

3.6 Governmental Powers and Roles of National and State Governments

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[Figure 1]

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Large-scale public works projects require federal and state governments to cooperate and compromise, especially when deciding who pays for what. The construction of the interstate highway system was a crowning achievement of this sometimes strained partnership. One of the largest construction projects in Texas has been the expansion of Interstate 35 (shown here in Austin, Texas). Recent construction projects have also been controversial because of the traffic backups they tend to cause.

Beneath the layer of national government lies a complex web of state and local officials and institutions. The nation's founders concern over tyranny transcended their separation of power among the three branches of government. Power is also divided by level with each layer performing its designated responsibility. States and communities even have the freedom to design their own institutions and to create their own offices. This creates a multitude of "laboratories" where government leaders at any level could see which systems were successful and which were problematic.

Video: Overview of State and Local Government in Texas



<https://flexbooks.ck12.org/flx/render/embeddedobject/163159>

State Constitutions

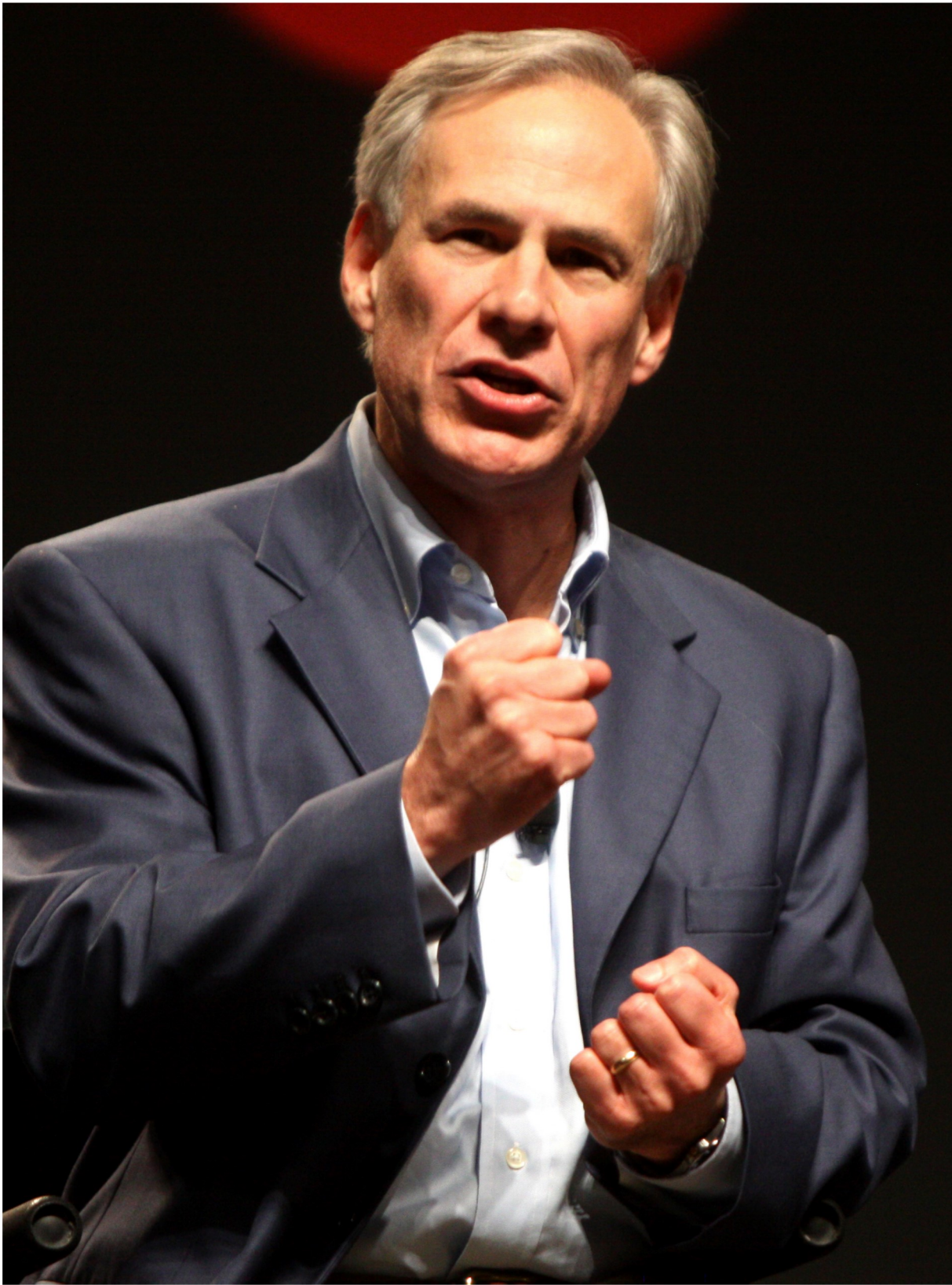
The states had constitutions years before the United States Constitution was even written. Since the Declaration of Independence, states have written a total of about 150 constitutions, with several states writing new ones frequently. Texas, in fact, has been governed by seven constitutions. State constitutions tend to be quite a bit longer than the national one — an average of four times as long — so they also are more specific. As a result, they often are heavily amended and rather easily tossed out—at least in some states. From its adoption in 1876 until 2015, the Texas State Constitution has had 491 amendments approved. State constitutions determine the structure, role, and financing of state and local levels of government.

