists of individuals who are Constitutionally prohibited from being members of Congress at the same time.

The United States is primarily a two-party system, in stark contrast to many parliamentary systems where there may be ten or more parties represented in the legislature. This results in clearly defined political lines in the United States, without the formal need for coalition-building often required to create a ruling majority in a parliamentary system. One factor contributing to the two-party system in the United States is the single-member district system of electing Representatives. In some parliamentary systems, proportional representation is used, which allows many parties to be represented in parliament.

One other significant difference is that elected officials in the United States serve for a defined period of time before facing reelection. In many parliamentary

## HOW THE U.S. IS GOVERNED



Texas: In a scene played out in many courtrooms, an attorney addresses jurors in a civil trial. Civil cases, unlike criminal cases, revolve around damages for wrongful acts and sometimes result in monetary awards.

systems, elections may be called suddenly by the ruling party or if there is a vote of no confidence in the government. In some parliamentary systems, parliament may be dissolved by the head of state and new elections ordered.

Differences in the judicial system are not as significant as in the legislative, because the United States legal system is based predominantly on English common law. Defendants in criminal cases have the right to a public trial by jury and the right to be represented by counsel. One major difference in the judiciary, however, is the power of the U.S. Supreme Court to declare laws unconstitutional, thereby nullifying them. Few

other countries vest such authority in their judiciaries.

Finally, the revenues and expenditures of the U.S. government are much smaller than most of its counterparts in other industrialized nations when measured as a percentage of gross domestic product. Much of the difference is due to the social services and benefits (such as health care and old-age pensions) that governments in some other nations pay for. In the United States, many of these services are delivered by the private sector or are not funded to the same extent by the government, and thus are not counted in government expenditures.

# The federal government



The U.S. Capitol building in Washington, D.C. has long symbolized representative government in America. It is divided into two chambers, the House of Representatives and the Senate, both of which need to concur for a new law to take effect.

The federal government is made up of three distinct branches, each with clearly defined Constitutional powers and responsibilities. These are the legislative branch, the executive branch and the judicial branch.

## **THE LEGISLATIVE BRANCH**

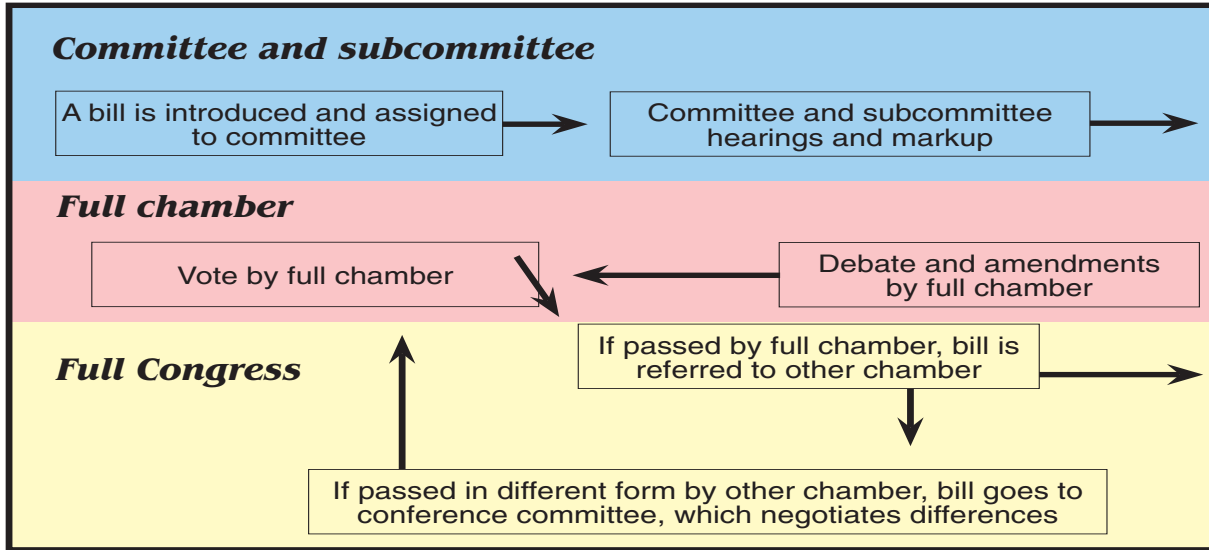
The legislative branch of the federal government is comprised of two chambers of Congress: the U.S. Senate and the U.S. House of Representatives. Legislation must pass both houses before it is presented to the President to be signed into law.

## **How a bill becomes law**

Each year, thousands of bills are introduced in Congress, but only a few hundred are passed into law. The following is a summary of how a bill makes its way from draft to being signed into law by the President.

1. A bill is written. A Senator or Representative may draft original legislation, or a trade association or private citizen may request that a bill be prepared and may assist in its writing. Only a Senator or Representative, however, can actually introduce a bill. Once written, the author of the bill will seek co-sponsors from among his or her colleagues to add greater credibility to the initiative.

**THE LEGISLATIVE PROCESS**



2. The bill is introduced in the Senate and/or House. It is assigned a number and its title and sponsors are published in the *Congressional Record*.

3. The Parliamentarians of the House and Senate assign the bill to the committee with appropriate jurisdiction. The chair of the committee may then assign the bill to the most appropriate subcommittee. It is important to note that the committee and subcommittee chairs have a great deal of power over how a bill assigned to them is considered. If the chair opposes the legislation, he or she may simply not act on it.

4. The subcommittee may hold hearings on the bill and invite testimony from public and private witnesses. Many witnesses are Executive Branch officials, experts, or affected parties from trade associations, labor unions, academia, public interest groups, or the business community. Individuals may also make their views known by testifying, by providing a written statement, or by allow-

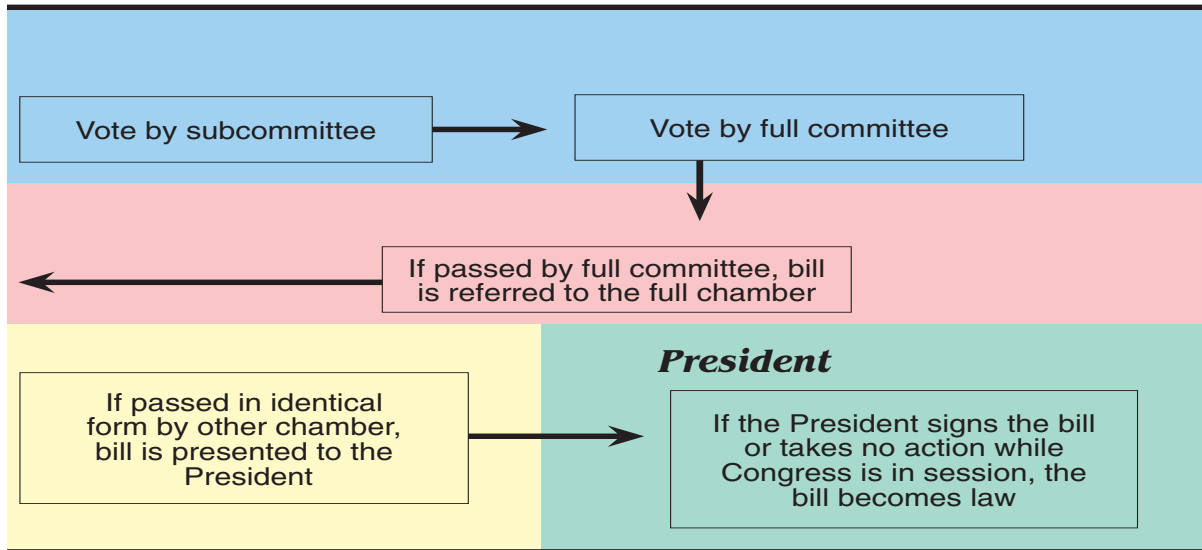
ing interest groups to represent their views.

