

## **Kyrgyz State National University**

# THE GOVERNMENT OF THE UNITED STATES

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**Introduction**

In July 1780 France's Louis XVI had sent to America an expeditionary force of 6,000 men under the Comte Jean de Rochambeau. In addition, the French fleet harassed British shipping and prevented reinforcement and resuppi^ of British forces in Virginia by a British fleet sailing from New York City. French and American armies and navies, total­ing 18,000 men, parried with Cornwallis all through the summer and into the fall. Finally, on October 19, 17B1, after being trapped at Yorktown near the mouth of Chesa-peake Bay, Cornwallis surrendered his army of 8,000 British soldiers.

Although Cornwallis's defeat did not immediately end the war — which would drag on inconclusively for almost two more years — a new British government decided to pursue peace negotiations in Paris in early 1782, with the American side represented by Benjamin Franklin, John Adams and John Jay. On April 15, 1783, Congress approved the final treaty, and Great Britain and its former colonies signed it on September 3. Known as the Treaty of Paris, the peace settlement acknowledged the indepen­dence, freedom and sovereignty of the 13 former colonies, now states, to which Great Britain granted the territory west to the Mississippi River, north to Canada and south to Florida, which was returned to Spain. The fledgling colonies that Richard Henry Lee had spoken of more than seven years before, had finally become "free and indepen­dent states." The task of knitting together a nation yet remained.

# CONSTITUTION

During the war, the states had agreed to work together by sending representatives to a national congress patterned after the "Congress of Delegates" that conducted the war with England. It would raise money to pay off debts of the war, establish a money system and deal with foreign nations in making treaties. The agreement that set up this plan of cooperation was called the Articles of Confederation. work together? They believed that the Congress needed more power.

The plan for the government was written in very simple language in a document called the Constitution of the United Slates. The Constitution set up a federal system with a strong central government. A federal system is one in which power is shared between a central authority and its constituent parts, with some rights reserved to each. The Constitution also called for the election of a national leader, or president.

Two main fears shared by most Americans: one fear was that one person or group, including the majority, might become too powerful or be able to seize control of the country and create a tyranny, another fear was that the new central government might weaken or take away the power of the state governments to run their own affairs. To deal with this the Constitution specified exactly what power central government had and which power was reserved for the states.

Representatives of various states noted that the Constitution did not have any words guaranteeing the freedoms or the basic rights and privileges of citizens. Though the Convention delegates did not think it necessary to include such explicit guarantees, many people felt that they needed further written protection against tyranny. So, a "Bill of Rights" was added to the Constitution.

The Bill of Rights

The first 10 amendments to the Constitution and their purpose

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| PROTECTIONS AFFORDED FUNDAMENTAL RIGHTS AND FREEDOMS | |
| Amendment 1 | Freedom of religion, speech, press, and assembly; the right to petition government |
| **PROTECTIONS AGAINST ARBITRARY MILITARY ACTION** | |
| Amendment 2 | Right to bear arms and maintain state militias (National Guard). |
| Amendment 3 | Troops may not be quartered in homes in peacetime. |
| **PROTECTION AGAINST ARBITRARY POLICE AND COURT ACTION** | |
| Amendment 4 | No unreasonable searches or seizures. |
| Amendment 5 | Grand jury indictment required to prosecute a person for a serious crime. No “double jeopardy” – being tried twice for the same offence. Forcing a person to testify against himself or herself prohibited. No loss of life, liberty or property without due process. |
| Amendment 6 | Right to speedy, public, impartial trial with defense counsel, and right to cross-examine witnesses. |
| Amendment 7 | Jury trials in civil suits where value exceeds 20 dollars. |
| Amendment 8 | No excessive bail or fines, no cruel and unusual punishments. |
| **PROTECTION OF STATES’ RIGHTS AND UNNAMED RIGHTS OF THE PEOPLE** | |
| Amendment 9 | Unlisted rights are not necessarily denied. |
| Amendment 10 | Powers not delegated to the United States or denied to states are reserved to the states or to the people. |

The Bill of Rights was ratified in1791, but its application as broadened significantly by the 14th Amendment of the Constitution, which was ratified in 1868. A key phrase in the 14th Amendment – “nor shall any state deprive any person of life, liberty or property, without due process of law” – has been interpreted by the Supreme Court as forbidding the states from violating most of the rights and freedoms protected by the Bill of Rights.

THE EXECUTIVE BRANCH

At a time when all the major European states had heredi­tary monarchs, the idea of a president with a limited term of office was itself revolutionary. The Constitution vests the ex­ecutive power in the president. It 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. 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 or to members of the presi­dential Cabinet or to other federal officials.

Creation of a powerful unitary presidency was the source of some contention in the Constitutional Convention. Several states had had experience with executive councils made up of several members, a system that had been followed with con­siderable success by the Swiss for some years. And Benjamin Franklin urged that a similar system be adopted by the United States. Moreover, many delegates, still smarting under the excesses of executive power wielded by the British king, were wary of a powerful presidency. Nonetheless, advocates of a single president—operating under strict checks and balances—carried the day.

In addition to a right of succession, the vice president was made the presiding officer of the Senate. A constitutional amendment adopted in 1967 amplifies the process of presi­dential succession. It describes the specific conditions under which the vice president is empowered to take over the office of president if the president should become incapacitated. It also provides for resumption of the office by the president in the event of his or her recovery. In addition, the amendment enables the president to name a vice president, with congres­sional approval, when the second office is vacated. This 25th Amendment to the Constitution was put into practice twice in 1974: when Vice President Spiro T. Agnew resigned and was replaced by Gerald R. Ford; and when, after President Richard Nixon's resignation, President Ford nominated and Congress confirmed former New York governor Nelson A. Rockefeller as vice president.

The Constitution gives Congress the power to establish the order of succession after the vice president. At present, in the event both the president and vice president vacate their offices, the speaker of the House of Representatives would as­sume the presidency. Next comes the president *pro tempore* of the Senate (a senator elected by that body to preside in the absence of the vice president), and then Cabinet officers in designated order.

The seat of government, which moved in 1800 to Wash­ington, D.C. (the District of Columbia), is a federal enclave on the eastern seaboard. The White House, both residence and office of the president, is located there. Although land for the federal capital was ceded by the states of Maryland and Vir­ginia, the present District of Columbia occupies only the area given by Maryland; the Virginia sector, unused by the govern­ment for half a century, reverted to Virginia in 1846.

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| **THE PRESIDENCY** | |
| **TERM OF OFFICE:** | *Elected by the people, through the electoral college, to a four-year term; limited to two terms.* |
| **SALARY:** | *$200,000 plus $50,000 allowance for expenses, and up to $100,000 tax-free for travel and official entertainment* |
| **INAUGURATION:** | *January 20, following the November general election* |
| **QUALIFICATIONS:** | *Native-born American citizen, at least 35 years old and at least 14 years a resident of the United States.* |
| **CHIEF DUTY:** | *To protect the Constitution and enforce the laws made by the Congress.* |
| **OTHER POWERS:** | *To recommend legislation to the Congress; to call special sessions of the Congress; to deliver messages to the Congress; to veto bills; 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; to grant pardons for offenses against the United States.* |

The Constitution requires the president to be a native-born American citizen at least 35 years of age. Candidates for the presidency are chosen by political parties several months before the presidential election, which is held every four years (in years divisible evenly by four) on the first Tuesday after the first Monday in November.

The method of electing the president is peculiar to the American system. Although the names of the candidates ap­pear on the ballots, technically the people of each state do not vote directly for the president (and vice president). Instead, they select a slate of presidential electors, equal to the num­ber of senators and representatives each state has in Con­gress. The candidate with the highest number of votes in each state wins all the electoral votes of that state.

