

A Short Guide to the American Political System

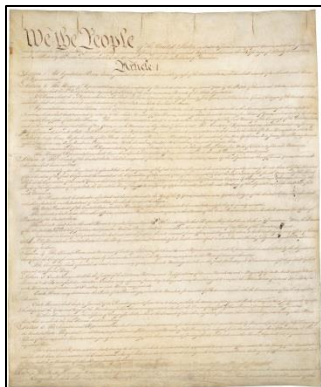
INTRODUCTION

The United States is - by size of electorate - the second largest democracy on the globe (India is the largest) and the most powerful nation on earth, politically, economically and militarily, but its political system is in many important respects unlike any other in the world.

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

To help rectify this situation, here is a primer on the American political system, beginning with the constitution, the document that provides the legal structure around which the system is based.

THE CONSTITUTION



Unlike Great Britain, but like most nation states, the American political system is clearly defined by basic documents. The Declaration of Independence of 1776 and the Constitution of 1789 form the foundations of the United States federal government. The Declaration of Independence establishes the United States as an independent political entity, while the Constitution creates the basic structure of the federal government. Both documents are on display in the National Archives and Records Administration Building in Washington, D.C.

The United States Constitution is the shortest written constitution in the world with just seven articles and 27 amendments. As well as its brevity, the US Constitution is notable for being a remarkably stable document. The first ten amendments were all carried in 1789 - the same year as the original constitution - and are collectively known as the **Bill of Rights**. If one accepts that these first 10 amendments were in effect part of the original constitutional settlement, there have only been 17 amendments in over 200 years (the last substantive one - reduction of the voting age to 18 - in 1971).

One of the major reasons for this relative immutability is that - quite deliberately on the part of its drafters - the Constitution is a very difficult instrument to change. First, a proposed amendment has to secure a two-thirds vote of members present in both houses of Congress. Then three-quarters of the state legislatures have to ratify the proposed change (this stage may or may not be governed by a specific time limit).

At the heart of the US Constitution is the principle known as "separation of powers," a term coined by the French political, enlightenment thinker Montesquieu. This means that power is spread between three institutions of the state - the executive, the legislature and the judiciary - and no one institution has too much power and no individual can be a member of more than one institution.

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

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



Independence Hall's Assembly Room where the delegates to the Constitutional Convention met

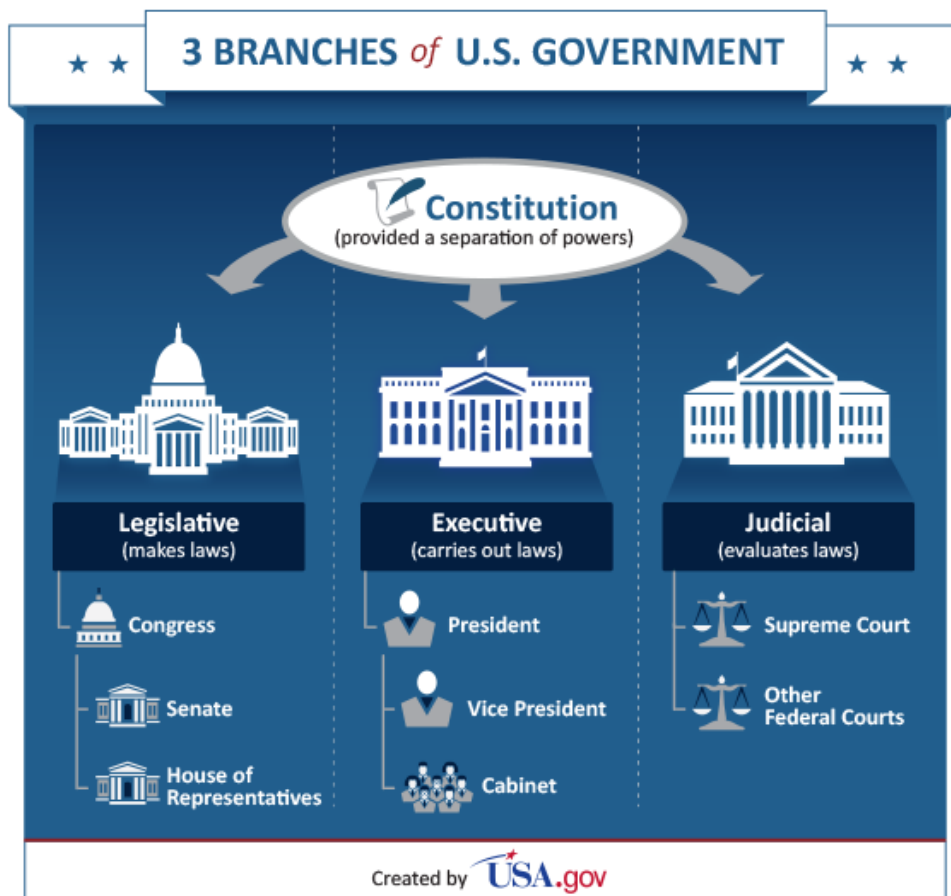
The great benefit of this system is that power is spread and counter-balanced and the Founding Fathers - the 55 delegates who drafted the Constitution - clearly wished to create a political system which was in sharp contrast to, and much more democratic than, the monarchical system then in force in Britain.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

