

U.S. Constitution and Government

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Part I

ORIGINS AND BACKGROUND

The U.S. Political System

- is OLD
- current constitution dates back to 1788 – over 220 years!
- oldest democracy in modern history
- much older than e.g. Germany's political system

The U.S. Political System

- is WEIRD
- many aspects are explainable only by tradition
- elections on Tuesdays
- electoral college to elect the president
- voter registration at the Department of Motor Vehicles

The U.S. Political System

- is ADAPTABLE
- 27 amendments to the constitution
- originally, presidential elections were supposed to be undemocratic, now they are democratic
- federal government used to be a tiny operation in an insignificant town built on a swamp, now it's the most powerful government in the world

The U.S. Political System

- WORKS
- presidential elections every four years, even during wartime
- survived the Civil War, the Great Depression, and World War II
- despite controversy has never deteriorated into dictatorship

The U.S. Constitution: Origins

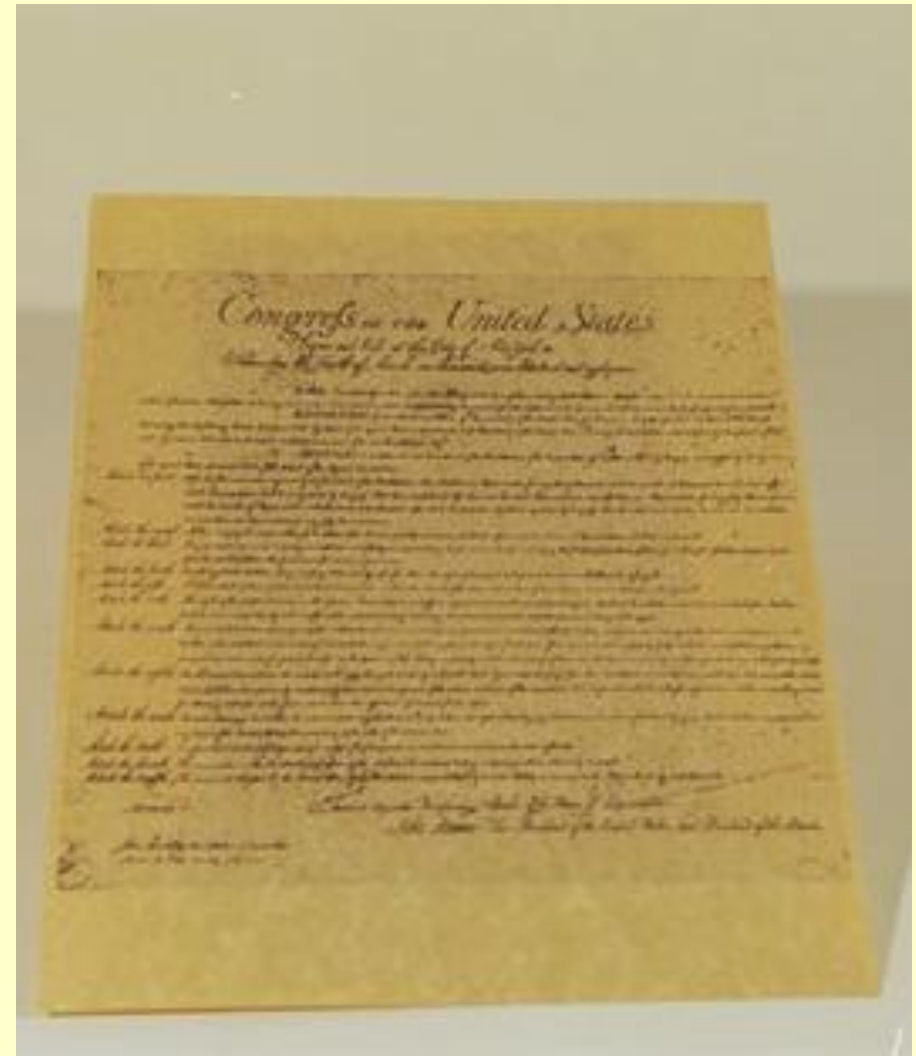
- First constitution: “Articles of Confederation”, 1777-1787
- no federal executive, weak federal Congress, no federal taxation
- enormous political and economic problems, esp. paying back debt
- Federal Convention at Philadelphia 1787 drafted new constitution. Ratified in 1788
- Compromise between small and large states: two chambers of Congress, one with equal and one with proportional representation



The chamber in the Pennsylvania State House where the Constitution was drafted

The U.S. Constitution: The Bill of Rights

- Critics of the Constitution demanded a Bill of Rights. Added in 1791 as the first ten amendments
- 1: freedom of speech, press, religion
- 2: right to bear arms
- 4: no house searches w/o warrant
- 5: due process of law (rule of law), no self-incrimination
- 6-7: trial by jury
- 8: no cruel and unusual punishment
- (3, 9, 10 less relevant)
- The Bill of Rights, esp. the first amendment, plays a central role in American political culture



The Bill of Rights

Season 10 – “Make Room for Lisa”