The electors of all 50 states and the District of Colum­bia—a total of 538 persons—compose what is known as the Electoral College. Under the terms of the Constitution, the College never meets as a body. Instead, the electors gather in the state capitals shortly after the election and cast their votes for the candidate with the largest number of popular votes in their respective states. To be successful, a candidate for the presidency must receive 270 votes. The Constitution stipu­lates that if no candidate has a majority, the decision shall be made by the House of Representatives, with all members from a state voting as a unit. In this event, each state and the Dis­trict of Columbia would be allotted one vote only.

The presidential term of four years begins on January 20 (it was changed from March by the 20th Amendment, ratified in 1933) following a November election. The presi­dent starts his or her 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, which is traditionally administered by the chief justice of the United States. The words are prescribed in Article II of the Constitution:

/ *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 usually followed by an inau­gural address in which the new president outlines the policies and plans of his or her administration.

**PRESIDENTIAL POWERS**

The office of President of the United States is one of the most powerful in the world. The president, the Constitution says, must "take care that the laws be faithfully executed." To carry out this responsibility, he or she presides over the executive branch of the federal government—a vast organization num­bering several million people—and in addition has important legislative and judicial powers.

**LEGILATIVE POWERS**

Despite the Constitutional provision that "all legislative powers" shall be vested in the Congress, the president, as the chief formulator of public policy, has a major legislative role. The president can veto any bill passed by Congress and, un­less two-thirds in each house vote to override the veto, the bill does not become law. Much of the legislation dealt with by Congress is drafted at the initiative of the executive branch. In an annual and special messages to Congress, the president may propose legislation he or she believes is necessary. If Congress should adjourn without acting on those proposals, the president has the power to call it into special session. But, beyond all this, the president, as head of a political party and as principal executive officer of the U.S. government, is in a position to influence public opinion and thereby to influence the course of legislation in Congress. To improve their working relationships with Congress, presidents in recent years have set up a Congressional Liaison Office in the White House. Presidential aides keep abreast of all important legislative ac­tivities and try to persuade senators and representatives of both parties to support administration policies.

**JUDICIAL POWERS**

Among the president's constitutional powers is that of ap­pointing important public officials; presidential nomination of federal judges, including members of the Supreme Court, is subject to confirmation by the Senate. Another significant power is that of granting a full or conditional pardon to anyone convicted of breaking a federal law—except in a case of im­peachment. The pardoning power has come to embrace the power to shorten prison terms and reduce fines.

**EXECUTIVE POWERS**

Within the executive branch itself, the president has broad powers to manage national affairs and the workings of the fed­eral government. The president can issue rules, regulations and instructions called executive orders, which have the binding force of law upon federal agencies. As commander-in-chief of the armed forces of the United States, the presi­dent may also call into federal service the state units of the National Guard. In times of war or national emergency, the Congress may grant the president even broader powers to manage the national economy and protect the security of the United States.

The president chooses the heads of all executive de­partments and agencies, together with hundreds of other high-ranking federal officials. The large majority of federal workers, however, are selected through the Civil Service system, in which appointment and promotion are based on ability and experience

**POWERS IN FOREIGN AFFAIRS**

Under the Constitution, the president is the federal official pri­marily responsible for the relations of the United States with foreign nations. Presidents appoint ambassadors, ministers and consuls—subject to confirmation by the Senate—and re­ceive foreign ambassadors and other public officials. With the secretary of state, the president manages all official contacts with foreign governments. On occasion, the president may personally participate in summit conferences where chiefs of state meet for direct consultation. Thus, President Woodrow Wilson headed the American delegation to the Paris conference

at the end of World War I; President Franklin D. Roosevelt con­ferred with Allied leaders at sea, in Africa and in Asia during World War II; and every president since Roosevelt has met with world statesmen to discuss economic and political issues, and to reach bilateral and multilateral agreements.

Through the Department of State, the president is re­sponsible for the protection of Americans abroad and of for­eign nationals in the United States. Presidents decide whether to recognize new nations and new governments, and negotiate treaties with other nations, which are binding on the United States when approved by two-thirds of the Senate. The presi­dent may also negotiate "executive agreements" with foreign powers that are not subject to Senate confirmation.

**CONSTRAINTS ON PRESIDENTIAL POWER**

Because of the vast array of presidential roles and re­sponsibilities, coupled with a conspicuous presence on the national and international scene, political analysts have tended to place great emphasis on the president's powers. Some have even spoken of the "the imperial presidency," referring to the expanded role of the office that Franklin D. Roosevelt maintained during his term.

One of the first sobering realities a new president discov­ers is an inherited bureaucratic structure which is difficult to manage and slow to change direction. Power to appoint ex- ' tends only to some 3,000 people out of a civilian government ' work force of more than three million, most of whom are pro­tected in their jobs by Civil Service regulations.

The president finds that the machinery of government operates pretty much independently of presidential interven­tions, has done so through earlier administrations, and will continue to do so in the future. New presidents are immediate­ly confronted with a backlog of decisions from the outgoing ad­ministration on issues that are often complex and unfamiliar. They inherit a budget formulated and enacted into law long before they came to office, as well as major spending programs (such as veterans' benefits. Social Security payments and Medicare for the elderly), which are mandated by law and not subject to influence. In foreign affairs, presidents must conform with treaties and informal agreements negotiated by their predecessors.

The happy euphoria of the post-election "honeymoon" quickly dissipates, and the new president discovers that Con­gress has become less cooperative and the media more criti­cal. The president is forced to build at least temporary alli­ances among diverse, often antagonistic interests—econom­ic, geographic, ethnic and ideological. Compromises with Con­gress must be struck if any legislation is to be adopted. "It is very easy to defeat a bill in Congress," lamented President John F. Kennedy. "It is much more difficult to pass one."

Despite these burdensome constraints, few presidents have turned down the chance to run for a second term of of­fice. Every president achieves at least some of his legislative goals and prevents by veto the enactment of other laws he be­lieves not to be in the nation's best interests. The president's authority in the conduct of war and peace, including the nego­tiation of treaties, is substantial. Moreover, the president can use his unique position to articulate ideas and advocate poli­cies, which then have a better chance of entering the public consciousness than those held by his political rivals. When a president raises an issue, it inevitably becomes subject to public debate. A president's power and influence may be limit­ed, but they are also greater than those of any other American, in or out of office.

**THE EXECUTIVE DEPARTMENTS**

The day-to-day enforcement and administration of federal laws is in the hands of the various executive departments, cre­ated by Congress to deal with specific areas of national and in­ternational affairs. The heads of the departments, chosen by the president and approved by the Senate, form a council of advisers generally known as the president's "Cabinet." In addition to 14 departments, there are a number of staff organiza­tions grouped into the Executive Office of the President. These include the White House staff, the National Security Council, the Office of Management and Budget, the Council of Econom­ic Advisers, the Office of the U.S. Trade Representative, and the Office of Science and Technology.

The Constitution makes no provision for a presidential Cabinet. It does provide that the president may ask opinions, in writing, from the principal officer in each of the executive departments on any subject in their area of responsibility, but it does not name the departments nor describe their duties. Similarly, there are no specific constitutional qualifications for service in the Cabinet.

The Cabinet developed outside the Constitution as a mat­ter of practical necessity, for even in George Washington's day it was an absolute impossibility for the president to discharge his duties without advice and assistance. Cabinets are what any particular president makes them. Some presidents have relied heavily on them for advice, others lightly, and some few have largely ignored them. Whether or not Cabinet members act as advisers, they retain the responsibility for directing the activities of the government in specific areas of concern.

Each department has thousands of employees, with of­fices throughout the country as well as in Washington. The de­partments are divided into divisions, bureaus, offices and ser­vices, each with specific duties.