5. Once the hearings are completed, the subcommittee may meet to "mark up" the bill, which is the process of proposing and considering amendments to the bill as written. It then votes on whether to report the bill favorably to the full committee. If not favorably reported, the bill dies.

6. The full committee may repeat any or all of the subcommittee's actions: hearings, markup, and vote. If the committee votes favorably on the bill, it is ordered reported to either the full House of Representatives or the full Senate, depending on which chamber is considering the bill.

7. When the bill reaches the floor of the House or Senate, the membership of the entire body may debate it. At this point, the bill may be further amended, referred back to committee, or voted on.

8. If the bill is passed by the House or Senate, it is referred to the other cham-



ber. A House-passed bill may be placed directly on the Senate Calendar, bypassing the subcommittee and committee reviews. Usually, however, the subcommittees and committees in both bodies have an opportunity to hold hearings, and amend the bill. Related or identical legislation often proceeds through the House and Senate simultaneously.

9. If a bill is passed in identical form by the House and Senate, it is delivered to the President. If there are differences between the House and Senate versions of the bill, a conference committee is appointed by the President of the Senate and the Speaker of the House to resolve the differences. If the conferees are unable to reach agreement, the legislation dies. If they do reach an agreement, the bill is sent back to both chambers, which must vote on them without further amendment.

If both chambers approve the conference committee bill, it goes to the President for signature. The President has four options: (1) Sign the bill into law; (2) Take no action while the Congress is in session, in which case the bill becomes law after ten days; (3) Take no action while a Congress is in final adjournment, in which case the bill dies; or (4) Veto the bill.

If the President vetoes a bill, Congress may attempt to override the veto. This requires a two-thirds vote by both the House and Senate. If either fails to achieve a two-thirds majority in favor of the legislation, the bill dies. If both succeed, the bill becomes law.

In addition to creating laws, one of the most important activities of Congress is oversight of the Executive Branch. Congress may hold hearings to investigate the operations and actions of the Executive Branch to ensure that it is carrying out the law with integrity.



Members of the House of Representatives take the oath of office in the House chambers in the Capitol in January, 1989.

### The Senate

- Considered the “Upper Chamber,” it is considered more deliberative than the House.
- Comprised of 100 Senators (two from each state).
- Senators serve six-year terms, with no limit on the number of terms they may serve.
- For election purposes, senators are divided into three classes; one class stands for election every two years. This ensures that there are always experienced legislators serving in Congress.
- Vacancies in the Senate are generally filled by appointment by the governor of the state where the vacancy exists.
- The Vice President of the United States serves as the President of the Senate, voting only in cases of a tie.\*

While sharing broad legislative powers with the House of Representatives, the Senate has several unique powers to itself:

- The Senate must confirm presidential appointments to the Supreme Court, lower federal courts, and key positions within the Executive Branch before the appointees can take office.
- The Senate approves or rejects international treaties negotiated by the President.
- In cases of impeachment of the President or a member of the Supreme Court, the full Senate conducts the trial and acts as jury.

### The House of Representatives

- Considered the “House of the People.”
- Comprised of 435 Representatives, apportioned among the states according to population. Five U.S. territories and possessions also have nonvoting representation in the House: the District of Columbia, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands.
- All Representatives serve two-year terms with no limit on the number of terms they may serve, and all are elected at the same time.
- Each Representative is elected from a defined geographic area within a state called a Congressional District.
- Vacancies in the House of Representatives are filled only by a special election or in a general election.
- The members of the House elect a Speaker of the House, who is the leading officer of the chamber and, in practice, is a member of the majority party.

Special powers and responsibilities of the House not shared with the Senate include:

- The power to bring charges of impeachment against the President and Supreme Court Justices.
- All bills for raising revenue must originate in the House.
- The House selects the President in cases where no presidential candidate receives a majority of electoral votes. In such cases, each state delegation has one vote.

*\*In practice, ties are so infrequent that the Vice President spends very little time presiding over the Senate. When the Vice President is not present, the Senate selects a president from its members to preside over daily proceedings.*



President Bush chairs a cabinet meeting, November, 2004.

### **THE EXECUTIVE BRANCH**

The Executive Branch is by far the largest branch of the federal government. At its head is the President, who serves a four-year term. The Vice President is elected at the same time, and is first in line to assume the presidency should the President die, become incapacitated, or be removed from office upon impeachment and conviction.

Although the Executive Branch shares powers co-equally with the other two branches of government, the President is the most powerful individual in the

government. Among the powers and roles of the President are:

- Appointing Supreme Court justices and lower federal court judges, all of whom must be confirmed by the Senate;
- Appointing a cabinet of department secretaries and agency heads who must be confirmed by the Senate;
- Acting as Commander-in-Chief of the military;
- Acting as titular head of state;
- Negotiating international treaties and treaties with American Indian tribes, which must be ratified by the Senate;

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- Vetoing legislation passed by Congress;
- Granting pardons and reprieves for federal crimes (except impeachment).

In addition to these constitutional powers, the President in practice has other powers that are either informal or not expressly provided for in the Constitution. First and foremost, the President may issue Executive Orders, which are directives that have the force of law. Executive Orders are commonly used for purposes such as:

- Establishing new programs, offices, or commissions to promote or carry out the President's political agenda;
- Creating policies that affect how legislation passed by Congress is to be carried out or enforced;
- Declaring when the federal workforce will observe holidays.

Executive Orders can be a powerful tool for the President to achieve policy objectives, and this power has been upheld by the Supreme Court. Individual Executive Orders may be overturned or modified by Congressional legislation, but such legislation requires the President's signature to have effect, unless Congress overrides a presidential veto. Executive Orders may also be challenged in court if they are perceived to violate the Constitution or conflict with existing law.

Finally, the President serves as the head of his or her political party, and can use the stature and visibility of the presidency to articulate political views and advance political objectives, both with the public and with members of his or her party in Congress.

## Executive departments and agencies

Beneath the President and Vice President are 15 departments and numerous agencies which together make up the "government" that we see every day. They are responsible for administering the law, enforcing it, and delivering various governmental services. Their functions are far-reaching and affect the lives of every American.