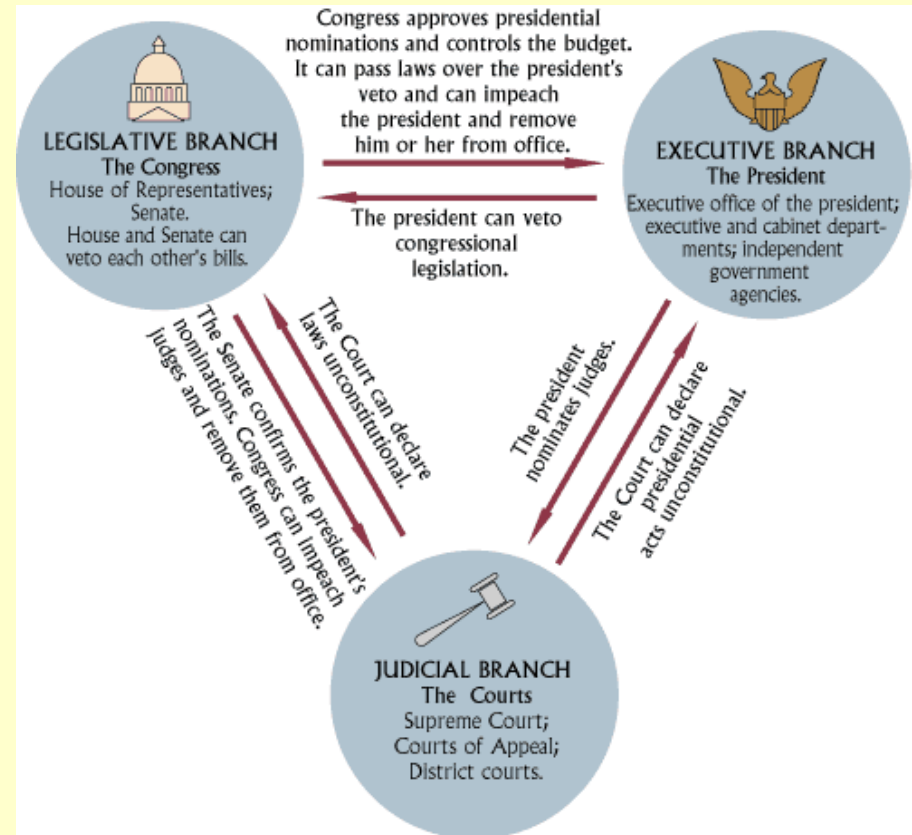


Part II

CHECKS AND BALANCES

Checks and Balances

- How to create an effective government but prevent the abuse of power?
- The founding fathers designed a system of checks and balances
- **Balances:** the three branches of government (legislature, executive, judiciary) all have significant power so none can dominate the other
- **Checks:** the three branches have specific control mechanisms over each other



The Legislative Branch: Congress

- Two-chamber legislature with power over federal budget, taxes, general legislation
- Dominant in domestic politics
- House of Representatives: 435 members, 1 to 55 from each state. Elected every two years by the people of a congressional district
- Senate: 100 members, 2 from each state. Elected every six years by the people of the respective state
- All laws and budgets have to pass both chambers of Congress



The US Capitol in Washington,
the seat of Congress

Congress: Checks and Balances

Checks vs. President:

- Power of the Purse, including military spending
- Laws can only originate in Congress, not in the administration
- Affirms or rejects presidential appointments
- Presidential veto can be overridden with 2/3 majority
- Impeachment for criminal wrongdoing (but not as political punishment)
- President cannot dissolve Congress

Checks vs. Judiciary

- Congress can determine size and organization of federal judiciary through law
- Impeachment against federal judges is possible
- Congress can initiate a constitutional amendment to override a Supreme Court decision

The Executive Branch: The President

- Head of State, chief diplomat and commander-in-chief of the armed forces
- Dominant in foreign policy, limited in domestic policy
- Appoints cabinet, federal judges, top-level diplomats, bureaucrats and military commanders
- Executes federal laws
- Can issue executive orders
- Elected every four years by the electoral college, effectively by the people. Can be re-elected once
- Must be a native citizen of the U.S.



The White House,
residence of the president

The President: Checks and Balances

Checks vs. Kongress:

- Can veto laws passed by Congress
- Cannot be removed by Congress, except through impeachment

Checks vs. Judiciary:

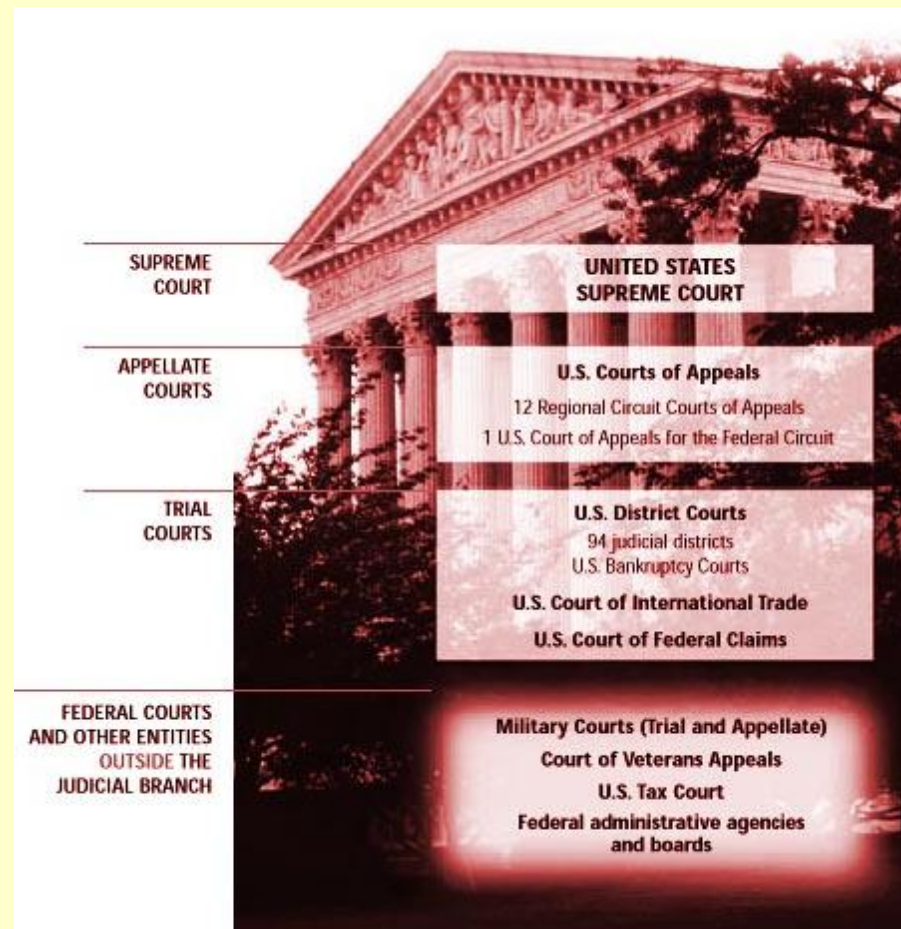
- Appoints federal judges



Franklin Delano Roosevelt
used his veto power 372 times

The Judiciary: The Supreme Court

- Supreme Court: 9 justices appointed by the president and confirmed by the Senate
- Final arbiter of the U.S. constitution
- Hold tenure “during good behavior” – effectively for life
- Can declare federal and state laws as well as executive orders unconstitutional
- Highest appellate court for both federal and state court systems
- Combines power of German *Bundesverfassungsgericht*, *Bundesgerichtshof* as well as *Europäischer Gerichtshof*



Beneath the Supreme Court, there are the U.S. Courts of Appeals and the U.S. District Courts

Changing the Constitution

- Amending the Constitution requires:
- A 2/3 majority in both chambers of Congress
- Ratification by 3/4 of the state legislatures
- Deliberately difficult
- Amended 27 times, but also some spectacular failures like Equal Rights Amendment or the Flag Burning Amendment



There have been repeated, and unsuccessful, attempts to pass a constitutional amendment making it a crime to burn the American flag. Flag-burning remains a legal form of free speech protected by the First Amendment

