

Political System of USA



Political System of USA

Introduction

The United States is – by size of electorate – the second largest democracy on the globe (India is the largest and Indonesia comes third) and the most powerful nation on earth, politically, economically and militarily, but its political system is in many important respects unlike any other in the world. This essay then was written originally to inform non-Americans as to how the American political system works.

What has been striking, however, is how many Americans – especially young Americans – have found the essay useful and insightful. There is considerable evidence that many Americans know and understand little about the political system of their own country – possibly more than is the case with any other developed democratic nation.

In the U.S., the National Assessment of Educational Progress (NAEP) tests what American students are learning. It has found that the two worst subjects for American students are civics and American history. One NAEP survey found that only 7% of eighth graders (children aged 13-14) could describe the three branches of government.

On one of my trips to the United States, I was eating cereal for breakfast and found that the whole of the reverse side of the cereal packet was devoted to a short explanation of the executive, legislative and judicial branches of the American government. I find it hard to imagine that many democratic nations would feel it necessary to explain such a subject in such a format.

It is probably more important than ever than both Americans and non-Americans understand the fundamentals of the American political system because, in Donald Trump, we have a US President who is behaving quite unlike his predecessors and effectively challenging the famed constitutional system of ‘checks and balances’.

THE CONSTITUTION

Unlike Britain but like most nation states, the American political system is clearly defined by basic documents. The Declaration of Independence of 1776 and the Constitution of 1789 form the foundations of the United States federal government. The Declaration of Independence establishes the United States as an independent political entity, while the Constitution creates the basic structure of the federal government. Both documents are on display in the National Archives and Records Administration Building in Washington, D.C. which I have visited several times. Further information on the thinking expressed in the Constitution can be found in the Federalist Papers which are a series of 85 articles and essays published in 1787-1788 promoting the ratification of the Constitution.

The United States Constitution is both the longest-lasting in the world, being over two centuries old, and one of the the shortest in the world, having just seven articles and 27 amendments (the constitutions of Jordan, Libya and Iceland are the shortest in the world running to a mere 2,000-4,000 words).

As well as its age and brevity, the US Constitution is notable for being a remarkably stable document. The first 10 amendments were all carried in 1789 – the same year as the original constitution – and are collectively known as the Bill of Rights. If one accepts that these first 10 amendments were in effect part of the original constitutional settlement, there have only been 17 amendments in almost 230 years. In fact, famously the 27th Amendment took over 200 years to achieve ratification, having been originally proposed at the same time as the 10 that make

up the Bill of Rights but having only reached ratification in 1992. The last new and substantive amendment – reduction of the voting age to 18 – was in 1971, almost half a century ago.

One of the major reasons for this relative immutability is that – quite deliberately on the part of its drafters – the Constitution is a very difficult instrument to change. Article 5 of the Constitution sets out two mechanisms for amending the Constitution, although only the first of these has ever been used and most Americans have no knowledge whatsoever of the second.

The first process requires that a proposed amendment has to secure a two-thirds vote of members present in both houses of Congress. Then three-quarters of the state legislatures have to ratify the proposed change (this stage may or may not be governed by a specific time limit). As an indication of how challenging this process is, consider the case of the Equal Rights Amendment (ERA). This was first written in 1920, shortly after women were given the vote in the USA. The proposed amendment was introduced in Congress unsuccessfully in every legislative year from 1923 until it was finally passed in 1972. It was then sent to each state for ratification but, by 1982, it was still three states short of the minimum of the 38 needed to add it to the constitution. Various attempts since 1982 to revive the amendment have all failed.

The second process requires two-thirds of the 50 states to demand that Congress convenes a constitutional convention. The ‘Founding Fathers’ feared that, if the federal government were to become oppressive, Congress would be unlikely to call a convention to correct matters and therefore, to protect the people’s freedom, they provided that that a convening power should instead be vested in the states. Since the enactment of the Constitution, a total of 33 amendments have been proposed, (27 were passed) and every single one of these was initiated by the Congress and there has never been a constitutional convention. No one has a firm count of the number of resolutions that state legislatures have passed calling for such a convention, but it is over 500.