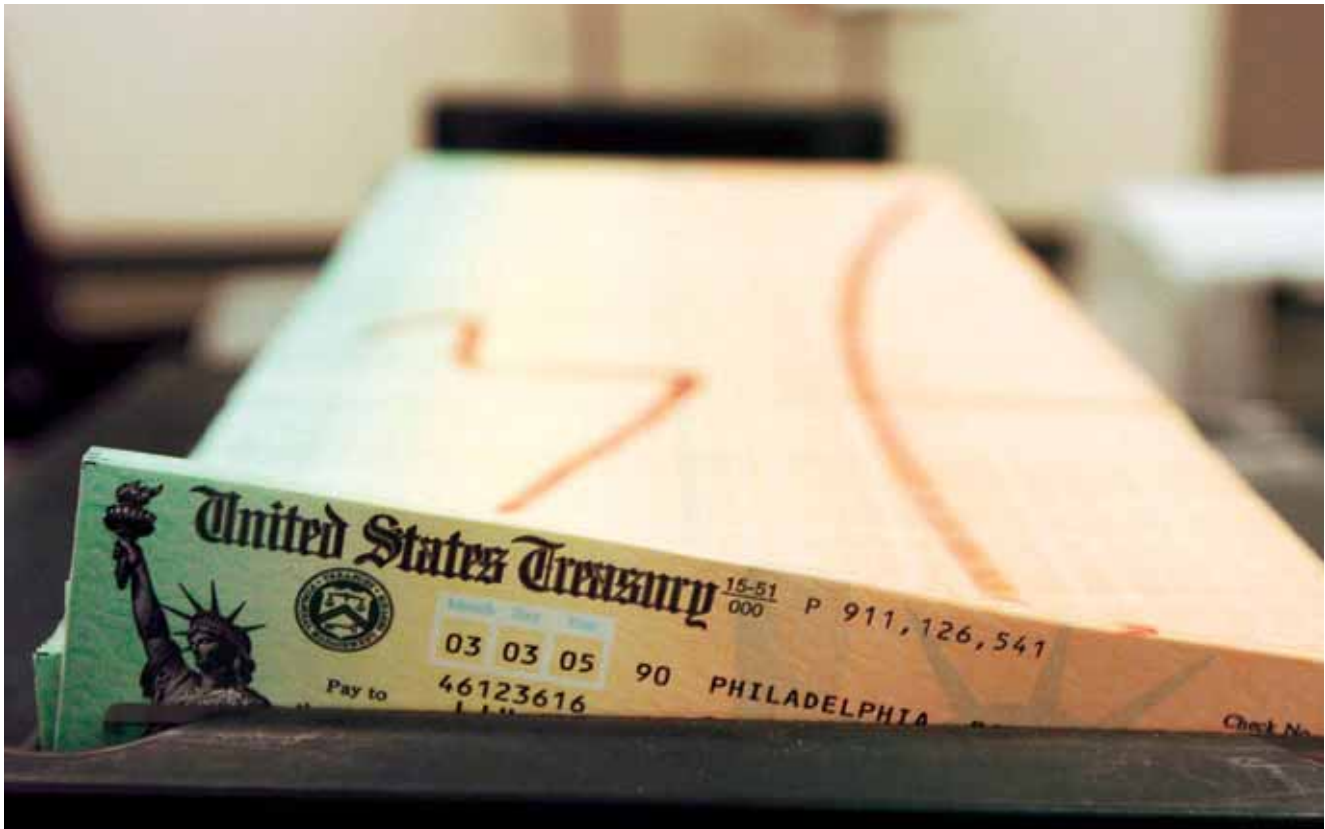
The 15 departments are:

- Department of Agriculture (USDA)
- Department of Commerce (DOC)
- Department of Defense (DOD)
- Department of Education (ED)
- Department of Energy (DOE)
- Department of Health and Human Services (HHS)
- Department of Homeland Security (DHS)
- Department of Housing and Urban Development (HUD)
- Department of the Interior (DOI)
- Department of Justice (DOJ)



Federal government agencies collect data, as well as initiate programs. This scientist, who works for the U.S. Department of Energy, uses an aircraft to collect data on air pollution over New England.





Old-age pensions, known as Social Security in the United States, are paid to millions by the U.S. government. Above, printed checks wait to be mailed from the U.S. Treasury's financial management facility in Philadelphia, Pennsylvania.

- Department of Labor (DOL)
- Department of State (DOS)
- Department of Transportation (DOT)
- Department of the Treasury
- Department of Veterans Affairs (VA).

Each department is headed by a secretary, who is appointed to the position by the President subject to Senate confirmation. The departmental secretaries by law make up the President's Cabinet, a group of people who advise the President on any subject relating to their responsibilities. The President may also accord cabinet-level status to other top Executive Branch officials. Typically this includes the Vice President, the President's Chief of Staff, the director of the Office of Management

and Budget, and the U.S. Trade Representative. Other positions that are currently or have recently been considered cabinet-level positions are the director of the Environmental Protection Agency, the director of Central Intelligence, and the President's national security advisor.

In addition to the cabinet-level departments, there are numerous independent Executive Branch agencies and commissions, some of which are quite large. Some examples include the U.S. Postal Service, the Environmental Protection Agency, and the National Aeronautics and Space Administration (NASA).

Regulatory agencies are an especially powerful type of agency. They are

## HOW THE U.S. IS GOVERNED

empowered by Congress to make and enforce rules governing specific parts of the economy often dealing with complex technical issues. Major regulatory agencies include:

- Securities and Exchange Commission (SEC)
- Federal Trade Commission (FTC)
- Nuclear Regulatory Commission (NRC)
- Food and Drug Administration (in HHS) (FDA)
- Federal Communications Commission (FCC)
- Environmental Protection Agency (EPA)
- Equal Employment Opportunity Commission (EEOC)
- Occupational Safety and Health Administration (in DOL) (OSHA).

Together with other regulatory agencies, these bodies make rules that affect nearly every business and consumer. Commission members and agency heads

are appointed by the President subject to Senate approval. Their rules have the force of law, but may be challenged in the courts or overturned by Congress.

Of all the independent agencies, none is more independent than the Federal Reserve System, the nation's central bank also known simply as "the Fed." The Board of Governors of the Federal Reserve is responsible for establishing the nation's monetary policy, setting interest rates, and determining the supply of money. Decisions made by the Fed have far-reaching effects on the nation's economy, interest rates, inflation, job creation, and international trade. In fact, many consider the Chairman of the Board of Governors to be the second most powerful individual in government after the President.

## Presidential Succession

**T**he Department of Homeland Security is the nation's newest cabinet-level department. The date of creation is important because the presidency passes to the Vice President in case of death or incapacitation of the President. If the Vice President is unable to serve, the line of succession is as follows:

- Speaker of the House;
- President Pro Tem of the Senate;
- Department secretaries, generally in the order the departments were created, beginning with the Secretary of State.



The U.S. Supreme Court building in Washington, D.C., houses the nation's highest court. The nine justices on the court play a decisive role interpreting legal and constitutional issues for the nation.

### **THE JUDICIAL BRANCH**

The judicial branch is responsible for passing judgment on legal cases that challenge or require interpretation of acts of Congress and for trying criminal cases in which the defendant is accused of violating federal law. Federal courts also have appellate jurisdiction over state laws when challenged on constitutional grounds, and jurisdiction over cases involving more than one state, citizens of more than one state, or foreign parties.

