

# CHAPTER 1

## HOW THE SYSTEM WORKS

The first three words of the American Constitution are “**We the People**” and in those words lies both the notion of a “united” America and the idea that America should be governed *by* the people and *for* the people. The early settlers from Europe left countries governed by nobility and royalty to build a nation based on the will of the people.

The Constitution and the Declaration of Independence became the foundation of American politics, and the documents form a common framework for American culture and identity. The Declaration of Independence (1776) declared America an independent country, free of the British Crown. The Constitution (1789) laid down the rules for political institutions, the distribution of power, and elections.

### 1.1. Political Institutions

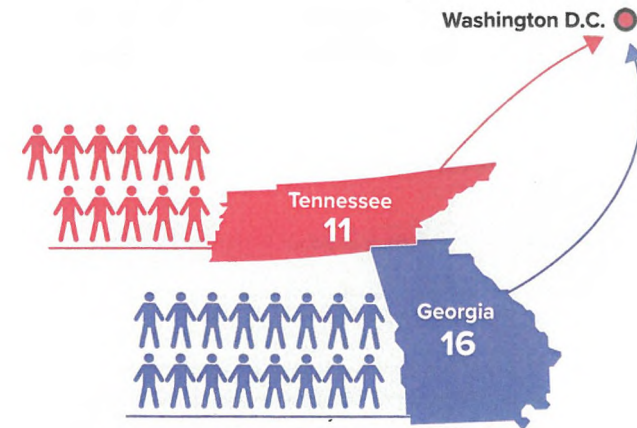
There are three political institutions in the US: the President, the Supreme Court, and Congress, and the latter consists of two chambers: the Senate and the House of Representatives. These three political institutions represent the separation of power. The President has the executive power, Congress has the legislative power, and the Supreme Court has the ultimate judicial power.

### 1.2. The President

The President of America has the executive power and is responsible for carrying out the laws passed in Congress.

To be elected President is an extensive process. The party chooses the candidates they think have the most voter potential, and they run against each other in the primary elections to become their party’s presidential candidate. The primaries and caucuses take place in the spring and summer before the presidential election. Ultimately, the presidential candidate is declared when one of the candidates has won sufficient primaries.

Figure 1.1. Presidential Electors

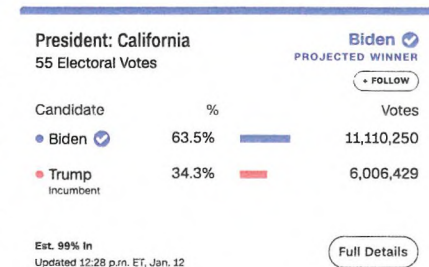


Note: The figure shows the number of electors from respectively Tennessee and Georgia. The number of electors is based on the size of the population in the state.

The two parties’ candidates run against each other in the presidential election every fourth year on the first Tuesday in November. This is when the population votes for the candidate they want as the next President. On the ballot, voters mark the candidate of their choice, but in reality, they vote for a member of the Electoral College, who will give their mandate to the presidential candidate who won the popular vote of the state. A candidate wins all the electors from a given state if he/she receives the majority of the votes in the state, a principle called “**the winner takes it all**”. Electors or the Electoral College are objective officials whose job is to deliver the votes cast in a given state. It keeps the numbers simpler once the popular votes are cast. When one of the candidates has 270 electors, the new president has been found.

There are a total of 538 electors which the 50 states and Washington D.C. share in a way that reflects how big the states are population-wise: A state has the same number of electors as members in its con-

Figure 1.2.



Note: In the 2020 election Biden got 63.5 % of the votes in California. Therefore he won all the 55 electoral votes from the state. Source: edition.cnn.com



Figure 1.3.



Note: In the presidential election 2020 Joe Biden won 306 electoral votes and Donald Trump won 232. In order to win the election the candidate must get 270 electoral votes. Source: edition.cnn.com

gressional delegation – one for each member in the House of Representatives plus two senators.

