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# ZOOM

in on america

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## AMERICAN GOVERNMENT



*Jessi U.S. Capitol, Washington DC, in springtime. Photo by Carol M. Highsmith via FLICKR*

In this issue: Legislative & Executive Branches

Zoom in on America





## Constitution: Foundation of the U.S. Government

Ratified on June 21, 1788 by 9 states, the United States Constitution has been the supreme law of the United States of America. The famous Preamble introduces the document: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." The Constitution comprised seven articles delineating Powers of the new country that declared its independence 12 years before:

- Article 1: Legislative** - all legislative Powers were given to a Congress (Senate and House of Representatives),
- Article 2: Executive** - the executive Power was granted to a President together with the Vice President,
- Article 3: Judicial** - the highest judicial Power was entrusted to a Supreme Court,
- Article 4: established States' Relations** based on full credit to states' Acts, Records, and judicial Proceedings,
- Article 5: Mode of Amendment** - stated how amendments to the Constitution can be made,
- Article 6: declared on Prior Debts, National Supremacy, Oaths of Office,**
- Article 7: stated on the Ratification of the Constitution.**

The Constitution of the United States is the key instrument of the American government and the supreme law of the country. It is the basis of political stability, individual freedom, economic growth, and social progress.

When signed, it provided a framework for governing 4 million people in 13 states. Today, 231 years later, and with 27 amendments added over the years, it serves 325.7 million Americans living in 50 states. It is the oldest written constitution in force.

Yet, even though there were 80 times fewer people in the late 18th century America than there are today, it was by no means an easy task to convince the inhabitants that they should all adopt one Constitution. They came from divergent walks of life, had disparate, sometimes indeed conflicting economic interests, and were of different origins, backgrounds and denominations. Additionally, before the Constitution was adopted, the states had their own regulations and governing rules, which they placed before a weak central government that existed prior to adopting the Constitution.

The delegates who prepared the Constitution realized that the document would need to adopt to future changes reflecting the development and evolution of the young society. The framers of the Constitution left space for improvements – known as amendments - and this far-sighted approach enabled the flexibility to change the Constitution. Twenty-seven amendments have been ratified so far and, the Constitution is still as strong, as significant and as relevant, as ever. In the words of Archibald Cox, former Solicitor General of the United States, "The original Constitution still serves us well despite the tremendous changes in

every aspect of American life because the framers had the genius to say enough but not too much."

The delegates to the convention that worked on drafting the Constitution included such men as George Washington, who presided over the convention, Benjamin Franklin, James Madison of Virginia, Gouverneur Morris of Pennsylvania and Alexander Hamilton, the brilliant young lawyer from New York.

The Constitution established a central (federal) government with broad powers to regulate relations between the states and with the sole responsibility in such areas as foreign affairs and defense. The Constitution divided the Government into three branches: legislative, executive, and judicial. This gave specific powers to each branch and set up something called checks and balances, to make sure no one branch would be able to control too much power, and it created a separation of powers.

The full and final implementation of the Constitution was set for March 4, 1789. However, by that time, only 13 of the 59 representatives and 8 of the 22 senators had arrived in New York City (Seats allotted to North Carolina and Rhode Island who ratified the Constitution later, were not filled.) A quorum was finally attained in the House of Representatives on April 1 and in the Senate on April 6. The two houses then met jointly to count the electoral vote.

George Washington was unanimously elected the first president, and John Adams of Massachusetts, the vice president. They were sworn into the office on April 30, 1789. The business of setting up the new government was completed.

# Elections for Federal Offices

Elections for federal offices are usually held in even-numbered years. Presidents and vice presidents are elected every 4 years. In the U.S. Congress, senators are elected every 6 years and representatives are elected every 2 years.



(AP Photo)

The presidential election is held every four years and takes place on the Tuesday after the first Monday in November.

After George Washington declined to run for a third term, many Americans believed that two terms in office were enough for any president. But in 1940 during a time marked by the Great Depression and World War II, Franklin D. Roosevelt sought, and won, a third presidential term. He won a fourth term in 1944 and died in office in 1945. Some people thought that was too long for one person to hold presidential power. So in 1951, the 22nd Amendment to the U.S. Constitution was ratified, which prohibits anyone from being elected president of the United States more than twice.

Today, the Republican and Democratic parties dominate the political process—both of them heirs to predecessor parties from the 18th and 19th centuries. With rare exceptions, members of the two major parties control the presidency, the Congress, the governorships and the state legislatures.