The judicial branch consists of the Supreme Court and the lower federal courts, including the Courts of Appeal

(also known as Circuit Courts or Appellate Courts), federal district courts, bankruptcy courts, and courts of federal claims. The courts of the federal judiciary hear both civil and criminal cases appealed from state courts. Their original jurisdiction covers cases relating to patents, trademarks, claims against the federal government, bankruptcy, financial securities, maritime law, and international claims.

As a separate branch of government, the judiciary is independent of the other two branches, subject only to the checks and balances defined in the Constitution. An independent federal judiciary is

## HOW THE U.S. IS GOVERNED

considered essential to ensure fairness and equal justice for all citizens. The Constitution promotes judicial independence in two major ways. First, federal judges are appointed for life, and they can be removed from office only through impeachment and conviction by Congress of "Treason, Bribery, or other high Crimes and Misdemeanors." Second, the Constitution provides that the compensation of federal judges "shall not be diminished during their Continuance in Office," which means that neither the President nor Congress can reduce the salary of a federal judge. These two protections help an independent judiciary to decide cases free from popular passions and political influence.

Although the judiciary was envisioned by the writers of the Constitution to be a branch insulated from political pressures

and popular opinion, the process of selecting judges has become highly political. Supreme Court Justices and lower court judges are nominated by the President and take office only when confirmed by the Senate.

The Supreme Court currently has nine justices, a number set by law. Lower federal courts, including their jurisdictions, number of judges, and budgets, are established by Congress. All federal judges require confirmation by the Senate in order to take office permanently. The President, however, may appoint judges for a temporary term while the Congress is not in session. Federal magistrates, who perform judicial activities such as setting bail, issuing warrants, and conducting hearings for minor offenses, are appointed to eight-year terms by Federal District Court judges.

## The Supreme Court and Civil Rights



White and black students study together at Clinton High School in Clinton, Tennessee, in 1964. The 1960s saw many advances in racial integration in the United States, prompted by public opinion and the federal court system.

The Supreme Court's role as an equal partner in government was solidified by the famous case of *Marbury v. Madison* in 1803. In this case, the Supreme Court for the first time declared a law passed by Congress and signed by the President unconstitutional, thereby nullifying the law. Rather than being simply a court that interprets the law, the Supreme Court has the power to void laws.

Although it was 54 years before the Supreme Court declared another law unconstitutional, it has become increasingly active since the middle of the 20th century, especially in the area of civil rights. A succession of landmark cases was a driving force in the expansion of rights for minorities and protections for defendants in criminal cases. Many of these, though controversial at the time, are now praised as enduring victories over injustice. The following are examples of some cases that had a lasting impact:

- In 1954, the court held in *Brown v. Board of Education* that having separate schools for whites and blacks was inherently unequal, and resulted in a massive desegregation effort in public schools.
- In 1956, the court upheld a lower court ruling overturning state laws that discriminated against minorities. Practices such as forcing blacks to sit at the back of buses (the situation that originated the case) were outlawed.
- In the 1967 *Miranda v. Arizona* case, the court held that individuals in police custody must be told of their rights to remain silent and to have legal counsel. These rights are now known as "Miranda rights."

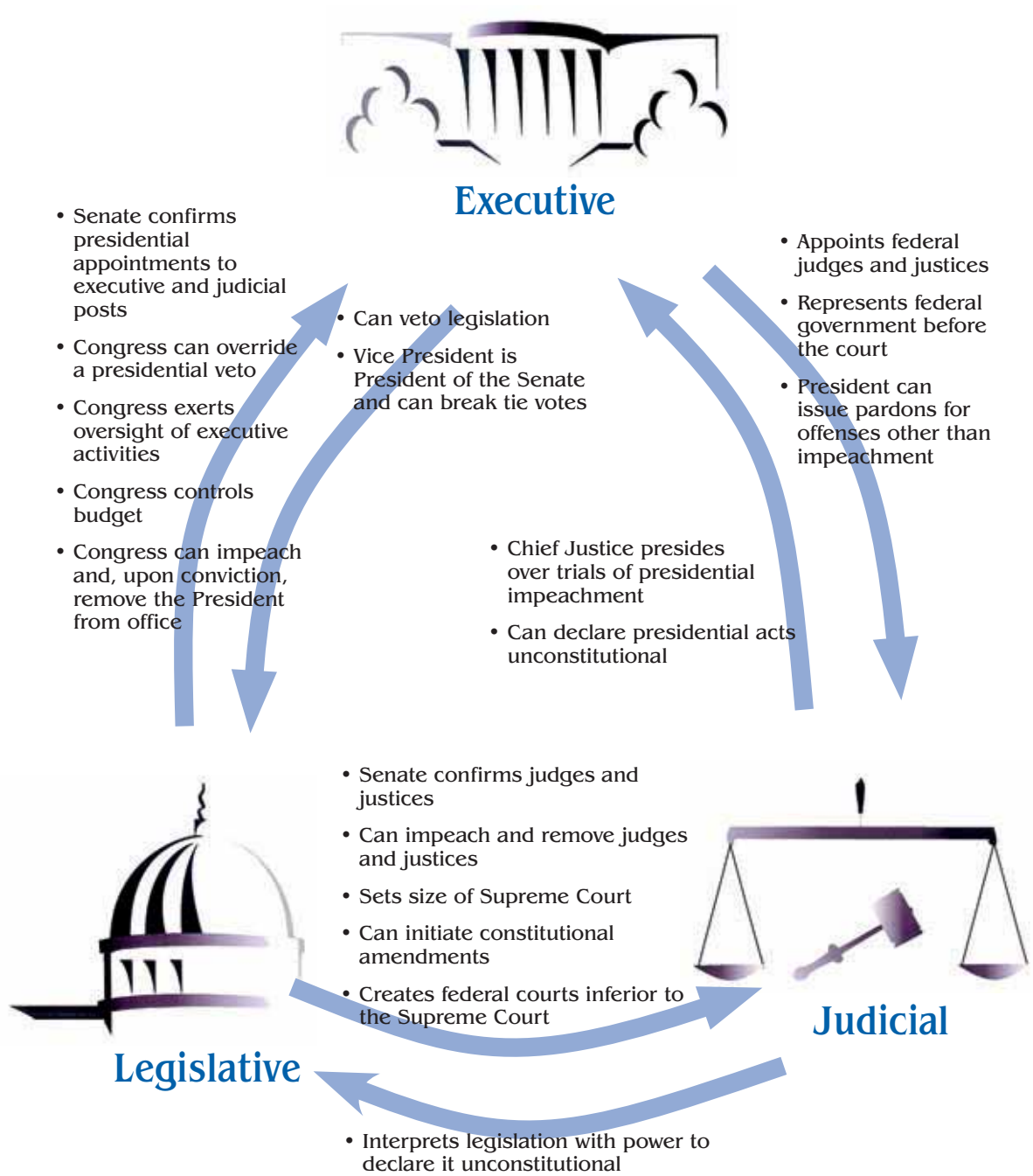
In these and many other important cases, the Supreme Court overturned state and local laws and practices that had the effect of denying minorities equal rights under the law. An important basis for these decisions was the Fourteenth Amendment, which states in part:

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

"... the judiciary is the safeguard of our liberty and our property under the Constitution."

