

THE AMERICAN GOVERNMENT (II)

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ABSTRACT:

„GOVERNMENTS HAVE TAKEN MANY FORMS THROUGHOUT HISTORY. THE TYPE OF GOVERNMENT, ALONG WITH THE PEOPLE RUNNING THE GOVERNMENT, HAS HAD AN ENORMOUS IMPACT ON THE WAY COUNTRIES AND CULTURE DEVELOP. THERE ARE MANY DIFFERENT GOVERNMENTS AROUND THE WORLD EVEN NOW, WHICH CAN OFTEN LEAD TO POINTS OF CONTENTION BETWEEN COUNTRIES. IT IS IMPORTANT FOR STUDENTS TO UNDERSTAND THE DIFFERENCES BETWEEN GOVERNMENTS AND HOW THEY FUNCTION TO CREATE A FOUNDATION FOR FUTURE UNITS IN HISTORY AND SOCIAL STUDIES!

GOVERNMENT IS AN IMPORTANT ASPECT OF ANY SOCIETY AND AT THE VERY BASIC LEVEL, THEY EXIST TO ENSURE ORDER. THERE ARE NUMEROUS FORMS OF GOVERNMENT AND THE DIFFERENCES BETWEEN THEM IMPACT THE CITIZENS IN THEIR OWN SOCIETY AS WELL AS NEIGHBORING ONES.

THE RISE AND FALL OF MANY GOVERNMENTS HAS BEEN BECAUSE INDIVIDUALS OR GROUPS DESIRED A CHANGE. MONARCHY ROSE AND FELL BECAUSE PEOPLE WANTED A CHANGE AND TOOK IT UPON THEMSELVES TO MAKE THAT CHANGE. BY LEARNING ABOUT THE DIFFERENT TYPES OF GOVERNMENTS, STUDENTS CAN COME TO UNDERSTAND HOW THE CURRENT AMERICAN GOVERNMENT AND FOREIGN GOVERNMENTS FUNCTION, AS WELL AS HAVE A SOLID FOUNDATION TO UNDERSTANDING FUTURE CHANGES AND GLOBAL RELATIONSHIPS.”¹

THIS ARTICLE INTENDS TO ANSWER THE FOLLOWING QUESTIONS:

WHAT IS GOVERNMENT?

WHICH IS ITS PURPOSE?

WHICH IS ITS STRUCTURE?

KEYWORDS: AMERICAN GOVERNMENT, AMERICAN GOVERNMENT STRUCTURE, AMERICAN GOVERNMENT FOUNDATIONS, AMERICAN GOVERNMENT CONSTITUENT MEMBERS

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Department of Health and Human Services (HHS) is the United States government’s principal agency for protecting the health of all Americans and providing essential human services, especially for those who are least able to help themselves. Agencies of HHS conduct health and social science research, work to prevent disease outbreaks, assure food and drug safety, and provide health insurance.

In addition to administering Medicare and Medicaid, which together provide health insurance to one in four Americans, HHS also oversees the National Institutes of Health, the Food and Drug Administration, and the Centers for Disease Control.

The Secretary of Health and Human Services oversees a budget of approximately \$700 billion and approximately 65,000 employees. The Department’s programs are administered by 11 operating divisions, including 8 agencies in the U.S. Public Health Service and 3 human services agencies.

¹ <https://www.storyboardthat.com/lesson-plans/introduction-to-government>

DEPARTMENT OF HOMELAND SECURITY

The missions of the Department of Homeland Security are to prevent and disrupt terrorist attacks; protect the American people, our critical infrastructure, and key resources; and respond to and recover from incidents that do occur. The third largest Cabinet department, DHS was established by the Homeland Security Act of 2002, largely in response to the terrorist attacks on September 11, 2001. The new department consolidated 22 executive branch agencies, including the U.S. Customs Service, the U.S. Coast Guard, the U.S. Secret Service, the Transportation Security Administration, and the Federal Emergency Management Agency. DHS employs 216,000 people in its mission to patrol borders, protect travelers and our transportation infrastructure, enforce immigration laws, and respond to disasters and emergencies.

The agency also promotes preparedness and emergency prevention among citizens. Policy is coordinated by the Homeland Security Council at the White House, in cooperation with other defense and intelligence agencies, and led by the Assistant to the President for Homeland Security.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The Department of Housing and Urban Development (HUD) is the federal agency responsible for national policies and programs that address America’s housing needs, that improve and develop the nation’s communities, and that enforce fair housing laws. The Department plays a major role in supporting homeownership for lower- and moderate-income families through its mortgage insurance and rent subsidy programs.