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| THE CABINET  (All departments are headed by a secretary, except the Justice Department, which is headed by the attorney general.) | |
| THE DEPARTMENT OF AGRICULTURE: | *Created in 1862* |
| THE DEPARTMENT OF COMMERCE: | *Created in 1903. The Department of Commerce and Labor split into two separate departments in 1913.* |
| THE DEPARTMENT OF DEFENSE: | *Amalgamated in 1947. The Department of Defense was established by combining, the Department of War (established in 1789), the Department of the Navy (established in 1798) and the Department of the Air Force (established in 1947). Although the secretary of defense is a member of the Cabinet, the secretaries of the Army, Navy and Air Force are not.* |
| THE DEPARTMENT OF EDUCATION: | *Created in 1979. Formerly part of the Department of Health, Education and Welfare.* |
| THE DEPARTMENT OF ENERGY: | *Created in 1977.* |
| THE DEPARTMENT OF HEALTH AND HUMAN SERVICES: | *Created in 1979, when the Department of Health, Education and Welfare (created in 1953) was split into separate entities.* |
| THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: | *Created in 1965.* |
| THE DEPARTMENT OF THE INTERIOR: | *Created in 1849* |
| THE DEPARTMENT OF JUSTICE: | *Created in 1870. Between 1789 and 1870, the attorney general was* a *member of the Cabinet, but not the head of a department.* |
| THE DEPARTMENT OF LABOR: | *Created in 1913* |
| THE DEPARTMENT OF STATE: | *Created in 1789.* |
| THE DEPARTMENT OF TRANSPORTATION: | *Created in 1966.* |
| THE DEPARTMENT OF THE TREASURY: | *Created in 1789* |
| THE DEPARTMENT OF VETERANS AFFAIRS: | *Created in 1988. Formerly the Veterans Administration, now elevated to Cabinet level* |

**DEPARTAMENT OF AGRICULTURE**

The Department of Agriculture (USDA) supervises agricultur­al production to ensure fair prices and stable markets for pro­ducers and consumers, works to improve and maintain farm income, and helps to develop and expand markets abroad for agricultural products. The department attempts to curb pov­erty, hunger and malnutrition by issuing food stamps to the poor; sponsoring educational programs on nutrition; and ad­ministering other food assistance programs, primarily for children, expectant mothers and the elderly. It maintains pro­duction capacity by helping landowners protect the soil, water, forests and other natural resources. USDA administers rural development, credit and conservation programs that are designed to implement national growth policies, and con­ducts scientific and technological research in all areas of agri­culture. Through its inspection and grading services, USDA ensures standards of quality in food offered for sale. The de­partment also promotes agricultural research by maintaining the National Agricultural Library, the second largest govern­ment library in the world. (The U.S. Library of Congress is first.) The USDA Foreign Agricultural Service (FAS) serves as an export promotion and service agency for U.S. agriculture, employing specialists abroad who make surveys of foreign ag­riculture for U.S. farm and business interests. The U.S. Forest Service, also part of the department, administers an extensive network of national forests and wilderness areas.

**DEPARTAMENT OF COMMERCE**

The Department of Commerce serves to promote the nation's international trade, economic growth and technological ad­vancement. It offers assistance and information to increase America's competitiveness in the world economy; administers programs to prevent unfair foreign trade competition; and provides social and economic statistics and analyses for busi­ness and government planners. The department comprises a diverse array of agencies. The National Bureau of Standards, for example, conducts scientific and technical research, and maintains physical measurement systems for industry and government. The National Oceanic and Atmospheric Adminis­tration (NOAA), which includes the National Weather Service, works to improve understanding of the physical environment and oceanic resources. The Patent and Trademark Office grants patents and registers trademarks. The department also conducts research and develops policy on telecommunica­tions; promotes domestic economic development and foreign travel to the United States; and assists in the growth of busi­nesses owned and operated by minorities.

**DEPARTAMENT OF DEFENCE**

Headquartered in the Pentagon, the "world's largest office building," the Department of Defense (DOD) is responsible for all matters relating to the nation's military security. It pro­vides the military forces of the United States, which consist of about two million men and women on active duty. They are backed, in case of emergency, by 2.5 million members of state reserve components, known as the National Guard. In addi­tion, about one million civilian employees serve in the Defense Department in such areas as research, intelligence communi­cations, mapping and international security affairs. The Na­tional Security Agency (NSA) also comes under the direction of the secretary of defense. The department directs the sepa­rately organized military departments of the Army, Navy, Ma­rine Corps and Air Force, as well as each service academy and the National War College, the Joint Chiefs of Staff and several specialized combat commands. DOD maintains forces over­seas to meet treaty commitments, to protect the nation's out­lying territories and commerce, and to provide air combat and support forces. Nonmilitary responsibilities include flood con­trol, development of oceanographic resources and manage­ment of oil reserves.

**DEPARTAMENT OF EDUCATION**

The Department of Education absorbed most of the education programs previously conducted by the Department of Health, Education and Welfare, as well as programs that had been handled by six other agencies. The department establishes policy for and administers more than 150 federal aid-to-edu­cation programs, including student loan programs, programs for migrant workers, vocational programs, and special pro­grams for the handicapped. The Department of Education also partially supports the American Printing House for the Blind; Gallaudet University, established to provide a liberal higher education for deaf persons; the National Technical Institute for the Deaf, part of the Rochester (New York) Institute of Technology, designed to educate deaf students within a col­lege campus, but planned primarily for hearing students; and Howard University in Washington, D.C., a comprehensive university which accepts students of all races, but concentrates on educating black Americans.

**DEPARTAMENT OF ENERGY**

Growing concern with the nation's energy problems in the 1970s prompted Congress to create the Department of Energy (DOE). The department took over the functions of several gov­ernment agencies already engaged in the energy field. Staff of­fices within the DOE are responsible for the research, devel­opment and demonstration of energy technology; energy con­servation; civilian and military use of nuclear energy; regula­tion of energy production and use; pricing and allocation of oil;

and a central energy data collection and analysis program. The department protects the nation's environment by setting standards to minimize the harmful effects of energy produc­tion. For example, DOE conducts environmental and health-related research, such as studies of energy-related pollutants and their effects on biological systems.

**DEPARTAMENT OF HEALTH AND HUMAN SERVICES**

The Department of Health and Human Services (HHS) proba­bly directly touches the lives of more Americans than any oth­er federal agency. Its largest component, the Social Security Administration, pools contributions from employers and em­ployees to pay benefits to workers and their families who have retired, died or become disabled. Social Security contribu­tions help pay medical bills for those 65 years and older as well, under a program called Medicare. Through a separate program, called Medicaid, HHS provides grants to states to help pay the medical costs of the poor. HHS also administers a network of medical research facilities through the National In­stitutes of Health, and the Alcohol, Drug Abuse and Mental Health Administration. Other HHS agencies ensure the safety and effectiveness of the nation's food supply and drugs, work to prevent outbreaks of communicable diseases, and provide health services to the nation's American Indian and native Alaskan populations. In cooperation with the states, HHS op­erates the principal federal welfare program for the poor, called Aid to Families with Dependent Children (AFDC)

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

The Department of Housing and Urban Development (HUD) manages programs that assist community development and help provide affordable housing for the nation. Fair housing laws, administered by HUD, are designed to ensure that indi­viduals and families can buy a dwelling without being subject­ed to housing discrimination. HUD directs mortgage insur­ance programs that help families become homeowners, and a rent-subsidy program for low-income families who other­wise could not afford decent housing. In addition, it oper­ates programs that aid neighborhood rehabilitation, pre­serve urban centers from blight and encourage the develop­ment of new communities. HUD also protects the home buy­er in the marketplace and fosters programs to stimulate the housing industry.