Since the Constitution is so old and so difficult to change, for it to be meaningful to contemporary society it requires interpretation by the courts. Ultimately, it is the Supreme Court which determines what the Constitution means. There are very different approaches to the interpretation of the

Constitution with the two main strands of thought being known as **Originalism** and the **Living Constitution**.

Originalism is a principle of interpretation that tries to discover the original meaning or intent of the constitution. It is based on the principle that the judiciary is not supposed to create, amend or repeal laws (which is the realm of the legislative branch) but only to uphold them. This approach tends to be supported by conservatives. Very strict originalists insist that the constitution should only be interpreted based on what the Founding Fathers originally intended. In other words, they do not believe that it is appropriate to use a modern viewpoint to interpret phrases in the document.

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



THE PRESIDENCY



President Barack Obama

Although the Founding Fathers wanted to avoid a political system that reflected the monarchical system in Britain, and for a long time the presidency was relatively weak, the vast expansion of the federal bureaucracy and the military in the 20th century has given a greater role and more power to the president than is the case for any single individual in most political systems.

The president is both the **head of state** and the **head of government**, as well as the military **commander-in-chief** and chief diplomat. He presides over the executive branch of the federal government, a vast organization numbering about 4 million people, including 1 million active-duty military personnel. Within the executive branch, the president has broad constitutional powers to manage national affairs and the workings of the federal government and he may issue executive orders to affect internal policies. Since 1939, there has been an Executive Office of the President (EOP) which has consistently and considerably expanded in size and power. Today it consists of some 1,600 staff and costs some \$300M a year.

The president may sign or veto legislation passed by Congress and has the power to recommend measures to Congress. The Congress may override a presidential veto, but only by a two-thirds majority in each house.

The president has the power to make treaties (with the “advice and consent” of the Senate) and the power to nominate and receive ambassadors. The president may not dissolve Congress or call special elections, but does have the power to pardon criminals convicted of offences against the federal government, enact executive orders, and (with the consent of the Senate) appoint Supreme Court justices and federal judges.

The president is elected for a fixed term of four years and may serve a maximum of two terms. Originally there was no constitutional limit on the number of terms that a president could serve in office and the first President George Washington set the precedent of serving simply two terms. Following the election of Franklin D Roosevelt to a record four terms, it was decided to limit terms to two and the relevant constitutional amendment was enacted in 1951.

Elections are always held on the first Tuesday after the first Monday in November to coincide with Congressional elections.

ELECTORAL COLLEGE

The president is not elected directly by the voters but by an **Electoral College** representing each state on the basis of a combination of the number of members in the Senate (two for each state regardless of size) and the number of members in the House of Representatives (roughly proportional to population). The states with the largest number of votes are California (55), Texas (38) and New York (29). The states with the smallest number of votes - there are six of them - have only three votes. The District of Columbia, which has no voting representation in Congress, has three Electoral College votes. In effect, therefore, the presidential election is not one election but 51.

