# Federalism, a New Constitution and Peace in South Sudan;

Perspectives; Spring – 2020 U.S. Senate Pages:



Final Report

August 26, 2020







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Perspectives; Spring-2020 U.S. Senate Pages

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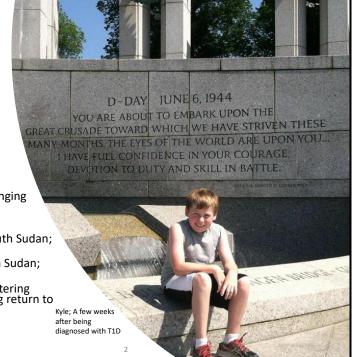


DISCLAIMER: NEITHER THE U.S. GOVERNMENT, THE U.S. SENATE, NOR THE U.S. SENATE PAGE PROGRAM HAVE ENDORSED OR ARE INVOLVED WITH THIS PROJECT

### Who is Kyle? What is KCC? Why South Sudan?

- · Kyle Thaller
  - o 12th grade and 17 years old
  - o Diagnosed with Type-1 Diabetes 4-22-15
    - Navy SEAL & Naval Academy not possible
    - Strong desire to be global leader still present
- Formed Kyle's Campaigns for Change (KCC) in 2016
- South Sudan and Sudan are two of world's most challenging regions
- · Current Projects
  - Full financial support of two diabetes clinics in South Sudan; Saving lives of T1D kids.
  - Providing medical supplies to children's hospital in Sudan; Saving lives of T1D kids.
  - Newest project: Assist South Sudan Gov't with fostering federalism, forming new constitution, and averting return to civil war; Saving lives of many people.

**❖**Goal of KCC: Saving Lives By Never Giving Up



To the right is President Salva Kiir Mayardit signing the Agreement on Resolution of Conflict in the Republic of South Sudan

## **Project Goal**

To assist the Minister of Federal Affairs (MoFedA), Republic of South Sudan with development of federalism in support of a new Constitution for South Sudan.

- 1. How can a federal form of government maintain unity of a country that is so fragile with strong ethnic affiliation?
- 2. How can a State with limited resources manage to exist in a federal arrangement?
- 3. What are the main powers of the federal level of government visa-viz states and counties?
- How to educate and inform the citizens of South Sudan that Federalism, if implemented correctly, works in the favor of both the central government as well as State and local governments.

#### Overall:

 To do whatever possible to help MoFedA to mitigate conflict, violence, and civil war in South Sudan.

8/26/20



To the right are Spring-2020 Senate Pages with Vice-President Michael R. Pence.

# Why former Spring-2020 Senate Pages?

- U.S. Senate Page program is highly selective whereby 30 High School juniors are selected from across the U.S.A., each sponsored by a U.S. senator.
- Pages live and work in Washington, D.C. for an entire semester, and attend the Senate Page School while also working full time on the U.S. Senate Floor assisting senators in the minute-to-minute activities of the U.S. Senate.
- Pages offer unique perspectives on American government and legislation due to working on the U.S. Senate Floor with senators from all 50 States.
- Many Pages are driven to make impact on world affairs through public policy and service.
- Nearly all Spring-2020 Pages recently took AP American History or AP U.S. Government, and so are experts on many aspects of federalism.
- Although Pages are from both political parties, all are still young and broadly open-minded whereby brainstorming, ideas, and collaboration should be very productive.

8/26/20



4

#### South Sudan: Background

- 239,285 mi (roughly size of all south eastern United States)
- 10.98 million people
- · President: H.E. Salva Kiir Mayardit
  - First Vice-President: H.E. Dr. Riek Machar Teny Dhurgon (most powerful of 5 VPs)
  - Minister of Federal Affairs: Honorable Losuba Ludoru Wongo Upele
- Revitalized Transitional Government of National Unity (R-TGoNU)
  - 35 Ministers, each overseeing a different portion of the Federal government
  - National Legislative Assembly is the Legislative Body of South Sudan consisting of the Transitional National Assembly which is the Lower House, and the Upper House which is called the Council of states
- Geography: Currently 10 States and 3 Administrative Areas (though in past there were 32 States)
  - Some have a primary economic factor (oil, gold, Agriculture etc.)
  - · Each has dominant ethnicity (Dinka, Nuer, Zande, Shilluk, Bari, Tobosa, etc.)
- Religion
  - Christianity is the most predominant (60%)
  - Islam is 3<sup>rd</sup> with 10%

8/26/20

- Remainder follow Traditional South Sudanese Religion (30%)
- Divided into 64 different ethnicities which in turn are divided into different tribes controlling certain areas of land (see articles for more info)



Above are South Sudanese Soldiers <u>Link to pix reference</u>

Majority Leader (August 2019).