**DEPARTMENT OFTHE INTERIOR**

As the nation's principal conservation agency, the Depart­ment of the Interior has responsibility for most of the federally owned public lands and natural resources in the United States. The Fish and Wildlife Service, for example, adminis­ters 442 wildlife refuges, 150 waterfowl production areas, and a network of wildlife laboratories and fish hatcheries. The National Park Service administers more than 340 national parks and scenic monuments, riverways, seashores, recrea­tion areas and historic sites. Through the Bureau of Land Management, the department oversees the land and resour­ces—from timber and grazing to oil production and recrea­tion—on millions of hectares of public land located primarily in the West. The Bureau of Reclamation manages scarce wa­ter resources in the semiarid western United States. The de­partment regulates mining in the United States, assesses min­eral resources, and has major responsibility for American In­dians living on reservations. Internationally, the department administers programs in U.S. territories such as the Virgin Is­lands, Guam, American Samoa, the Northern Mariana Islands and Palau, and provides funding for development to the Mar­shall Islands and the Federated States of Micronesia.

**DEPARTMENT OF JUSTICE**

The attorney general, the chief law officer of the federal gov­ernment, is in charge of the Department of Justice. The de­partment represents the U.S. government in legal matters and courts of law, and renders legal advice and opinions, upon re­quest, to the president and to the heads of the executive de­partments. Its Federal Bureau of Investigation (FBI) is the principle law enforcement body, and its Immigration and Nat­uralization Service administers immigration laws. A major agency within the department is the Drug Enforcement Ad­ministration, (DEA), which administers narcotics and con­trolled substances laws, and tracks down major illicit drug trafficking organizations. The Justice Department also gives aid to local police forces. In addition, the department directs U.S. district attorneys and marshals throughout the country, supervises federal prisons and other penal institutions, and investigates and reports to the president on petitions for pa­roles and pardons. The Justice Department is also linked to INTERPOL, the International Criminal Police Organization, charged with promoting mutual assistance between law en­forcement agencies in 146 countries.

**DEPARTMENT OF LABOR**

The Department of Labor promotes the welfare of wage earn­ers in the United States, helps improve working conditions and fosters good relations between labor and management. It ad­ministers more than 130 federal labor laws through such agencies as the Occupational Safety and Health Administra­tion (OSHA), the Employment Standards Administration and the Mine Safety and Health Administration. Among its respon­sibilities are: guaranteeing workers' rights to safe and healthy working conditions; establishing minimum hourly wages and overtime pay; prohibiting employment discrimination; and providing for unemployment insurance and compensation for on-the-job injury. It also protects workers' pension rights, sponsors job training programs and helps workers find jobs. Its Bureau of Labor Statistics monitors and reports changes in employment, prices and other national economic measure­ments. For job seekers, the department makes special efforts to help older workers, youths, minorities, women and the handicapped.

**DEPARTAMENT OF STATE**

The Department of State advises the president, who has over­all responsibility for formulating and executing the foreign pol­icy of the United States. The department assesses American overseas interests, makes recommendations on policy and fu­ture action, and takes necessary steps to carry out estab­lished policy. It maintains contacts and relations between the United States and foreign countries, advises the president on recognition of new foreign countries and governments, negoti­ates treaties and agreements with foreign nations, and speaks for the United States in the United Nations and in more than 50 other major international organizations. As-of 1988, the department supervised 141 embassies and 113 missions or consulates in foreign nations.

**DEPARTMENT OF TRANSPORTATION**

The Department of Transportation (DOT) was created in 1966 by consolidating land, sea and air transportation functions scattered thoughout eight separate departments and agen­cies. DOT establishes the nation's overall transportation poli­cy through nine operating units that encompass highway plan­ning, development and construction; urban mass transit; rail­roads; civilian aviation; and the safety of waterways, ports, highways, and oil and gas pipelines. For example, the Federal Aviation Administration operates more than 350 air traffic control facilities across the country; the Federal Highway Ad­ministration is responsible for the 68,000-kilometer inter­state highway system; the National Highway Traffic Safety Ad­ministration establishes safety and fuel economy standards for motor vehicles; and the Maritime Administration operates the U.S. merchant marine fleet. The U.S. Coast Guard, the na­tion's primary maritime law enforcement and licensing agen­cy, conducts search and rescue missions at sea, combats drug smuggling and works to prevent oil spills and ocean pollution.

**DEPARTMENT OFTHE TREASURY**

The Department of the Treasury is responsible for serving the fiscal and monetary needs of the nation. The department per­forms four basic functions: formulating financial, tax and fis­cal policies; serving as financial agent for the U.S. govern­ment; providing specialized law enforcement services; and manufacturing coins and currency. The Treasury Department reports to Congress and the president on the financial condi­tion of the government and the national economy. It regulates the sale of alcohol, tobacco and firearms in interstate and for­eign commerce; supervises the printing of stamps for the U.S. Postal Service; operates the Secret Service, which protects the president, the vice president, their families, and visiting dignitaries and heads of state; suppresses counterfeiting of U.S. currency and securities; and administers the Customs Service, which regulates and taxes the flow of goods into the country. The department includes the Office of the Comptrol­ler of the Currency, the Treasury official who executes the laws governing the operation of approximately 4,600 banks; and the Internal Revenue Service (IRS), which administers tax laws—the source of most of the federal government's revenue.

**DEPARTMENT OF VETERANS AFFAIRS**

The Department of Veterans Affairs, established as an independent agency in 1930 and elevated to Cabinet level in 1988, dispenses benefits and services to eligible veterans of U.S. military service and their dependents. The medicine and sur­gery department provides hospital and nursing home care, and outpatient medical and dental services through 172 medi­cal centers, 16 retirement homes, 228 clinics and 116 nursing homes in the United States, Puerto Rico and the Philippines. It also supports veterans under care in hospitals and nursing homes in 35 states. The veterans benefits department over­sees claims for disability, pensions, specially adapted housing and other services. This department also administers educa­tion programs for veterans, and provides housing credit assis­tance to eligible veterans and active-duty service personnel. The memorial affairs department administers the National Cemetery System, providing burial services, headstones and markers to eligible veterans and their spouses within special­ly designated cemeteries throughout the United States.

**THE INDEPENDENT AGENCIES**

The executive departments are the major operating units of | the federal government, but there are many other agencies which have important responsibilities for keeping the govern­ment and the economy working smoothly. These are often called independent agencies, since they are not part of the ex­ecutive departments. The nature and purpose of these agen­cies vary widely. Some are regulatory groups, with powers to supervise certain sectors of the economy. Others provide spe­cial services, either to the government or to the people. In most cases, the agencies have been created by Congress to deal with matters that have become too complex for the scope of ordinary legislation. The Interstate Commerce Commission, for example, was established by Congress in 1887 to curb the growing power of the railroads. In recent years, however, a trend toward deregulation of the economy has altered the functions of many federal regulatory bodies. Among the most important independent agencies are the following:

**action** is the principal federal agency for administering do­mestic volunteer service programs to meet basic human needs, and to support the self-help efforts of poor individuals and communities. Some of action's programs are Foster Grandparents, offering older Americans opportunities for close relationships with needy children; Volunteers in Service to America (VISTA), which provides volunteers to work in poor communities; and Student Community Service Projects, which encourages students to volunteer in their communities as part of their education.

**central intelligence agency (cia)** coordinates intelligence ac­tivities of certain government departments and agencies; col­lects, correlates and evaluates intelligence information relat­ing to national security; and makes recommendations to the National Security Council.

**environmental protection agency (epa)**, founded in 1970, works with state and local governments throughout the United States to control and abate pollution in the air and water, and to deal with the problems of solid waste, pesticides, radiation and toxic substances. EPA sets and enforces standards for air and water quality, evaluates the impact of pesticides and chemical substances, and manages the so-called "Superfund" program for cleaning toxic waste sites.