*Charles Evans Hughes, Chief Justice of the United States, 1930-1941*

## Checks and Balances



## State governments



The state Supreme Court building in San Francisco, California, hosts that court and other regional courts as well, including a federal appeals court. A system of federal courts stretches throughout the nation, and provides a national legal structure, in addition to state courts and state laws.

As a federal system of government, the United States has several layers of government ranging from the federal government at the national level, to state and local governments. Two of these layers—the national and state—are addressed in the U.S. Constitution.

The U.S. Constitution gives Congress the authority to admit new states to the union. Since the ratification of the Constitution by the original 13 states, the United States has grown to encompass 50 states, varying widely in population and geographic size. In addition to the 50

states, there is a federal district—the District of Columbia—which is the national capital and not part of any state. The District of Columbia is governed by the city government, with budgetary control and administrative oversight by the U.S. Congress.

State governments are not subunits of the federal government; each state is sovereign and does not report in any constitutional way to the federal government. The U.S. Constitution and federal law, however, supersede state constitutions and state laws in areas where they are in disagreement.

### **STRUCTURE OF STATE GOVERNMENTS**

The U.S. Constitution guarantees each state a republican form of government—that is, a government run by popularly elected representatives of the people. State governments generally mirror the federal government: In each state there is an elected head of the executive branch (the governor), an independent judiciary, and a popularly elected legislative branch.

#### **Executive**

The executive branch of each state is responsible for administering the day-to-day operations of government, providing services and enforcing the law. It is led by a governor, elected by statewide ballot for a two- or four-year term, depending on the state. Other top executive officials who may be elected rather than appointed are the lieutenant governor, secretary of state, attorney general, comptroller, and members of various boards and commissions. Positions not filled by election are usually filled by appointment by the governor.

#### **Legislative**

All states have a popularly elected legislature consisting of two chambers, except Nebraska, which has a single-chamber legislature. Legislators are elected from single-member districts and typically serve a two-year or four-year term. The names of the chambers vary by state. In most states the upper chamber is called the senate, while the lower chamber may be called the house of representatives, house of delegates, or state assembly.

Primary duties of the legislature include enacting new laws, approving the

state's budget, confirming appointments to the executive or judicial branches, and conducting oversight of executive branch operations. In many smaller states, legislators serve part-time and receive only nominal compensation. They may meet just a few weeks or months of the year before returning to their full-time occupations. In larger states, legislators serve year-round and receive the compensation and benefits of a full-time job.

#### **Judicial**

State court systems have jurisdiction over matters not covered by federal courts, including most civil cases between parties in the same state, criminal cases where violations involve state or local laws, family law, and issues relating to the state constitution.

The highest court in each state is the state supreme court or court of appeals. Justices are typically elected to lengthy terms, but do not serve for life. The high court usually has only appellate jurisdiction—reviewing decisions by lower courts—and its decisions in turn may be appealed to the U.S. Supreme Court. The structure of lower state courts varies widely by state. Some states have separate courts for civil and criminal matters, and all states have some form of local municipal or county courts to handle minor offenses and small claims.

### **POWERS AND RESPONSIBILITIES OF STATE GOVERNMENTS**

As sovereign entities within the framework of the U.S. federal system, each state has its own constitution, elected officials, and governmental organization. States





Members of the energy committee of the Massachusetts State Legislature listen to testimony by experts on a proposal to site energy-generating wind turbines offshore, 2003.

have the power to make and enforce laws, levy taxes, and conduct their affairs largely free from intervention from the federal government or other states.

State governments have primary responsibility for providing many important services that affect the everyday lives of their residents. These include:

- Setting educational standards and establishing methods for funding public education;
- Building and maintaining transportation networks;
- Establishing state-sponsored colleges and universities;
- Licensing and regulating businesses and professions;
- Creating and overseeing non-federal

- courts and the criminal justice system;
- Generally providing for the public safety;
- Issuing marriage licenses and driver's licenses;
- Issuing and recording birth and death certificates;
- Administering publicly funded health, housing, and nutrition programs for low-income and disabled residents;
- Managing state parks and other lands for recreation and environmental conservation purposes;
- Administering and certifying elections, including elections for federal officials;
- Commanding the state National Guard, except when called to national service.

Some of these responsibilities are delegated to or shared with local govern-

## HOW THE U.S. IS GOVERNED



State legislatures rival state governors' offices in power at the state level. In this 2003 photo, a Texas state senator uses her laptop in the state Senate chamber to check some data.



A state legislator in Texas signals an "aye" vote on the floor of the Texas House of Representatives during final passage of a school finance tax proposal, 2005. His bill then headed to the state Senate for further debate, as Texas has a bicameral legislature.

ments in many states. For example, in most states, marriage licenses are issued by city or county governments.

### **The role of state constitutions**

In contrast to the U.S. Constitution, which is broadly written, state constitutions can be very detailed and specific. Many state constitutions go on for pages describing, for example, the rules for issuing bonds or defining the jurisdiction of various state courts. Why so much detail in state constitutions? One reason is that they are more readily amended than the U.S. Constitution. In most states, approval by a majority of voters in a statewide election is all that is required.

Another reason is that states, in contrast to the federal government, are largely free to exercise any power not prohibited to them. In order to effectively restrict state government powers, the restrictions must be spelled out in the state's constitution.

Finally, most states are required by their constitutions to have a balanced budget. Exceptions, such as borrowing to finance transportation or other construction projects, must be provided for in the constitution.

# Local government

## STRUCTURE OF LOCAL GOVERNMENTS

Each state constitution provides for the establishment of local governmental entities. In all states, these local entities include counties\* and cities, but most states also provide for other types of local government, including wards, school districts, conservation districts, townships, and transportation authorities. These special types of local government have regulatory, administrative, or taxing authority as defined in the state constitution or in state law.

There are over 500,000 elected officials in the United States. Of these, fewer than 8,500 are at the national and state level. The rest are local government officials — city council members, school board members, mayors, sheriffs, and an array of other individuals who serve in various capacities.

### County government

Counties are the basic territorial division within a state and range in size from under 100 square kilometers to over 200,000 square kilometers. In 48 states, counties are also the primary governing entity below the state government (counties in Connecticut and Rhode Island do not have governmental functions).

Major functions of county governments include recordkeeping (births, deaths, land transfers, etc.), administration of elections (including voter registration), construction and maintenance of local and rural roads, zoning, building code enforcement, and law enforcement (especially in rural areas). Some counties



Volunteers work to enroll homeless people on to the voter list in a Salvation Army shelter in Bell, California, 2004. County and municipal governments, sometimes assisted by citizens, perform all kinds of functions that touch daily lives.

also share responsibility with the state for providing social benefits for low-income residents, monitoring and enforcing environmental regulations and building codes, overseeing child welfare, and performing judicial functions. In some states, counties are the geographic units for public school districts, but schools usually have a separate administrative structure.