The total Electoral College vote is 538. This means that, to become President, a candidate has to win at least 270 electoral votes. The voting system awards the Electoral College votes from each state to delegates committed to vote for a certain candidate in a "winner take all" system, with the exception of Maine and Nebraska (which award their Electoral College votes according to Congressional Districts rather than for the state as a whole). In practice, most states are firmly Democrat - for instance, California and New York - or firmly Republican - for instance, Texas and Tennessee. Therefore, candidates concentrate their appearances and resources on the so-called "battleground states", those that might go to either party. The three largest battleground or swing states are Florida (29 votes), Pennsylvania (20) and Ohio (18). Others are Virginia (13), Wisconsin (10), Colorado (9), Iowa (6) and Nevada (6).

This system of election means that a candidate can win the largest number of votes nationwide but fail to win the largest number of votes in the Electoral College and therefore fail to become President. Indeed, in practice, this has happened four times in US history, most recently in 2000.

This system may seem at odds with the purported democratic standards for which the nation stands. The explanation is that the Founding Fathers did not wish to give too much power to the people and so devised a system that gives the ultimate power of electing the President to members of the Electoral College. The same constitution, however, enables each state to determine how its members in the Electoral College are chosen and since the 1820s states have chosen their electors by a direct vote of the people. The United States is the only example in the world of an indirectly elected executive president.

IMPEACHMENT



Senate trial of Bill Clinton, 1999

The President may be impeached which means that he is removed from the office. The House of Representatives has the sole power of impeaching, while it is in the Senate that trials for all such impeachments are held. Two U.S. Presidents have been impeached by the House of Representatives but acquitted at the trials held by the Senate: Andrew Johnson (1868) and Bill Clinton (1999). Richard Nixon resigned before he would certainly have been impeached (1974).

VICE-PRESIDENT

The position of vice-president is elected on the same ticket as that of the president and has the same four-year term of office. The vice-president is often described as 'a heart-beat away from the presidency' since, in the event of the death or incapacity of the president, the vice-president assumes the office. In practice, however, a vice-presidential candidate is chosen (by the presidential candidate) to 'balance the ticket' in the presidential election (that is, represent a different geographical or gender or ethnic constituency) and, for all practical purposes, the position only carries the power accorded to it by the president - which is usually very little (a major exception has been Dick Cheney under George W Bush). The official duty of the vice-president is to act as the President of the Senate.

THE CABINET AND POLITICAL APPOINTMENTS



White House Cabinet Room in the West Wing

Although the president heads the executive branch of government, the day-to-day enforcement and administration of federal laws is in the hands of the various federal executive departments, created by Congress to deal with specific areas of national and international affairs. The heads of the 15 departments, chosen by the president and approved with the 'advice and consent' of the Senate, form a council of advisors

generally known as the president's cabinet.

In fact, the president has powers of patronage that extend way beyond appointment of cabinet members. In all, the president appoints roughly 3,000 individuals to positions in the federal government, of which about a third require the confirmation of the Senate. As the divisions in American politics have deepened, so the confirmation process has become more fractious and prolonged - when first elected, Barack Obama had to wait ten months before all his nominees were in their jobs.

The first United States President was George Washington, who served from 1789-1797. The current president, Barack Obama, is the 44th to hold the office. Four sitting presidents have been assassinated: Abraham Lincoln in 1865, James A. Garfield in 1881, William McKinley in 1901, and John F. Kennedy in 1963.

The president is sometimes referred to as POTUS (President Of The United States) and the presidency is often referred to by the media as variously the White House, the West Wing, and the Oval Office.

Such is the respect for the presidency that, even having left office, a President is referred to by the title for the remainder of his life.

PRESIDENTIAL PRIMARIES

An important feature of the American political system is that the two major parties - the Democrats and the Republicans - hold a system of primaries to determine who will be their candidate in the general election. These primaries are particularly important when it comes to the four-yearly presidential election.

The key point to understand is that formally the Democratic and Republican Parties choose their presidential candidate through a vote of delegates at a national convention and not directly through the various ballots in the various primaries.