**the federal communications commission** licenses the operation of radio and television stations and regulates interstate tele­phone and telegraph services. It sets rates for interstate com­munications services, assigns radio frequencies, and adminis­ters international communications treaties.

**the federal reserve system** supervises the private banking system of the United States. It regulates the volume of credit and money in circulation. The Federal Reserve performs many of the functions of central banks in other countries, such as is­suing paper currency; unlike central banks, however, it does not act as the depository of the country's gold reserve.

**the federal trade commission** guards against trade abuses and unfair business practices by conducting investigations and holding hearings on complaints.

**the general accounting office** is an arm of the legislative branch that oversees expenditures by the executive branch. It is headed by the comptroller general of the United States. It settles or adjusts—independently of the executive depart­ments—all claims and demands by or against the federal gov­ernment, and all money accounts in which the government is concerned. It also checks the ledger accounts of all federal disbursement and collection officers to see that public funds have been paid out legally.

**the general services administration** controls much of the physical property of the federal government. It is responsible for the purchase, supply, operation and maintenance of federal property, buildings and equipment, and for the sale of surplus items.

**the interstate commerce commission** regulates the rates and practices in interstate commerce of all common carriers, such as railroads, buses, trucks, and shipping on inland water­ways. It supervises the issuance of stocks and bonds by com­mon carriers and enforces safety laws.

**THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION (NASA)**, established in 1958 to run the U.S. space program, placed the first American satellites and astronauts in orbit, and launched the Apollo spacecraft that landed men on the moon in 1969. Today, NASA conducts research aboard Earth-orbiting satel­lites and interplanetary probes, explores new concepts in ad­vanced aerospace technology, and operates the U.S. fleet of manned space shuttles. In the 1990s, NASA will assemble, in space, the components for a permanent space station manned by international crews from the United States, Europe and Japan.

THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES encourages the development of American arts, literature and scholarship, through grants to individuals, groups, institutions and state agencies.

**the national labor relations board** administers the principal U.S. labor law, the National Labor Relations Act. The Board is vested with the power to prevent or remedy unfair labor prac­tices and to safeguard employees' rights to organize and de­termine through elections whether to have unions as their bargaining representative.

**the national science foundation** was created to strengthen ba­sic research and education in the sciences in the United States. It grants funds for research and education programs to universities and other institutions, and coordinates the sci­ence information activities of the federal government.

**the office of national drug control policy**, created in 1988 to raise the profile of the U.S. government's fight against illegal drugs, coordinates efforts of such agencies as the U.S. Drug Enforcement Administration, the Customs Service and the Coast Guard.

THE OFFICE OF PERSONNEL MANAGEMENT in 1979 assumed functions of the Civil Service Commission, which was created in 1883 to establish a merit system for government service and to eliminate politics from public appointments. The agency holds competitive examinations across the country to select qualified workers for over three million govern­ment posts. It also sponsors training programs to increase the effectiveness of government employees.

**the peace corps**, founded in 1961, trains volunteers to serve in foreign countries for two years. Peace Corps volunteers, now working in more than 60 nations, assist in agricultural-rural development, small business, health, natural re­sources conservation and education.

THE SECURITIES AND EXCHANGE COMMISSION was established to protect investors who buy stocks and bonds. Federal laws require companies that plan to raise money by selling their own secu­rities to file facts about their operations with the commission. The commission has powers to prevent or punish fraud in the sale of securities, and is authorized to regulate stock ex­changes.

**the small business administration** lends money to small busi­nesses, aids victims of floods and other natural disasters, and helps secure contracts for small businesses to supply goods and services to the federal government.

THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID) carries out economic assistance programs designed to help the people in developing countries develop their human and economic resources, increase their productive capacities, and improve the quality of human life. The USAID administra­tor also serves as director of the U.S. International Develop­ment Cooperation Agency, which serves as the focal point for U.S. participation in such organizations as the UN Children's Fund (UNICEF), the Organization of American States (OAS) Technical Assistance Funds program, the World Bank Group, and along with the Department of Agriculture, the Food for Peace Program.

THE UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY is responsible for U.S. participation in international negotiations on arms limitation and disarmament. It represents the United States on international arms control commissions and sup­ports research on arms control and disarmament.

THE UNITED STATES INFORMATION AGENCY (USIA) seeks to promote better understanding of the United States in other countries through the dissemination abroad of information about the na­tion, its people, culture and policies. USIA also administers a number of two-way educational and cultural exchange pro­grams, such as the Fulbright Program, with foreign nations. It provides assistance to foreign press and television journalists covering the United States. The Agency also advises the presi­dent and the various departments of the government on for­eign opinion concerning U.S. policies and programs.

**the united states postal service** is operated by an autonomous public corporation that replaced the Post Office Department in 1971. The Postal Service is responsible for the collection, transportation and delivery of the mails, and for the operation of thousands of local post offices across the country. It also provides international mail service through the Universal Postal Union and other agreements with foreign countries. An independent Postal Rate Commission, also created in 1971, sets the rates for different classes of mail.

THE LEGISLATIVE BRANCH

A BICAMERAL CONGRESS

Article I of the Constitution grants all legislative powers of the federal government to a Congress divided into two cham­bers. a Senate and a House of Representatives. The Senate, the smaller of the two, is composed of two members for each state as provided by the Constitution, Membership in the House is based on population and its size is therefore not specified in the Constitution.

For more than 100 years after the adoption of the Consti­tution, senators were not elected by direct vote of the people but were chosen by state legislatures. Senators were looked on as representatives of their home states. Their duty was to ensure that their states were treated equally in all legislation. The 17th Amendment, adopted in 1913, provided for direct election of the Senate.

The delegates to the Constitutional Convention reasoned that if two separate groups—one representing state govern­ments and one representing the people—must both approve every proposed law, there would be little danger of Congress passing laws hurriedly or carelessly. One house could always check the other in the manner of the British Parliament. Pas­sage of the 17th Amendment did not substantially alter this balance of power between the two houses.

While there was intense debate in the Convention over the makeup and powers of Congress, many delegates believed that the legislative branch would be relatively unimportant. A few believed that the Congress would concern itself largely with external affairs, leaving domestic matters to state and lo­cal governments. These views were clearly wide of the mark. The Congress has proved to be exceedingly active, with broad powers and authority in all matters of national concern. While its strength vis-a-vis the executive branch has waxed and waned at different periods of American history, the Congress has never been impotent or a rubber stamp for presidential decisions.

**QUALIFICATIONS OF MEMBERS OF CONCRESS**

The Constitution requires that U.S. senators must be at least 30 years of age, citizens of the United States for at least nine years, and residents of the states from which they are elected. Members of the House of Representatives must be at least 25, citizens for seven years, and residents of the states which send them to Congress. The states may set ad­ditional requirements for election to Congress, but the Con­stitution gives each house the power to determine the quali­fications of its members.

Each state is entitled to two senators. Thus, Rhode Is­land, the smallest state, with an area of about 3,156 square kilometers has the same senatorial representation as Alaska, the biggest state, with an area of some 1,524,640 square kilo­meters. Wyoming, with 490,000 persons in 1987, has repre­sentation equal to that of California, with its 1987 population of 27,663,000.

The total number of members of the House of Represen­tatives has been determined by Congress. That number is then divided among the states according to their populations. Re­gardless of its population, every state is constitutionally guar­anteed at least one member of the House of Representatives. At present, six states—Alaska, Delaware, North Dakota, South Dakota, Vermont and Wyoming—have only one repre­sentative. On the other hand, six states have more than 20 representatives—California alone has 45.