### 1.3. Congress

Congress is comprised of both the Senate and the House of Representatives, and together they create and pass laws, which means they hold the legislative power.

**The House of Representatives** has 435 members, who are elected in their home states. A state's number of representatives is allotted based on the size of the population of the state. This means that Florida has 30 representatives and Alaska



The United States Congress houses the federal government of the United States of America. It is composed of the House of Representatives and the Senate.

only 1. All members of the House of Representatives are up for election every two years.

The states are made up of districts, and a candidate for the House of Representatives runs in such a district. Whoever gets the majority of votes in a district wins a seat in the House. Members of the House from a given state can be from both parties. For example, the representatives from Ohio are 5 Democrats and 10 Republicans.

In the **Senate** there are 100 senators, 2 from each state, and they have their seat for 6 years. The system is organized so that  $\frac{1}{3}$  of the senators are up for election every 2 years – either at a midterm or a presidential election. Only one of the two senators from each state is up for election every 6 years. The senator up for election is the one who has been in the Senate for one full term, which means that some years there are no senators up for election.

The two senators from each state can either represent the same party or two different parties. When they are up for election, they always run against someone from the other party, and they must win more than 50 % of the popular vote to be declared the winner.

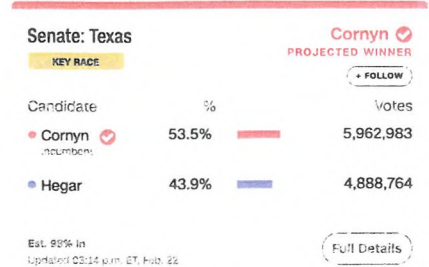
### 1.4. The Supreme Court

The Supreme Court holds the judicial power. When a law is passed in Congress, it must follow the intent of the Constitution. This is ultimately decided by the Supreme Court. Most laws are passed and function without being presented to the Supreme Court. However, some laws are considered controversial for various reasons, and then the Supreme Court will evaluate the law.

There are nine Supreme Court Judges. The President appoints judges for the Supreme Court when a seat is available either when a judge steps down or passes away. When the President has nominated a judge, there is a senate hearing where the nominee will have to answer questions and make his/her opinions on various issues known. After this, the judge will be approved if he/she can gain support from a majority in the Senate.

The nomination hearings in the Senate can be very controversial. As an example, in 2018 Trump nominated Brett Kavanaugh for Supreme Court Judge, and during the hearings, accusations of sexual assaults committed by Kavanaugh when

Figure 1.4.



Note: Cornyn, red, is Republican, and Hegar, blue, is Democrat. Source: edition.cnn.com



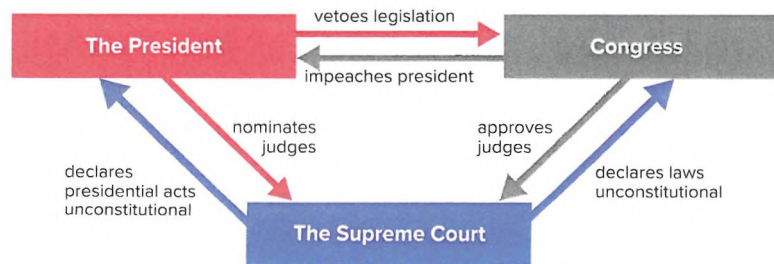
he was young were brought forth. It caused a great stir and debate, but he was still approved by a narrow majority.

### 1.5. Checks and Balances

The term **checks and balances** is an expression of how Congress, the President, and the Supreme Court respectively have the opportunity to limit each other's power. They can all keep each other in check so none of the institutions have too much power. Americans are skeptical towards too powerful a state as they believe that the individual is strong, rational, and capable of taking the best care of his or her own life. This means that the role of the state should be limited.