At the heart of the US Constitution is the principle known as ‘**separation of powers**’, a term coined by the French political, enlightenment thinker Montesquieu. This means that power is spread between three institutions of the state – the executive (President & Cabinet), the legislature (House of Representatives & Senate) and the judiciary (Supreme Court & federal circuits) – and no one institution has too much power and no individual can be a member of more than one institution.

This principle is also known as ‘**checks and balances**’, since each of the three branches of the state has some authority to act on its own, some authority to regulate the other two branches, and has some of its own authority, in turn, regulated by the other branches.

Not only is power spread between the different branches; the members of those branches are deliberately granted by the Constitution different terms of office, which is a further brake on rapid political change. So the President has a term of four years, while members of the Senate serve for six years and members of the House of Representatives serve for two years. Members of the Supreme Court effectively serve for life.

The great benefit of this system is that power is spread and counter-balanced and the ‘founding fathers’ – the 55 delegates who drafted the Constitution – clearly wished to create a political system which was in sharp contrast to, and much more democratic than, the monarchical system then in force in Britain. The great weakness of the system is that it makes government slow, complicated and legalistic which is a particular disadvantage in a world – unlike that of 1776 – in which political and economic developments are fast-moving and the USA is a – indeed the – super power.

Since the Constitution is so short, so old and so difficult to change, for it to be meaningful to contemporary society it requires interpretation by the courts and ultimately it is the Supreme Court which determines what the Constitution means. There are very different approaches to the interpretation of the Constitution with the two main strands of thought being known as originalism and the Living Constitution.

Originalism is a principle of interpretation that tries to discover the original meaning or intent of the constitution. It is based on the principle that the judiciary is not supposed to create, amend or repeal laws (which is the realm of the legislative branch) but only to uphold them. This approach tends to be supported by conservatives.

Living Constitution is a concept which claims that the Constitution has a dynamic meaning and that contemporary society should be taken into account when interpreting key constitutional phrases. Instead of seeking to divine the views of the drafters of the document, it claims that they deliberately wrote the Constitution in broad terms so that it would remain flexible. This approach tends to be supported by liberals.

THE SENATE

The Senate is the upper chamber in the bicameral legislature known collectively as Congress. The original intention of the authors of the US Constitution was that the Senate should be a regulatory group, less politically dominant than the House. However, since the mid 19th century, the Senate has been the dominant chamber and indeed today it is perhaps the most powerful upper house of any legislative body in the world.

THE SUPREME COURT

The Supreme Court is the highest court in the land. Originally, it had five members but over time, this number has increased. Since 1869, it has consisted of nine Justices: the Chief Justice of the United States and eight Associate Justices. They have equal weight when voting on a case and the Chief Justice has no casting vote or power to instruct colleagues. Decisions are made by a simple majority.

Below the Supreme Court, there is a system of Courts of Appeal, and, below these courts, there are District Courts. Together, these three levels of courts represent the federal judicial system.

POLITICAL PARTIES & ELECTIONS

The Federalist Party was the first American political party and existed from the early 1790s to 1816. The party was run by Alexander Hamilton, who was Secretary of the Treasury and chief architect of George Washington's administration. The Federalists called for a strong national government that promoted economic growth. The Democratic-Republican Party was an American political party formed by Thomas Jefferson and James Madison in 1791-1793 to oppose the centralizing policies of the new Federalist Party.

Although these parties were soon succeeded by others, there remains to this day the basic political cleavage between those who want to see an activist central government and those who want to limit the power of the central government – now represented broadly by the Democratic Party and the Republican Party respectively.

To an extent quite extraordinary in democratic countries, the American political system is dominated by these two political parties: the Democratic Party and the Republican Party (often known as the 'Grand Old Party' or GOP). These are very old and very stable parties – the Democrats go back to 1824 and the Republicans were founded in 1854.

In illustrations and promotional material, the Democratic Party is often represented as a donkey, while the Republican Party is featured as an elephant. The origin of these symbols is the political cartoonist Thomas Nast who came up with them in 1870 and 1874 respectively.