READING: STATE CONSTITUTIONAL DISTINCTIONS

Read the article (State Constitutional Distinctions)

at <http://uscivilliberties.org/themes/4527-state-constitutional-distinctions.html> and answer the following questions based on the evidence presented in the reading. Be sure to use complete sentences and support your answers with evidence from the reading.

1. How do state constitutions play a role in the protection of civil liberties?
2. If state constitutions did not exist, what would the impact be on many of your civil liberties? Explain.
3. What role did the U.S. Supreme Court play in combining the United States Bill of Rights with the bill of rights of each state?
4. Beginning in the 1970s, what did many state judges do in cases where individual constitutional rights were more narrowly limited at the federal level? What role did individual state constitutions play in this process?
5. The Supreme Court of the United States has limited individual access to free speech rights at privately owned property in many situations. What have states such as California, Colorado, Massachusetts, New Jersey, Oregon, and Washington done that has allowed for free speech rights on private property? How were they able to do this?
6. When state constitutional law and U.S. Supreme Court rulings appear to differ, what must most state judges do? Why?
7. How can evidence presented in this article be used to support the idea that state constitutions have a direct impact on the rights and liberties of individual citizens today?



[Figure 2]

[Figure 3]

Hon. Greg Abbott, Governor of Texas

State Officials

Each of the 50 states has its own array of public officials with no two states exactly alike. All of them have governors, legislatures, and courts.

Governors

In every state, the governor is chosen by popular vote, and most governors serve four-year terms. More than half of the states place limits on the number of times an individual may be elected. This is called term limits. In most states, several other top officials are elected including a lieutenant governor, a secretary of state, and an attorney general. In general, governors have the authority to issue executive orders, prepare the state budget, make appointments, veto legislation, and to grant pardons to criminals. In states that tend to concentrate powers in the hands of a few, governors have broader authority and more powers. In other states, power is spread out among many elected officials or is strongly checked by the legislature.

State Legislatures

Every state has a bicameral, or two-house, legislature. An exception is Nebraska, which has a unicameral body. State legislatures vary in size from 20 to 400, and they are not necessarily in proportion to the size of the state's population. For example, New Hampshire has 400 members in its lower house.

All states have guidelines for age, residency, and compensation. Most legislatures meet in annual sessions. Just as in the national legislature, many state legislators serve for several terms, creating a large body of professional politicians in the United States.

State Courts

Each state has its own court system, and most states have a state Supreme Court. State judges have the final voice in the vast majority of cases in the United States since more fall under state, rather than federal jurisdiction. Most states have two types of courts: trial courts that handle issues from traffic fines to divorce settlements to murder, and appeals courts that hear cases appealed from lower courts.



[Figure 4]

City Hall Sign in Kilgore, Texas

Types of Local Governments

Local governments are generally organized into four types:



[Figure 4]

[Figure 5]

Governorship can often be an opportunity to pursue higher office; several state governors have gone on to become President. Before he became one of the most notable chief executives of the century, George W. Bush served as governor of Texas.

Counties

Counties are usually the largest political subdivisions, and their primary function is to administer state laws within their borders. Among other duties, they keep the peace, maintain jails, collect taxes, build and repair roads and bridges, and record deeds, marriages, and deaths. Elected officials called Supervisors or Commissioners usually lead counties.

Townships

These units of government do not exist in about half the states, and they have different responsibilities in those that have them. A township may simply be another name for a town or city, or it may be a subdivision of a county.

Special Districts

These units of government have special functions. The best-known example is the local school district, but other types are growing in numbers, especially in heavily populated areas where county and city governments may be overloaded with work.

Municipalities

City, town, or borough governments get their authority to rule only as it is granted by the state. Today about 80% of the American population lives in municipalities, and municipal governments affect the lives of many citizens. Municipalities may have elected mayors, or they may be managed by appointed city managers.

One National Government, 50 State Governments, and 85,000 Local Governments

The organization of state and local government varies widely across the United States. They have common specific features, but their organizations differ. Regardless of their design, state and local governments often have a far greater impact on people's lives than the federal government

Marriage, birth, and death certificates. School policies. Driving age and qualifications for licensure. Laws regarding theft, rape, and murder, as well as the primary responsibility of protecting citizens from criminals. These critical issues and many others are not decided by distant Washington authorities, but by state and local officials.

[Figure 5]

The chart demonstrates the number of state and local government workers in the United States. The overwhelming percent of government workers hold degrees yet make between 4% and 11% less than their counterparts in private enterprise.

The vast majority of government employees work for local and state — not the federal — governments. **Many of these people are state and local employees:** teachers, policemen, clerks at the motor vehicle office. This seems to confirm the general notion that government is in fact "closer to the people," and therefore more democratic. However, the real evidence is contradictory.

Who Holds State and Local Power?



[Figure 6]

Southwest University Park, El Paso, Texas

Waste management is a sensitive issue that often stirs residents to political action. Concerned citizens in Dayton, Ohio, called for a boycott of Waste Management, Inc. when the company refused to clean up a landfill to the satisfaction of nearby residents.

Governors, legislators, and many other elected officials lead state governments, and judges sit on both state and local courts. Local officials include mayors, City Council members, city planning commissioners, and school board members. Many local officials are nonpartisan. In

other words, they do not run for election to office with a party label, but on their own good name. Often these individuals cross-register themselves in both political parties.

Social scientists have studied power in communities and have found some contradictory evidence. Several have found a relatively small and stable group of top policymakers, many of whom are local businesspeople. Others have concluded that while some people have a great deal of local influence, most others had little. This points to the conclusion that there is no permanent "power class," in local politics.

THE EL PASO BALLPARK DEBATE

In 2012, a group of local businessmen in El Paso proposed the building of a new ballpark (later to be named Southwest University Ballpark) in Downtown El Paso. In order to gain the AAA baseball franchise and build the new ballpark, a quick decision was needed by El Paso City Council. The decision made was to demolish what many considered a perfectly good city hall building (built in the 1970s and early 1980s) in order to make way for the new ballpark. City council took the dramatic step of voting to demolish the city hall building and to relocate city offices (as well as the city council chambers). This decision was made against the wishes of a number of El Paso citizen groups who protested that the people should have been given the final vote on building the ballpark. They criticized the City Council's actions as "undemocratic."

Research and read at least three newspaper articles on this topic. Then debate the following questions:

Were the actions of the City Council "undemocratic?"

How much final say should people have in the decisions made by duly elected local lawmakers (like city council members, local school board members, and other locally elected officials)?

Would you consider the decision made by the City Council to be a positive or negative demonstration of the democratic process in El Paso? Defend your answer.

Participation in State and Local Politics



[Figure 8]

Several states have taken steps to regulate and oversee managed health care within their own borders, so their residents can navigate the often confusing world of health insurance with less difficulty.

How interested are Americans in their local political affairs? What about citizen participation — voting, attending meetings, phoning officials, and keeping up with local politics? Citizens generally take less interest in and are less informed about their local governments than they are about the national government. Percentages of eligible voters who actually vote in presidential elections have been hovering around 50-60% for the past few elections. Local elections draw far fewer voters with some school board and city council members elected with 10-15 percent of the eligible voters. Why the dramatic difference if they are so close to the people?

Some of the reasons are understandable. After all, local governments are preoccupied with relatively non-controversial routines, such as providing fire and police service, attracting businesses that can create more jobs, and keeping the roads in shape. People tend to let them do their jobs until something happens that directly affects their lives. For example, people often get involved when a landfill company or a drug rehabilitation center buys the property next to theirs, or when a house down the street is robbed.

The participation rates tend to bear out the fact that most people have very little interest in local politics. Still, many of the burning issues of modern times are also state and local concerns. People need protection from crime and violence, and they depend on state and local officials for that. Drugs, gangs, racism, and poverty confront governments on every level. Education, preservation and protection of the environment, and healthcare delivery all cry out for active participants to solve their problems. All across the United States, thousands of political activists are making the attempt, but a democracy needs all of its citizens.



[Figure 9]

Study/Discussion Questions

1. How are most state governments organized in comparison to the federal government?
2. Which state government official is generally considered to be the counterpart to the president of the United States? Why?
3. Who holds power at the state and local level? Explain.
4. Compare the level of voter participation in national elections to that of local elections.
5. Which factors account for the difference in citizen participation rates between presidential elections and most local elections?
6. Former Speaker of the House Tip O'Neill was once quoted as saying "all politics is local." What do you think he meant by this? Would you agree or disagree with this quote? Explain and justify your answer.

Sources:

<http://www.nytimes.com/roomfordebate/2013/07/16/state-politics-vs-the-federal-government/states-matter-america-is-a-federal-republic>