Each party allocates delegates to each state, roughly proportionate to its size in numbers of citizens. There are two types of delegates. The normal delegates are those who are chosen by voters to back a specific candidate. Technically these delegates are pledged to that candidate but there are circumstances in which they can switch their support. Then there are what the Democrats call super delegates and the Republicans call unpledged

delegates who are notable figures in the party such as former presidents, state governors and members of the two houses of Congress who are free to back whichever candidate they wish. They can do this any time they like. They can also change their mind before the convention.

For the 2008 convention, the Democrats had a total of 4,049 delegates including super delegates and so, to win the nomination, the Democratic front runner needed a total of 2,025 delegates. For the 2012 convention, the Republicans had a total of 2,226 delegates including unpledged delegates and so, to win the nomination, the Republican front runner needed a total of 1,114 delegates.

How the normal delegates are chosen is a matter for each party in each of the 50 states. Some hold caucuses which require voters to turn up to discussions on the merits of the contending candidates. Most hold conventional-style elections. In the case of the Democrats in Texas, there is both a caucus and an election. Another variation is that, in some cases, one can only take part in a caucus or election if one is registered for that political party but, in other cases, anyone in the state - including those registered for another party or none - can vote.

How normal delegates are then allocated to the different candidates is also a matter for each party in each of the 50 states. In most of the Republican contests (but not all), the candidate who wins the most votes in that state's primary wins all the party's delegates for that state - a system known as "winner takes all". In all the Democrat contests, delegates are allocated roughly proportional to the vote secured by the candidate subject to a minimum performance. The allocation process varies, but typically it is based on the performance of the candidate in particular Congressional districts.

In practice, the parties have clearly decided on a candidate well before the holding of the convention which becomes more a coronation than a selection. However, it is not unknown for a party to reach the convention with no clear choice. A deadlocked convention happens when no candidate arrives with a majority of votes. A second ballot takes place and delegates are then free to vote for whomever they want. This could include the other candidates or even people who are not candidates. Delegates keep on voting until someone wins a majority. The most famous deadlocked convention - it involved the Democrats - took place in 1924. It required 103 ballots to choose the Democratic candidate - who then lost to the Republican candidate in the general election.

THE HOUSE OF REPRESENTATIVES



The House of Representatives is the lower chamber in the bicameral legislature known collectively as Congress. The Founders of the United States intended the House to be the politically dominant entity in the federal system and, in the late 18th and early 19th centuries, the House served as the primary forum for political debate.

The House consists of 435 members, each of whom represents a congressional district and serves for a two-year term. House seats are apportioned among the states by population according to each decennial (every 10 years) census. Typically a House constituency would represent around 700,000 people.

Members of the House are elected by first-past-the-post voting in every state except Louisiana and Washington, which have run-offs. Elections are always held on the first Tuesday after the first Monday in November in even numbered years. Voting in congressional elections - especially to the House - is generally much lower than levels in other liberal democracies. In a year when there is a presidential election, turnout is typically around 50%; in years when there is no presidential election (known as mid-terms), it usually falls to around one third of the electorate.

In the event that a member of the House of Representatives dies or resigns before the end of the two-year term, a special election is held to fill the vacancy.

The House has four non-voting delegates from American Samoa (1981), the District of Columbia (1971), Guam (1972) and the Virgin Islands (1976) and one resident commissioner for Puerto Rico (1976), bringing the total formal membership to 440.

Much of the work of the House is done through 20 standing committees and around 100 sub-committees that perform both legislative functions (drafting Bills) and investigatory functions (holding enquiries). Most of the committees are focused on an area of government activity such as homeland security, foreign affairs, agriculture, energy, or transport, but others are more cross-cutting such as those on the budget and ethics.

Each chamber of Congress has particular exclusive powers. The House must introduce any bills for the purpose of raising revenue. However, the consent of both chambers is required to make any law.

Activity in the House of Representatives tends to be more partisan than in the Senate. One illustration of this is the so-called **Hastert Rule**. This Rule's introduction is widely credited to former Speaker Dennis Hastert (1999-2007); however, Newt Gingrich, who directly preceded Hastert as Speaker (1995-1999), followed the same rule.

