

# American Governmental Level

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American government can be better understood if differentiated into three levels, structural, linkage and governmental. Structural level includes all outside influences and features such as the Constitution, citizen attributes and relationships between organizations. The next level, the linkage level bonds the people and government institutions and includes mass media, political parties and interest groups. The final and most commonly 'government' associated level is the governmental level. The governmental level includes the different branches of government as well as the methods and operations of the core of government. The Governmental level as intended by the founders has been heavily modified to the system of today and could be improved by several key changes.

The founding fathers of America developed and implemented their type of government based on writings, existing governments and a set of core ideas. Keeping with their fears of tyranny and wishes to preserve personal wealth, they made a government to address these ideas. The founders' government as it was intended by them included a Congress, President, Executive Branch, Court system and a sub-national government.

The Congress of the United States was developed to write legislation, check powers of other branches and appropriate money. These powers made it historically the strongest and most influential branch of government. The intended Congress was designed by the founders to be the most powerful of the governmental branches and yet subject to intense anti-tyranny restrictions. Congress was developed because the founding fathers needed a method of representing the people and preventing inter-state anarchy as with the Articles of the Confederation. Structured in the same manner as the English Parliament allowed an already proven method of rule without the unthinkable method of having a king. Two parts of the Congress were created to allow for both competition among groups and a method of preventing majority tyranny. Representatives were to be chosen by the eligible voters. Senators were to be chosen by sub-national representatives. "Representation remained the central problem... [The] Senate.. would have two members from each state regardless of a state's size... [The] House of Representatives.. would be apportioned on the basis of population.. determined every ten years by a national census" (America's History, p.209). Early Congress was responsible for the creation and passing of legislation. "The Constitution and all national legislation and treaties made under its authority were to be the supreme law of the land" (America's History, p. 210). Also given to the Congress under the Constitution were powers of oversight upon the other branches. Even with these responsibilities, the founders kept their intent of anti-tyranny by the separation of critical abilities and powers so that

Congress's powers and direction is overseen and checked by other branches of government. As developed by the founding fathers, Congress was the major government body. It was also responsible for the majority of the workings of the government. These powers were checked by the bicameral attribute of Congress and sparseness of important decisions.

The office of the president was created by the founders to be a leader of the executive branch, to be the final check on Congressional legislation, to command the military and to be the official American statesman. Fearful of a king and distrustful of a single head, the original Presidential office was intentionally created weaker than Congress. "The Constitution made the president 'commander in chief' of the armed forces... It empowered presidents to appoint and to 'require the opinion in writing' of executive department heads... The Constitution provided that presidents could from time to time 'recommend... measures' to Congress" (The Struggle For Democracy, p.396). Due to mis-trust of the common voter's ability to choose a president without being influenced by emotions, "The Constitution specified that 'electors' chosen by voters in the various states would select the president and vice-president" (America's History, p.213). Once in office, the president was intended to review and sign or veto legislation passed by Congress. As a small player in the workings of America, the President's responsibilities assigned by the founders were mainly legislation oversight and commander of the small military.

The executive branch of American government as designed by the founders did not exist in writing, "Executive departments and officers are mentioned in the Constitution only in an indirect, offhand way" (The Struggle For Democracy, p. 443), and has formed only as a response to the needs of the president and Congress to handle bureaucratic processes. Obviously the founders knew that the President would require assistance and that Congress would need methods to carry out laws, so the executive branch is built on a need-to-have basis and not designed by the Constitution. This branch of government, responsible for the carrying out of laws, is prevented from causing tyranny by "the fact that it has two bosses" (The Struggle For Democracy, p. 443). Not specified by the founders, the executive branch quickly developed into an enforcer of laws and main method of contact between people and inner workings of the government.

The founders created from language in the Constitution the judicial system; however, "the only court specifically mentioned in the Constitution's Article III is the U.S. Supreme Court" (The Struggle For Democracy, p. 482). Concerned about tyranny of the majority led to the establishment of life terms for the justices and claiming certain cases to be the Supreme Court's original jurisdiction. During the development of the Constitution, the possibility of tyranny by the Supreme Court was discouraged by "[a delegate who] objected to a proposal to extend the national judiciary into the states, declaring that 'the states will

revolt at such encroachments' ”(America’s History, p.209), so the states were allowed to form sub-national courts, which still under the Supreme Court, would allow those states to keep the majority of court cases within their borders. The founders originally created the Supreme Court to review the Constitutionality of laws to prevent the misuse of power by Congress.