In Congress bills are passed by a simple majority in both chambers (the Senate and the House of Representatives). The President then either approves and signs the bill into law or **veto**es the bill. If the President vetoes a bill, it is sent back to Congress which must then approve the bill by a majority of 2/3 in both chambers if it is to be passed. Congress can thereby overrule the veto of the President with a so-called **super-majority**. As an example of this, Trump vetoed the emergency financing to fight Covid in 2020 as he did not approve of the bill. Congress, however, overruled his veto and the bill was passed. When a law is passed in Congress and approved by the President, it is still up to the Supreme Court to finally guarantee that it is not unconstitutional. All three political institutions therefore play a role in the passing of a bill, and they balance each other so one single institution does not gain too much power. The institutions also keep each other in check with regard to good behavior. Congress can file an impeachment case against the President, and the Supreme Court can declare the acts of the President "unpresidential" if he or she acts against the Constitution. Congress also controls the budget, and the President cannot spend any money without approval from Congress.

Figure 1.5. Checks and Balances



However, the three institutions of power are also tied together to a degree which often makes it difficult to do politics in America. Apart from the so-called checks and balances, it is also often the case that Democrats and Republicans hold the majority in Congress and the House of Representatives respectively. This means it can be difficult to pass laws since laws have to be passed in both chambers. It is called **gridlock** when the political majorities in the two chambers complicate the decision-making, or when the President represents another party than the one which holds the majority in Congress.

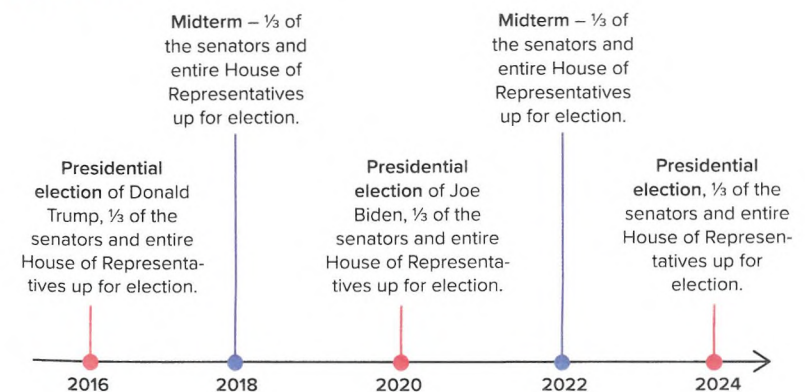
### 1.6. Elections in America

In the United States there is an election every 2 years – either a **midterm election** or a **presidential election**. The word "midterm" indicates that it is an election held when the President is midway through her or his term. At midterm elections, 1/3 of the **senators** and all members of the House of Representatives are up for election.

The politicians in the House of Representatives are therefore almost constantly running an election campaign. Hence, they pay close attention to what is going on in their local district where they hope to be re-elected. Contrary to the House, the Senate runs at a steadier pace, as the senators are there for a period of 6 years. These politicians tend to focus more on long term challenges and solutions for the entire country.

The vote for the Presidency is every 4 years. A president can only be re-elected once, thus serving as president for a maximum of 8 years.

