

Essay on intergovernmental relations

[Business](#), [Management](#)



Question one: Discuss how and to what extent the U. S. Constitution governs and affects the intergovernmental relations in The United States of America.

Discuss the tensions and conflicts between the levels of government

The Constitution of the United States of America indeed contemplates three tiers of government under the federal system. The federal system of governance is informed by the need to have different centers of power sharing governance of the same regions and persons. In that respect, it was essential for the Constitution to stipulate the relations between the government levels. The Constitution in as much as it leaves room for negotiations and agreements between the government levels, it equally provides for the bare minimum. Two critical clauses are important in appreciating the extent to which the Constitution governs intergovernmental relations. These are the Supremacy Clause and the Residual Clause. It is the reading of these clauses that would shed light on the extent to which the intergovernmental relations are governed.

In the Supremacy clause, the Constitution observes that it is the Constitution, federal laws and international treaties ratified by Congress that would take precedence. In that vein, the Constitution clearly places the state laws and policies on an auxiliary and or subsidiary standing. In that breadth, it is noteworthy that in the event the two sets of laws clash, the federal laws would prevail. This clause essentially places the federal government above the state governments and sets the pace for operations. It should be noted that relying on this clause, the federal government may control and exercise power over the state governments.

However, the drafters of the Constitution were aware of the fallibility of

humanity. In that respect, leaving the Supremacy clause by its wording would have been fatal. In order to protect the integrity of state governments, the Constitution had the residual clause. According to this clause, the federal government only has mandate on matters that have expressly been assigned to them and or those matters that must be performed in connection to performing their express mandate. Accordingly, the federal government has no jurisdiction on matters outside what the Constitution contemplates for it. However, the state governments operate much like an open plate. The governments have mandate and jurisdiction over matters which are not assigned to any level of government. In fact, for the state governments, their mandate is only ousted on matters specifically granted to the federal government. In that vein, it is imperative to appreciate that the state governments retain residual power while the federal governments have limited power.

Given the intrigues of governance, conflicts and tensions are anticipated and indeed do unfold in the course of governance. The main source of tension often emanates from the relatively powerful federal government. The federal government's budgetary allocation, foreign policies and legislation affect the state governments. Tension results when the state governments feel unobligated to comply with federal policies. Often, the federal government in reaction usually undertakes measures to contain the rogue states. A good case can be seen in the implementation of the controversial Obamacare (Affordable Patients Healthcare Act). The Act dictates of implementing states to undertake some reforms and offer cover to all citizens including the uninsured. Some of the states have elected not to participate in the roll out

in turn frustrating the law. However, in countering such frustration the federal government currently run by the Democrats has cut the aid that the states would have received. These states now have to contend with lesser aid as opposed to compliant states who receive higher federal aid. It is such tensions that characterize federalism on a daily basis.

Question two: Describe the components of the federal system of government

The federal system of government is made of three main arms at each of the two levels. The national and state governments all have the executive, the legislature and the judiciary. In the ensuing discussion the paper shall briefly highlight on the components of the federal government.

The executive is the branch of government in charge of execution and implementation of policy. At the federal level, the executive is led by the President who runs the government with the help of cabinet secretaries. In the United States of America, the cabinet secretaries head State Departments charged with specific responsibilities. Some of the departments include Homeland Security, Foreign Affairs, Education, Energy and the Treasury. All the secretaries are presidential appointees and must comply with his policies and directions. At the state level, the executive is headed by the Governor. The governor equally appoints secretaries in charge of departments but at the state level. It is instructive to appreciate that the state governments enjoy autonomy from the federal governments. On that context, it should be appreciated that the state secretaries are answerable to the Governor and not to the President. In addition, the Governors are in no way answerable to the President. This in essence is the beauty of federalism.

The other component of the federal government system is the legislature. This arm of government suffices for purposes of formulating the law as well as exercising a check and balance on the executive. At the federal level, the legislature is bicameral in nature with the upper and lower houses. These houses are the Senate and the House of Representatives respectively. It should be appreciated that not much difference in terms of legislative power exists between the two. However, the Senate, being the upper house has more powers including the commencement of impeachment proceedings of the President. At the state level, the legislature is represented by the state assemblies. It is noteworthy that like the executive at state level which has no relation and dependence on the national executive, the state legislature enjoys the same autonomy and independence. Their operations in the respective states have no relations and dependence whatsoever on the Congress. However, it is essential to appreciate the fact that all the states have representatives in Congress (Senate and House of Representatives) as well as in the state assemblies. On that vein, it is imperative for the political class to have some consensus on what policies and laws the states desire. The last arm of government is the judiciary. The judiciary exists in parallel for the federal and the state governments. The latter suffices for the interpretation of federal law and administration of justice thereof while the former suffices for purposes of interpreting the state law and administration of justice thereof. It should equally be noted that in matters where the issue is interstate or involves a state against the federal government, the jurisdiction falls squarely with the federal judiciary. In addition, the

Supremacy clause extends to the judiciary in that the decisions arrived at by the federal courts are binding on the state courts while the former's decisions are merely persuasive to the federal courts.

In conclusion, it should be noted that the arrangement essentially allows for governance to be conducted from multiple sources without over-concentrating power on one body or person.

Question five: Discuss Public Interest Groups

The American system of governance dictates for advocacy and pressure groups. This is because the power is wielded on the legislature to formulate the law and influence policy while the executive is left with the onus of implementation. Under that arrangement, it is anticipated that the legislature would provide an effective check and balance. Nothing could be further from the truth. The legislature has overtime been ambivalent in the dispensation of its advocacy roles. It is this that has necessitated the public interests groups. Public interests as the dichotomy suggests suffices for purposes of influencing the responsible organs and arms of government to act in the interests of the public. It is noteworthy that in the competitive society, interests would occasionally vary. Public interest groups aim to have the public interest prevail over the individual interests. On that premise suffice it to say that public interest operates on a majoritarian principle that is utilitarian in nature.

In the American system, public interests groups interact with government at different levels. Foremost, it is noteworthy that the groups interact with all the three levels of government. These are the three tiers, the federal government, the state governments and the local governments. In equal

taste, the groups interact with all arms of government, the executive, the legislature and the judiciary. At the legislative level, public interests groups attempt to influence the formulation of the laws in the interests of the public. In that context, their mandate often involves canvassing and engaging the legislators into approaching matters of legislation from a public point of view. It is critical to give the groups considerations given the political repercussions that often follow the legislators conduct in their engagement with public interests groups. On the other hand, at the executive level, the groups often interact with agencies and government officers charged with the implementation of policies and dispensation of services. The groups often seek to have the implementing agencies consider the public in their activities. In that context, it is often the groups practice to encourage the agencies to have the public participate in the implementation process. The public participation is considered inclusive and participatory governance and adds to the trust the public entrusts on the executive. Lastly, the public interest groups' interaction with the judiciary often borders on advocacy and legal services. On that context, the groups are often pursuing justice where they feel that the executive and or the legislature failed to consider critical factors. The judiciary is often considered the last resort in that context. In addition, the interpretation of the laws including the Constitution of the land lies with the judiciary. It is thus the only organ at the public interest groups' disposal in pursuing justice for the public.

In conclusion, it is noteworthy that public interests groups may not necessarily pursue public interests. In many cases, no consensus exists as to what is in the interest of the public. In many cases the pursuits are often

sectarian and only identified with a select group within the public. The advocacy for gay rights is one glaring example of the division on what constitutes public interest.

References

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