Offices within HUD include the Federal Housing Administration, which provides mortgage and loan insurance; the Office of Fair Housing and Equal Opportunity, which ensures all Americans equal access to the housing of their choice; and the Community Development Block Grant Program, which helps communities with economic development, job opportunities, and housing rehabilitation. HUD also administers public housing and homeless assistance.

The Secretary of Housing and Urban Development oversees approximately 9,000 employees on a budget of approximately \$40 billion.

DEPARTMENT OF THE INTERIOR

The Department of the Interior (DOI) is the nation’s principal conservation agency. Its mission is to protect America’s natural resources, offer recreation opportunities, conduct scientific research, conserve and protect fish and wildlife, and honor our trust responsibilities to American Indians, Alaskan Natives, and our responsibilities to island communities.

DOI manages 500 million acres of surface land, or about one-fifth of the land in the United States, and manages hundreds of dams and reservoirs. Agencies within the DOI include the Bureau of Indian Affairs, the Minerals Management Service, and the U.S. Geological Survey. The DOI manages the national parks and is tasked with protecting endangered species.

The Secretary of the Interior oversees about 70,000 employees and 200,000 volunteers on a budget of approximately \$16 billion. Every year it raises billions in revenue from energy, mineral, grazing, and timber leases, as well as recreational permits and land sales.

DEPARTMENT OF JUSTICE

The mission of the Department of Justice (DOJ) is to enforce the law and defend the interests of the United States according to the law; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.

The DOJ is comprised of 40 component organizations, including the Drug Enforcement Administration, the Federal Bureau of Investigation, the U.S. Marshals, and the Federal Bureau of Prisons. The Attorney General is the head of the DOJ and chief law enforcement officer of the federal government. The Attorney General represents the United States in legal matters, advises the President and the heads of the executive departments of the government, and occasionally appears in person before the Supreme Court.

With a budget of approximately \$25 billion, the DOJ is the world’s largest law office and the central agency for the enforcement of federal laws.

DEPARTMENT OF LABOR

The Department of Labor oversees federal programs for ensuring a strong American workforce. These programs address job training, safe working conditions, minimum hourly wage and overtime pay, employment discrimination, and unemployment insurance.

The Department of Labor’s mission is to foster and promote the welfare of the job seekers, wage earners, and retirees of the United States by improving their working conditions, advancing their opportunities for profitable employment, protecting their retirement and health care benefits, helping employers find workers, strengthening free collective bargaining, and tracking changes in employment, prices, and other national economic measurements.

Offices within the Department of Labor include the Bureau of Labor Statistics, the federal government’s principal statistics agency for labor economics, and the Occupational Safety & Health Administration, which promotes the safety and health of America’s working men and women.

The Secretary of Labor oversees 15,000 employees on a budget of approximately \$50 billion.

DEPARTMENT OF STATE

The Department of State plays the lead role in developing and implementing the President’s foreign policy. Major responsibilities include United States representation abroad, foreign assistance, foreign military training programs, countering international crime, and a wide assortment of services to U.S. citizens and foreign nationals seeking entrance to the U.S.

The U.S. maintains diplomatic relations with approximately 180 countries — each posted by civilian U.S. Foreign Service employees — as well as with international organizations. At home, more than 5,000 civil employees carry out the mission of the Department.

The Secretary of State serves as the President’s top foreign policy adviser, and oversees 30,000 employees and a budget of approximately \$35 billion.

DEPARTMENT OF TRANSPORTATION

The mission of the Department of Transportation (DOT) is to ensure a fast, safe, efficient, accessible and convenient transportation system that meets our vital national interests and enhances the quality of life of the American people. Organizations within the DOT include the Federal Highway Administration, the Federal Aviation Administration, the National Highway Traffic Safety Administration, the Federal Transit Administration, the Federal Railroad Administration and the Maritime Administration.

The U.S. Secretary of Transportation oversees approximately 55,000 employees and a budget of approximately \$70 billion.

DEPARTMENT OF THE TREASURY

The Department of the Treasury is responsible for promoting economic prosperity and ensuring the soundness and security of the U.S. and international financial systems.

The Department operates and maintains systems that are critical to the nation’s financial infrastructure, such as the production of coin and currency, the disbursement of payments to

the American public, the collection of taxes, and the borrowing of funds necessary to run the federal government. The Department works with other federal agencies, foreign governments, and international financial institutions to encourage global economic growth, raise standards of living, and, to the extent possible, predict and prevent economic and financial crises. The Treasury Department also performs a critical and far-reaching role in enhancing national security by improving the safeguards of our financial systems, implementing economic sanctions against foreign threats to the U.S., and identifying and targeting the financial support networks of national security threats.

The Secretary of the Treasury oversees a budget of approximately \$13 billion and a staff of more than 100,000 employees.