During the summer of a presidential election year, the Republicans and Democrats each hold a national convention where they adopt a “platform” of policies and nominate their party’s candidates for president and vice president.

In earlier times, the conventions were exciting, with outcomes uncertain and candidates rising and falling with

each ballot. Today, each party’s presidential nominee is known before its convention begins. Each state (plus the District of Columbia and several U.S. territories) is allotted a number of delegates—typically determined by the state’s population but adjusted by a formula that awards bonuses for factors like whether a state voted for the party’s candidate in the last presidential election. Most delegates are “pledged” to support a particular candidate.

**Primaries:** State governments fund and conduct primary elections much as they would any election. Voters go to a polling place, vote and leave. Voting is anonymous and quickly accomplished. Some states hold “closed” primaries in which only declared party members can participate. For example, only registered Democrats can vote in a closed Democratic primary. In an open primary, all voters can participate, regardless of their party affiliation or lack of affiliation.

**Caucuses:** State political parties organize caucuses, in which faithful party members speak openly on behalf of the candidates they support for the party nomination. They are communal events in which participants vote publicly. Caucuses tend to favor candidates who have dedicated and organized supporters who can use the caucus to elect convention delegates pledged to their favored presidential candidate. Caucus participants also identify and prioritize issues they want to include in the state or national party platform.

The presidential candidate with the most votes does not always win. How does this happen? The answer lies in the “Electoral College.”

The Electoral College is a group of representatives (electors) who represent U.S. citizens in electing the president. When U.S. citizens vote in presidential elections every four years on November 4, they are actually choosing the candidate for whom the electors in their state are supposed to vote for later. The number of electors in each state corresponds to the number of U.S. congressmen and senators from that state. The more populous the state, the more representatives in the U.S. Congress that state has. However, the number of senators is always two for each state. The least populous states such as Alaska, Montana, North Dakota, South Dakota, Vermont, and Wyoming each have three electors. The District of Columbia, which does not have the status of a state, has also been given the right to have three electors. The state with the biggest population in the U.S., California, has no less than 55 electors. The next in line is Texas with 38 representatives. All in all, there are 538 electoral votes to be cast for the president. In order to win a presidential candidate must receive the majority of electoral votes, i.e. 270. States Are “Winner-Take-All”.



# Congress - The Legislative Branch

**All legislative powers of the federal government are entrusted to a Congress divided into two chambers: a Senate and a House of Representatives. The Senate is composed of two members from each state. Its current membership is 100. Membership in the House is based on each state's population. Its current membership is 435.**

For more than 100 years after the adoption of the Constitution, senators were not elected by direct vote, but chosen by state legislatures. Their duty was to ensure that their states were treated equally in all legislation. The Seventeenth Amendment of 1913 provided for direct election of the Senate.

**Qualifications of Members of Congress:** The Constitution requires that U.S. senators must be at least 30 years of age, citizens of the United States for at least 9 years, and residents of the states from which they are elected. Members of the House of Representatives must be at least 25 years old, citizens for 7 years, and residents of the states from which they are elected.

The total number of members of the House of Representatives has been determined by Congress. That number is divided among the states according to their population. The calculations are made based on a national census, which is held each 10 years. Currently there are 435 members of the House of Representatives, and the most populous state, California, has 53 representatives.

Senators, who are chosen in statewide elections held in even-numbered years, are elected for a term of 6 years,

and every two years, one-third of the Senate stands for elections.

Since members of the House serve two-year terms, the life of a Congress is considered to be two years. The Twentieth Amendment to the U.S. Constitution provides that the Congress will convene in regular session each January 3rd. The Congress remains in session until its members vote to adjourn - usually late in the year. The president may call a special session when he thinks it is necessary. Sessions are held in the Capitol building in Washington, D.C.

Each house of Congress has the power to introduce legislation (with one exception - raising revenue must originate in the House of Representatives.) Each house can also vote against legislation passed by the other house. The Senate has also certain special powers, like the authority to confirm presidential appointments for high officials and ambassadors of the federal government, and ratify all treaties by a two-thirds vote.

In the case of impeachment of federal officials, the House has the sole right to bring charges of misconduct that can lead to impeachment trial. The Senate has the sole power



*Members of the House of Representatives of the 111th Congress, accompanied by family members and guests, are sworn in in the House Chamber on Capitol Hill in Washington on January 06, 2009. (AP Photo/Pablo Martinez Monsivais)*



to try impeachment cases and to find officials guilty or not guilty.

