

About Civics in U.S. History

WHAT IS GOVERNMENT?

Governments across history have served a fundamental function: to establish law and order. As people began to live in permanent settlements, increasingly complex societies arose, along with the frequency of conflict. Governments helped prevent conflict between members of a society and eventually assumed other roles, like defending against external threats. Modern governments generally play an active role in the lives of citizens through actions such as managing the economy, setting public policy, protecting individual freedoms and civil rights, and providing public services.

Governments come in all shapes and sizes and frequently reflect the social and historical context and belief systems of the people they govern:

- **direct democracy**— a government in which citizens vote directly on laws and public policy
- **republic**— a government in which citizens elect representatives to make decisions on their behalf; also called a representative democracy
- **absolute monarchy**— a government in which a hereditary leader, often a king or a queen, holds absolute power while citizens have little to no say in the government
- **constitutional monarchy**— a government in which a hereditary leader serves as the ceremonial head of state while citizens elect representatives to an independent, democratic legislature
- **authoritarian government**— a government that significantly restricts individual freedoms while prohibiting opposition parties
- **oligarchy**— a government in which a small group of aristocratic and wealthy nonaristocratic people maintain control
- **theocracy**— a government in which a religious institution and its leaders hold absolute power

ORIGINS OF AMERICAN GOVERNMENT

The roots of American government took hold during the colonial era. The country's democratic traditions can be traced back to the signing of the Mayflower Compact in 1620, a document that introduced self-government to the colonies. This principle informed the institution of the town meeting in New England, where citizens meet regularly to vote on laws and set public policy. Another prime example of self-government in North America is the Virginia House of Burgesses, the first legislature established in the British colonies.

The colonies' fight for independence also helped shape the government that followed. The French and Indian War created significant economic strain for the British government, a burden they believed

their North American colonists should bear. In the 1600s and 1700s, European powers followed an economic policy known as mercantilism. According to mercantilism, colonies existed for the economic benefit of their home countries. For the home country to benefit, it had to export more to its colonies than it imported from them. That explains why Great Britain imposed taxes and export restrictions on its North American colonies. However, through much of the late 1600s and into the 1700s, Parliament followed a policy of salutary neglect and did not enforce the taxes or trade laws in the colonies.

After 1763, in an effort to pay off its war debt, the British Parliament began enforcing these policies in its North American colonies. When Parliament passed the Sugar Act of 1764, which retained high taxes on certain sugar imports, the colonists declared, “No taxation without representation.” Colonial anger grew as the British government enforced the Sugar Act and passed additional tax laws. The Townshend Acts levied more import duties on colonial imports and created more admiralty courts. The colonists protested these laws. They wrote pamphlets, gave speeches, and marched in the streets. They organized into the Sons of Liberty and Daughters of Liberty and boycotted British goods. Other British actions, such as the passage of the Quartering Act that required colonists to house British soldiers, also became important when creating the new American government.

When the colonists finally declared their independence from Great Britain, they relied heavily on the ideas of Enlightenment philosophers, especially those of English political theorist John Locke. In *Two Treatises of Government*, Locke explains that individuals cede some of their rights to allow a government to provide necessary order to society. Individuals agree to follow the rules of government, and in exchange, the government protects their natural rights, among them the rights to life, liberty, and property. If the government violates this social contract, citizens have the right to replace the government.

It’s no surprise, then, that these ideas feature prominently in the Declaration of Independence. Thomas Jefferson borrowed some of Locke’s words directly (with some rhetorical modification) in the preamble: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.” The document lays out the repeated offenses by the king and Parliament, bolstering the colonists’ claims that the British government had violated the social contract and that their only recourse was to establish a representative government of their own.

WHY THE CONSTITUTION?

The Articles of Confederation

During the Revolutionary War, the Second Continental Congress wrote and adopted the Articles of Confederation as the framework for the new nation. After the war, the new United States continued to operate under this document. However, the Articles had a number of shortcomings. They did not establish an executive department to coordinate the actions of the states or to act for the nation as a whole, for example, in dealing with foreign nations. Congress held both legislative and executive powers yet had no powers of taxation, making it dependent on the states for all revenue. The Articles’ shortcomings were made clear by a series of events in the early years of the new republic, including Shays’s Rebellion, which the federal government was too weak to handle. A convention was called to revise the Articles. Instead of merely revising, however, the delegates wrote a new constitution—the one under which we live today.

Compromises at the Constitutional Convention

The U.S. Constitution is the result of heated debate among people with differing viewpoints who represented different parts of the country with sometimes competing interests.

Part of that heated debate involved representation in the new government. The Virginia delegation proposed a bicameral legislative branch made up of a House of Representatives and a Senate. Representation in both would be based on population. However, the smaller states were concerned that their interests would be ignored under such an arrangement, so the New Jersey delegation proposed that each state be given one vote in each house. In the end, the delegates rejected both plans in favor of a plan by the Connecticut delegation. The Connecticut Compromise called for representation in the House of Representatives to be based on population, while in the Senate, each state would have two representatives, called senators. Representation in Congress continues to be based on this plan.

A second, equally volatile debate was related to slavery: Should slavery be abolished? If it wasn't, should enslaved people be included in the population of each state, thereby increasing the number of representatives for those states that had enslaved people living within their borders? Antislavery sentiment was strongest in northern states and in some parts of Virginia and Maryland. Some northern states had already abolished slavery, and many more would do so in the coming years. However, many southern states depended on the labor of enslaved persons, and these states were not willing to abolish slavery. Southern states wanted enslaved people counted, whereas northern states did not. Northern states finally agreed to a compromise that allowed southern states to count every five enslaved persons as three free individuals. This is known as the Three-Fifths Compromise. The convention included ten other provisions regarding slavery, including a provision that Congress could not attempt to end the slave trade before 1808. These concessions effectively left the issue of slavery unresolved.

THE U.S. CONSTITUTION

The United States has the oldest written constitution in the world. One of the reasons for its success is its adaptability. The delegates built an amendment process into the document. Yet only twenty-seven amendments have been added since ratification, and the Constitution remains remarkably similar to what it was in 1789.

There are five basic principles on which the Constitution rests:

1. popular sovereignty
2. federalism
3. separation of powers
4. checks and balances
5. limited government

Popular Sovereignty

The Constitution begins with a preamble that explains the purpose of the document and establishes the government on the principle of the consent (agreement) of the governed. "We the people of the United States" are establishing the government and agree to live under its laws. This principle is known as popular sovereignty.

Federalism

The Framers of the Constitution devised a federal form of government, in which power is divided between the national, or federal, government and the states. All powers not listed in clauses 1–17 are reserved to the states, which may pass some of them on to local governments serving counties, cities, townships, and special-purpose districts. The Tenth Amendment further states that all powers that do not rest with the federal government, “nor [are] prohibited by it to the states, are reserved to the states respectively, or to the people.”

Separation of Powers

Another fundamental principle of the Constitution is the separation of powers among the three branches of government. The first three articles of the Constitution describe the branches of government. Article I describes the legislative branch, Article II the presidency and the executive branch, and Article III the judiciary. Article I names the powers of the federal government; these are known as enumerated, or listed, powers.

Legislative Branch

The legislative branch, Congress, is divided into two houses: the House of Representatives and the Senate. The current House has 435 members, each elected for two-year terms. The total number of representatives is based on legislation, and the number per state is proportionally based on each state’s population in the latest national census. The Senate has one hundred members, two from each state, each elected for six-year terms.

Executive Branch

The president heads the executive branch, which oversees the implementation of laws. Second to the president is the vice president. Both are elected by a small group of people who are individually referred to as “presidential electors” and collectively referred to as the Electoral College. In the Electoral College, each state has one vote for each member of its congressional (Senate and House) delegations, making for a national total of 538 votes today. Voters in each state vote for electors pledged to the candidate. After the election, the electors cast their votes. Sometimes, as in 2016 (Clinton vs. Trump), 2000 (Bush vs. Gore), and 1876 (Hayes vs. Tilden), the candidate who wins the popular vote loses the Electoral College vote.

At the next level of the executive branch are the heads of the fifteen executive departments. These department heads make up the president’s cabinet. The cabinet departments and their agencies, as well as government corporations, commissions, and regulatory agencies, are charged with seeing that the laws are enforced. The Constitution does not call for a cabinet, but presidents have decided the executive branch would not run smoothly without one.

Judicial Branch

The federal judiciary is headed by the U.S. Supreme Court. There are nine justices on the court, and the head of the court is called the chief justice. All Supreme Court justices and most lower federal court judges are appointed for life. The Supreme Court determines the constitutionality of both federal

and state laws. The Supreme Court usually only hears cases on appeal. The few exceptions have been cases against a state or several states or against officials of foreign countries. In choosing the cases that the Supreme Court hears, the justices only take cases whose outcome could overturn a law as unconstitutional, affirm a law that has been questioned, or fine-tune a law.

The federal judiciary deals with about 1 percent of all the court cases heard in the United States annually. Federal courts hear only those cases that deal with breaking federal laws.

Checks and Balances

The powers of each branch are designed to limit the powers of the other two. This is called checks and balances, which include the following powers and responsibilities:

Executive branch

- The president must provide an annual State of the Union report to Congress.
- The president must submit nominees for certain federal positions to the Senate for approval.
- The president must interpret and enforce laws passed by Congress.
- The president may veto a bill passed by Congress.

Legislative branch

- The House can impeach a president for wrongdoing in office.
- The Senate tries an impeached president.
- With enough votes, both houses of Congress may override a president's veto.
- The Senate approves treaties and presidential appointments.
- Congress initiates all finance legislation.

Judicial branch

- The Supreme Court reviews legislative and executive actions.
- The chief justice presides at a president's impeachment trial.

Veto

If the president disagrees with a bill that Congress has passed, the president may veto, or reject, it. The president can do this in one of two ways:

1. If Congress will be in session for more than ten days, the president returns the bill, explaining why they are not signing it.
2. If Congress will adjourn within ten days of the president's receipt of the bill, the president does nothing. This is known as a pocket veto.

To override a president's veto, both the House and the Senate must reconsider the bill, and at least two-thirds of each chamber's members must vote for it.

THE BILL OF RIGHTS

The first ten amendments to the Constitution are known as the Bill of Rights. These amendments guarantee certain basic rights.

Amendment	Right	Meaning
First	Freedoms of religion, speech, press, assembly, and petition	The government may not establish an official religion or keep anyone from practicing their faith. The government may not punish people for expressing opinions in speech or print (except in cases of libel and slander) and cannot keep people from holding peaceful meetings or calling for an end to injustices.
Second	Right to bear arms	"A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed."
Third	Limits on quartering (housing) troops	"No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law."
Fourth	Protection against unlawful search and seizure	The government must get a warrant from a judge authorizing search and seizure of a person and/or goods. The warrant application must demonstrate probable cause that the search will yield evidence of a crime.
Fifth	Due process: rights of the accused in criminal proceedings	A person accused of a crime has rights, including the presentation of evidence to a grand jury to determine whether there is enough evidence for a trial.
Sixth	Rights of the defendant in a criminal prosecution	A defendant has rights to a speedy and fair trial, to be told the charges against them, to have witnesses testify on their behalf, and to have an attorney.
Seventh	Rights in a civil suit	In a civil lawsuit for damages, either party may request a jury trial, and it must be granted.
Eighth	Protection against excessive or cruel and unusual punishment	Neither excessively high bail or fines nor cruel and unusual punishment may be imposed.
Ninth	Nonenumerated rights: powers reserved to the people	The people have rights that are not listed in the Constitution.
Tenth	Powers reserved to the states or people	Rights not named in the Constitution as being given to the federal government belong to the states or the people.

THE RESPONSIBILITIES AND OBLIGATIONS OF CITIZENSHIP

Citizenship in the United States guarantees numerous rights to individuals, like freedom of expression and religion. But these rights also come with responsibilities and obligations.

Voting is one of the most fundamental rights of U.S. citizens, but it is also a responsibility. By electing local, state, and federal representatives, citizens ensure that the government continues to serve the needs of the people. In short, voting regularly is what makes the democratic system work.

Some responsibilities of citizens are voluntary. Citizens should stay informed about important issues at the local, state, and national levels. Respecting the opinions of others and engaging in community activities, such as volunteering and participating in local organizations, are other voluntary responsibilities of citizens.

Obligations of citizens, referred to as civic duties, are generally required by law. First and foremost, citizens are expected to follow the rule of law at all levels of government and recognize that there are consequences for breaking the law. Citizens pay taxes in many different forms as a way to support government functions and pay for public services. One of the most important rights of citizens is a trial by a jury of peers. That means citizens have a duty to serve on juries when summoned. Another civic duty is defending the country when necessary. To this end, male citizens between the ages of eighteen and twenty-five are required to register for the Selective Service.

LEVELS OF GOVERNMENT

State Governments

State governments follow the same three-branch structure as the federal government. While the executive branch of the federal government is headed by the president, the executive branches of the states are headed by governors. All but one state in the Union has a bicameral legislature comprising an upper house and a lower house. Nebraska has a unicameral legislature, meaning there is only one house.

The federal government and the states share several concurrent powers. These include the abilities to pass and enforce laws, levy taxes, and borrow money.

States also possess many powers independent of the federal government. They are responsible for ratifying constitutional amendments and overseeing intrastate trade. State governments protect public safety, establish and maintain public schools and educational standards, issue various licenses, and manage land use.

Local Governments

Local governments do more to shape people's daily lives than the state or federal government, and they come in many forms to meet the needs of citizens. Local government is largely divided into two tiers: counties and municipalities. Counties, or parishes in Louisiana and boroughs in Alaska, divide states into smaller, regional governments. Counties may be run by county commissions, or boards of elected leaders, that make decisions on things like environmental issues and land zoning.

Counties are divided into municipalities like villages, townships, towns, and cities. Town councils are one example of local government at the municipal level. Municipal governments have numerous responsibilities, including maintaining streets and sewers, providing street signs, and removing snow. They maintain parks and provide housing, transportation, and emergency medical services. Municipal governments also provide for public safety by overseeing police and fire departments.

Another type of local government is the special-purpose district, such as a school district or fire protection district. These districts generally focus on a single service and can include all or part of one or more municipalities.

POLITICAL PARTIES IN THE UNITED STATES

Political parties play a key role in the American political system. At their most fundamental level, political parties are organized to get candidates that subscribe to a certain political ideology or platform elected to office at all levels of government.

The United States has a two-party system dominated by the Republican Party and the Democratic Party. That does not mean, however, that all members of the Republican Party agree with one another or that all members of the Democratic Party agree with one another. Instead, the parties represent a spectrum of ideologies and sectional interests, leading to infighting and power struggles within each party.

Other, smaller parties, referred to as “third parties,” exist in the United States. Third parties often represent a narrow range of issues, like the environmentally focused Green Party. Third-party candidates typically only garner a small percentage of the total vote, making their impact on elections nominal. In closely contested races, however, a third-party candidate may siphon votes from a candidate from one of the two major parties, costing them the race.

Once in office, elected officials typically continue to vote along political party lines. This means political parties are central to shaping the work of government, including setting the policy agenda, determining the leadership of Congress, and making appointments to congressional committees.

Political parties are often central to friction between and within the branches of government. Passing legislation is challenging under a divided government where the executive is controlled by one party and Congress is controlled by the other. Similar issues arise when each house of Congress is controlled by a different party, further complicating the process of amending bills and passing legislation. In many instances, these scenarios result in a stalemate. In others, the overall function of the government is threatened, especially when matters like funding the government are caught along party lines.