The **Hastert Rule**, also known as the "majority of the majority" rule, is an informal governing principle used by Republican Speakers of the House of Representatives since the mid-1990s to maintain their speakerships and limit the power of the minority party to bring bills up for a vote on the floor of the House. Under the doctrine, the Speaker of the House will not allow a floor vote on a bill unless a majority of the majority party supports the bill. The rule keeps the minority party from passing bills with the assistance of a small number of majority party members.

The House and Senate are often referred to by the media as Capitol Hill or simply the Hill.

THE SENATE



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

The Senate consists of 100 members, each of whom represents a state and serves for a six-year term (one third of the Senate stands for election every two years).

Each state has two Senators, regardless of population, and, since there are 50 states, then there are 100 senators. This equality of Senate seats between states has the effect of producing huge variations in constituency population (the two senators from Wyoming represent less than half a million electors, while the two senators from California represent 34M

people) with gross over-representation of the smaller states and serious under-representation of racial and ethnic minorities.

Members of the Senate are elected by first-past-the-post voting in every state except Louisiana and Washington, which have run-offs. Elections are always held on the first Tuesday after the first Monday in November in even numbered years.

In the event that a member of the Senate dies or resigns before the end of the six-year term, no special election is held to fill the vacancy. Instead the Governor of the state that the Senator represented nominates someone to serve until the next set of Congressional elections when a normal election is held to fill the vacancy.

Much of the work of the Senate is done through 16 standing committees and around 40 sub-committees that perform both legislative functions (drafting Bills) and investigatory functions (holding enquiries). Most of the committees are focused on an area of government activity such as homeland security, foreign relations, health, energy, or transport, but others are more cross-cutting such as those on the budget and rules.

Each chamber of Congress has particular exclusive powers. The Senate must give "advice and consent" to many important Presidential appointments. However, the consent of both chambers is required to make any law.

Activity in the Senate tends to be less partisan and more individualistic than in the House of Representatives. Senate rules permit what is called a filibuster when a senator, or a series of senators, can speak for as long as they wish and on any topic they choose, unless a supermajority of three-fifths of the Senate (60 Senators, if all 100 seats are filled) brings debate to a close by invoking what is called cloture (taken from the French term for closure).

THE SUPREME COURT



The Supreme Court consists of nine Justices: the Chief Justice of the United States and eight Associate Justices. They have equal weight when voting on a case and the Chief Justice has no casting vote or power to instruct colleagues.

The Justices are nominated by the President and confirmed with the 'advice and consent' of the Senate. As federal judges, the Justices serve

during "good behavior", meaning essentially that they serve for life and can be removed only by resignation or by impeachment and subsequent conviction.

The Supreme Court is the highest court in the United States. The court deals with matters pertaining to the federal government, disputes between states, and interpretation of the Constitution. It can declare legislation or executive action made at any level of the government as unconstitutional, nullifying the law and creating precedent for future law and decisions.

The Supreme Court in practice has a much more "political" role than the highest courts of European democracies. For example, the scope of abortion in the United States is effectively set by the Supreme Court whereas, in other countries, it would be set by legislation. Indeed in 2000, it made the most political decision imaginable by determining - by seven votes to two - the outcome of that year's presidential election. It decided that George W Bush had beaten Al Gore, although Gore had won the popular vote.

A recent and momentous instance of this exercise of political power was the Supreme Court decision in the case of the challenge to Barack Obama's signature piece of legislation, the Patient Protection and Affordable Care Act, often dubbed Obamacare. No less than 26 states challenged the legality of these health reforms under a clause in the constitution governing interstate commerce. In the end, the Court ruled by five to four that, while the individual mandate provision in the Act is not itself a tax, the penalties imposed for not buying health insurance do represent taxes and therefore the entire requirement falls within the remit of Congress's right to impose taxes.

Given how difficult it is to change the US Constitution through the formal method, one has seen informal changes to the Constitution through various decisions of the Supreme Court which have given specific meanings to some of the general phrases in the Constitution. It is one of the many ironies of the American political system that an unelected and unaccountable body like the Supreme Court can in practice exercise so much political power in a system which proclaims itself as so democratic.

Since the Supreme Court makes so many "political" decisions and its members are appointed so rarely and then for life, the appointment of Justices by the President is often a very charged and controversial matter.