DEPARTMENT OF VETERANS AFFAIRS

The Department of Veterans Affairs is responsible for administering benefit programs for veterans, their families, and their survivors. These benefits include pension, education, disability compensation, home loans, life insurance, vocational rehabilitation, survivor support, medical care, and burial benefits. Veterans Affairs became a cabinet-level department in 1989. Of the 25 million veterans currently alive, nearly three of every four served during a war or an official period of hostility. About a quarter of the nation's population — approximately 70 million people — are potentially eligible for V.A. benefits and services because they are veterans, family members, or survivors of veterans.

The Secretary of Veterans Affairs oversees a budget of approximately \$90 billion and a staff of approximately 235,000 employees.

Where the Executive and Legislative branches are elected by the people, members of the Judicial Branch are appointed by the President and confirmed by the Senate.

Article III of the Constitution, which establishes the Judicial Branch, leaves Congress significant discretion to determine the shape and structure of the federal judiciary. Even the number of Supreme Court Justices is left to Congress — at times there have been as few as six, while the current number (nine, with one Chief Justice and eight Associate Justices) has only been in place since 1869. The Constitution also grants Congress the power to establish courts inferior to the Supreme Court, and to that end Congress has established the United States district courts, which try most federal cases, and 13 United States courts of appeals, which review appealed district court cases.

Federal judges can only be removed through impeachment by the House of Representatives and conviction in the Senate. Judges and justices serve no fixed term — they serve until their death, retirement, or conviction by the Senate. By design, this insulates them from the temporary passions of the public, and allows them to apply the law with only justice in mind, and not electoral or political concerns.

Generally, Congress determines the jurisdiction of the federal courts. In some cases, however — such as in the example of a dispute between two or more U.S. states — the Constitution grants the Supreme Court original jurisdiction, an authority that cannot be stripped by Congress. The courts only try actual cases and controversies — a party must show that it has been harmed in order to bring suit in court. This means that the courts do not issue advisory opinions on the constitutionality of laws or the legality of actions if the ruling would have no practical effect. Cases brought before the judiciary typically proceed from district court to appellate court and may even end at the Supreme Court, although the Supreme Court hears comparatively few cases each year.

Federal courts enjoy the sole power to interpret the law, determine the constitutionality of the law, and apply it to individual cases. The courts, like Congress, can compel the production of evidence and testimony through the use of a subpoena. The inferior courts are constrained by

the decisions of the Supreme Court — once the Supreme Court interprets a law, inferior courts must apply the Supreme Court’s interpretation to the facts of a particular case.

The Supreme Court of the United States

The Supreme Court of the United States is the highest court in the land and the only part of the federal judiciary specifically required by the Constitution. The Constitution does not stipulate the number of Supreme Court Justices; the number is set instead by Congress. There have been as few as six, but since 1869 there have been nine Justices, including one Chief Justice. All Justices are nominated by the President, confirmed by the Senate, and hold their offices under life tenure. Since Justices do not have to run or campaign for re-election, they are thought to be insulated from political pressure when deciding cases. Justices may remain in office until they resign, pass away, or are impeached and convicted by Congress.

The Court’s caseload is almost entirely appellate in nature, and the Court’s decisions cannot be appealed to any authority, as it is the final judicial arbiter in the United States on matters of federal law. However, the Court may consider appeals from the highest state courts or from federal appellate courts. The Court also has original jurisdiction in cases involving ambassadors and other diplomats, and in cases between states.

Although the Supreme Court may hear an appeal on any question of law provided it has jurisdiction, it usually does not hold trials. Instead, the Court’s task is to interpret the meaning of a law, to decide whether a law is relevant to a particular set of facts, or to rule on how a law should be applied. Lower courts are obligated to follow the precedent set by the Supreme Court when rendering decisions.

In almost all instances, the Supreme Court does not hear appeals as a matter of right; instead, parties must petition the Court for a writ of certiorari. It is the Court’s custom and practice to “grant cert” if four of the nine Justices decide that they should hear the case. Of the approximately 7,500 requests for certiorari filed each year, the Court usually grants cert to fewer than 150. These are typically cases that the Court considers sufficiently important to require their review; a common example is the occasion when two or more of the federal courts of appeals have ruled differently on the same question of federal law.

If the Court grants certiorari, Justices accept legal briefs from the parties to the case, as well as from amicus curiae, or “friends of the court.” These can include industry trade groups, academics, or even the U.S. government itself. Before issuing a ruling, the Supreme Court usually hears oral arguments, where the various parties to the suit present their arguments and the Justices ask them questions. If the case involves the federal government, the Solicitor General of the United States presents arguments on behalf of the United States. The Justices then hold private conferences, make their decision, and (often after a period of several months) issue the Court’s opinion, along with any dissenting arguments that may have been written.