# How will MoFedA Goal be Achieved: Background Below is Kyle Thailer with the Rt Hon. Joseph Bol Chan, Equiv. to the U.S. Senate

- South Sudan at war for majority of past 70 years.
  - 2,500,000 killed overall
  - Inter-tribal/ethnic conflict and associated unequal sharing of wealth & representation are primary drivers of conflict.
- Re-vitalized Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS) was signed in 9-12-2018
- Revitalized Transitional Government of National Unity (R-TGoNU) signed 2-20-2020
- R-ARCSS focuses upon implementation of federalism and new Constitution.
  - Federalism is not well understood in SS.
  - Federalism is defined as the separation of State and local Powers from National Powers, to include wealth sharing.
- Goal is achieved through adoption, education, and implementation of federalism.
  - New Constitution will incorporate clarified use of Federalism as its foundational theme.

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8/26/20

3



To left is picture of the Hon. Losuba Ludoru Wongo Upele, South Sudan Minister of Federal Affairs

Link to source

#### How Project Goal Was Achieved

- Kyle and KCC (Kyle's Campaigns for Change; KCC-T1d.com) have an extensive network and existing relationship with the South Sudan Minister of Federal Affairs (MoFedA) as well as other goy't officials.
- KCC is committed to doing this project and has already obtained agreement from South Sudan.
- · Volunteers to assist were requested from the former Spring-2020 Senate Pages.
- The Hon. Losuba Ludoru Wongo Upele, Minister of Federal Affairs spoke with the former Senate Pages via video conference to provide additional background.
- The Spring-2020 Senate Pages were asked to provide 1-5 specific ideas, statements, or observations that best describe what, why and how federalism concepts may apply to South Sudan. These thoughts should be based upon personal experiences at the U.S. Senate as a Senate Page, or from experience from each Page's State. Each idea should include a brief essay of 1-3 pages, double spaced.
- Comments were then be provided to a smaller group of Spring 2020 Senate Pages for consolidation. These comments will be organized in form of a report/PowerPoint and provided to the SS MoFedA and other SS leadership.
- COVID prevented a planned 1-3 week trip to South Sudan in August. Instead, results presented by ZOOM.
- VIP from U.S. and South Sudan also invited to Zoom Conference



To the left is a picture of Kyle and Dr. Constantine Jervase Yak, Member of Council of States (equivalent of U.S. Senate) and is also the founder of the National Diabetes Program in SS. He is Kyle's chief contact and political mentor.

#### Why was this Project Important?

- Current peace and transitional government in South Sudan are brand new and fragile. Ideas, approaches, and support are needed.
- Project's visibility, combined with the nature of the project (e.g. the ideas about why federalism is "good") will strongly encourage additional focus upon federalism in South Sudan and should help mitigate violence and/or a return to war.
- Project is endorsed by MoFedA and has received attention from the Presidency of the Republic of South Sudan.
- Pages' relationship with their sponsoring senators makes it even more likely that this project will be highly visible in the U.S. and internationally.
- This project illustrates how future leaders can set aside differences of race, political party, and gender to the benefit of a greater cause; avoiding resumption of war in South Sudan.

	Committees and Assignments					
Name of Committee	Chairman	Member	Member	Member	Member	Member
Founder and MoFedA Liaison	Kyle Thaller					
Project Leadership Committee	Kyle Thaller	Eli Cole (Vice-Chair)	Sam Verstandig (Vice-Chair)	Mallory Slucher (Secretariat)		
Power Point and Final Report Committee	Andy Vazquez	Blake Simmons	Andrew Lichtblau			
Revision Committee	Mallory Slucher	Phoebe McChesney (Vice-Chair)	Peyton Dashiell			
Selection Committee	Sam Verstandig	Eli Cole	Phoebe McChesney			
Presentation Committee	Hunter Teague	Andy Vazquez	Sam Verstandig	Mallory Slucher	Eli Cole	Andrew Lichtblau

# Team Advisors Dr. Mark Thaller Ashley Teague PhD, Conflict Analysis and Resolution mark.thaller@gmail.com Advisor to South Sudan Minister of Federal Affairs (MoFedA) Note that the second of the

Top 10 Ideas (listed alphabetically by Page's last name)



8/26/20

Name	Idea
Cole, Eli	Domestic Ambassadors
Dashiell, Peyton	Taxation and State-Based Monetary Policy
Lichtblau, Andrew	Voter Confidence through Federalism
McChesney, Phoebe	Women Serving in Government
Simmons, Blake	Federalism Information Program
Slucher, Mallory	Age for Voting Rights
Teague, Hunter	Lifelong Terms for Supreme Court Justices
Thaller, Kyle	Federalist Letters of South Sudan
Vazquez, Andres	Popular Vote
Verstandig, Sam	Balance of Powers

Remaining Ideas (listed alphabetically by Page's last name)