The Constitution provides for a national census each 10 years and a redistribution of House seats according to popula­tion shifts. Under the original constitutional provision, the number of representatives was to be no more than one for each 30,000 citizens. There were 65 members in the first House, and the number was increased to 106 after the first census. Had the one-to-30,000 formula been adhered to per­manently, population growth in the United States would have brought the total number of representatives to about 7,000. Instead, the formula has been adjusted over the years, and to­day the House is composed of 435 members, roughly one for each 530,000 persons in the United States.

State legislatures divide the states into congressional districts, which must be substantially equal in population. Ev­ery two years, the voters of each district choose a representa­tive for Congress.

Senators are chosen in statewide elections held in even-numbered years. The senatorial term is six years, and every two years one-third of the Senate stands for election. Hence, two-thirds of the senators are always persons with some leg­islative experience at the national level.

It is theoretically possible for the House to be com­posed entirely of legislative novices. In practice, however, most members are reelected several times and the House, like the Senate, can always count on a core group of experi­enced legislators.

Since members of the House serve two-year terms, the life of a Congress is considered to be two years. The 20th Amendment provides that the Congress will meet in regular session each January 3, unless Congress fixes a different date. 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 or she thinks it necessary. Sessions are held in the Capitol in Washington, D.C.

**POWERS OF THE HOUSE AND SENATE**

Each house of Congress has the power to introduce legisla­tion on any subject except revenue bills, which must originate in the House of Representatives. The large states may thus ap­pear to have more influence over the public purse than the small states. In practice, however, each house can vote against legislation passed by the other house. The Senate may disapprove a House revenue bill—or any bill, for that mat­ter—or add amendments which change its nature. In that event, a conference committee made up of members from both houses must work out a compromise acceptable to both sides before the bill becomes law.

The Senate also has certain powers especially reserved to that body, including the authority to confirm presidential appointments of high officials and ambassadors of the federal government as well as authority to ratify all treaties by a two-thirds vote. Unfavorable action in either instance nullifies ex­ecutive action.

In the case of impeachment of federal officials, the House has the sole right to bring charges of misconduct that can lead to an impeachment trial. The Senate has the sole power to try impeachment cases and to find officials guilty or not guilty. A finding of guilt results in the removal of the federal official from public office.

The broad powers of the whole Congress are spelled out in the eighth section of the first article of the Constitution:

— to levy and collect taxes;

— to borrow money for the public treasury;

— to make rules and regulations governing commerce among the states and with foreign countries;

— to make uniform rules for the naturalization of foreign citizens;

— to coin money, state its value, and provide for the punish­ment of counterfeiters;

— to set the standards for weights and measures;

— to establish bankruptcy laws for the country as a whole;

— to establish post offices and post roads;

— to issue patents and copyrights;

— to set up a system of federal courts;

— to punish piracy;

— to declare war;

— to raise and support armies;

— to provide for a navy;

— to call out the militia to enforce federal laws, suppress lawlessness or repel invasions by foreign powers;

— to make all laws for the District of Columbia; and

— to make all laws necessary to enforce the Constitution.

A few of these powers are now outdated—the District of Columbia today is largely self-governing—but they remain in effect. The 10th Amendment sets definite limits on congres­sional authority, by providing that powers not delegated to the national government are reserved to the states or to the peo­ple. In addition, the Constitution specifically forbids certain acts by Congress. It may not:

— suspend the writ of *habeas corpus,* unless necessary in time of rebellion or invasion;

— pass laws which condemn persons for crimes or unlawful acts without a trial;

— pass any law which retroactively makes a specific act a crime;

— levy direct taxes on citizens, except on the basis of a census already taken;

— tax exports from any one state;

— give specially favorable treatment in commerce or taxation to the seaports of any state or to the vessels using them; and

— authorize any titles of nobility.

LITTLE LEGISLATURES

A congressman once observed that "Congress is a collection of committees that come together in a chamber periodically to approve one another's ac­tions. " That statement correctly identifies the standing and permanent com­mittees that are the nerve centers of the U.S. Congress. In a recent two-year session of Congress, for example, members proposed a total of I], 602 bills in the House and 4,080 in the Senate. For each of these bills, the committees re­sponsible had to study, weigh arguments [or and against, hear witnesses and debate changes, before the bills ever reached the House or Senate floors. Out of almost ] 5,000 measures introduced, only 664—fewer than six per­cent—were enacted into law.

The Constitution does not specifically call for congressional committees. As the nation grew, however, so did the need for investigating pending legisla­tion more thoroughly. The committee system began in 1789, when House members found themselves bogged down in endless discussions of proposed new laws. The first committees dealt with Revolutionary War claims, post roads and territories, and trade with other countries. Throughout the years, committees have formed and disbanded in response to political, social and economic changes. For example, there is no longer any need for a Revolution­ary War claims committee, but both houses of Congress have a Veterans' Affairs committee.

Today, there are 22 standing committees in the House and 16 in the Sen­ate, plus four joint permanent committees with members from both houses: Library of Congress, printing, taxation and economics. In addition, each house can name special, or select, committees to study specific problems: Because of an increase in workload, the standing committees have also spawned some 300 subcommittees. Almost 25,000 persons help with research, information-gathering and analyses of problems and programs in Congress. Recently, dur­ing one week of hearings, committee and subcommittee members discussed topics ranging from financing of television broadcasting to the safety of nucle­ar plants to international commodity agreements.

And what do ail these "little legislatures" actually do? After all the facts are gathered, the committee decides whether to report a new bill favorably or with a recommendation that it be passed with amendments. Sometimes, the bill will be set aside, or tabled, which effectively ends its consideration. When bills are reported out of committee and passed by the full House or Senate, however, another committee goes into action, ironing out any differences be­tween the House and Senate versions of the same bill. This "conference com­mittee, " consisting of members of both houses, completes a bill to all mem­bers' satisfaction, then sends it to the House and Senate floors for final dis­cussion and a vote. If passed, the bill goes to the president for his signature.

Congressional committees are vital because they do the nuts-and-bolts job of weighing the proposals, hammering them into shape or killing them completely. They continue to play a large part in the preparation and con­sideration of laws that will help shape the United States in its third century.

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| **STANDING, OR PERMANENT, COMMITTEES OF CONGRESS** | |
| HOUSE | SENATE |
| *Agriculture*  *Appropriations*  *Armed Services*  *Banking, Finance and Urban Affairs*  *Budget*  *District of Columbia*  *Education and Labor*  *Energy and Commerce*  *Foreign Affairs*  *Government Operations*  *House Administration*  *Interior and Insular Affairs*  *Judiciary*  *Merchant Marine and Fisheries*  *Post Office and Civil Service*  *Public Works and Transportation*  *Rules*  *Science, Space and Technology*  *Small Business*  *Standards of Official Conduct*  *Veterans' Affairs*  *Ways and Means* | *Agriculture, Nutrition and Forestry*  *Appropriations*  *Armed Services*  *Banking. Finance and Urban Affairs*  *Budget*  *Commerce, Science and Transportation*  *Energy and Natural Resources*  *Environment and Public Works*  *Finance*  *Foreign Relations*  *Governmental Affairs*  *Judiciary*  *Labor and Human Resources*  *Rules and Administration*  *Small Business*  *Veterans' Affairs* |

**OFFICERS OF THE CONGRESS**

The Constitution provides that the vice president shall be president of the Senate. He or she has no vote, except in the case of a tie. The Senate chooses a president pro *tempore* to preside when the vice president is absent. The House of Rep­resentatives chooses its own presiding officer—the speaker of the House. The speaker and the president pro *tempore* are al­ways members of the political party with the largest represen­tation in each 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. These officials, along with the presiding officers and committee chairmen, exercise strong influence over the making of laws.

**THE LAWMAK1NG PROCESS**

One of the major characteristics of the Congress is the dom­inant role committees play in its proceedings. Committees have assumed their present-day importance by evolution, not by constitutional design, since the Constitution makes no pro­vision for their establishment.