Season 07 – “The Day the Violence Died”



Federalism

- The federal structure of the US is another part of checks and balances
- Despite growth of federal power esp. after Civil War and Great Depression / WWII, the states retain much autonomy
- All states have constitutions, a legislature, a governor, and a court system, similar to federal system
States control the municipalities, have police forces, social services, and more
- State courts handle the vast majority of criminal and civil cases



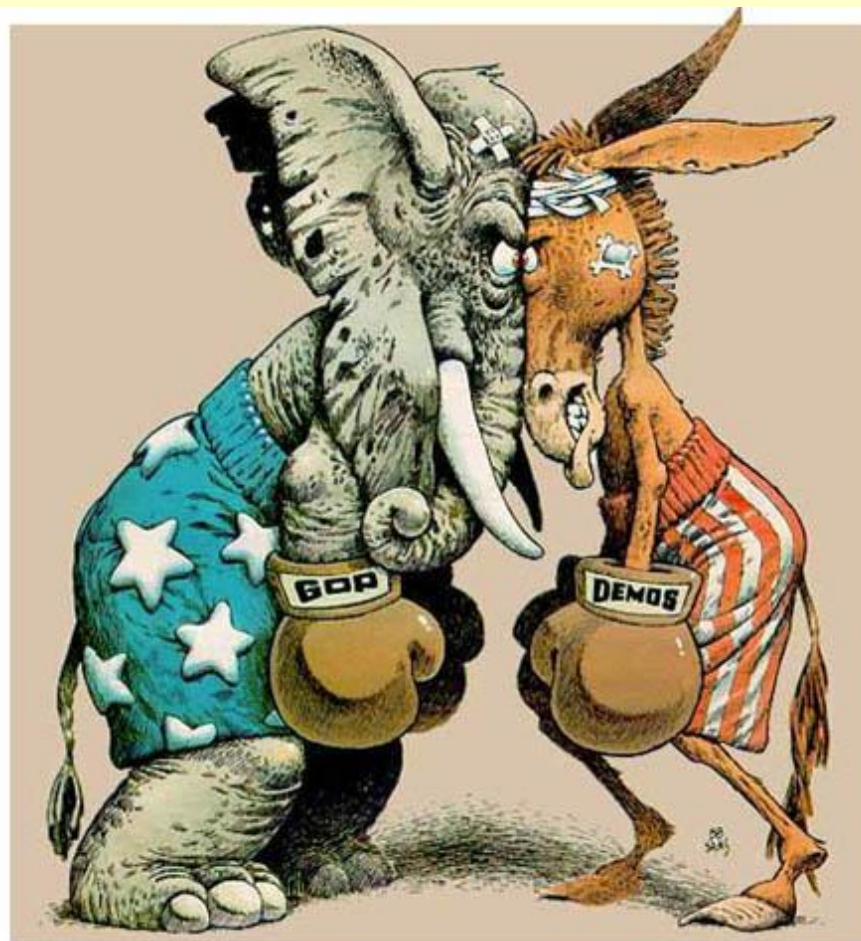
The United States is divided into 50 states, each with its own government and power. American states are considerably more powerful than German Bundesländer

Part III

POLITICAL PARTIES AND ELECTIONS

The US Party System

- No parties in the Constitution.
- Democrats v. Republicans s.1854.
- Both parties are not ideologically cohesive; they have diverse and often competing wings
- No formal membership, only voter registration.
- Majority voting system leads to two-party system. Third parties or independent candidates only distort the process



The Elephant and Donkey were established as symbols for the Republican and Democratic Parties by the cartoonist Thomas Nast in the 1870s-1880s

The US Party System

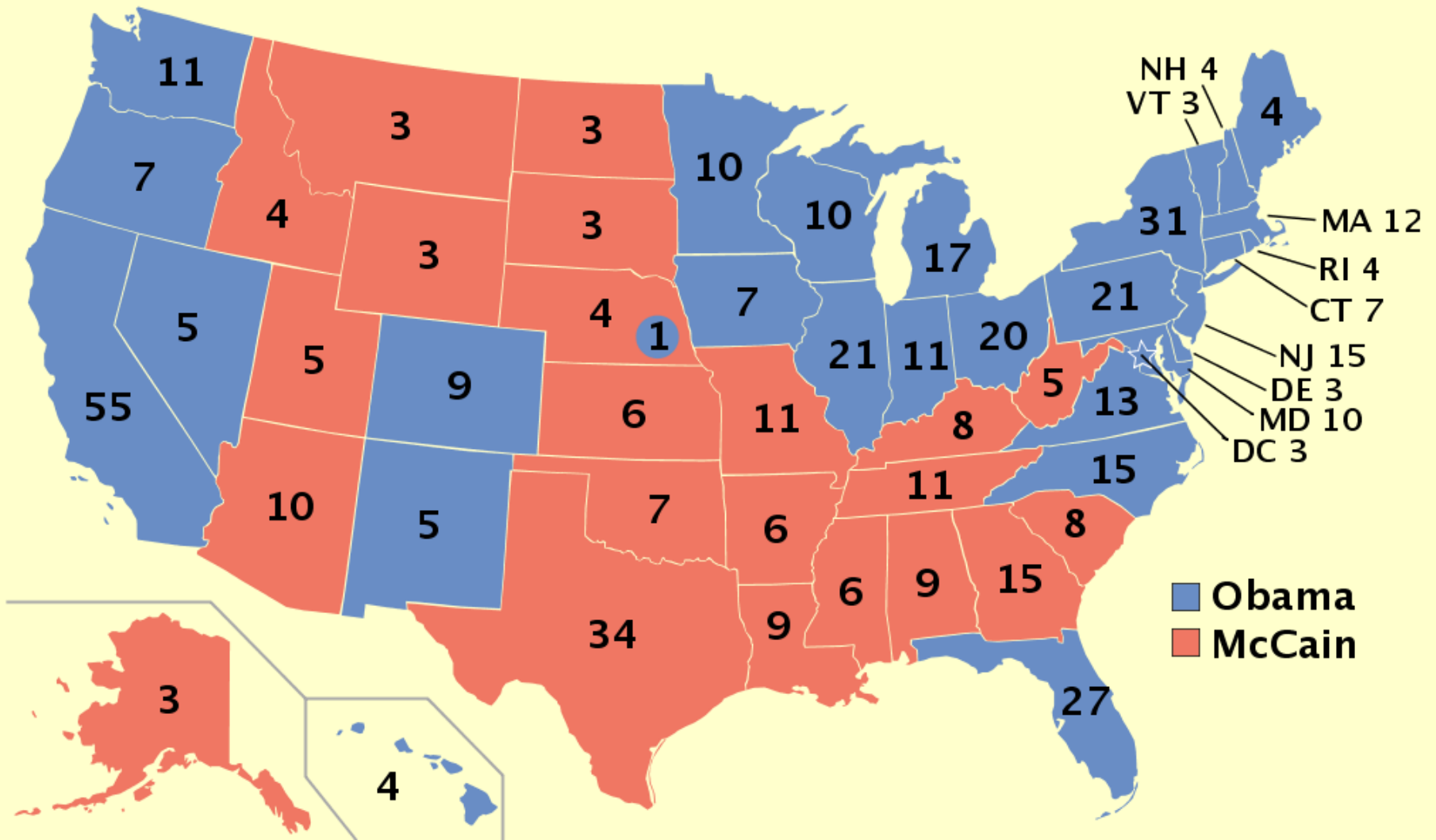
Democrats:

- Are strong in the Northeast, on the West Coast, the upper Midwest, and in cities
- Pursue **liberal** politics: a strong, active federal government to create a welfare state and social justice
- Are supported by a majority of women, African-Americans, Hispanics, immigrants, and labor unions

Republicans:

- Are strong in the South, the non-coastal West, in suburbs and rural areas
- Pursue **conservative** politics: low taxes, a small federal government, little regulation of business, and a strong military
- Are supported by a majority of men, white voters, evangelical Protestants, and social conservatives

Presidential Election of 2008



Primary Elections

- Both Democrats and Republicans use primary elections to pick their political candidates
- Registered “members” of each party vote for who should run for the party. Different system in every state
- Most notably presidential primaries, but also for senators, representatives, etc.
- Very different from German system, where party leadership dominates candidate selection
- Sometimes, results are surprising



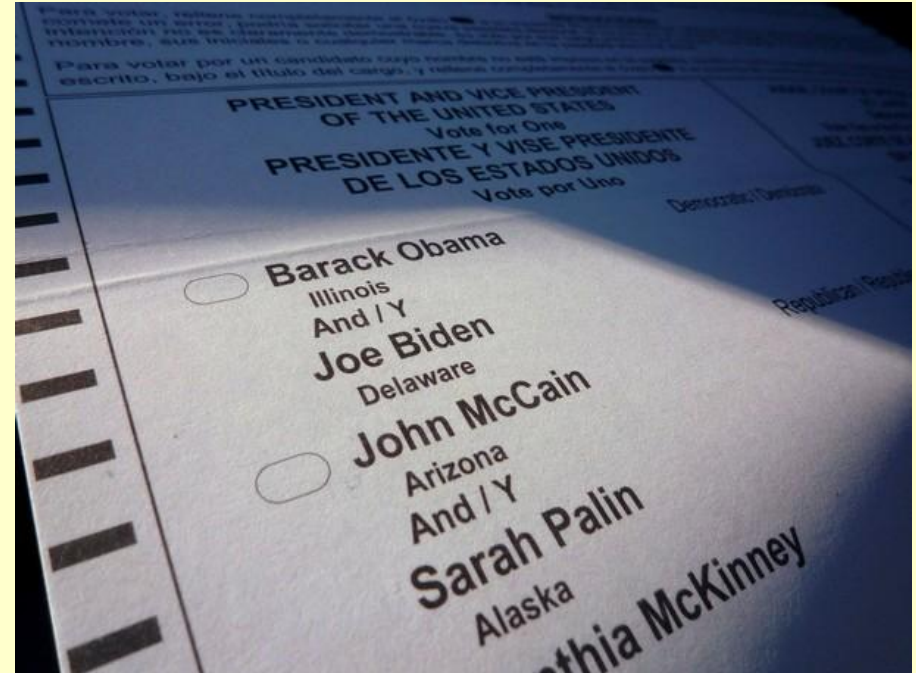
Hillary Clinton strongly competed with Barack Obama for the 2008 Democratic nomination

Season 19 – “E Pluribus Wiggum”



Elections

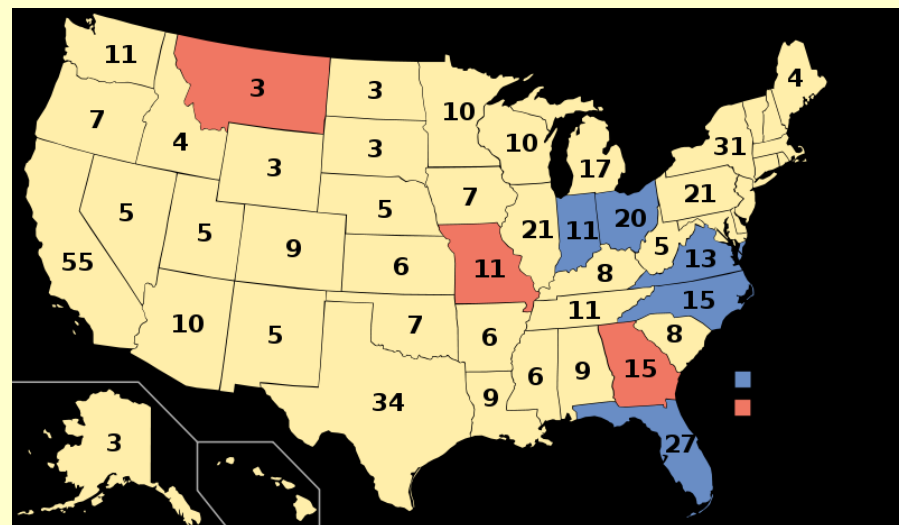
- Many public offices are elective in the U.S. There are ca. 500,000 elected officials, including district attorney, some judges, school boards, sheriffs, etc.
- US elections are held on the first Tuesday in November, even years. States typically use the same day
- While the federal system has no plebiscite, many states do, esp. California
- Power of incumbency: some officeholders, esp. U.S. Senators, are elected again and again



A 2008 presidential election ballot. Note that it is in English and Spanish!

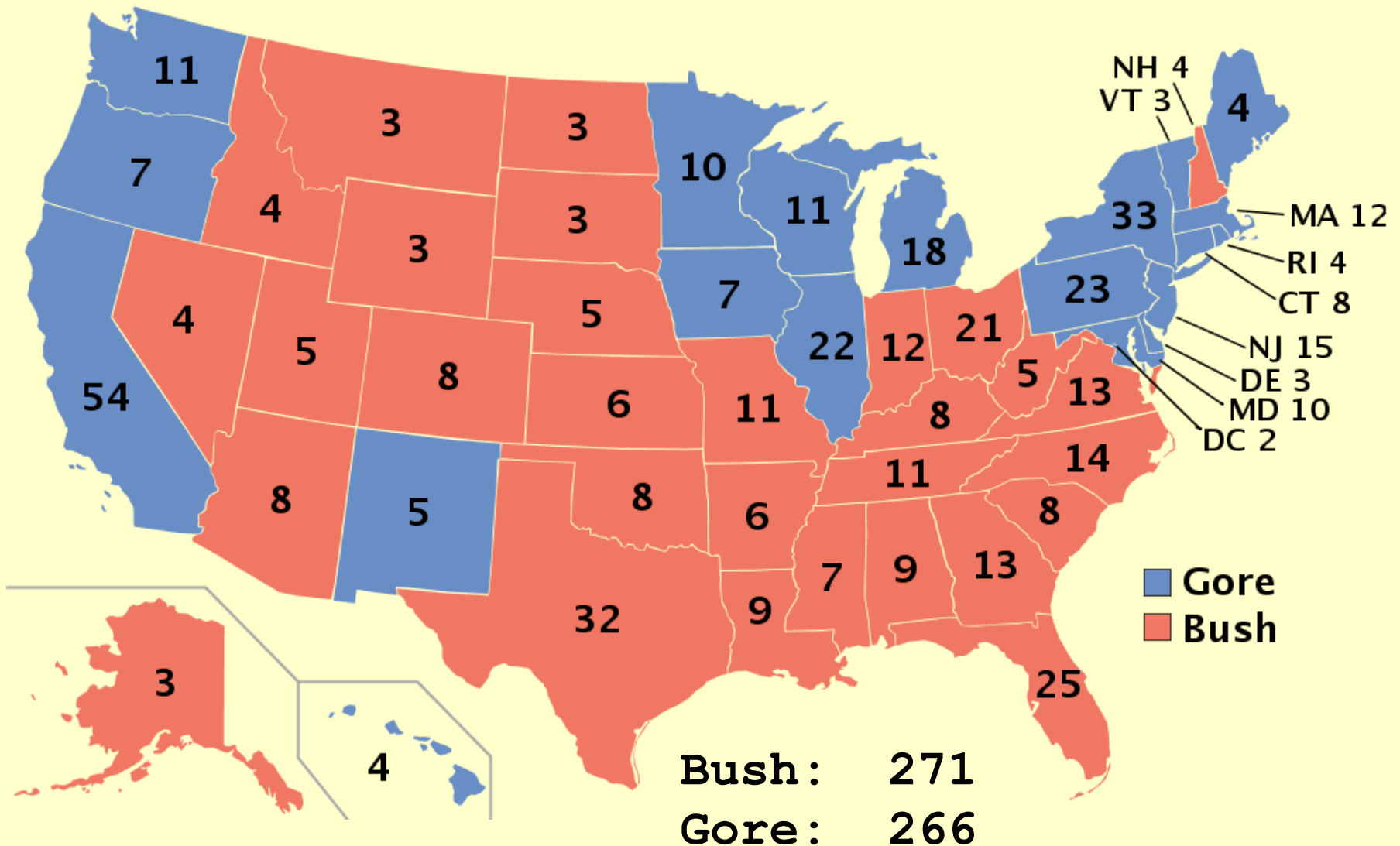
The Electoral College and Swing States

- Effectively popular election of president (since ca. 1830)
- Election is by states, who get 3-55 votes acc. to their population. There are 51 presidential elections
- “Winner takes it all” principle in most states brings clear majorities
- The state votes are cast by electors (who are picked by the parties). The electors (almost) always vote as they pledged
- Some states are strongly Dem. or Rep. Others, the “swing states” are highly contested