The powers of the Congress include taxation, making rules governing commerce, coining money, establishing post offices, declaring war, providing for a navy and many others. According to the Constitution, the vice president is the president of the Senate. The House of Representatives chooses its own Speaker of the House.

At the beginning of each new Congress, members of the political parties select floor leaders and other officials to manage the flow of proposed legislation.

One of the major characteristics of the Congress is the dominant role committees play in its proceedings. There are standing (permanent) committees in the Senate (currently 16) and in the House (currently 20). Each specializes in specific areas of legislation: foreign affairs, defense, banking, agriculture, commerce, appropriations, etc. Almost every bill in either house is referred to a committee for study and recommendation.

The majority party in each house controls the committee process. Minority parties are proportionally represented on the committees according to their strength in each house. Bills are introduced in many ways: they may be drawn up by standing committees, special committees, or they may

be suggested by the president, or may be suggested by citizens or organizations outside the Congress.

Usually there are public hearings, which allow the presentation of views of in support of or in opposition to the legislation. When a committee has acted favorably on a bill, the proposed legislation is sent to the floor for open debate. After the debate, members vote either to approve the bill, defeat it, table it (set it aside) or return it to the committee. A bill passed by one house is sent to the other for action. If the bill is amended by the second house, a conference committee composed of members of both houses attempts to reconcile the difference.

Once passed by both houses, the bill is sent to the president to sign and only then, does it become law. The president can sign the bill or veto it. A bill vetoed by the president must be reapproved by a two-thirds vote of both houses to become law.

Since the members of Congress owe their positions to their local electorate, the legislative behavior of representatives and senators tends to be individualistic and reflects the views of a member's personal constituency.

*Based on the "Outline of U.S. Government" published by Office of International Information Programs, US Department of State.*



*The Library of Congress is the nation's oldest federal cultural institution and serves as the research arm of Congress. It is also the largest library in the world, with millions of books, recordings, photographs, maps and manuscripts in its collections. Photo by U.S. Department of State (IIP Bureau) via FLICKR*

# President and Vice President: The Executive Branch

**The Constitution vested the executive power in a president at the time when all the major European states had hereditary monarchs, which was itself revolutionary.**

The Constitution stipulates that a president must be at least 35 years old, a natural-born U.S. citizen, who has resided in the U.S. for 14 years before the election.

The Constitution also provides for the election of a vice president, who succeeds to the presidency in case of the death, resignation, or incapacitation of the president. In the history of America, eight vice presidents (John Tyler, Millard Fillmore, Andrew Johnson, Chester A. Arthur, Theodore Roosevelt, Calvin Coolidge, Harry S. Truman, and Lyndon B. Johnson) took over when the former president died and one took over, (Gerald R. Ford) due to the president's resignation.

While the Constitution spells out in some detail the duties and powers of the president, it does not delegate any specific executive powers to the vice president, to the 14-member presidential cabinet (made up of the heads of the federal departments) or to other federal officials.

The presidential term of four years begins on January 20 following a November election. The president starts his official duties with an inauguration ceremony, traditionally held on the steps of the U.S. Capitol, where Congress meets. The president publicly takes an oath of office. The words are prescribed in Article II of the Constitution: "I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States." The oath-taking ceremony is fol-

lowed by an inaugural address in which the new president outlines the policies and plans of his administration.

The chief duty of a president is to protect the Constitution and enforce the laws made by the Congress. Other powers include: the authority to recommend legislation to Congress, to call special sessions of the Congress, to deliver messages to Congress, to sign or veto legislation, to appoint federal judges, to appoint heads of federal departments and agencies and other principal federal officials, to appoint representatives to foreign countries, to carry on official business with foreign nations, to exercise the function of commander-in-chief of the armed forces, and to grant pardons for offenses against the United States.

The Secretary of State, appointed by the President with the advice and consent of the Senate, is the President's chief foreign affairs adviser. The Secretary carries out the President's foreign policies through the State Department and the Foreign Service of the United States. Created in 1789 by the Congress as the successor to the Department of Foreign Affairs, the Department of State is the senior executive Department of the U.S. Government. The Secretary of State's duties relating to foreign affairs have not changed significantly since then, but they have become far more complex as international commitments multiplied.

