

Example of essay on comprehensive final exam

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Introduction

The United States of America is a federal government. In that aspect, the Constitution anticipates the sharing of power between the states and the national government. Ideally, that is what informed the Federalists spirit towards the creation of the United States of America. This paper is based on the federalism envisaged by the United States Constitution.

U. S. Constitution governing and affecting intergovernmental relations

The United States Constitution expressly provide for the precedence that ought to take place in cases of clashes between the national and state government. According to the Constitutional supremacy clause, the Federal Government is given preeminence. This is essentially because the Constitution and the federal legislation including the international treaties reached by the federal government are considered supreme. However, it is equally instructive to appreciate the provision of Article 10 which specifically gives the state governments all the residual powers. Under that provision, the state government have mandate over all matters that have not been allocated to the federal government and have not been expressly prohibited of the state governments. In that vein, it is imperative to appreciate the fact that the constitution stipulates for the intergovernmental relations by prescribing for the functions of the federal government and leaving the rest to the states in what in political science is referred to as the residual powers.

It should be appreciated that the Constitution, therefore, expressly provides for the organization and functioning of the government. It, however, envisages situations where the national government helps in the functions of

the state governments in as much as the matter is of national importance. In that vein, factors such as healthcare which form matters of national concern may be discharged jointly by the federal and state governments.

However, even with the clear stipulations of the Constitution, tensions and or conflicts are still experienced in the operations of government. The fear often springs from the fact that the powers conferred on the federal government make it heavily powerful. In that respect, the state governments often feel inferior and fundamentally muzzled. It is, therefore, common case to find situations where state governments clamor to entrench their authority. It is this clamoring that leads to conflicts between the two levels of government.

An example can be seen in the implementation of the relatively divisive Obamacare (Patients Affordable Care Act). Although the Act was a federal legislation, its implementation anticipates contribution and support by the state governments. However, Obamacare may not see the light of day in terms of implementation particularly because of the reluctance of state governments to play their part. This is especially problematic in the Republican run state governments. The Governors' opposition to the Democrat President contributes to the poor relations and in effect frustrates successful implementation of policies.

In addition, other areas of conflict have been manifested in the nature of cases. Cases where the national laws are inconsistent with state laws have been common given the different legislative assemblies involved. While the national legislation is a product of the input from the Senate and Congress, the state laws are products from the local state assemblies. In some cases, it has often occurred that the federal legislation is inconsistent with the state

legislation. The solution in such conflict should be straight forward given the Supremacy clause in the Constitution. However, states have in some cases comprised the courts into finding the cases in their favor. Ultimately, all the intergovernmental conflicts often arise because of the misinterpretation of the Constitution. In that context, it is essential that final determination be made by the Supreme Court of the United States of America.

Components of the Federal System of Government

The federal government has three main components which essentially exist in all the three tiers of government. Under the federal structure, the United States' affairs are run by three main units, the national or federal government, the state government and the local government. In at least the first two, federal and state, the government comprises three arms. These are the executive, the legislature and the judiciary. Under the separation of powers, it is contemplated that all the three arms operate autonomously and independently. In other words, no single arm should purport to interfere with the function of the other. In addition, the functions of the arms are strictly different so that no one arm encroaches on the functions of the other. In the ensuing discussion the paper discusses the arms and their attendant functions.

The legislature formulates the law. It is the legislature that makes the law that determines the operations of the state. The legislature has also been added an additional role of providing a check and balance on the executive. In America, their functions extend to approval of budget and sanction of some select presidential decisions including the impeachment of the President. In the U. S. the legislature is bicameral with the upper house

named the Senate being composed of Senators. Each state is represented by two elected Senators. The lower house is called the House of Representatives or Congress. Congress draws its membership from the states with each state having an allocation depending on its population. The Senate and Congress offer legislative roles at the national level. At the state level are the state assemblies for purposes of legislation.

On the other hand, the executive performs the residual functions of government. This is to say, the executive is left to perform all and every function that is not reserved for performance by the judiciary or the legislature. However, traditionally the functions of the executive involve the implementation of policies and dispensation of administrative functions. In the federal system, the executive operates in three main levels. At the federal level, the executive is headed by the office of the presidency led by the President of the United States of America. The office respectfully performs the functions of the executive at the national level. These include matters of foreign policy and trade, military organization and provision of security, among others. At the state level, the executive comprises the office of the Governor headed by the Governor. The office performs all state allocated executive functions. Lastly, at the local level, the executive comprises the mayoral office headed by the mayor to the council. It is instructive to appreciate the fact that all these offices are run and headed by popularly elected leaders but in essence suffice for the discharge of administrative functions which are devoid of political connotations or at least ought to be so.

The last arm of the government at the federal level is the judiciary. It is

instructive to equally appreciate the two levels of judicial processes in America. These are the state judiciaries for each respective states and the federal judiciary for the national government. On the surface suffice it to say that the federal judiciary administers justice in respect to federal law while the state judiciary administers justice in respect to state laws. However, it is essential to equally appreciate the place of intergovernmental relations and the intertwining nature of some of the cases which demand for the application of both federal and state legislations by the judiciary.

Public Interests Groups

The operations of the United States of America in terms of governance often assume political contexts. In that vein, it is imperative for the power elite who have their own individual and group interests to protect to understand the political system. The interest groups essentially suffice for purposes of lobbying for the adoption of one's individual or group interests. Public interest groups in that context, refer to the interest groups that advocate for the adoption and consequential implementation of their interests. The best level to invoke one's lobbying ability for purposes of promoting public interests is at the legislative level. This is essentially because it is at this time that the law is formulated. Public interest groups, therefore, lobby legislators to have their interests taken care of. The forms of lobbying are different and it is equally essential to appreciate the fact that while some forms are legal others may be illegal. However, in the long run, the group interest has to be taken into consideration.

For public interest groups, the approaches they employ often resonate around advocacy and creating public awareness. Often, the groups are

aware of the power of the citizenry and the colossal pressure the citizenry can exert on their leadership. Some of the outstanding public interest groups include the organizers of the Occupy Wall Street Movement and the campaign for and against the Obamacare. Often, the main intention of the public interest groups is to ensure the public interest is taken into consideration either in the formulation or in the implementation therefore of a law. Most of the time the law would be having substantial effects on the lives of these persons despite the direction it takes. Take for instance the environmental laws; it has been argued that some permits may as well lead to the contamination of the air. It is, therefore, in the interest of the public that the said contamination is prevented. Public interest groups would start at the formulation level. They would want the legislative body involved to draft laws in protection of the masses. However, upon the defeat at the formulation level, public interest groups may equally advance their cases at the implementation level. In that context, the party they seek to dialogue with often is the executive. It should be appreciated that public interest groups suffice for purposes of promoting the public interest. In that respect, it is imperative for public interest groups to stick to their ideals and not promote convenience and cheap selfish interests.

In conclusion, suffice it to say that public interest groups have an overall positive effect on government functions. They exert the pressure that reminds both the executive and the legislature of their social contract obligations with the citizenry. On that context, they can be seen as one of the class or body that checks and balances the excesses of the federal system.

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