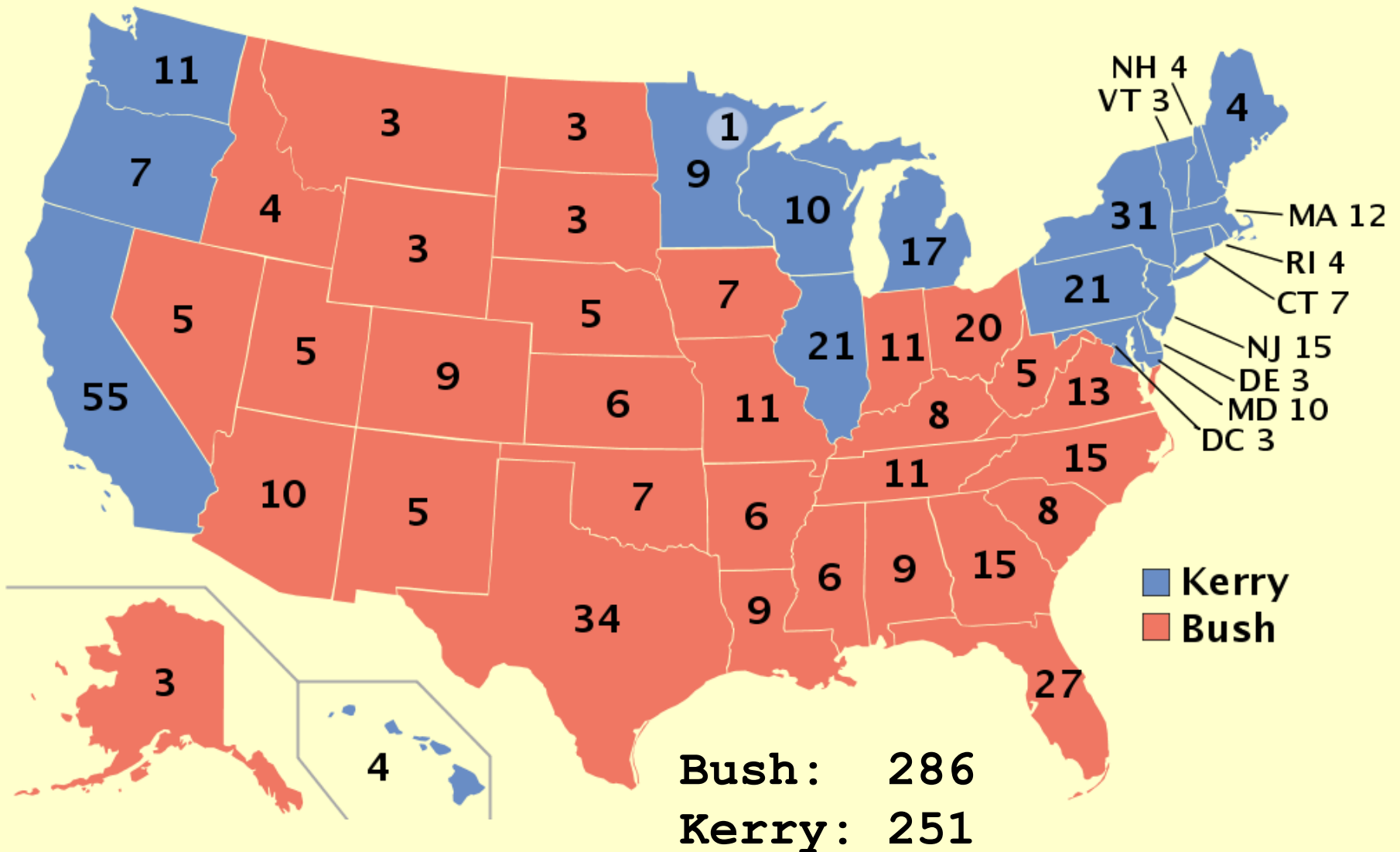


Swing states in 2008 and how they voted: Democratic victories in blue, Republican victories in red