The Judicial Process

Article III of the Constitution of the United States guarantees that every person accused of wrongdoing has the right to a fair trial before a competent judge and a jury of one’s peers.

The Fourth, Fifth, and Sixth Amendments to the Constitution provide additional protections for those accused of a crime. These include:

A guarantee that no person shall be deprived of life, liberty, or property without the due process of law

Protection against being tried for the same crime twice (“double jeopardy”)

The right to a speedy trial by an impartial jury

The right to cross-examine witnesses, and to call witnesses to support their case

The right to legal representation

The right to avoid self-incrimination

Protection from excessive bail, excessive fines, and cruel and unusual punishments

Criminal proceedings can be conducted under either state or federal law, depending on the nature and extent of the crime. A criminal legal procedure typically begins with an arrest by a law enforcement officer. If a grand jury chooses to deliver an indictment, the accused will appear before a judge and be formally charged with a crime, at which time he or she may enter a plea. The defendant is given time to review all the evidence in the case and to build a legal argument. Then, the case is brought to trial and decided by a jury. If the defendant is determined to be not guilty of the crime, the charges are dismissed. Otherwise, the judge determines the sentence, which can include prison time, a fine, or even execution.

Civil cases are similar to criminal ones, but instead of arbitrating between the state and a person or organization, they deal with disputes between individuals or organizations. If a party believes that it has been wronged, it can file suit in civil court to attempt to have that wrong remedied through an order to cease and desist, alter behavior, or award monetary damages. After the suit is filed and evidence is gathered and presented by both sides, a trial proceeds as in a criminal case. If the parties involved waive their right to a jury trial, the case can be decided by a judge; otherwise, the case is decided and damages awarded by a jury.

After a criminal or civil case is tried, it may be appealed to a higher court — a federal court of appeals or state appellate court. A litigant who files an appeal, known as an “appellant,” must show that the trial court or administrative agency made a legal error that affected the outcome of the case. An appellate court makes its decision based on the record of the case established by the trial court or agency — it does not receive additional evidence or hear witnesses. It may also review the factual findings of the trial court or agency, but typically may only overturn a trial outcome on factual grounds if the findings were “clearly erroneous.” If a defendant is found not guilty in a criminal proceeding, he or she cannot be retried on the same set of facts.

Federal appeals are decided by panels of three judges. The appellant presents legal arguments to the panel, in a written document called a “brief.” In the brief, the appellant tries to persuade the judges that the trial court made an error, and that the lower decision should be reversed. On the other hand, the party defending against the appeal, known as the “appellee” or “respondent,” tries in its brief to show why the trial court decision was correct, or why any errors made by the trial court are not significant enough to affect the outcome of the case.

The court of appeals usually has the final word in the case, unless it sends the case back to the trial court for additional proceedings. In some cases the decision may be reviewed en banc — that is, by a larger group of judges of the court of appeals for the circuit.

A litigant who loses in a federal court of appeals, or in the highest court of a state, may file a petition for a “writ of certiorari,” which is a document asking the Supreme Court to review the case. The Supreme Court, however, is not obligated to grant review. The Court typically will agree to hear a case only when it involves a new and important legal principle, or when two or more federal appellate courts have interpreted a law differently. (There are also special circumstances in which the Supreme Court is required by law to hear an appeal.) When the Supreme Court hears a case, the parties are required to file written briefs and the Court may hear oral argument.”²

Conclusions:

² <https://www.whitehouse.gov/about-the-white-house/the-legislative-branch/>

„The United States is a federal constitutional republic, in which the President of the United States (the head of state and head of government), Congress, and judiciary share powers reserved to the national government, and the federal government shares sovereignty with the state governments.

The executive branch is headed by the President and is independent of the legislature. Legislative power is vested in the two chambers of Congress: the Senate and the House of Representatives. The judicial branch (or judiciary), composed of the Supreme Court and lower federal courts, exercises judicial power. The judiciary's function is to interpret the United States Constitution and federal laws and regulations. This includes resolving disputes between the executive and legislative branches. The federal government's layout is explained in the Constitution. Two political parties, the Democratic Party and the Republican Party, have dominated American politics since the American Civil War, although other parties have also existed.

There are major differences between the political system of the United States and that of most other developed democracies. These include increased power of the upper house of the legislature, a wider scope of power held by the Supreme Court, the separation of powers between the legislature and the executive, and the dominance of only two main parties. The United States is one of the world's developed democracies where third parties have the least political influence.

The federal entity created by the U.S. Constitution is the dominant feature of the American governmental system. However, most residents are also subject to a state government, and also subject to various units of local government. The latter can include counties, municipalities, and special districts.”³

³ https://en.wikipedia.org/wiki/Politics_of_the_United_States#State_government

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