At present the Senate has 16 standing (or permanent) committees: the House of Representatives has 22. Each spe­cializes in specific areas of legislation: foreign affairs, de­fense, banking, agriculture, commerce, appropriations and other fields. Every bill introduced in either house is referred to a committee for study and recommendation. The committee may approve, revise, kill or ignore any measure referred to it. It is nearly impossible for a bill to reach the House or Senate floor without first winning committee approval. In the House, a petition to discharge a bill from a committee requires the signatures of 218 members; in the Senate, a majority of all members is required. In practice, such discharge motions only rarely receive the required support.

The majority party in each house controls the committee process. Committee chairmen are selected by a caucus of par­ty members or specially designated groups of members. Mi­nority parties are proportionally represented on the commit­tees according to their strength in each house.

Bills are introduced by a variety of methods. Some are drawn up by standing committees; some by special commit­tees created to deal with specific legislative issues; and some may be suggested by the president or other executive officers. Citizens and organizations outside the Congress may suggest legislation to members, and individual members themselves may initiate bills. After introduction, bills are sent to designat­ed committees which, in most cases, schedule a series of pub­lic hearings to permit presentation of views by persons who support or oppose the legislation. The hearing process, which can last several weeks or months, opens the legislative pro­cess to public participation.

One virtue of the committee system is that it permits members of Congress and their staffs to amass a considerable degree of expertise in various legislative fields. In the early days of the republic, when the population was small and the duties of the federal government narrowly circumscribed, such expertise was not as important. Each congressman was a generalist and dealt knowledgeably with all fields of interest. The complexity of national life today calls for special knowl­edge, which means that elected representatives often acquire expertise in one or two areas of public policy.

When a committee has acted favorably on a bill, the pro­posed legislation is then sent to the floor for open debate. In the Senate, the rules permit virtually unlimited debate. In the House, because of the large number of members, the Rules Committee usually sets limits. When debate is ended, members vote either to approve the bill, defeat it, table it—which means setting it aside and is tantamount to defeat—or return it to 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 differences.

Once passed by both houses, the bill is sent to the presi­dent, for constitutionally the president must act on a bill for it to become law. The president has the option of signing the bill—by which it becomes law—or vetoing it. A bill vetoed by the president must be reapproved by a two-thirds vote of both houses to become law.

The president may also refuse either to sign or veto a bill. In that case, the bill becomes law without his signature 10 days after it reaches him (not counting Sundays). The single exception to this rule is when Congress adjourns after sending a bill to the president and before the 10-day period has ex­pired; his refusal to take any action then negates the bill—a process known as the "pocket veto."

**CONGRESSIONAL POWERS OF INVESTIGATION**

One of the most important nonlegislative functions of the Congress is the power to investigate. This power is usually delegated to committees—either the standing committees, special committees set up for a specific purpose, or joint com­mittees composed of members of both houses. Investigations are conducted to gather information on the need for future legislation, to test the effectiveness of laws already passed, to inquire into the qualifications and performance of mem­bers and officials of the other branches, and on rare occa­sions, to lay the groundwork for impeachment proceedings. Frequently, committees call on outside experts to assist in conducting investigative hearings and to make detailed studies of issues.

There are important corollaries to the investigative pow­er. One is the power to publicize investigations and their results. Most committee hearings are open to the public and are widely reported in the mass media. Congressional investiga­tions thus represent one important tool available to lawmak­ers to inform the citizenry and arouse public interest in na­tional issues. Congressional committees also have the power to compel testimony from unwilling witnesses, and to cite for contempt of Congress witnesses who refuse to testify and for perjury those who give false testimony.

**INFORMAL PRACTICES OF CONGRESS**

In contrast to European parliamentary systems, the selec­tion and behavior of U.S. legislators has little to do with cen­tral party discipline. Each of the major American political par­ties is basically a coalition of local and state organizations which join together as a functioning national party—Republi­can or Democratic—during the presidential elections at four-year intervals. Thus the members of Congress owe their posi­tions to their local or state electorate, not to the national party leadership nor to their congressional colleagues. As a result, the legislative behavior of representatives and senators tends to be individualistic and idiosyncratic, reflecting the great va­riety of electorates represented and the freedom that comes from having built a loyal personal constituency.

Congress is thus a collegial and not a hierarchical body. Power does not flow from the top down, as in a corporation, but in practically every direction. There is only minimal cen­tralized authority, since the power to punish or reward is slight. Congressional policies are made by shifting coalitions which may vary from issue to issue. Sometimes, where there are conflicting pressures—from the White House and from important economic or ethnic groups—legislators will use the rules of procedure to delay a decision so as to avoid alienating an influential sector. A matter may be postponed on the grounds that the relevant committee held insufficient public hearings. Or Congress may direct an agency to prepare a de­tailed report before an issue is considered. Or a measure may be put aside ("tabled") by either house, thus effectively de­feating it without rendering a judgment on its substance.

There are informal or unwritten norms of behavior that often determine the assignments and influence of a particular member. "Insiders," representatives and senators who con­centrate on their legislative duties, may be more powerful within the halls of Congress than "outsiders," who gain recog­nition by speaking out on national issues. Members are ex­pected to show courtesy toward their colleagues and to avoid personal attacks, no matter how extreme or unpalatable their opponents' policies may be. Members are also expected to specialize in a few policy areas rather than claim expertise in the whole range of legislative concerns. Those who conform to these informal rules are more likely to be appointed to presti­gious committees or at least to committees that affect the in­terests of a significant portion of their constituents.

OVERSIGHT POWERS OF CONGRESS

Of the numerous techniques that Congress has adopted to influence the exec­utive branch, one of the most effective is the oversight function. Congressional oversight prevents waste and fraud; protects civil liberties and individual rights; ensures executive compliance with the law; gathers information for making laws and educating the public: and evaluates executive performance. It applies to Cabinet departments, executive agencies, regulatory commis­sions and the presidency.

Congress' oversight function takes many forms:

—committee inquiries and hearings;

—formal consultations with and reports from the executive;

—Senate advice and consent for executive nominations and treaties;

—House impeachment proceedings and subsequent Senate trials;

—House and Senate proceedings under the 25th Amendment in the event that the president becomes disabled, or the office of the vice president falls vacant;

—informal meetings between legislators and executive officials;

—congressional membership on governmental commissions; and

—studies by congressional committees and support agencies such as the Congressional Budget Office, the General Accounting Office or the Office of Technology Assessment—all arms of Congress.

The oversight power of Congress has helped to force officials out of of­fice, change policies and provide new statutory controls over the executive. In 1949, for example, probes by special Senate investigating subcommittees re­vealed corruption among high officials in the Truman administration. This re­sulted in the reorganization of certain agencies and the formation of a special White House commission to study corruption in the government.

The Senate Foreign Relations Committee's televised hearings in the late 1960s helped to mobilize opposition to the Vietnam War. Congress' 1973 Watergate investigation exposed White House officials who illegally used their positions for political advantage, and the House Judiciary Committee's im­peachment proceedings against President Richard Nixon the following year ended his presidency. Select committee inquiries in 1975 and 1976 identified serious abuses by intelligence agencies and initiated new legislation to con­trol certain intelligence activities.

In 1983, congressional inquiry into a proposal to consolidate border in­spection operations of the U.S. Customs Service and the U.S. Immigration and Naturalization Service raised questions about the executive's authority to make such a change without new legislation. In 1987, oversight efforts dis­closed statutory violations in the executive branch's secret arms sales to Iran and the diversion of arms profits to anti-government forces in Nicaragua, known as the contras. Congressional findings resulted in proposed legislation to prevent similar occurrences.

Oversight power is an essential check in monitoring the presidency and controlling public policy.