The main reason for the dominance of these two parties is that – like most other Anglo-Saxon countries (notably Britain) – the electoral system is ‘first past the post’ or simple majority which, combined with the large voter size of the constituencies in the House and (even more) the Senate, ensures that effectively only two parties can play. The other key factor is the huge influence of money in the American electoral system. Since effectively a candidate can spend any amount he can raise (not allowed in many other countries) and since one can buy broadcasting time (again not allowed in many countries), the US can only ‘afford’ two parties or, to put it another way, candidates of any other party face a formidable financial barrier to entry.

Some people tend to view the division between the Democratic Party and the Republican Party in the United States as the same as that between Labor and Conservative in Britain or between Social Democrats and Christian Democrats in Germany. The comparison is valid in the sense that, in each country, one political party is characterised as Centre-Left and the other as Centre-Right or, to put it another way, one party is more economically interventionist and socially radical than the other. However, the analogy has many weaknesses.

The Centre in American politics is considerably to the Right of the Centre in most European states including Britain, Germany, France, Italy and (even more especially) the Scandinavian countries. So, for instance, most members of the Conservative Party in the UK would support a national health service, whereas many members of the Democratic Party in the US would not.

As a consequence of the enormous geographical size of the United States and the different histories of the different states (exemplified by the Civil War), geography is a factor in ideological positioning to a much greater extent than in other democratic countries. For instance, a Northern Republican could be more liberal than a Southern Democrat. Conversely, there is a group of Democratic Congressmen that are fiscally very conservative – they are known as “blue dog” Democrats or even DINO (Democrats in Name Only).

In the United States, divisions over social matters – such as abortion, capital punishment, same-sex relationships and stem cell research – matter and follow party lines in a way, which is not true of most European countries. In Britain, for instance, these sort of issues would be regarded as matters of personal conscience and would not feature prominently in election debates between candidates and parties.

In the USA, religion is a factor in politics in a way unique in western democracies. Candidates openly proclaim their faith in a manner which would be regarded as bizarre elsewhere (even in a Catholic country like France) and religious groupings – such as the Christian Coalition of America – exert a significant political influence in a manner which would be regarded as improper in most European countries (Poland is an exception here).

In the United States, the ‘whipping system’ – that is the instructions to members of the House and the Senate on how to vote – is not as strict or effective as it is in most European countries. Consequently, members of Congress are less constrained by party affiliation and freer to act individually.

In the USA, political parties are much weaker institutions than they are in other democracies. Between the selections of candidates, they are less active than their counterparts in other countries and, during elections are,

they are less influential in campaigning, with individual politicians and their campaigns having much more influence.

The cost of elections is much greater in the US than in other democracies which has the effects of limiting the range of candidates, increasing the influence of corporate interests and pressure groups, and enhancing the position of the incumbent office holder (especially in the winning of primaries). As long ago as 1895, the Chairman of the Republican National Committee Mark Hanna stated: *“There are two things that are important in politics. The first is money, and I can’t remember what the second one is.”*

Whereas in other countries, voters shape the policies and select the candidates of a party by joining it, in the USA voters register as a supporter of one of the major parties and then vote in primary elections to determine who should be the party’s candidate in the ‘real’ election.

One other oddity of the American party system is that, whereas in most countries of the world the colour red is associated with the Left-wing party and the colour blue with the Right-wing party, in the United States the reverse is the case. Therefore, the ‘blue states’ are those traditionally won by the Democrats, while the ‘red states’ are those normally controlled by the Republicans.

Two interesting features of American political elections are low turnout and the importance of incumbency.

Traditionally turnout in US congressional elections is much lower than in other liberal democracies especially those of Western Europe. When there is a presidential election, turnout is only about half; when there is no presidential election, turnout is merely about one third. The exception was the elections of 2008: the excitement of the candidacy of Barack Obama led to an unusually high turnout of 63%, the highest since 1960 (the election of John F Kennedy).

While Congress as an institution is held in popular contempt, voters like their member of Congress and indeed, there is a phenomenon known as ‘sophomore surge’ whereby incumbents tend to increase their share of the vote when they seek re-election. More generally, most incumbents win re-election for several reasons: they allocate time and resources to waging a permanent re-election campaign; they can win “earmarks” which are appropriations of government spending for projects in the constituency; and they find it easier than challengers to raise money for election campaigns.

Source:

www.rogerdarlington.me.uk