*Based on the "Outline of U.S. Government" published by Office of International Information Programs, US Department of State and U.S. Department of State website on Duties of the Secretary of State: <https://www.state.gov/secretary/115194.htm>*



*President George Washington delivers his inaugural address in the Senate Chamber of Old Federal Hall in New York on April 30, 1789. (AP Photo)*



# ACTIVITY PAGE

## CONTEST

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Great photo albums are awaiting  
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December 2018

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TRIVIA QUESTION

How many states ratified  
the U.S. Constitution on  
June 21, 1788?

Send the answer  
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The 3rd, the 5th and 10th  
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Deadline February 15, 2019

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2018 Answer:

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The winners are:  
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CONGRATULATIONS!!!

The prizes will be sent to you  
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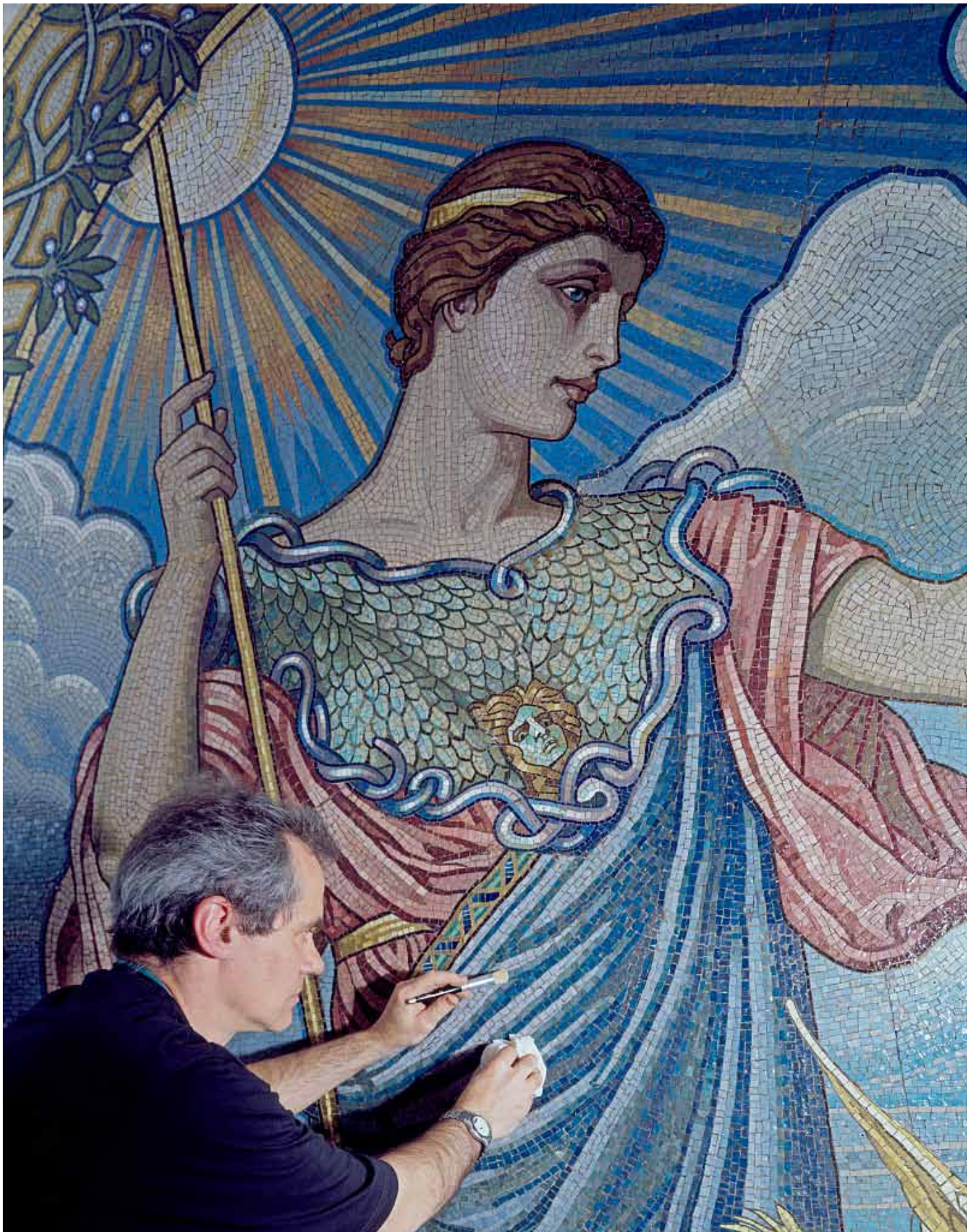
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