Counties are run by popularly elected officials. There is typically a board of supervisors or a county commission which sets policy and often exercises executive functions as well. Other elected county positions may include sheriff, judge, justice of the peace, medical examiner, comptroller, assessor, or prosecutor, among others. In addition to these elected officials, many counties have a professional administrator, who is hired to manage the county government's overall operations.

*\*In Louisiana, the political division which would be called a county in other states is known as a parish. In Alaska, it is known as a borough.*

### **Municipal government**

Municipalities are incorporated cities, towns, or villages within or independent of a county having their own governing and taxing authority. They range in size from small towns with fewer than 100 residents to large metropolises spanning several counties (such as New York City).

Municipal government responsibilities include public safety, maintenance of city streets, parks and recreation, wastewater treatment, trash removal, zoning and building code enforcement, fire and rescue services, animal control, public transportation, and other essential services. Larger cities may also provide assisted housing, operate public hospitals,



Small towns throughout America, such as this idyllic spot in the Napa Valley, California, rely on local governments to deal with the basics of municipal and community life.

and administer social welfare programs funded by the city, the state, or the federal government. Many cities also own or regulate public utilities such as water, electric power, natural gas, and telecommunications.

Cities and towns are governed by elected officials. These officials usually include a mayor and a city council who make decisions and set policy. The mayor,

who may or may not have a seat on the council, is the head of the municipal government and is responsible for overseeing day-to-day administrative functions. Some cities have adopted the city manager form of government, where the city council hires a professional manager to run the operations of the city. A city manager is the chief administrative officer of the city and, though not elected, reports directly to the elected city council or mayor.

### **Special district governments**

According to the U.S. Census Bureau, over one-third of all governmental entities in the United States are so-called special district governments. Special

district governments operate independently of other local governments and are usually established to serve a specific purpose within a specific geographic region. Examples include:

- Water and natural resource conservation;
- Fire prevention;
- Water supply;
- Emergency services;
- Transportation.

Leaders of these governmental entities may be elected or appointed. Powers of special district governments vary widely, but many have significant regulatory and taxing authority. Their activities are commonly funded by a special sales tax or property tax collected within their area of jurisdiction, or by fees charged to users of their services.



Children peer with curiosity out of a school bus. Of all the forms of local government in the United States, school districts are often the ones that draw the most attention from the public. In the United States, school districts have considerable autonomy setting education policy.

### **Public education**

Public education through grade 12\* is available at no charge to virtually every school-age resident. Each state's constitution or public laws provide for the manner by which public education is to be administered and funded. In most cases, school districts are established with a popularly elected school board or board of trustees. These boards create budgets, set policy, and hire the administrators who run the schools. School districts do not necessarily coincide with other political boundaries, though often they serve a specific city or county. In most states, public education is funded by taxes assessed on personal and

business property, and state governments may provide additional funding from general state revenues or dedicated revenues from state lotteries. State governments are responsible for setting education standards and general policies within the state, but implementation is left to the local school boards.

*\*The end of secondary school, approximately 17-18 years of age.*

## Elections and the electoral process

Federal elections are held in November of even-numbered years. Just as the President, Senators, and Representatives have overlapping constituencies, their terms also overlap.

- All Representatives are elected every two years by the voters of the district they represent.
- Senators serve six-year terms, with one-third of them up for election every even year. Senators are chosen in statewide elections and represent all residents of their states.
- The President and Vice President are elected together every four years in a nationwide election.

The election process begins well in advance of the actual election as individuals declare their candidacies for office. In the congressional election process, if more than one candidate from the same party seeks the office, a primary election is held to determine which candidate will be on the ballot in the general election.

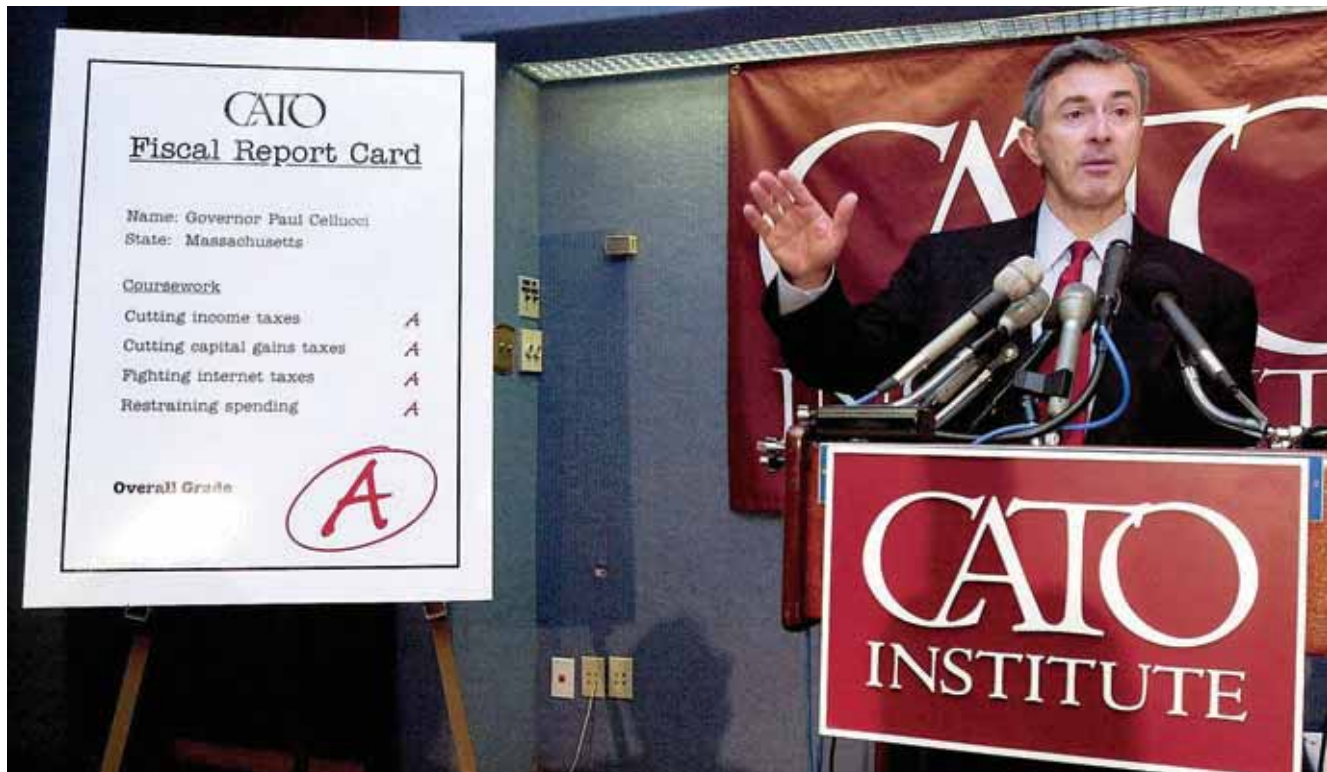
The primary process for presidential elections is different from congressional elections. Beginning in January and lasting through June of the election year, states hold presidential primaries or caucuses. The results of these ballots determine how many delegates will represent each respective candidate at the national

party nominating conventions, which are usually held in July or August. These political conventions are where each party's nominee is actually selected.

