



# American Exceptionalism: Governance

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The United States of America is one of the oldest active, national-level democratic systems operating in the world today. The US Constitution is also the oldest written constitution still in force, with national elections for Congress and the presidency going uninterrupted since its adoption in 1789.

**The Declaration of Independence and US Constitution.** The Declaration of Independence and the US Constitution were revolutionary at the time they were drafted. Both documents were unique in their institutional design and, perhaps more importantly, in their philosophy.

The Declaration was the first national founding document to assert that the legitimacy of government came not from divine right, hereditary bloodlines, or conquest but from the consent of the governed; and that all men are created equal with inalienable rights—rights that exist in nature—that cannot be taken away by the government. The Declaration is built on philosophical principles, but it is also a legal brief that justified rebellion under existing English constitutional tradition, affirming the right to overthrow a government if it violates people's rights.

The adoption of the US Constitution to replace the Articles of Confederation in 1789 was the first time a large, independent nation organized itself under a single written document that was explicitly superior to state and local laws. Nearly 250 years later, there are still only 27 amendments, the first 10 of which—the Bill of Rights—expand upon the philosophical ideas of the Declaration of Independence. The Constitution is deliberately difficult to amend, requiring the approval of three-fourths of the state legislatures or approval by two-thirds of both houses of Congress. Only one amendment has ever been repealed—the 18th (Prohibition), passed in 1920 and repealed by the 21st Amendment in 1933.

**Electoral College and US President.** The Electoral College, created to elect the US president, was innovative at the time and almost without parallel today. Created primarily as a compromise to protect against the “tyranny of the majority” in pure, direct democracy, where more populous states could dominate the rest of the country, the Electoral College elects the president indirectly, through state-appointed electors.

At the time, no other modern nation had ever installed its chief executive indirectly through a body of electors chosen state by state, nor had any chief executive, whether king or prime minister, been one that served for a fixed term and was completely separate from the legislature. Other contemporary democratic nations had parliamentary systems where the executive was chosen by and responsible to the legislature.

In the event of a tie in the electoral college, the House of Representatives votes to break it, as they did in 1800 with Thomas Jefferson and 1824 with John Quincy Adams. The president also may not be removed by simple legislative vote, such as a vote of no confidence, but must be impeached with formal accusations of wrongdoing.

**American Federalism.** Federalism was and remains a uniquely American system of government. Before 1787 countries were either unitary states with a top-down central government like that of France or Spain, or loose, usually short-lived confederations like the Dutch Republic or Holy Roman Empire. The Constitution invented a third, hybrid system in which sovereignty is split between a national government with enumerated powers and sovereign states, each with their own state constitution, courts, and reserved powers. Few other federations today grant its member states anywhere near the same degree of autonomy or authority: American states run their own elections, criminal justice systems, education policy, and family law, and Congress cannot abolish or redraw these laws or policies without the state's consent.

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**Separation of Powers.** The United States was the first country in history to create an explicit separation of powers—separate but equal branches of government—as the core organizing principle of its national government, designed to prevent tyranny and protect individual liberty. European monarchies and even weak confederations like the Republic of Venice or the Dutch Republic had overlapping executive, legislative, and judicial systems.

Though separate, each branch in the American system was designed to govern interdependently. The legislative power resides in Congress, but the president can veto congressional bills and the courts can strike them down. The president can appoint cabinet officers and federal judges and can negotiate treaties, but Congress can refuse to confirm appointees, reject or amend treaties, and impeach the president or any officer, while the courts can declare executive actions unconstitutional. The Supreme Court can declare both laws and executive actions unconstitutional, but the president nominates new justices, and Congress can determine the size and jurisdiction of federal courts, impeach and remove judges, and propose constitutional amendments to reverse Court decisions.

**Peaceful Transfers of Power.** The Constitution's design to ensure peaceful handover of power from one political faction to its bitter rival—without violence or military intervention—is still globally unique. The first true test came in 1801, when Federalist John Adams handed the presidency to his arch-rival Democratic-Republican Thomas Jefferson after a vicious campaign that both sides called treasonous. Previous democracies and republics such as ancient Athens and Rome often descended into civil war or dictatorship in such moments. Since George Washington left office, every transition from one presidency to the next has been peaceful and successful. Even after fiercely contested elections in 1876, 1960, 2000, and 2020. In the most recent of these, despite controversy and claims of election fraud, Donald Trump left office in January 2021 and Joe Biden was inaugurated on schedule with full military recognition as the new commander in chief.

**Civilian-Controlled Military.** The Constitution embedded civilian supremacy in ways that were unheard of in 1787 and have proven extraordinarily durable. Article II makes the president—a civilian—the commander in chief; Congress alone can declare war and controls the purse; and the Second Amendment originally envisioned state militias as a counterweight to any standing army. At the time, almost every army in every other nation was the personal instrument of the monarch. The United States has now gone nearly 250 years without a single military coup—the longest such record of any republic in world history. Even in 1861, when half the country seceded and formed its own army, the US military never tried to seize power in Washington; Union Army General Winfield Scott publicly declared he would defend the constitutional succession. In comparison, Spain experienced 15 attempted coups between 1814 and 1981, France had multiple Napoleonic coups, and many Latin American republics in the 19th–20th centuries have had regular coups.

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