The current American Government operates in an evolved and involved system. Practices of American governmental are frequently different from the intent and practices of the founders, yet governmental legitimacy from citizens is still accepted. These changes in the operations of the government have been in response to the changing outside world or to different views of the public as well as to change of government its self.

The operation of Congress is dependent on the structural and linkage changes in America. More people per representative, increased foreign reliance on American troops, new interpretations of the Constitution by the court system and massively larger bureaucracy have all made the Congress change policy and procedures. With the increase in population and fixed number of representative seats, the average citizen has lost political efficacy creating other less democratic methods of linkage based on lobbying, money/pork and interest groups. Increased involvement in foreign affairs has made Congress have not only the concerns of their constituents but also the state of other nations. With all of these new dangers to citizens’ representation, Congress has roughly kept their legitimacy in the public’s eye in preserving the original goals of the legislative branch of government.

Operation of Congress has become a maze of legal, partisan and system dependent rules. Although the Congress is now much less frequently the main proposer of legislation and agenda, that role being shifted to the president, it still yields an important role in defining the specifics of the agenda. Because the political accountability of the Congress is much higher than the president in the public’s eyes, the checks on legislative tyranny imposed by the founders are still active, which is different than the parliament like Great Britain where changes in public policy can be changed quickly by the formation of a new government. Congressional Committees were introduced to reduce the amount of legislation reviewed an entire congressional branch; however, the formation of committees and subcommittees for every new technology or concern lead to the maximum of 303 Congressional committees in 1988 with 192 in the House and 111 in the Senate (The Struggle For Democracy, p. 368). With such diffraction of the legislative branch, laws are now passed only with the consent of a select group of committee members irrespective of Congressional majority view. With this method, bills can be easily killed, stalled or radically changed with a small minority leading to questions of minority tyranny. Political Parties were formed soon after the creation of America. Political parties have helped the accountability of Congressmen by

the voting public at the expense of decreasing the political equality of ordinary citizens in favor of the party boss or leaders. These leaders often Congressmen themselves often yield massive amounts of influence on lower seniority members and committees creating problems with tyranny by minority. Oversight of other branches has increased since the age of the founders partially because of the large increase in government bureaucracy to be overseen. Congress has changed since the founders to include new technology and ideas while preserving the legislative intent of the founders. The President of The United States represents the entire nation. Early America's presidents were mainly for end prevention of legislative tyranny and for command of the small military. Today's president and support personnel has developed into it's own small branch of government with increased national significance of the presidency and staff.

Today's president has a larger role partially because of the increase in structural factors such as population and foreign affairs and partially because of the absorbance of traditional roles of the Congress. In 1996, the federal budget was "\$1.5 trillion.. with approximately 2.9 million employees... By contrast, when George Washington took office.., he had a total budget [during 2 years] of just over \$4 million... Even by 1801, there were only about 300 federal officeholders" (The Struggle For Democracy, p. 395). The roles of a diplomat, proposer of legislation and head figure have been added to the president, so that he has much more power than previously. This amount of power could be construed as possible tyranny and has been proven in such cases as Nixon's Watergate, Roosevelt's attempted packing of the Court and other discovered misuses of presidential power and authority. Major changes in the way government employees were hired were caused by the "Pendleton Act of 1883 [which] created a list of civil-service jobs to be filled on the basis of examination.." (America's History, p.586). These changes have prevented misuses of presidential powers of appointment to government jobs. The President's role has dramatically increased since the founders' day, but increased restrictions and oversight has checked this grown power.