In the general election in November, Senators and Representatives are elected by plurality vote—the candidate receiving the most votes wins, even if it is not a majority. In presidential elections, each state is allocated a number of electoral votes equal to the sum of U.S. Representatives and Senators for that state. The District of Columbia, though not a state, has three electoral votes.

The presidential candidate who wins the popular vote in a state “wins” that state's electoral votes, usually in a winner-take-all manner. After elections in each state are certified, the electoral votes won by each candidate are counted. If a candidate receives a majority of the electoral votes (at least 270 of the 538 total), he or she is declared the winner. If no candidate wins a majority of electoral votes, the U.S. House of Representatives chooses the winner, with each state delegation having one vote. Because the President is not elected directly by the people, it is possible for a candidate to receive a plurality of the popular vote and yet lose the election.

## Nongovernmental organizations and institutions that influence public policy



The then-Governor of Massachusetts Paul Cellucci addresses members of the Cato Institute, a Washington, D.C. think tank, 2001. Think tanks, groups of scholars who research and write on public policy, are one of many kinds of private organizations in the United States that seek to influence the government.

The U.S. system of government was designed to be deliberative, accessible by citizens, and open to a wide variety of opinions and interests. Just as the government has evolved and grown over time, so too have the institutions that seek to influence the government.

### THE MEDIA

The media in the United States is controlled by the private sector and faces no political censorship by the government. There is a strong tradition of independent newspapers, magazines, television, radio,

and other forms of media publicizing varying opinions, both critical and supportive of government policy.

The media serves at least three important functions in influencing public policy. First, policy makers are under constant scrutiny by the extensive media industry. Public officials realize that almost anything they do or say—even in private—may appear in the media, and so are reluctant to make decisions or perform acts that they would not want publicized.

Second, the media reports facts and conducts independent analysis concerning

public policy issues, thereby educating the public. Finally, the media provides a forum for publishers and broadcasters (and their readers and listeners) to present editorial opinions that may influence others. Many large newspapers, for example, endorse particular candidates for office or publish guest articles favoring one policy over another.

By bringing the acts of public officials to light, educating the public about the issues, and deliberately favoring certain candidates and policies, the media can influence policy directly or, by shaping public opinion, indirectly.

#### **SPECIAL INTEREST GROUPS / NONGOVERNMENTAL ORGANIZATIONS (NGOs)**

Special interest groups are private-sector organizations whose members share common interests or positions on public policy, and who pool their resources with the intent of gaining a more prominent voice in policy debates. There are literally thousands of such groups representing almost every conceivable interest. Some organizations have a long history of working towards a general goal, while others are formed temporarily to advocate for or against a specific policy proposal.

Prominent examples of special interest groups are those who advocate for environmental protection, benefits for senior citizens, protection for minority groups, and free trade policies.

#### **PUBLIC POLICY RESEARCH ORGANIZATIONS**

These organizations, sometimes called “think tanks,” conduct original

research, publish books and articles, and prepare position papers on topics related to public policy. Their experts are often called to testify before Congress, and their published works are often cited by others to support their own positions.

While some of these groups have a distinct partiality towards liberal or conservative policies, many are highly respected as authoritative sources of study on matters that affect public policy. Some prominent think tanks with a long history of contributing to the public policy debate include the Brookings Institution, Heritage Foundation, Cato Institute, American Enterprise Institute, Center for Strategic and International Studies, and the Competitive Enterprise Institute, among others.

#### **TRADE ASSOCIATIONS**

Trade associations are membership organizations that represent the interests of a particular industry or profession. They communicate the concerns of their members to policymakers both in the legislative and executive branches. Just as importantly, they report back to their members about new policies, rules, and proposals so that the members are educated about what is required of them.

#### **LABOR UNIONS**

While the primary purpose of labor unions is to represent their members in negotiations with employers, unions also play a significant role in influencing public policy. In speaking for their members, their input is considered whenever trade, environmental, workplace safety, health-care, and other key issues are debated.



## How organizations attempt to influence public policy

Various organizations and institutions attempt to influence policy and public opinion in a variety of ways:

- Educating public officials and their staffs about the positive or negative effects of policy proposals;
- Conducting advertising campaigns and public relations initiatives supporting their views;
- Arranging for expert opinions and providing facts, data, and opinion polls to support their positions;
- Arranging for witnesses to testify before congressional committees;
- Encouraging their members to vote, communicate with their elected officials, and write letters to the media supporting their positions;
- Forming political action committees to contribute money to the campaigns of candidates who support their positions.



A union official addresses a labor rally in New York City, 2004. This group had gathered to demonstrate support for striking grocery store workers in California.

Unions are considered influential because of their ability to mobilize their members to vote and speak out. Unlike business associations, which typically represent a relatively small number of companies, trade unions represent thousands or millions of workers, who are also voters.

#### **INDIVIDUALS AND PRIVATE-SECTOR BUSINESSES**

Private citizens and businesses commonly form coalitions or interest groups to make their voices heard in the halls of government, but many also take steps on their own to influence government policy. These activities include writing to their elected officials about particular policies, writing letters to the editor of their local newspaper, and appearing at hearings and other public functions where policy is debated.

Because businesses are affected to a great degree by government policies, many corporations have established government relations offices to represent their interests in Washington. While a primary function of these corporate representatives is to educate and communicate

to policymakers how proposed legislation will affect the corporation, they also serve other functions:

- Ensuring that their employers are aware of laws and policies that apply to them. This facilitates compliance with the law.
- Providing expert, substantive advice about the effects of proposed legislation, which can help lawmakers create fairer laws with fewer unintended consequences.

*Corporate representatives who are effective and principled advocates of the interests of their companies and of the business community as a whole help government arrive at better-informed ... decisions."*

Bryce Harlow, 1984

#### **STATE AND LOCAL GOVERNMENTAL ASSOCIATIONS**

Because state and local governments can be significantly affected by federal government policy, they have formed their own associations to ensure that the interests of states, cities, counties, and other governments have a voice.

Several major groups in this category are:

- National Governors Association
- National League of Cities
- National Conference of State Legislatures
- National Association of Counties
- International City Managers Association
- U.S. Conference of Mayors.



Top: A worker hangs a banner outside Madison Square Garden, New York City, in preparation for the 2004 Republican National Convention. Bottom: A sign hangs on Fleet Center, site of the 2004 Democratic Convention in Boston.

These organizations are particularly vocal on federal transportation, tax, environmental, education, and social policy. Federal policymakers often turn to state and local governments for advice on how best to structure and implement programs such as housing, nutrition, and healthcare that are funded federally, but delivered locally.

### **POLITICAL PARTIES**

There are two major national political parties in the United States: the Democratic Party and the Republican Party. Together with minor parties, these organizations are an important part of the American system of government. Political parties recruit candidates for public office

and help raise funds for political campaigns. Other activities include:

- Conducting voter education programs
- Conducting issue and opinion research
- Providing information about government officials and activities.

The minor political parties also provide organized opposition to those in power, placing an additional check on government power.