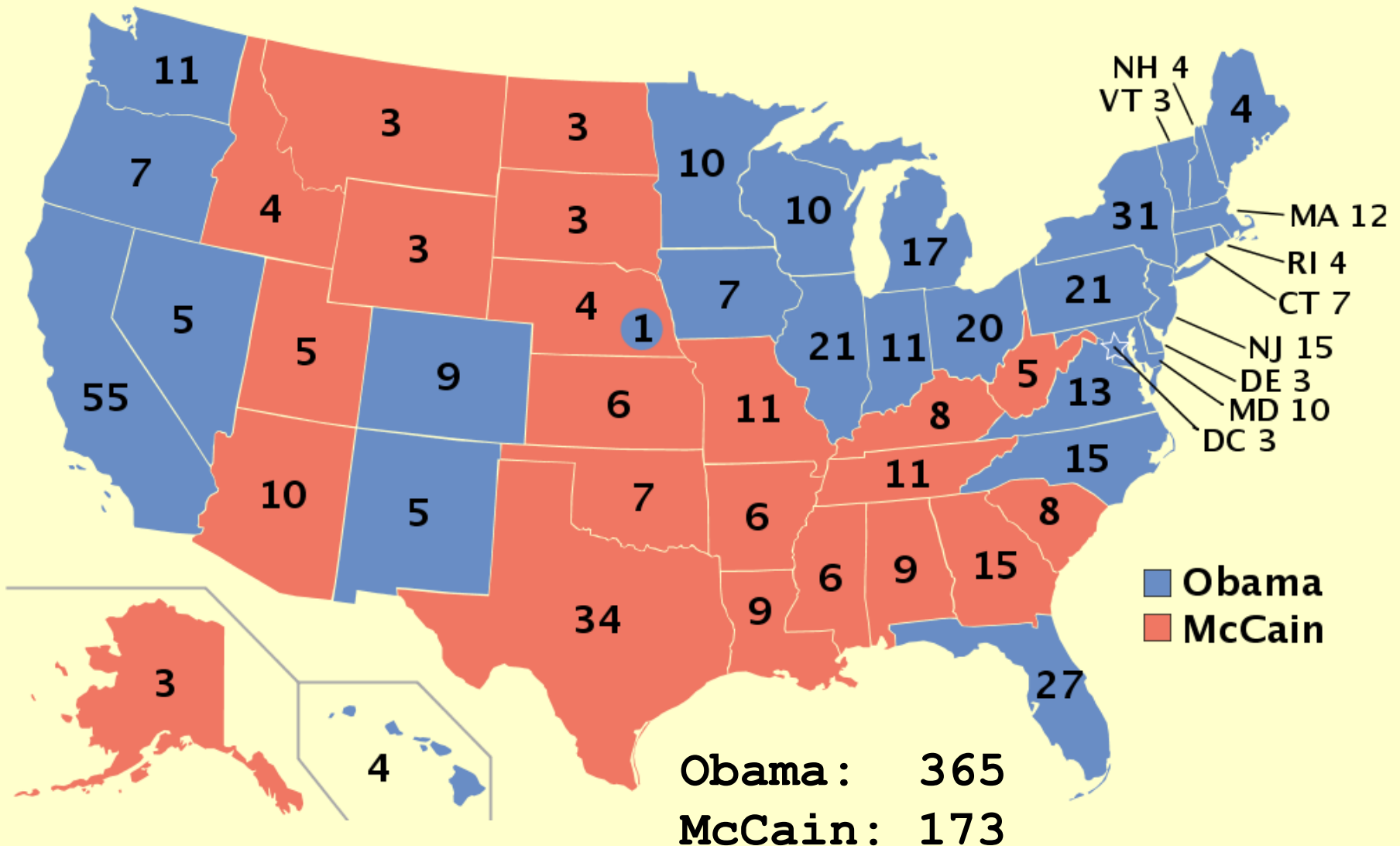
Presidential Election of 2000



Presidential Election of 2004

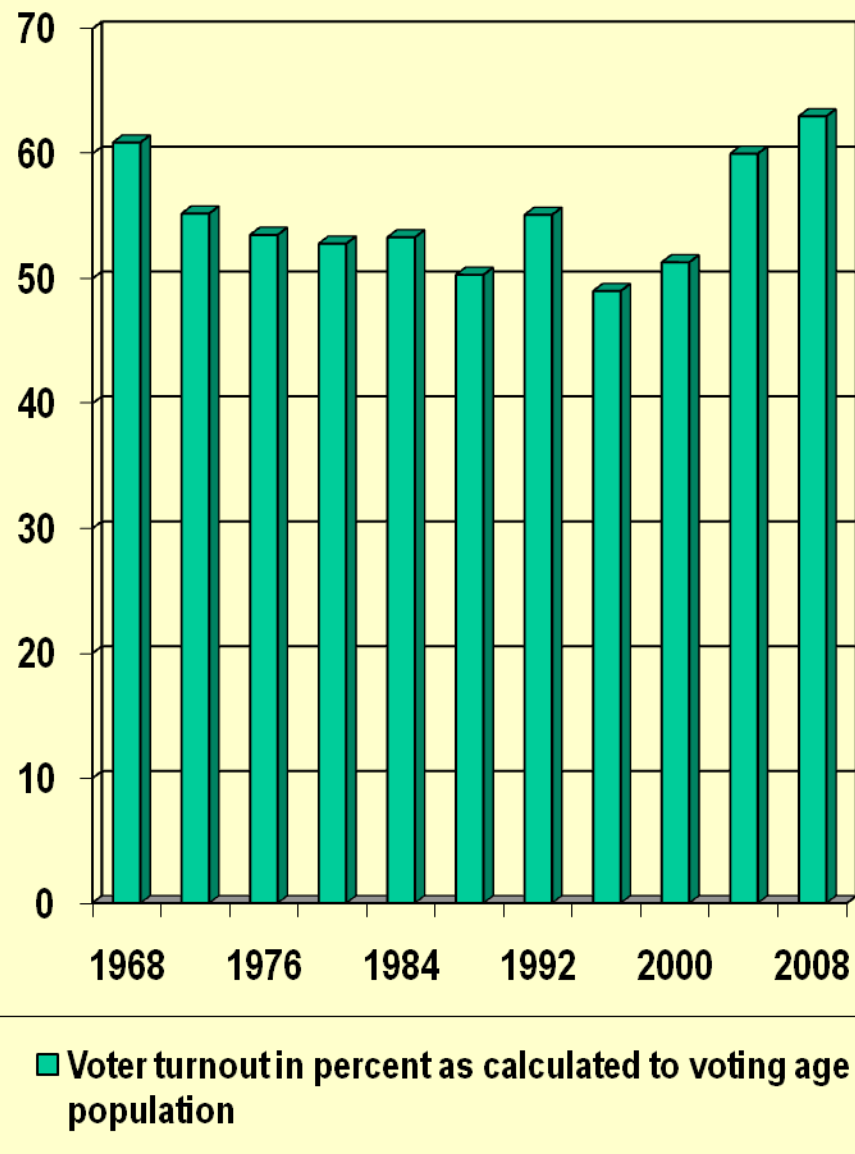


Presidential Election of 2008



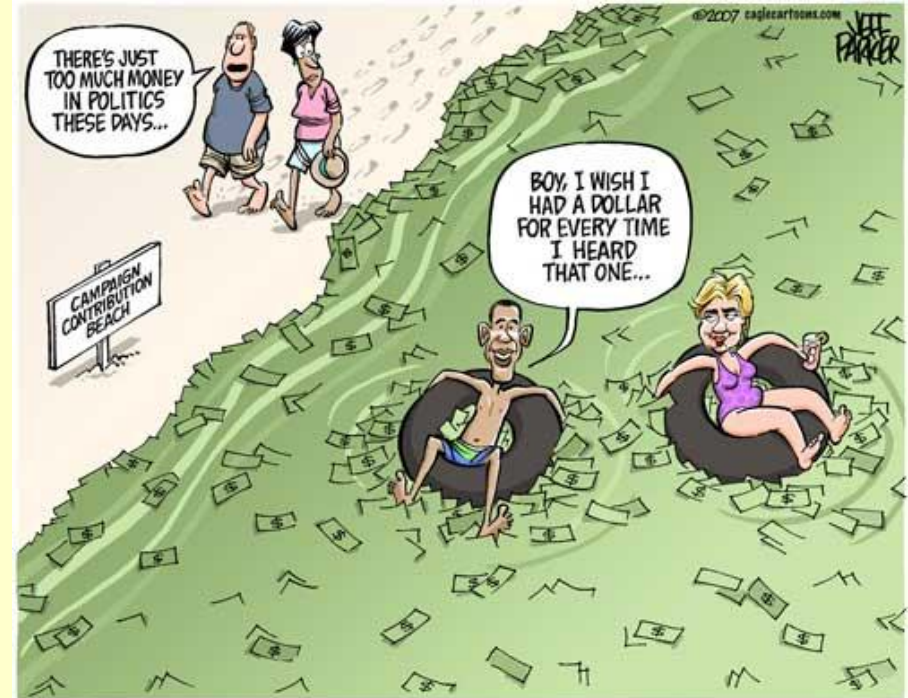
Voter Turnout

- Voter turnout in presidential elections is not as high as in many countries
- Voter frustration and disinterest play a role, but it is not the only reason
- In most states, voters have to register to vote – an extra hurdle
- In states in which one party's candidate is very likely to lose, that party's supporters have little incentive to go vote
- 2008: ca. 63% of voting age population, higher than in any year since 1968

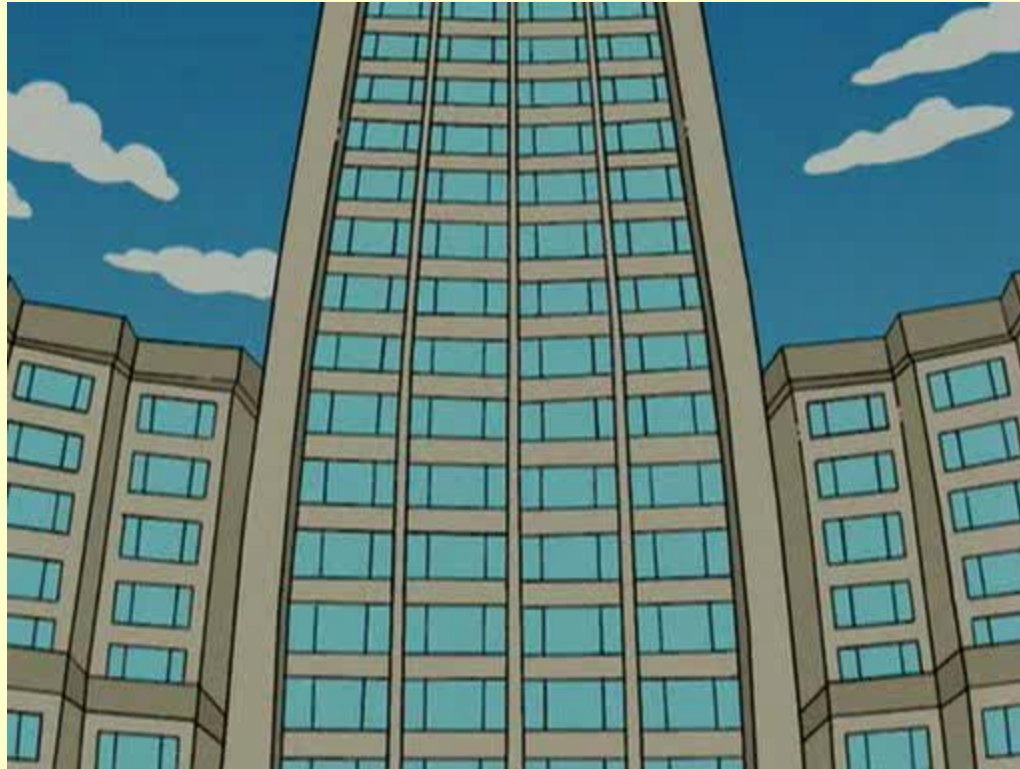


Campaigns and Financing

- Campaigns (mostly) financed by donations, max. \$2,300 per donor
- Immensely expensive: Obama spent \$513 million, McCain \$346 million
- Highly personalized and media-oriented campaigns
- Local volunteer networks in every state needed
- Endorsements by other politicians, unions, celebrities
- TV ads are central, but also public speeches and TV debates. In 2008 also the internet



Season 19 – “E Pluribus Wiggum”



Ballots and Counting Votes

- Every state has its own election laws and procedures
- Problems of 2000 election, esp. in Florida
- Help America Vote Act 2002 gave money to the states to improve their systems
- Problems with electronic machines in 2004
- In 2008, many states reverted to plain paper ballots
- Since 2008 election was not close, few complaints



An electronic voting machine, less common in 2008 than in 2004

1
OFFICIAL BALLOT, GENERAL ELECTION
PALM BEACH COUNTY, FLORIDA
NOVEMBER 7, 2000

A
OFFICIAL BALLOT, GENERAL ELECTION
PALM BEACH COUNTY, FLORIDA
NOVEMBER 7, 2000

ELECTORS
FOR PRESIDENT
AND
VICE PRESIDENT

(A vote for the candidates will
actually be a vote for their electors.)

(Vote for Group)

(REPUBLICAN)
GEORGE W. BUSH - PRESIDENT 3 →
DICK CHENEY - VICE PRESIDENT

(DEMOCRATIC)
AL GORE - PRESIDENT 5 →
JOE LIEBERMAN - VICE PRESIDENT

(LIBERTARIAN)
HARRY BROWNE - PRESIDENT 7 →
ART OLIVIER - VICE PRESIDENT

(GREEN)
RALPH NADER - PRESIDENT 9 →
WINONA LaDUKE - VICE PRESIDENT

(SOCIALIST WORKERS)
JAMES HARRIS - PRESIDENT 11 →
MARGARET TROWE - VICE PRESIDENT

(NATURAL LAW)
JOHN HAGELIN - PRESIDENT 13 →
NAT GOLDHABER - VICE PRESIDENT

(REFORM)
← 4 PAT BUCHANAN - PRESIDENT
EZOLA FOSTER - VICE PRESIDENT

(SOCIALIST)
← 6 DAVID McREYNOLDS - PRESIDENT
MARY CAL HOLLIS - VICE PRESIDENT

(CONSTITUTION)
← 8 HOWARD PHILLIPS - PRESIDENT
J. CURTIS FRAZIER - VICE PRESIDENT

(WORKERS WORLD)
← 10 MONICA MOOREHEAD - PRESIDENT
GLORIA La RIVA - VICE PRESIDENT

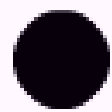
WRITE-IN CANDIDATE

To vote for a write-in candidate, follow the
directions on the long stub of your ballot card.

Official Florida Presidential Ballot

Follow the arrow and Punch the appropriate dot.

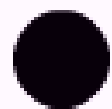
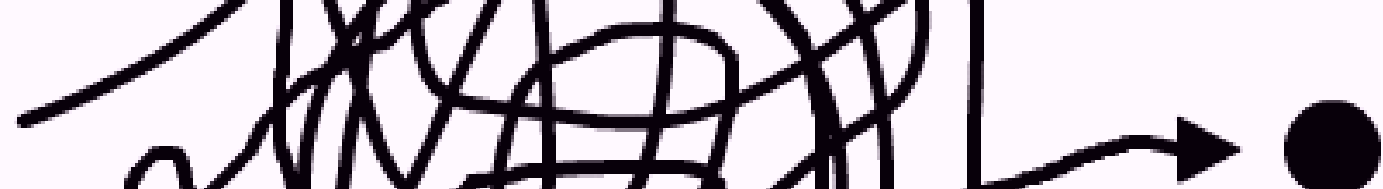
Bush



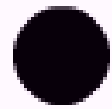
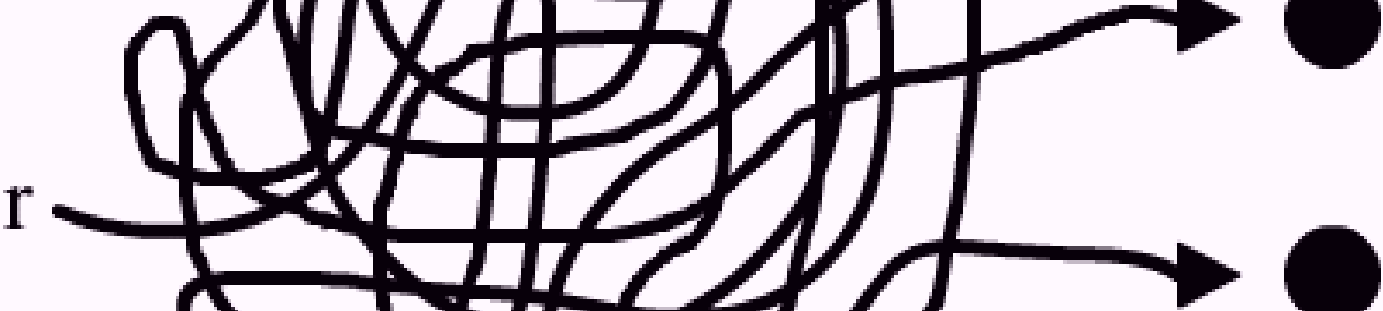
Buchanan



Gore

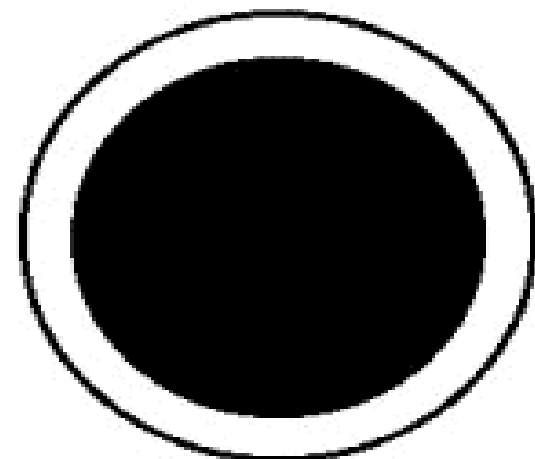


Nader



DEMOCRATIC RECOMMENDATION FOR FLORIDA BALLOTS FOR THE ELDERLY:

AL GORE:



GEORGE W. BUSH:



RALPH NADER:



PAT BUCHANAN:



HARRY BROWNE:



Season 20 – Treehouse of Horror XIX



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