The greatest of all the governmental branches in terms of manpower and budget is the executive branch. "[The] executive branch grew from very modest beginnings in President Washington's administration to a very large bureaucracy in our own day of about 3 million civilian employees working in 14 departments, a White House minibureaucracy and literally hundreds of bureau, agencies, commissions, services, and boards" (The Struggle For Democracy, p. 443). Each of these departments is legislated by Congress or appointed by the president to be responsible for a general policy or goal. Due to the two different types of executive branches, those appointed by President and those filled by merit system, the internal workings of a department may be very political or not. This separation of powers according to type of bureaucracy helps to prevent tyranny by a single department or influences by pres-

idential powers. The current push to ‘cut the red-tape’ and to ‘reduce the size of government bureaucracy’ must be addressed in a manner that will prevent both the growing of presidential powers of appointment and the non-accountable tyranny of a merit-system department, yet many of the departments have been formed only for the goals of a single president or rash of scares and have outlived their usefulness and could be removed. Careful oversight of parts of the executive branch must continue to be a priority because of the ability to do illegal actions without fear of political action. “The Legislative Reorganization Act of 1970 was partially designed to improve congressional subcommittee oversight capabilities“ (The Struggle For Democracy, p. 468). The executive branch of government has the capability to decrease citizens liberty and equality yet has successfully kept the country running.

Modestly established by the Constitution, the Supreme Court has developed into a powerful oversight and review branch. Through its decisions, the Court has claimed several powers not specifically given to it. The Court system has made a lower structure at the state level intended to handle the majority of cases, yet reserves the right to the highest decision.

The Constitution allows for a Supreme Court, “The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish“ (The Struggle For Democracy, p. 478). Since the founders, the Court has expanded it’s political and oversight power. These changes have given more power to a select few; however, the fact that judges are for life makes them a powerful deterrent to presidential or congressional tyranny. Any tyranny by the Supreme Court is checked by structural factors, such as the constitution, public support and budget, and with the fact that lower courts are the final decision in all but the most controversial cases. Appointment to the Supreme Court by the president and confirmed by Congress was designed by the founders to prevent tyranny by the voting majority and is still a decent method of preventing public passions and minority interests from ruling. The Court system has changed since the founders, but it has preserved its individuality while increasing it’s oversight and legislative powers.

The governmental level of America has changed many times since the founders wrote the system in the Constitution. Changing the governmental level of America for improvement is necessary to keep liberty, equality and efficacy in a changing world.

Congressional changes would keep the original intent of a body of people representing the American people while checking power of other branches. Congress should reduce the number of Committees. This would eliminate any problems of a small minority in a committee keeping a popular bill from reaching the floor of Congress. The methods of districting needs to be modified to make the distribution of Congressional seats regularly spaced and non-

gerrymandered. Spending limits on campaign would prevent the necessity of congressional members from spending time attempting to get pork in return for votes. No governmental policy of giving free airwave time should be implemented. The final and most important change in Congress should be the adoption of new rules and policies to make the running of government more like a not-for-profit business with similar ideals. In this sense, welfare programs would be seen as not within the government's jurisdiction and the accumulation of debt would be only at a last resort. These changes would allow congress to focus on the original intent easier and without risk of tyranny of the minority Congressional-seat-holders.

Changes to the office of the presidency should be made to prevent any abuses of power, which are now quite frequent. More checks on policy and internal workings by both media and congress would prevent any tyrannical abuses of power and stature. More political competition among presidential candidates without an increase in spending would help ensure that a popular and strong president would be elected. The electoral college should be preserved as a safety net against public tyranny of the majority. These changes would make the office of president more legitimate and might help with preventing power abuses.

The currently largest branch of government, the executive branch, is the branch in most need of change. Congressional and Judicial checks on the powers and policies of this branch needs to be continually evaluated. The consolidation , reorganization or removal of a few bureaucratic departments could be done without fear of permanent problems. Certain departments need to reevaluate their conveyance of the bill of rights and establish a method of less paperwork and less presumed-guilty behavior than currently practiced. These departments could reduce many regulations on citizens without affecting such important factors such as environmental, safety and economic. The refinement of these departments would help to ensure legitimacy and saliency of the executive branch.

The three levels of American government, structural, linkage and governmental, influence the activities of the average citizen. Government of today has been modified from the founders' ideas by the redefining of the location of power. Changes in the methods and policies of the government could help ensure the successful operation of the government.

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