### **FOREIGN GOVERNMENTS AND MULTILATERAL ORGANIZATIONS**

As the governing power of a sovereign nation, the U.S. government is technically responsible only to the American people. There are ways, however, for foreign governments to influence policy in the United States. Treaties, for example, become the law of the United States when ratified. In negotiating these treaties, foreign governments have influence over what will become U.S. law.

Foreign governments and international bodies can influence the U.S. in other ways, either directly or indirectly. One good example is on trade disputes where foreign governments have the authority to impose duties on imports from the United States. These governments may knowingly target goods from influential U.S. industries or states, believing that the affected parties in the United States will call on the government to change policies to avoid the duties.

While foreign governments can conduct public relations efforts and lobby through their embassies in the United States, they cannot contribute financially to the campaign of any candidate for federal office.

## Funding government in the United States

**T**he various levels of government use a wide variety of taxes and fees to pay for their operations. The following is a summary of the major sources of revenue for each level of government.

### **Federal**

- Personal and corporate income tax
- Payroll taxes for Social Security and Medicare
- Excise taxes
- Estate and gift taxes
- Customs duties

### **State**

- Personal income tax (43 states)
- Corporate income tax
- State sales tax (45 states)
- Excise taxes
- Business and professional permits and licenses
- Lotteries
- Transfers from the Federal Government

### **County, municipal and other local**

- Real estate and personal property tax
- Commercial property tax
- Sales tax (where allowed by the state)
- Fines for traffic, parking, and other minor offenses
- Income tax or business gross receipts tax (where allowed by the state)
- Miscellaneous permits, licenses, and fees

# Glossary

**Appellate:** A court that hears cases appealed from lower courts. Some courts have both original jurisdiction (that is, cases may be tried first in the court) and appellate jurisdiction.

**Bill:** Legislation introduced in either the House or the Senate.

**Bill of Rights:** Name given to the first ten amendments to the U.S. Constitution because they specifically protect the rights of individuals.

**Cabinet:** The President's closest advisors, consisting of the Vice President and, by law, the heads of the 15 Executive Branch departments. The President or Congress may also accord cabinet-level status to other top officials.

**Caucus:** In U.S. presidential politics, a system used by some states to select delegates to state and national nominating conventions. In a caucus, local party members gather to discuss candidates and issues, and then vote. In Congress, a caucus is a meeting of members of the same political party or special interest group.

**Chamber:** A legislative body. The U.S. Congress is comprised of two chambers: the U.S. Senate and the U.S. House of Representatives. Chamber also refers to the hall where each body meets to conduct official business.

**Checks and balances:** System set forth in the U.S. Constitution which divides governing power between the Executive, Legislative, and Judicial Branches. Each branch exercises some form of authority over the others, thereby balancing power across many individuals and institutions.

**Conference Committee:** A meeting

between U.S. Representatives and U.S. Senators to resolve differences when two versions of a similar bill have been passed by the House and Senate. Identical bills must pass in both chambers before the bill can be presented to the President.

**Confirmation:** The act of the U.S. Senate approving a presidential nominee to an executive branch post or federal judgeship.

**Congressional Record:** The official transcript of the proceedings of the U.S. Congress.

**Constitution:** The basic laws and principles of a nation that define the powers and responsibilities of government and the rights of the people. The United States has a written constitution, but constitutions in some other nations are unwritten.

**Department:** The highest administrative division of the Federal Government, comparable to a ministry in parliamentary systems. Departments are created by law, and the head of a department is called a secretary (except for the head of the Department of Justice, whose title is Attorney General).

**Electoral College:** In U.S. presidential elections, the Electoral College is the group of electors who actually cast ballots for the President. When a voter casts a ballot for a presidential candidate, he or she is actually voting for a slate of electors from their state who will cast their ballots for their candidate.

**Excise tax:** A tax on the production or sale of specific products. In the United States, excise taxes are commonly levied at the federal, state, and local levels on products such as alcohol and tobacco.

## HOW THE U.S. IS GOVERNED

**Markup:** An activity of committees and subcommittees in the U.S. Congress in which proposed legislation is considered section by section, debated, revised and/or amended.

**Parliamentarian:** In the U.S. Congress, the official who, being an expert on House or Senate rules and procedures, assists the officers in legislative procedures, including the assignment of bills to appropriate committees.

**Primary:** An election held among candidates of the same party to decide which one will represent the party in the general election.

**Proportional representation:** System of representative government in which the political makeup of the legislative branch

is based on the number of votes each party receives.

**Republic:** System of government in which the ultimate powers of government rest with the people who elect representatives to formulate policy and carry out the laws.

**Single-member district:** A geographic district from which a single member is elected by a majority or plurality of the popular vote to represent it in a legislative body.

**Veto:** An act by the President that rejects legislation passed by the Congress, thereby preventing its enactment. The Congress can override a veto by passing the legislation with a two-thirds majority in each chamber.

# Additional Resources

## **FEDERAL GOVERNMENT**

### **The White House**

<http://www.whitehouse.gov>

Click on "Your Government" for a general overview of the structure of the federal government and links to the websites of executive departments and agency and to other branches of government.

### **USInfo**

<http://usinfo.state.gov>

### **Thomas**

<http://thomas.loc.gov/>

"Thomas" is a service of the Library of Congress, and is an official source of legislative information. It contains links to congressional calendars, vote records, legislation (both proposed and passed), and other useful legislative information.

### **FirstGov.gov**

<http://www.firstgov.gov>

FirstGov is the U.S. Government's official Internet portal for information about government benefits, services, and information. FirstGov also provides links to the websites of state, local and tribal governments.

## **STATE AND LOCAL GOVERNMENT**

### **National Conference of State Legislatures (NCSL)**

<http://www.ncsl.org/>

Provides current information about the structure and activities of state legislatures. Click on "Legislatures" and "Websites" for links to individual states' legislature websites, state constitutions, and legislation.

### **National Association of Counties (NACo)**

<http://www.naco.org/>

Contains general information about the structure and responsibilities of county governments. Also provides extensive databases with demographic and economic statistics for individual counties.

## **PUBLIC POLICY RESEARCH ORGANIZATIONS**

Private-sector "think tanks" are often the birthplace of new ideas and innovation in the public policy arena. Their scholars conduct original research and review the philosophical, economic, social, cultural and political implications of public policies. The following are the websites of some influential think tanks representing a cross-section of the political spectrum:

### **Brookings Institution**

<http://www.brookings.org>

### **The Heritage Foundation**

<http://www.heritage.org>

### **American Enterprise Institute**

<http://www.aei.org>

### **The Cato Institute**

<http://www.cato.org>

### **The Urban Institute**

<http://www.urbaninstitute.org>

## **C-SPAN**

<http://www.c-span.org/>

C-SPAN is a service of the cable television industry and provides live television coverage of the proceedings of the U.S. House of Representatives, the U.S. Senate, and other forums where public policy is debated or discussed. The C-SPAN website provides current and archived news and information about politics, public policy and governmental actions.

U. S. DEPARTMENT OF STATE

Bureau of International Information Programs

<http://usinfo.state.gov/>