Figure 1.6. Election in the US



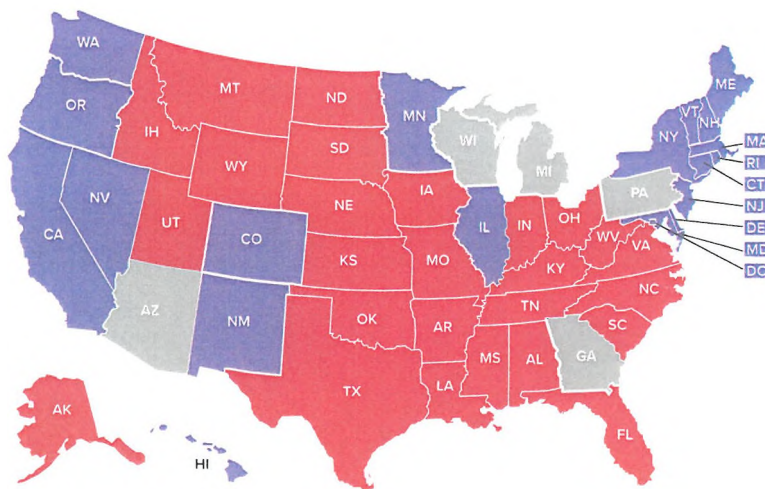


## 1.7. The Two-party System and Swing States

In American politics there are really only two parties – the Republican and the Democratic Party. Other parties sometimes try to run, but because of the **winner takes it all** principle it is virtually impossible for other parties to win an election. This means that the two major parties have a broad political span, and they both have politicians who place themselves at different ends of the political spectrum within their party. Thus, the Republican Party has both a very right-wing, conservative group called the Freedom Caucus as well as a more moderate group. The same goes for the Democratic Party that holds both very left-wing politicians like Bernie Sanders and more moderate Democrats like Barack Obama and Texan Beto O'Rourke.

Apart from maintaining a two-party system, "the winner takes it all" mechanism also influences the way campaigns are run in America. Some voters are steadfast red (Republican) or blue (Democratic), which means that a state may be considered **secured** before the election. It is less important to campaign hard in the secure states. Voters in other states are not as fixed in their political standpoint. In consecutive elections, these states change from red to blue and back again, and so they are often called **battle grounds** or **swing states**. These states are especially relevant when it comes to campaigning. Presidential candidates are known to visit swing states such as New Hampshire more often, and the population in these states is subjected to an unbelievable amount of TV commercials with political messages.

**Figure 1.7.** Red States, Blue States and Swing States in the Presidential Election 2020



Political issues and voters in swing states therefore tend to get more attention than those in the secured states.

## 1.8. Gerrymandering

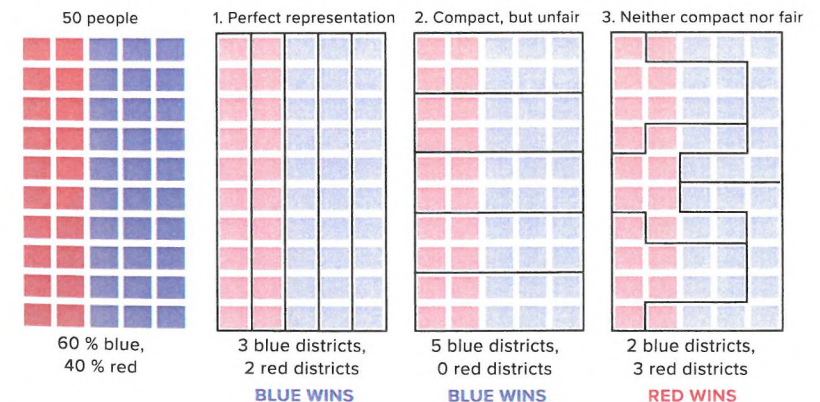
On the face of it, election for Congress appears to be a just and very democratic system. Every state is divided into electoral districts which hold a number of voters. These districts can vary demographically: Some electoral districts are dominated by Afro-Americans, for example, while some are primarily white districts. In some states the electoral districts are managed by objective state officials, but in other states party officials decide how to form the districts.

Historically, this has enabled both parties to create electoral districts in their own favor. For example, if a state has a large Afro-American population, who traditionally have voted Democratic since the 1930s, these could be gathered in only one district, meaning they would vote for only *one* seat in the House. Meanwhile, six minor districts with a small white majority, who traditionally vote Republican, would gain *one seat each*. This is called gerrymandering and means that some states would send more Republican representatives than Democratic representatives to the House even though there were more Democratic voters than Republican within the state.

Today, it seems that gerrymandering is carried out by both parties in roughly equal measure. However, in cases brought to the Supreme Court Alabama and South Carolina have been found guilty of violating the Voting Rights Act. 25 % of

**Figure 1.8.** Gerrymandering

Note: Three different ways to divide 50 people into five districts.



Source: *Washington Post* by Christopher Ingraham, March 2015.