



U.S. Government

WHAT KIND OF COUNTRY IS THE UNITED STATES?

- "A Republic? If you can keep it" -- Benjamin Franklin
- Over much of U.S. history, there has been debate as to whether the United States is a republic or a democracy. There are many differences between the two words and concepts.
 - Republic:** A system where the people elect representatives who are free to act on their own, based on their personal beliefs, conscience or other factors, with the understanding that they are elected to represent the people.
 - Democracy:** A system where the representative is expected to reflect the wishes of those who elected him/her, but it is not direct rule, since the representative is elected to represent the people, not the people themselves.
 - There is a radical difference between the world of the founding fathers and the modern world.
 - Their idea of a republic was based on a common-sense idea that the people elect the most educated and wisest from amongst them. These representatives use their wisdom and education on the public behalf, since the people are too busy, poor and further away from the center of power and the details of government.
 - As a result, there is a better education and communication effort with more immediate access to information than in a modern democracy.
 - Although the framers of the Constitution believed in a republic, it has developed into more of a democracy, as politicians are the chosen of their constituents as the means for positions.
 - In modern times, many Congressmen rarely have taken positions contrary to their constituents' wishes about which they have felt strongly. Subjects such as impeachment, gun control, abortion, etc., have served as a reinforcement of the spirit of the republic.

THE GOVERNING POWERS

- As declared in the Constitution of the United States:
- FEDERAL POWERS:**
 - Overall powers necessary for national sovereignty are given to Congress. These include, but are not limited to:
 - Defendant Powers: Integral to national sovereignty.
 - Conduct foreign policy
 - Declare and pursue war
 - Make and enforce treaties
 - Establish and maintain diplomatic relations, etc.
 - Defendant Powers: Not inherent, but assigned for national policy for cohesion and interaction between the component parts of the nation.
 - Control of money
 - Control of commerce, etc.
 - Legislative Powers: Guard upon the rights of -- make all laws which shall be necessary and proper for carrying into execution (Congress to govern) (Article I, Sec. 8 - U.S. Constitution) that are "necessary" part of defendant inherent powers.
 - Also called "discretionary" powers, in the modern sense, controlling war, in relation, that become a national power, there must be some vehicle for its handling, distribution and maintenance, and this is where the hands are applied.
 - Powers to Expand the Central Government:** Need for a strong central government is prominent.
 - The "national emergency" clause (Article VI) makes the Constitution, and all laws deriving from it, the "supreme law of the land."
 - The national government has the power to do all that is "necessary and proper" in the carrying and conduct of war.
 - The "commerce" clause (Article I, Sec. 8)

guarantee broad powers over commerce, personal activities, etc., affecting trade crossing state boundaries.

2. **Taxation:** (Article I, Sec. 8) Congress has "Power to lay and collect Taxes, Duties, Imports and Exports, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Taxes shall be uniform throughout the U.S."

B. THE POWERS OF THE STATES

- Reserved Powers:** The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people. (10th Amendment (Bill of Rights) to the U.S. Constitution. This is the most commonly quoted phrase by those who believe in "states' rights" above federal.
- Consent Powers:**
 - Not shared powers, but those that are available to both state and federal government.
 - EN: taxation, right to charter corporations, ability to borrow money, etc.
- Relatives with Other States:** "Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State." (Article IV - U.S. Constitution)
 - Each state is bound to honor the rights of others.
 - The article goes on to state that each state must grant all "privileges and immunities" of the state to those from other states and, conversely, cannot grant such to, say, fugitives from another state unless such is warranted.
 - Overnight of interstate transactions is noted in the Federal Commerce (1800). (Quoted from "Constitution" and "Commerce")

THE THREE BRANCHES OF GOVERNMENT

- LEGISLATIVE:** Makes the laws of the land, represented by two bodies, the House of Representatives and the Senate together, now make up Congress.
- EXECUTIVE:** Oversees the management of government.
- JUDICIARY:** Interprets the laws of the land as noted or imposed by the Constitution.