THE JUDICIAL BRANCH

**THE FEDERAL COURT SYSTEM**

The third branch of the federal government, the judiciary, consists of a system of courts spread throughout the country, headed by the Supreme Court of the United States.

A system of state courts existed before the Constitution was drafted. There was considerable controversy among the delegates to the Constitutional Convention as to whether a federal court system was needed, and whether it should sup­plant the state courts. As in other matters under debate, a compromise was reached in which the state courts were con­tinued while the Constitution mandated a federal judiciary with limited power. Article III of the Constitution states the ba­sis for the federal court system:

*The judicial power of the United States shall be vested in one Supreme Court, and such inferior courts as the Congress may from time to time ordain and establish.*

With this guide, the first Congress divided the nation into districts and created federal courts for each district. From that beginning has evolved the present structure: the Su­preme Court, 11 courts of appeals, 91 district courts, and three courts of special jurisdiction. Congress today retains the power to create and abolish federal courts, as well as to deter­mine the number of judges in the federal judiciary system. It cannot, however, abolish the Supreme Court.

The judicial power extends to cases arising under the Constitution; laws and treaties of the United States; admiralty and maritime cases; cases affecting ambassadors, ministers and consuls of foreign countries in the United States; contro­versies in which the U.S. government is a party; and contro­versies between states (or their citizens) and foreign nations (or their citizens or subjects). The 11th Amendment removed from federal jurisdiction cases in which citizens of one state were the plaintiffs and the government of another state was the defendant. It did not disturb federal jurisdiction in cases in which a state government is a plaintiff and a citizen of another state the defendant.

The power of the federal courts extends both to civil ac­tions for damages and other redress, and to criminal cases arising under federal law. Article III has resulted in a complex set of relationships between state and federal courts. Ordi­narily, federal courts do not hear cases arising under the laws of individual states. However, some cases over which federal courts have jurisdiction may also be heard and decided by state courts. Both court systems thus have exclusive jurisdic­tion in some areas and concurrent jurisdiction in others.

The Constitution safeguards judicial independence by providing that federal judges shall hold office "during good be­havior"—in practice, until they die, retire or resign, although a judge who commits an offense while in office may be im­peached in the same way as the president or other officials of the federal government. U.S. judges are appointed by the president and confirmed by the Senate. Congress also deter­mines the pay scale of judges.

**THE SUPREME COURT**

The Supreme Court is the highest court of the United States, and the only one specifically created by the Constitution. A de­cision of the Supreme Court cannot be appealed to any other court. Congress has the power to fix the number of judges sit­ting on the Court and, within limits, decide what kind of cases it may hear, but it cannot change the powers given to the Su­preme Court by the Constitution itself.

The Constitution is silent on the qualifications for judges. There is no requirement that judges be lawyers, although, in fact, all federal judges and Supreme Court justices have been members of the bar.

Since the creation of the Supreme Court almost 200 years ago, there have been slightly more than 100 justices. The original Court consisted of a chief justice and five asso­ciate justices. For the next 80 years, the number of justices varied until, in 1869, the complement was fixed at one chief justice and eight associates. The chief justice is the executive officer of the Court but, in deciding cases, has only one vote, as do the associate justices.

The Supreme Court has original jurisdiction in only two kinds of cases: those involving foreign dignitaries and those in which a state is a party. All other cases reach the Court on ap­peal from lower courts.

Of the several thousand cases filed annually, the Court usually hears only about 150. Most of the cases involve inter­pretation of the law or of the intent of Congress in passing a piece of legislation. A significant amount of the work of the Su­preme Court, however, consists of determining whether legis­lation or executive acts conform to the Constitution. This pow­er of judicial review is not specifically provided for by the Con­stitution. Rather, it is doctrine inferred by the Court from its reading of the Constitution, and forcefully stated in the landmark *Marbury vs. Madison* case of 1803. In its decision in that case, the Court held that "a legislative act contrary to the Con­stitution is not law," and further observed that "it is emphati­cally the province and duty of the judicial department to say what the law is." The doctrine has also been extended to cover the activities of state and local governments.

Decisions of the Court need not be unanimous; a simple majority prevails, provided at least six justices—the legal quorum—participate in the decision. In split decisions, the Court usually issues a majority and a minority—or dissent­ing—opinion, both of which may form the basis for future de­cisions by the Court. Often justices will write separate concur­ring opinions when they agree with a decision, but for reasons other than those cited by the majority.

**COURTS OF APPEALS AND DISTRICT COURTS**

The second highest level of the federal judiciary is made up of the courts of appeals, created in 1891 to facilitate the disposition of cases and ease the burden on the Supreme Court. The United States is divided into 11 separate appeals regions, each served by a court of appeals with from three to 15 sitting judges.

The courts of appeals review decisions of the district courts (trial courts with federal jurisdiction) within their ar­eas. They are also empowered to review orders of the inde­pendent regulatory agencies, such as the Federal Trade Com­mission, in cases where the internal review mechanisms of the agencies have been exhausted and there still exists sub­stantial disagreement over legal points.

Below the courts of appeals are the district courts. The 50 states are divided into 89 districts so that litigants may have a trial within easy reach. Additionally, there is one in the District of Columbia and one in the Commonwealth of Puerto Rico, not a state of the union, but part of the United States. From one to 27 judges sit in each of the district courts. Depending on case load, a judge from one district may temp!) rarity sit in another district. Congress fixes the boundaries of the districts according to population, size and volume of work. Some of the smaller states constitute a district by themselves. while the larger states, such as New York, California and Tex­as, have four districts each.

Except in the District of Columbia, judges must be resi­dents of the district in which they permanently serve. District courts hold their sessions at periodic intervals in different cit­ies of the district.

Most cases and controversies heard by these courts in­volve federal offenses such as misuse of the mails, theft of fed­eral property, and violations of pure food, banking and coun­terfeiting laws. These are the only federal courts where grand juries indict those accused of crimes, and juries decide the cases.

**SPECIAL COURTS**

In addition to the federal courts of general jurisdiction, it has been necessary from time to time to set up courts for special purposes. These are known as "legislative" courts because they were created by congressional action. Judges in these courts, like their peers in other federal courts, are appointed for life terms by the president, with Senate approval.

Perhaps the most important of these special courts is the Court of Claims, established in 1855 to render judgment on monetary claims against the United States. Other special courts include the Customs Court, which has exclusive juris­diction over civil actions involving taxes or quotas on imported goods, and the Court of Customs and Patent Appeals which hears appellate motions from decisions of the Customs Court and the U.S. Patent Office.

**Conclusion**

Although the Constitution has changed in many aspects since it was first adopted, its basic principles remain the same now as in 1789:

— The three main branches of government are separate and distinct from one another. The powers given to each are deli­cately balanced by the powers of the other two. Each branch serves as a check on potential excesses of the others.

— The Constitution, together with laws passed according to its provisions, and treaties entered into by the president and approved by the Senate, stands above all other laws, execu­tive acts and regulations.

— All persons are equal before the law and are equally enti­tled to its protection. All states are equal, and none can re­ceive special treatment from the federal government. Within

the limits of the Constitution, each state must recognize and respect the laws of the others. State governments, like the fed­eral government, must be democratic in form, with final au­thority resting with the people.

— The people have the right to change their form of national government by legal means defined in the Constitution itself.

Few Americans, however, would defend their country's record as perfect. American democracy is in a constant state of evolution. As Americans review their history, they recognize errors of performance and failures to act, which have delayed the nation's progress. They know that more mis­takes will be made in the future.

Yet the U.S. government still represents the people, and is dedicated to the preservation of liberty. The right to criticize the government guarantees the right to change it when it strays from the essential principles of the Constitution. So long as the preamble to the Constitution is heeded, the repub­lic will stand. In the words of Abraham Lincoln, "government of the people, by the people, and for the people shall not perish from the earth."

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