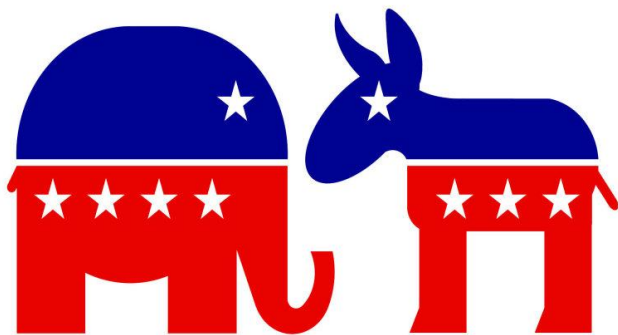
Below the Supreme Court, there is a system of Courts of Appeal, and, below these courts, there are District Courts. Together, these three levels of courts represent the federal judicial system.

A special feature of the American political system in respect of the judiciary is that, although federal judges are appointed, nationwide 87% of all state court judges are elected and 39 states elect at least some of their judges. Outside of the United States, there are only two nations that have judicial elections and then only in limited fashion. Smaller Swiss cantons elect judges and appointed justices on the Japanese Supreme Court must sometimes face retention elections (although those elections are a formality).

POLITICAL PARTIES & ELECTIONS

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

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



The main reason for the dominance of these two parties is that - like most other Anglo-Saxon countries (notably Britain) - the electoral system is "first past the post" or simple majority which, combined with the large voter size of the constituencies in the House and (even more) the Senate, ensures that effectively only two parties can

play. The other key factor is the huge influence of money in the American electoral system. Since effectively a candidate can spend any amount he can raise (not allowed in many other countries) and since one can buy broadcasting time (again not allowed in many countries), the US can only "afford" two parties. Or, to put it another way, candidates of any other party face a formidable financial barrier to entry.

Some people tend to view the division between the Democratic Party and the Republican Party in the United States as the same as that between Labour and Conservative in Britain or between Social Democrats and Christian Democrats in Germany. The comparison is valid in the sense that, in each country, one political party is characterized as Centre-Left and the

other as Centre-Right or, to put it another way, one party is more economically interventionist and socially radical than the other. However, the analogy has many weaknesses.

1. The Centre in American politics is considerably to the Right of the Centre in most European states including Britain, Germany, France, Italy and (even more especially) the Scandinavian countries. So, for instance, most members of the Conservative Party in the UK would support a national health service, whereas many members of the Democratic Party in the US would not.
2. As a consequence of the enormous geographical size of the United States and the different histories of the different states (exemplified by the Civil War), geography is a factor in ideological positioning to a much greater extent than in other democratic countries. For instance, a Northern Republican could be more liberal than a Southern Democrat. Conversely there is a group of Democratic Congressmen that are fiscally very conservative - they are known as "blue dog" Democrats or even DINO (Democrats In Name Only).
3. In the United States, divisions over social matters - such as abortion, capital punishment, same-sex relationships and stem cell research - matter and follow party lines in a way which is not true of most European countries. In Britain, for instance, these sort of issues would be regarded as matters of personal conscience and would not feature prominently in election debates between candidates and parties.
4. In the UNITED STATES, religion is a factor in politics in a way unique in western democracies. Candidates openly proclaim their faith in a manner which would be regarded as bizarre elsewhere (even in a Catholic country like France) and religious groupings - such as the Christian Coalition of America - exert a significant political influence in a manner which would be regarded as improper in most European countries (Poland is an exception here).
5. In the United States, the "whipping system" - that is the instructions to members of the House and the Senate on how to vote - is not as strict or effective as it is in most European countries. As a consequence, members of

Congress are less constrained by party affiliation and freer to act individually.

6. In the UNITED STATES, political parties are much weaker institutions than they are in other democracies. Between the selection of candidates, they are less active than their counterparts in other countries and, during elections, they are less influential in campaigning, with individual politicians and their campaigns having much more influence.
7. The cost of elections is much greater in the US than in other democracies which has the effects of limiting the range of candidates, increasing the influence of corporate interests and pressure groups, and enhancing the position of the incumbent office holder (especially in the winning of primaries). As long ago as 1895, the Chairman of the Republican National Committee Mark Hanna stated: *"There are two things that are important in politics. The first is money, and I can't remember what the second one is."*
8. Whereas in other countries, voters shape the policies and select the candidates of a party by joining it, in the UNITED STATES voters register as a supporter of one of the major parties and then vote in primary elections to determine who should be the party's candidate in the "real" election.

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

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

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

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

THE FEDERAL SYSTEM

Understanding the federal nature of the United States is critical to appreciating the complexities of the American political system.

Most political systems are created top-down. A national system of government is constructed and a certain amount of power is released to lower levels of government. The unique history of the United States means that, in this case, the political system was created bottom-up.

First, initially there were 13 autonomous states that, following the War of Independence against the British, created a system of government in which the various states somewhat reluctantly ceded power to the federal government. In the 1860s, the respective authority of the federal government and the individual states was an issue at the heart of the Civil War when there was a bloody conflict over who had the right to determine whether and where slavery was or was not permissible. With the exception of Switzerland, no other Western democracy diffuses power to the same degree as America.

So today, the powers of the federal government remain strictly limited by the Constitution - the critical Tenth Amendment of 1791 - which leaves a great deal of authority to the individual states.

Each state has an executive, a legislature and a judiciary. The head of the executive is the Governor who is directly elected. The legislature consists of a Senate and a House of Representatives (the exception is the state of Nebraska which has a unicameral system). The judiciary consists of a state system of courts. The 50 states are divided into counties (parishes in Louisiana and boroughs in Alaska). Each county has its court.

Although the Constitution prescribes precisely when presidential and congressional elections will be held, the dates and times of state and local elections are determined by state governments. Therefore there is a plethora of elections in the United States and, at almost all times, an

election is being held somewhere in the country. State and local elections, like federal elections, use the "first past the post" system of election.

The debate about federalism in the US is far from over. There are those who argue for a stronger role for the federal government and there are advocates of locating more power at the state level. The recent rise of the electorally-successful **Tea Party movement** owes a good deal to the view that the federal government has become too dominant, intrusive, and profligate.

Meanwhile many states - especially those west of the Rockies - have what has been called "the fourth arm of government": this is the ballot or referendum initiative. This enables a policy question to be put to the electorate as a result of the collection of a certain number of signatures or the decision of the state legislation. Over the last century, some 3,000 such initiatives have been conducted - in some cases (such as California) with profound results.

RECENT TRENDS

In all political systems, there is a disconnect between the *formal* arrangements, as set out in the constitution and relevant laws, and the *informal* arrangements, as occurs in practice. Arguably, in the United States this disconnect is sharper than in most other democratic systems because:

- the US Constitution is an old one (late 18th century) whereas most countries have had several constitutions with the current one typically being a 20th century creation
- the US Constitution is relatively immutable so it is very difficult to change the provisions to reflect the reforms that have come about over time from the pressure of events
- since the US adopted its Constitution, the US has become the pre-eminent world economic and political power which has brought about major changes in how the presidency operates, most especially in the international sphere

What this means is that, in the last century and most especially since the end of the Second World War, the reality of how the American political system operates has changed quite fundamentally in terms which are not always evident from the terms of the Constitution (and indeed some might argue are in some respects in contravention of the Constitution). The main changes are as follows:

- The balance of power between the Congress and the president has shifted significantly in favor of the president. This is evident in the domestic sphere through practices like “**impoundment**” (when money is taken from the purpose intended by Congress and allocated to another purpose favored by the President) and in the international sphere through refusing to invoke the War Powers Resolution in spite of major military invasions. Different terms for this accretion of power by the presidency are "the unitary executive" and "the imperial presidency".
- The impact of private funding of political campaigns and of lobbyists and special interest groups in political decision making have increased considerably. Candidates raise their own money for campaigns, there is effectively no limit on the money that can be spent in such campaigns (thanks to what is called super **Political Action Committees**), and the levels of expenditure - especially in the presidential primaries and election proper - have risen astronomically. In the presidential race of 2012, both Barack Obama and Mitt Romney spent over one billion dollars. All this has led to some observers describing the American political system as a plutocracy, since it is effectively controlled by private finance from big businesses, which expect certain policies and practices to follow from the candidates they are funding, and big donors, who often expect preferment such as an ambassadorship from a candidate elected as president.
- There has been a growth of what is called "**pork barrel**" politics through the use of "**earmarks**". The term "pork barrel" refers to the appropriation of government spending for projects that are intended primarily to benefit particular constituents, such as those in marginal seats, or campaign contributors. Such appropriations are achieved through "earmarks" which can be found both in legislation (also called "hard earmarks" or "hardmarks") and in the text of Congressional committee reports (also called "soft earmarks" or "softmarks").
- The nature of political debate in the United States has become markedly more partisan and bitter. The personal lifestyle as well as the political record of a candidate might well be challenged and even the patriotism or religiosity of the candidate may be called into question. Whereas the politics of most European countries has become more consensual, US

domestic politics has become polarized and tribal. As a result, the political culture is often more concerned with satisfying the demands of the political “base” rather than attempting to achieve a national consensus.



One final trend worth noting is the frequency of the same family to provide members of Congress. Low polling in elections, the high cost of running for election, and the focus on the individual more than the party all mean that a well-known name can work well for a candidate. Everyone is familiar with the Kennedys, Clintons and Bushs in American politics but, in 2014, there are no less than 37 members of Congress who have a relative who has served in the legislature.

A DIVIDED DEMOCRACY

Of course, all nation states are divided, especially in terms of power and wealth, but also - to different extents - by gender, race, ethnicity, religion and other factors. Indeed the constitution and institutions of a democratic society are deliberately intended to provide for the expression and resolution of such divisions. However, it is often observed that the United States is an especially divided democracy in at least three respects:

1. It is divided *horizontally* through the “separation of powers”, so that the executive, the legislature and the judiciary are quite distinct in terms of both powers and personalities.
2. It is divided *vertically* through the federal system of government with the division of powers between the federal government and the state governments a very important issue that arguably was once the subject of a civil war.
3. It is divided *politically* through the sharp (and often bitter) differences of view on many economic issues like tackling the recession and reforming health care and social issues ranging from gun control to gay rights. Since 2009, such differences have been highlighted by the presence of the first black president in the White House and the rapid emergence of a Tea Party

movement that is both virulently anti-Obama and anti-mainstream Republicanism.

One of the most visible and dramatic illustrations of how the divisions in American politics frustrate decision-making is the regular failure to agree a federal budget before the start of the new financial period. This results in what is known as federal 'shutdown' when most federal employees are sent home because they cannot be paid and many federal institutions therefore close down. This is not an isolated occurrence: it has happened 18 times since 1976 (the last one was in 2013).

A major role of the Congress is to pass legislation but the divided nature of American politics has made this increasingly difficult and the Congress frequently exhibits legislative grid-lock. Hillary Clinton - former First Lady, former Senator, and former Secretary of State - in her memoir "Hard Choices" (2014) talks of *"all the horse trading, arm-twisting, vote counting, alternating appeals to principle and self-interest, and hard-ball politics that go into passing major legislation"*.

AMERICAN EXCEPTIONALISM

Reading this short essay, it will be evident to many (especially non-American) readers that the United States is *different* from other democracies. This observation has given rise to the notion of "American exceptionalism". This is an ill-defined term which has been used differently at different times.

One important version of "American exceptionalism" revolves around the lack of a clear ideological or class-based division between the two major political parties. The United States has never had a credible socialist or anti-capitalist party; both the main parties are pro-capital and pro-business and speak to the "middle class". Other versions of the concept revolve around the alleged "superiority" of the United States because of its history, size, wealth and global dominance. Added to this is the "sophistication" of its constitution and power of its values such as individualism, innovation and entrepreneurship.

In perhaps its most extreme form, the concept has a religious dimension with the belief that God has especially chosen or blessed the country. Of course, it is easy to view the American political system as exceptional in negative terms such as the unusual influence of race, religion and money as compared to other liberal democracies.

In truth, for all its special features, the American political system needs to be seen as one among many models of democracy with its own strengths and weaknesses that need to be assessed in comparison to those of other democracies.