THE LEGISLATIVE BRANCH - CONGRESS

- THE HOUSE OF REPRESENTATIVES - THE "LOWER" HOUSE:**
 - The most obvious characteristic is a democracy.
 - Originally, had no fixed number of members but allowed each state a number of representatives proportional to its population, elected for a two-year term from districts established within the state.
 - In 1929, the number of representatives was fixed at 435, with each state having at least one representative.
 - A 1964 Supreme Court decision mandated states apportion their districts equally to preserve the concept of "one man, one vote" and avoid the possibility of more powerful districts controlling the vote.
 - This allows each representative to represent a relatively small area, with a relatively cohesive view.
- Leadership positions within the House:**
 - Speaker of the House:**
 - Elected by the majority party.
 - Presides over the House.
 - Principal leader (over Majority Leader) of party.
 - Chair of the House of Representatives (after Vice President):** Over both President and V.P. are constitutionally incapacitated.
 - Assigns bills to committees.
 - Important in assigning membership within committees.

- Majority Leader:**
 - Keeps the Speaker in mind, the "speaker" for all members of the House, the Majority Leader works closely with the Speaker to move decisions.
- Majority Whip:**
 - As the House begins, responsible for party discipline, ensuring that the House and generally enforcing "proper" party behavior.
- Minority Leader/Minority Whip:**
 - Perform the same functions as above for the minority party.
- Powers of the House:**
 - Introduces legislation, which, if passed, moves on to Senate for approval.
 - Originates revenue raising measures.
 - Has power of impeachment.
 - Approves by 2 vote any constitutional amendments prior to state ratification.
- Structure of the House:**
 - Decides the House of Representatives is no longer able to carry work is done by committees before being brought to the full House for a vote.
 - Standing (Permanent) House Committees:**
 - Agriculture <http://www.house.gov/agriculture>
 - Appropriations <http://www.house.gov/appropriations>
 - Armed Services <http://www.house.gov/armed-services>
 - Banking and Finance <http://www.house.gov/banking>
 - Education and Labor <http://www.house.gov/education>
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 - House Judiciary <http://www.house.gov/judiciary>
 - Natural Resources <http://www.house.gov/natural-resources>
 - Territory and Government Relations <http://www.house.gov/territory>

NOTE: Oversight committees "overseeing" and "watching" the work of the executive branch.

Bank Committee <http://www.house.gov/banking>

Science and Technology <http://www.house.gov/science>

Small Business <http://www.house.gov/small-business>

Standards of Official Conduct <http://www.house.gov/standards>

Transportation and Infrastructure <http://www.house.gov/transportation>

Veterans Affairs <http://www.house.gov/veterans>

Work and House Committee <http://www.house.gov/work>

- NOTE:** There are also several House Committees that "watch" and "oversee" the work of the executive branch (in a non-political way).
- The most powerful of the standing (permanent) House Committees are:
 - Rules Committee:**
 - Sets rules for debate.
 - Can "kill" a bill by not voting it out of committee.
 - Can be overridden by a "discharge petition" signed by a minimum of 218 members (absolute majority).
 - Ways and Means Committee:**
 - Oversees federal revenue measures.
 - Has authority over budgeting money (National Debt).
 - Oversees Social Security programs:**
 - Oversees trade and tariff regulations.
 - Appropriations:**
 - Oversees the "flow of money" process (the government is not a nonprofit business).
 - Select Committee:** For a limited purpose, which may last for several Congresses, as needed.
 - Joint Committees:** Combining members from both House and Senate.
 - Conference Committees:** Joint committees to resolve differences between House and Senate versions of a bill (see How a Bill Becomes a Law).

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Pyle Wickersham, Elnathan Elisha Higbee, David Jewett Waller, Nathan C. Schaeffer, John Piersol McCaskey, Thomas Edward Finegan, James Herbert Kelley, 1872 Pennsylvania School Journal , 1898 System , 1920

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