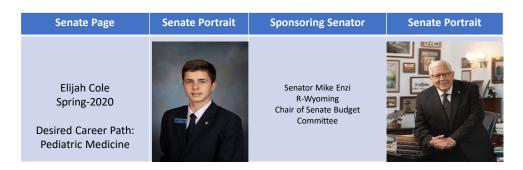


8/26/20

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McChesney, Phoebe	Freedom of Expression
McChesney, Phoebe	Federal Jurisdiction: Spheres of Power
McChesney, Phoebe	Separation of Powers
McChesney, Phoebe	Independent Vice Presidency
Slucher, Mallory	Female representation in Bill of Rights
Teague, Hunter	Election of the Council of States
Thaller, Kyle	State and Federal Offices for Senior Elected Officials
Thaller, Kyle	South Sudan Parliamentary Page- Internship Program
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To the left is Vice-President Dr. Riek Machar and President Salva Kiir Mayardit <u>Link to Source</u>	12

11

#### **Domestic Ambassadors**



 Domestic Ambassadors should be established as pseudo-diplomats within South Sudan, lobbying on behalf of their States

8/26/20

#### **Domestic Ambassadors**

- Ambassadors are tasked with being a "middleman" of lobbyist between their state/community and the central government
- This program could provide a strengthening between the members of government and their constituents through policy focused on the needs of the communities
- This policy and strengthening would benefit a move towards Federalism as cooperation would be seen
- Substantially more people will voice their opinion when needed, and become politically educated, and in the end more community will be involved in government
- Lastly, ambassadors should be educated members of their community

#### Taxation and State-based Monetary Policy



 The importance of dealing with monetary issues through federalism to focus on macro and micro economic policy initiatives

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#### **Taxation and State-Based Monetary Policy**

- Profound differences in each of the U.S. states show how policies may work for some states but may be less effective in others
- Elected officials try to advance the interests of their state and the nation as a whole, with the bills and amendments they support
- Allowing South Sudanese states to levy their own taxes based on the economy of their state strongly supports Federalism
  - Taxation would be the most effective for their area
  - All citizens should be required to pay federal income tax as they are presently if they qualify
- Ex. In the U.S., all citizens are required to pay taxes to the federal government
  - Some states have income taxes, some have oil and gas severance taxes
  - States get to choose which taxes they would like to have

8/26/20 16

#### **Voter Confidence Through Federalism**



 The presence of elected officials at local, state and, federal levels enables voters a feeling of connections to their policymakers that increases trust and voter confidence between the government and its citizens

8/26/20

#### Voter Confidence through Federalism

- Federalism provides a direct and easily-accessible avenue for citizens to articulate their concerns and relay their views
- Citizen involvement in local government improves civil engagement
- Local government is a source for many democratic values to be derived and then presented to the public at large
- A strong sense of trust should be established between the people and their elected officials
- Creating local and state governments can increase South Sudan civic engagement involving the decision-making processes

#### Women Serving in Government



 Mandate for female representation within elected state and central government positions as well as executive-appointed positions

#### Women Serving in Government

- The ideas and genius of 50% of the country's population is potentially wasted without having a mandate
- Support of Federalism will be enhanced
  - · Half of the country's population are women, and so women representation makes sense
- Ensure women are elected as well as appointed representatives in all aspects of government
- Some ballots to be all-female, where most qualified female candidate can be
- Suggested initial (minimum) mandate is 25% this mandate will continue from the current constitution
  - · Mandate is kept in place until it is exceeded
- Encourage Women to become involved with governance by:
  - Government and NGO cooperating to bring academic resources to girls (books, writing implements, etc.)
- Literacy test requirement for young people before they may complete their education to be eligible for seats in the national legislature 8/26/20

20

#### **Federalism Information Program**



 Encouraging elected officials and their staff to effectively convey government transparency and information

8/26/20

#### **Federalism Information Program**

- Modeled after the U.S.'s C-SPAN network
  - C-SPAN, Cable-Satellite Public Affairs network, created in 1979 is a network that helps keep Americans informed by showing what our three branches of government are doing
- South Sudan government can actively show its citizens what they are doing and to protect federalism by keeping citizens educated and informed
- Content coming from South Sudan's National Legislature and the Council of States where they post their speeches, and actively show their procedures
- Because the entire country does not have access to internet and the platform to view this, government officials would have staff or volunteers travel around their constituency to share what their official is doing
- Federalism concepts will be shared throughout South Sudan to inspire education, debate, discussion, and through that, reform

#### Age for Voting Rights

Senate Page

Senate Portrait

Sponsoring Senator

Senate Portrait

Senator Mitch McConnell R-Kentucky
U.S. Senate Majority Leader, Ex Officio of Senate Select Committee on Intelligence

• Establishing a Voting Age for Elections

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#### Age for Voting Rights

- National voting age for South Sudanese citizens should be clarified in the Constitution
- Median age in South Sudan is 19, meaning if there is a slight variation in voting age in any region of the country, a large and consistent voice will be lost
- The United States faced this exact same problem before 1971 when President Nixon passed the 26th Amendment setting the voting age to 18 years old
  - Before 1971, there were states with varying voting ages. People began to discover that men were being sent to war by politicians they could not vote for because they were too young.
- Setting a clear age will allow the country to have all voices best represented and mitigate future problems that could spawn from an unclarified voting age
- Recognizing the importance of this issue is directly related to the success of Federalism

8/26/20 24

#### **Lifelong Terms for Supreme Court Justices**



 Establishing lifelong terms for judicial nominations to the Supreme Court

8/26/20

#### **Lifelong Terms for Supreme Court Justices**

- Lifelong terms for Supreme Court Justices would separate power between the Executive and Judiciary Branches, eliminating any type of imputed or appearance of bias
- Avoiding any and all appearance of bias is critical if justices are to be truly impartial and universally respected; this is essential for Federalism
- Separation of powers allows different branches of government to check and balance one another's power
- Lifelong terms would allow Supreme Court Justices to vote independently of outside influences
- In Federalist 76 Hamilton argues that "The complete independence of the courts of justice is peculiarly essential in a limited Constitution"

#### The Federalist Letters of South Sudan



- Modeled after the *The Federalist Papers* 
  - Federalist Papers were a series of essays written and published in the U.S. Thirteen Colonies during the 1780s and 1790s to promote Federalism

8/26/20

#### The Federalist Letters of South Sudan

- Ideas on Federalism to be published in South Sudan newspapers as *The Federalist Letters of South Sudan* 
  - This project's essays/ideas are an initial source of letters
  - · Academics, politicians and anybody can submit a letter to MoFedA for publishing
- Authors would be anonymous, just as they were for *The Federalist Papers*.
- South Sudan citizens would debate the ideas
- Ideas would also be verbally shared after initial reading
- Essays/ideas also read by politicians and radio talk-show hosts
  - Each person would take a stance on that topic and debate it live on national radio/television.
  - Goal would be to expose the people of South Sudan to federalist ideas so they can make up their own opinion
- Federalist ideas proposed in these essays to the leaders, politicians and citizens of South Sudan will allow debate, discussion and hopefully conclusion that Federalism is best choice of government

#### Popular Vote



To increase support and legitimacy for Federalism, national elections
 with a popular vote – should be established

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#### Popular Vote

- National elections for publicly held elected office are key in allowing for more civic engagement for all levels of government
- The United States has a popular election for all elected offices
  - This is not the case for the Presidency
    - The President is elected through the Electoral College
- For all levels of government, the American electorate has increasingly favored a popular election for all levels of government
- Allowing for a national popular election not only reinforces the faith in the democratic system, but it also allows for civic engagement in the local, state, and federal levels of governments
- National popular election allows multiple parties to emerge, creating a political landscape which lets people articulate ideas in a representative system

#### **Balance of Powers**



• The protection of democracy and legislation should be ensured through a nonpartisan official who is not in the president's cabinet

8/26/20

#### **Balance of Powers**

- The Minister of Justice should not be appointed
  - The Minister should be nonpartisan
  - Having the Ministry of Justice in the cabinet does not allow for a balance of power within the government
    - However the Ministry of Justice should still be a part of the Executive Branch
- To keep the Minister of Justice independent is to change the way it is filled
  - To maintain a balance of power, the legislative branch should have to undergo a nomination process for which gets approved with a two-thirds majority.
  - In order to remove the Minster, two-thirds of the legislative branch must approve the removal
- The Minister of Justice brings charges against wrongdoings and investigates claims of misconduct
- An independent Minister of Justice strongly supports all aspects of Federalism since he/she is confirmed by the Legislature

5/20 32

#### Resources for Research

 Several good references have been collected and added to the KCC website below. Please use the tab for "South Sudan Federalism Project". There are also some articles I wrote as a high school sophomore and junior that might be helpful. See website at https: KCC-T1d.com.

• Click here for KCC website; Research Tab

To the right are Vice-President Dr. Riek Machar (left) and President Salva Kiir (right).

Link to Source for VP Dr. Machar picture

Link to Source for President Kiir Picture





8/26/20

# **Back-Up Slides**

To right is impeachment trial of President Donald Trump; Pages Phoebe McChesney and Kyle Thaller are sitting directly to left of the Rostrum, behind Congressman Adam Schiff and Hon. John Roberts, Chief Justice of U.S. Supreme Court is in the Senate President's chair and presiding. Pix is from C-CPAN circa 1/30/2020.



8/26/20

34

Remaining Ideas (listed alphabetically by Page's last name)



	Name	Idea	
	Cole, Eli	Supremacy & "Necessary & Proper Clauses"	
	McChesney, Phoebe	Freedom of Expression	
	McChesney, Phoebe	Federal Jurisdiction: Spheres of Power	
	McChesney, Phoebe	Separation of Powers	
	McChesney, Phoebe	Independent Vice Presidency	
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P	o the left is Vice-President Dr. Riek Machar and resident Salva Kiir Mayardit ink to Source	35	

#### Supremacy & "Necessary and Proper Clauses"



• Implementation of laws which establish and define the relation between the federal and state government reinforces federalism

8/26/20 36

#### Supremacy & "Necessary and Proper Clauses"

- Separation between federal and state law when legislating allows federalism to succeed
- Creating a mirror of the United State's Tenth Amendment would reinforce Federalism by granting any nonfederal law rights to the state government
- Linking the state and federal government through something similar to the United States' "Necessary and Proper Clause" would create a strong bond while also promoting Federalism
- By making the federal law the highest law of the land while also working in aspects of America's Tenth Amendment and "Necessary and Proper Clause,"
  - Federalism will be promoted through constitutional features that encourage state and federal cooperation in lawmaking and legislation

#### Freedom of Expression



• The right to peacefully assemble through such actions as protests, demonstrations, marches, etc.

8/26/20

#### Freedom of Expression

- Gives people of a country input and power within the political system
- Examples: lobbyists on Capital Hill, peaceful demonstrations, etc.
- People are more accepting of a federalist form of government when people feel they are being heard
- Peaceful assembly leads to:
  - · a longer lasting more flexible policy
  - Responds to changing times
- Dr. Martin Luther King, Jr. helped pass civil rights legislation and American governors are taking down controversial statues and symbols due to peaceful protest

#### Federal Jurisdiction: Spheres of Power



 Distinguish spheres of power between the traditional/local, state, and national governments

8/26/20 40

#### Federal Jurisdiction: Spheres of Power

- In order for Federalism to work, spheres of power must be clearly outlined
  - In the U.S., local/tradition governments have specific, outlined powers
  - The national government has unique and defined powers
- These powers may overlap on occasion
- However, the constitution includes a provision protecting specific rights of the people and local/traditional governments from the national government
- Ensures all levels of government have authority, and keeps national government in check

### **Separation of Powers**



• Division of national powers among multiple branches

8/26/20 42

#### **Separation of Powers**

- Required for federalism to work. Otherwise, the government is not really federalist-based since the judiciary can always over-rule state powers
- Increased efficiency of government
  - Lawmakers do not have the time to rule on constitutionality of legislation
- Ensure neutrality in judicial decisions
- Lawmakers would have difficulty remaining unbiased if having to judge the fairness of bills they voted for/against
- Essay may be used to promote Federalism to the South Sudanese people by reiterating support of an aspect of Federalism (promotes *Federalist Letters of South Sudan* idea)

8/26/20 43

#### Independent Vice Presidency



 Once the Vice President is elected, the president cannot dismiss the Vice President without approval from Legislature

8/26/20

#### **Independent Vice Presidency**

- Vice President to be elected and will serve same term as President
- Vice President cannot be removed unless requested by President and confirmed by super majority vote of Legislature
- · Role of Vice President
  - Advise the President honestly, without fear of job termination
  - · Assist the President in managing the duties of the Executive Office
  - Offer viewpoints different from the President's which may be representative of various perspectives throughout the country, increasing representation of the country's diversity within the national government
- President and vice president may work jointly though informal sharing of power, reducing potential need to compete for executive authority
- Important for federalism since states will see and respect constitutionalbased sharing of power

8/26/20 45





• Women have an equal right to vote and should be encouraged to vote

8/26/20 46

#### Female Voting Rights

- The current Constitution specifically lays out rights for women but does not include voting rights
- Without having a specification, the current constitution has too much legal ambiguity, leaving room for future politicians to abuse powers
- In the United States, Article 1 granted citizens the right to vote; however, women were not specifically addressed until nearly 150 years later
- Having gender diversity in the voting pool ensures the whole country's needs are represented instead of just one group of people
- Gender diversity, like ethnic and geographic diversity is in general support of Federalism and separation of powers.

#### **Election of the Council of States**



 Representation of the people is essential in a Federalist system, and the election of the Council of States gives the people of South Sudan greater representation in their government

8/26/20

#### **Election of the Council of States**

- Federalism in the U.S. works well with elected rather than appointed officials, and so federalism in South Sudan should benefit by this model
- The election of the Council of States separates powers between the Legislative and Executive Branches
- Elected representatives more likely to trust those whom they have elected
- James Madison explains the importance of the separation of power in Federalist 51 (one of the Federalist Papers)
- Madison states, "In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own"

#### State and Federal Offices for Senior Elected Officials

Senate Page

Senate Portrait

Sponsoring Senator

Senate Portrait

Senator Mark Warner
D-Virginia
Vice-Chair of Senate Intelligence
Committee

- Every U.S. Senator has two offices, one in Washington D.C, the Capital of the U.S., and one office back in the capital of their home state.
- South Sudan should follow this example as it would promote Federalism and cooperation between the State
  and National governments.

8/26/20 50

#### State and Federal Offices for Senior Elected Officials

- Senior Elected officials of South Sudan having State offices and Federal offices would have many merits
  - Shows that Members of the Council of States and National Assembly are keeping the interests of their constituents close to their heart
  - Promotes Federalism since there is one office in Juba, and one office back in their home state, therefore showing cooperation between the State and National governments
  - o Creates jobs in their state since the state office will need staff
    - o The Member of Parliament will also need a staff to help him/her manage his affairs
    - Staff should be extremely diverse and represent the ethnicities of the people of each state
    - o Avoid favoritism and select the people who are most qualified

#### The South Sudan Parliamentary Page/Internship Program

Senate Page

Senate Portrait

Sponsoring Senator

Senate Portrait

Senator Mark Warner
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Committee

- The U.S. Senate Page Program was founded to foster future leaders in public service and government.
- South Sudan should establish a similar program for the Council of States or the National Assembly to promote Federalism while also encouraging the young leaders of South Sudan to enter public service

8/26/20

#### The South Sudan Parliamentary Page/Internship Program

- Inspires young leaders to enter public service
- Allows college students to intern or serve as a "Page" for Members of the the National Assembly or Council of States
- Gives Parliamentary Pages a first-hand look into the Legislative process and the highest levels of the Federal government
- Former Senate Pages from the U.S. to assist and become involved
  - Visit for a month or so during the summer
  - · Video conferences throughout the year
  - · Consider introduction to the U.S. Senate Page Program
- Promotes federalism by:
  - Taking college students from Universities that are in each of the respective states in South Sudan and sending them to Juba to work for their Representatives in the Council of States and the National assembly

8/26/20 53

#### **Environmental Federalism**



• To combat the effects of climate change, environmental federalism should be adopted and enacted by both state and national government

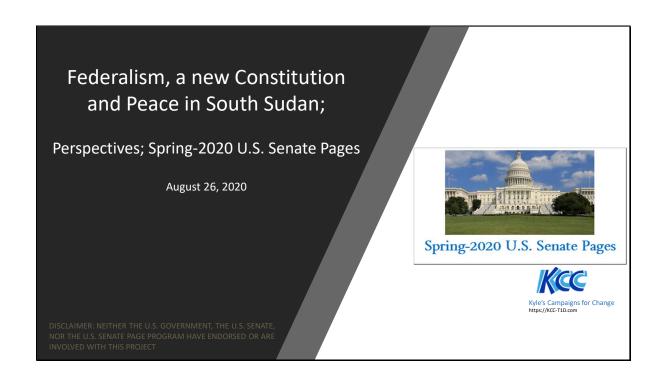
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#### **Environmental Federalism**

- The effects of climate change on the environment thus far have been catastrophic and are worsening
- Climate change, if not abated, will create deadly famines, mass migration, and increased temperatures that will lead to deaths
- Environmental federalism allows for the federal government to set national environmental standards
  - The state level will then set a certain standard which follows and is sometimes stricter than the national standard which caters to regional specific needs which may not be the same for other regions
  - The local level will also set standards which would cater to the needs of the locality to combat climate change
- Allowing the various levels of governments to work together to set mandates that cater to regional needs increases public support for federalism through the tangible initiatives which the government would enact
- Environmental federalism would increase civic engagement on all levels of government through region-based initiatives to combat climate change

8/26/20 55

Federalism, a New Constitution and Peace in South Sudan; Final Report: Essay Section





Top 10 Ideas (listed alphabetically by Page's last name)



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- Ambassadors are tasked with being a "middleman" of lobbyist between their state/community and the central government
- This program could provide a strengthening between the members of government and their constituents through policy focused on the needs of the communities
- This policy and strengthening would benefit a move towards Federalism as cooperation would be seen
- Substantially more people will voice their opinion when needed, and become politically educated, and in the end more community will be involved in government
- Lastly, ambassadors should be educated members of their community

#### Domestic Ambassadors

"A public role endures for the literary high command, as sages and seers, speaking out on social and political issues," said Tibor Fischer. Having the experience to be one of thirty students serving as a United States Senate Page provided me with insights into government that I truly would never have had the chance to witness in any other program. Not only that, but I was on the floor during many important events including the Senate impeachment trial of President Donald Trump. Throughout this experience, I witnessed and heard debates on the War Powers Act, which related to the executive branches ability to wage war on Iran, the first Coronavirus funding bill, and countless other bills ranging from clean energy acts to agriculture protection programs. I am from Wyoming and was sponsored by Senator Enzi, and even though my state was not as dramatically effected as the majority of the other states, I saw my state's senators working in correlation with our lobbyists and ambassadors to create the best possible legislation. Through the debating that I overheard and lobbying that I witnessed, I believe that the development of a Domestic Ambassador Program would help to break down walls between the federal government and their constituents.

In my experience in the Senate, I saw a large amount of lobbying through ambassadors to their respective states as well as companies. These individuals were akin to ambassadors whereby they did their best to convince lawmakers of their groups perspectives. Through these ambassadors, the senator was able to hear firsthand how the piece of legislation would affect his or her constitute to on the home front. The development of relations between state and federal governments is the first step towards a successful federalist country. Thus, I think that the development of a department meant to break boundaries and provide much-needed information from their home states to the Capitol is needed. I believe that as foreign ambassadors are good

for a nation, domestic ambassadors between states would provide a much needed balance between the state and federal governments. Foreign ambassadors to different nations provide much needed outside information to aide the government in development of legislation to protect their citizens.

I believe that the development of a well rounded domestic ambassador program will help create laws that will benefit everyone in South Sudan. These ambassadors would be able to receive a higher scale set of information to provide to legislative bodies in order to help create these new regulations to benefit all constituents from all states. This would benefit federalism by creating a greater bond between the states and federal government. Through this greater bond, development of stronger domestic and foreign policies will ensue. Several tasks that these ambassadors would be charged with include the following: conversing with constituents on the home front to obtain better knowledge of issues, summarizing this knowledge into less time committing resources to convey to their delegated senator, and finally presenting this information to their senator in order to help him or her to create an informed decision.

As Tibor Fischer said, it is important to have educated members of their community in these positions. As many members of any country may not be able to voice their opinion in an optimal way, these ambassadors would be tasked with helping these constituents to become more informed as well as helping them to show their community's issues to the federal government. Potential ways to develop this program include the following: Ambassadors elected by the people in the states to represent themselves to the federal government or ambassadors selected by already elected officials to be a correspondence back to their respective states. These ambassadors would be tasked with obtaining dialogue from constituents within their respective districts or states and providing that information to lawmakers in the Capitol. Through this

program, the people's voices from around South Sudan will be better heard which will promote federalism through a stronger link between the states and federal systems. In conclusion, I believe that if South Sudan was to develop a domestic ambassador program, federalism would be promoted.

## **Taxation and State-based Monetary Policy**



 The importance of dealing with monetary issues through federalism to focus on macro and micro economic policy initiatives

8/26/20

## **Taxation and State-Based Monetary Policy**

- Profound differences in each of the U.S. states show how policies may work for some states but may be less effective in others
- Elected officials try to advance the interests of their state and the nation as a whole, with the bills and amendments they support
- Allowing South Sudanese states to levy their own taxes based on the economy of their state strongly supports Federalism
  - Taxation would be the most effective for their area
  - All citizens should be required to pay federal income tax as they are presently if they qualify
- Ex. In the U.S., all citizens are required to pay taxes to the federal government
  - Some states have income taxes, some have oil and gas severance taxes
  - States get to choose which taxes they would like to have

8/26/20 16

### Monetary Policy of South Sudan

While serving as a United States Senate Page, I witnessed first hand how the needs of all 50 states differ. Senators each tried to address the issues and policy of their state through the bills and amendments they sponsored and supported. This was especially evident as the Senate provides equal representation for every state, so the issues and needs of every state all received attention.

One of the biggest issues I saw addressed was monetary policy. With every U.S. state having a different economy, from agricultural to industrial, there was discourse about which monetary policies would be best for certain states, and senators tried to advance bills that would benefit their state the most or concentrate on a specific industry prevalent in their state such as agriculture or commerce.

A shared monetary policy between states and the federal government can be seen all around the U.S., but especially in states like Texas that are rich in natural resources. Texas is the top producer of natural gas in the United States, and while there is no state income tax, a severance tax is imposed on oil and natural gas. This tax ranges from 4-8% of market value applied at the time of production, but there are some reductions and incentives to help stimulate the economy. These severance taxes have generated a lot of wealth for Texas, including 9% of the state revenue as well as employing many Texans in the oil and gas industry. The people employed also pay federal income tax, bringing in money federally. This tax money is often redistributed by the federal government as each state receives a different amount of federal aid based on their tax revenue, unemployment, and government operations present there (such as military bases). Virginia, Kentucky, New Mexico, and West Virginia receive the highest amounts of federal funding per resident.

The Texas system illustrates how different regions of the U.S. have chosen a monetary system that fits their economy best. All states are subject to federal income taxes, but some states forgo state income taxes entirely, instead relying on sales tax or tax on specific industries. Each system has its merits, but the Texas system works well for Texas because it puts the burden of taxation directly on the wealthy oil producers and less on the workers.

The federal and regional governments of South Sudan should be jointly responsible for its monetary policy. Similar to the U.S, South Sudan imposes taxes on income, sales, and corporations. The federal government should impose a consistent taxation system across the country, but the states and administrative regions of South Sudan should also be able to decide what kind of taxation fits their needs based on their economy. For example, states that have bigger cities could have a state income tax, while more rural agricultural states could forgo one because constituents there might be farming for subsistence rather than income. Overall, I believe this system would be beneficial for a country like South Sudan with different regional needs.

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## Voter Confidence Through Federalism



• The presence of elected officials at local, state and, federal levels enables voters a feeling of connections to their policymakers that increases trust and voter confidence between the government and its citizens

8/26/20

## Voter Confidence through Federalism

- Federalism provides a direct and easily-accessible avenue for citizens to articulate their concerns and relay their views
- Citizen involvement in local government improves civil engagement
- Local government is a source for many democratic values to be derived and then presented to the public at large
- A strong sense of trust should be established between the people and their elected officials
- Creating local and state governments can increase South Sudan civic engagement involving the decision-making processes

18/26/20

### Improving Voter Confidence Through Federalism

The Senate Page experience provided insight into a subtle, yet important aspect of the electoral process in the United States: the social and campaign aspect of governance. Senators were constantly coordinating with community groups local to the states they represented and collaborating with various special interest groups to put into effect the policies that their constituencies valued. Senators returned to their home states weekly to engage with the citizens they represented and listen to their concerns and questions. This is all made possible under the federalist system, where power is distributed across various levels of government in a way that makes the central government accountable to the states. An essential, yet vastly understated advantage of a federalist system of government is the way in which the system allows voters to feel more connected to their government, as pages were able to observe in our roles in the Capitol. Within a federalist system of government, the presence of elected officials at local levels, as well as state and federal levels, enables voters a feeling of connection to their policymakers that increases trust between the government and its citizens.

In governments that rely on a unitary system, voters are very far removed from the government process and thus have a very limited degree of connection to their elected officials. However, when there are institutions that protect systems of government at a local and state level, citizens are provided with a direct and easily-accessed avenue to articulate their concerns and relay their views. In the United States specifically, the federalist system has provided a much-needed safety net to protect the government from collapsing. American federalism derives the majority of its power from the 10th Amendment of the Constitution, stating: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." While this amendment has been interpreted by the

United States Supreme Court to have limited exceptions, it has been a large source of the power that local and state governments maintain today.

Today, in an age when the United States government is divided sharply on partisan lines and faces immense questions about the credibility and character of many of its elected officials, trust in government is weak. Just 40% of citizens trust the United States Congress, according to data reported by the Manhattan Institute on March 4, 2019. The Manhattan Institute also makes two important distinctions about federalism in the United States. First, the institute notes that citizens derive a "sense of empowerment" from participation in local government, which directly improves civic engagement. The institute also notes that local government has become a source for many of the democratic values and "spirit of liberty" that is present in America. The fact that local government officials are directly accountable to a smaller constituency incentivizes these leaders to "voice the tune of their constituency".

Fortunately in the United States, a lack of trust in government is uniquely confined to the federal level. At a state level, Gallup Polls found on October 9, 2018, that 63% of citizens trust their state government, which further speaks to the efficacy of a federalist system. Even further, trust in government jumps to 72% at the local level, where citizens have the most direct role in the decision-making process and where accountability is most present. When government systems break down representation between various levels, citizens become more engaged in the electoral process and give their government more legitimacy.

In South Sudan, it can be anticipated that this system will reap equally fruitful rewards.

For the new government to succeed, there needs to be a particularly strong sense of trust between the people and their elected officials. By creating local and state governments within a federal system, the South Sudanese people will be given direct autonomy over the decision-making

processes in their regions. Whereas a unitary form of government would force compliance and impose a single standard of government on all of the South Sudanese people, the federalist system allows for unique local and state governments to be established to accommodate the region-specific and culture-specific needs of the citizens.

## Women Serving in Government



 Mandate for female representation within elected state and central government positions as well as executive-appointed positions

8/26/20

# Women Serving in Government

- The ideas and genius of 50% of the country's population is potentially wasted without having a mandate
- Support of Federalism will be enhanced
  - Half of the country's population are women, and so women representation makes sense
- Ensure women are elected as well as appointed representatives in all aspects of government
- Some ballots to be all-female, where most qualified female candidate can be
- Suggested initial (minimum) mandate is 25% this mandate will continue from the current constitution
  - Mandate is kept in place until it is exceeded
- Encourage Women to become involved with governance by:
  - