

The Government of the United States

The Executive Branch

At a time when all the major European states had hereditary monarchs, the idea of a president with a limited term of office was itself revolutionary. But the Constitution adopted in 1787 vested executive power in a president, and that remains the case today. The Constitution also provides for the election of a vice president, who succeeds to the presidency in case of the death, resignation, or incapacitation of the president. While the Constitution spells out in some detail the duties and powers of the president, it does not delegate any specific executive powers to the vice president, to the presidential cabinet (made up of the heads of the federal departments), or to other federal officials.

The office of president of the United States is one of the most powerful in the world. The president, the Constitution says, must "take care that the laws be faithfully executed." To carry out this responsibility, he presides over the executive branch of the federal government — a vast organization numbering in the millions. In addition, the president has important legislative and judicial powers.

Within the executive branch itself, the president has broad powers to manage national affairs and the workings of the federal government. The president can issue rules, regulations, and instructions called executive orders, which have the binding force of law upon federal agencies but do not require congressional approval. As commander-in-chief of the armed forces of the United States, the president may also call into federal service the state units of the National Guard. In times of war or national emergency, the Congress may grant the president even broader powers to manage the national economy and protect the security of the United States. Among the president's constitutional powers is that of appointing federal judges, including members of the Supreme Court, subject to confirmation by the Senate. The president also nominates — and the Senate confirms — the heads of all executive departments and agencies, together with hundreds of other high-ranking federal officials.

Despite the constitutional provision that "all legislative powers" shall be vested in the Congress, the president, as the chief formulator of public policy, has a major legislative role. The president can veto any bill passed by Congress and, unless two-thirds of the members of each house vote to override the veto, the bill does not become law.

Under the Constitution, the president is the federal official primarily responsible for the relations of the United States with foreign nations. The president appoints ambassadors, ministers, and consuls — subject to confirmation by the Senate — and receives foreign ambassadors and other public officials. With the secretary of state, the president manages all official contacts with foreign governments.

Another significant power is that of granting a full or conditional pardon to anyone convicted of breaking a federal law (except in a case of impeachment). This has come to include the power to shorten prison terms and reduce fines.

The Legislative Branch

Article I of the Constitution grants all legislative powers of the federal government to a Congress divided into two chambers, a Senate and a House of Representatives. Each house of Congress has the power to introduce legislation on any subject except raising revenue, which must originate in the House of Representatives.

The Senate is composed of two members from each state; its current membership is 100. Senators are chosen in statewide elections held in even-numbered years. The senatorial term is six years, and every two years one-third of the Senate stands for election. Hence, two-thirds of the senators are always persons with some legislative experience at the national level.

The Senate also has certain powers especially reserved to that body, including the authority to confirm presidential appointments of high officials and ambassadors of the federal government, as well as authority to ratify all treaties by a two-thirds vote.

The total number of members of the House of Representatives has been determined by Congress. Its current membership is 435. Membership in the House is based on the population of each state. Regardless of its population, every state is constitutionally guaranteed at least one member of the House. The Constitution provides for a national census each 10 years and a redistribution of House seats according to population shifts. State legislatures divide the states into congressional districts, which must be substantially equal in population. Every two years, the voters of each district choose a representative for Congress.

One of the major characteristics of the Congress is the dominant role committees play in its proceedings. At present the Senate has 17 standing (or permanent) committees; the House of Representatives has 19 committees. Each specializes in specific areas of legislation. The committee may approve, revise, kill, or ignore any measure referred to it. It is nearly impossible for a bill to reach the House or Senate floor without first winning committee approval. When a committee has acted favorably on a bill, the proposed legislation is then sent to the floor for open debate. Once passed by both houses, the bill is sent to the president, for constitutionally the president must act on a bill for it to become law. The president has the option of signing the bill — by which it becomes law — or vetoing it. A bill vetoed by the president must be reapproved by a two-thirds vote of both houses to become law.

The Judicial Branch

The third branch of the federal government, the judiciary, consists of the federal court system, headed by the Supreme Court of the United States.

The first Congress divided the nation into districts and created federal courts for each district. Currently, the 50 states and U.S. territories are divided into 94 districts. Each district court has at least two judges, many have several judges, and the most populous districts have more than two dozen. District courts are the federal trial courts, they hear both civil actions for damages and other redress, and criminal cases arising under federal law.

The second level of the federal judiciary is made up of the courts of appeals, created in 1891 to facilitate the disposition of cases and ease the burden on the Supreme Court. The courts of appeals review decisions of the district courts within their areas.

The Supreme Court is the highest court of the United States, and the only one specifically created by the Constitution. A decision of the Supreme Court cannot be appealed to any other court. Of the several thousand cases filed annually, the Court usually hears only about 150. Many cases involve interpretation of the law or of the intent of Congress in passing a piece of legislation. A significant amount of the work of the Supreme Court, however, consists of determining whether legislation or executive acts are consistent with the Constitution.

Congress today retains the power to create and abolish federal courts, as well as to determine the number of judges in the federal judiciary system. It cannot, however, abolish the Supreme Court.

State Government

The federal system created by the Constitution is the dominant feature of the American governmental system.

State Government of New Jersey

State Constitution

The first constitution of the state of New Jersey was written in 1776. The constitution was written during the Revolutionary War to create a basic government framework for the state. It is different from the United States Constitution, which provides the structure for the government of the whole country.

The constitution has been replaced twice to address problems and new issues within government. In the mid-1800s New Jersey citizens wanted a more democratic state government. The 1844 constitution separated the powers of the legislative, judicial, and executive branches. A bill of rights was included in the constitution. The new constitution also gave the people (instead of the legislature) the right to elect the governor. Today's constitution came into effect in 1947. The governor's powers were increased and his or her term in office was extended an extra year to four years. The state court system was also reorganized.

Today, the constitution can be changed through amendments. Amendments can be proposed by the legislature. Three-fifths of both houses of the legislature must approve an amendment. It can also pass by receiving a majority vote for two straight years. Voters must also approve amendments in the general election

Executive Branch

The chief of the executive branch is the governor. The governor's office is located in the State House in Trenton. The governor signs bills into law or vetoes them. He or she can also recommend laws and call the legislature into special session. The governor has the power to grant pardons and is the only person with the authority to call in the National Guard.

The governor's official residence is a mansion called Drumthwacket, which is located in Princeton. The governor may use the mansion for meetings, ceremonies, and other sorts of business.

Throughout a typical day for the governor, he or she meets with citizens, legislators, and members of his or her staff. The governor often starts the day with a breakfast at Drumthwacket with a group of New Jerseyans such as veterans, teachers, or volunteers. During the day, the governor usually holds a public event, such as a bill signing or a speech.

The governor may serve any number of terms, but he or she cannot serve more than two terms in a row. To become governor, a person must be

- at least 30 years old,
- a U.S. citizen for at least 20 years, and
- a New Jersey resident for seven years prior to the election.

Supporting the governor is his or her staff. The governor's staff deals with the media and makes his or her schedule. Certain staff members may also write speeches or do research to help the governor make policy decisions. Staff also informs the heads of different departments and legislative leaders about the governor's agenda.

As of 2010, New Jersey has a lieutenant governor, whose position was created as a result of a 2005 amendment to the state's constitution. Before this time, New Jersey was one of eight states that did not have a lieutenant governor. Candidates for lieutenant governor are chosen by the gubernatorial candidates within 30 days of their nomination.

The chief role of the lieutenant governor is to fill in when the governor is absent or unable to serve, or when the governor leaves office before the end of a term. In addition, the constitution provides that:

The Governor shall appoint the Lieutenant Governor to serve as the head of a principal department or other executive or administrative agency of State government, or delegate to the Lieutenant Governor duties of the office of Governor, or both. The Governor shall not appoint the Lieutenant Governor to serve as Attorney General. The Lieutenant Governor shall in addition perform such other duties as may be provided by law.

The current lieutenant governor was appointed by the governor to serve as secretary of state in addition to her duties as lieutenant governor.

The need for a lieutenant governor position became increasingly apparent after two New Jersey governors -- Christine Todd Whitman and James E. McGreevey -- left office before their terms ended, leaving the Senate president to assume the position of acting governor while still fulfilling duties in the legislature, as the state constitution then dictated. This dual role led to problems involving the separation of powers between the executive and legislative branches, and it also concentrated power heavily in one person. Additionally, because the Senate president might come from a different political party than the absent governor, the process sometimes resulted in an acting governor who was not from the party that had won the latest election.

In addition to the Governor's Office, there are 16 executive departments and many boards and commissions. Most executive officials serve four-year terms. The executive departments carry out the policies set by the governor. The officials who lead these agencies are appointed by the governor and approved by the state Senate. Officials appointed by the governor include the following:

Attorney General

Secretary of State

State Treasurer

Commissioners of the Departments of Agriculture, Banking and Insurance, Commerce, Community Affairs, Corrections, Education, Environmental Protection, Health and Senior Services, Human Services, Labor, Military and Veterans Affairs, Personnel, and Transportation

Judges (including the State Supreme Court)

County Prosecutors

County Boards of Election and Taxation

Members of Boards and Commissions

Legislative Branch

The Senate and General Assembly make up the legislative branch. The Senate has 40 members, and the General Assembly has 80 members. One senator and two assembly members are elected from each of the 40 districts of New Jersey. The Senate and Assembly chambers are located in the State House in Trenton.

The Legislature's main job is to enact laws. The Legislature can also propose amendments to the New Jersey Constitution.

The Senate and General Assembly meet for about 40 sessions a year. Sessions are held on Mondays and Thursdays. During the rest of the week, the legislators often hold committee meetings or public hearings. The leader of the Senate is the Senate President. The Speaker of the General Assembly heads the General Assembly.

The President and the Speaker schedule meetings and determine which bills will be considered within their respective houses. They also lead the legislative sessions.

A legislator may start his or her day with a morning committee meeting. Around lunchtime, he or she might meet with other members of his or her political party. On a Monday or Thursday afternoon, floor sessions are held where debates and votes on bills are held in public.

While both houses work on making and passing laws, the Senate and Assembly have individual powers, too.

The Senate approves the people that the governor appoints to official positions. The Assembly is the only group that can bring impeachment charges. Impeachment is a charge of misconduct against an official. But the Senate is the court of impeachment in New Jersey, where the charges are tried. Any bills requiring revenue to be raised start out in the Assembly, but, by custom, the Senate handles the state budget.

A legislator must live in the district he or she represents. Senators have to be at least 30 and have to live in New Jersey for at least four years before they are elected.

There is also leadership within the political parties in both houses. The majority and minority leaders and the assistant leaders come up with the each party's policies on the issues raised in the bills. Additionally, there are many committees that review legislation. Learn more about the role of committees and the process of making a law in "How a Bill Becomes a Law."

The legislative branch is also made up of a number of staff members. The Office of Legislative Services provides legal advice and research to members of both political parties. They also take care of writing the bills. In addition, each party has its own staff that performs similar functions, but only for that party. Each legislator also has his or her own district office with a full staff.

Judicial Branch

The judicial branch decides how state laws should be applied. The governor appoints judges to the Supreme and Superior courts with the Senate's approval. The judges serve seven-year terms, but after they have been re-appointed once, they can serve until they are 70.

The highest court in the judiciary branch is the state Supreme Court. This court hears cases involving constitutional problems and other major matters. The Supreme Court consists of a chief justice and six associate justices. The chief justice investigates complaints against the courts, supervises the clerks and court workers, and oversees the court finances.

The state Superior Court is divided into the Appellate, Law, and Chancery divisions. Superior Court is where most trials take place. The Appellate Division hears appeals of decisions from lower courts and state agencies. Law hears cases in its Criminal Division and Civil Division. Criminal deals with people accused of crimes while Civil deals with lawsuits. Chancery consists of a General Equity Division and Family Division. General Equity cases involve matters such as contracts. The Family Division deals with family and children's legal matters.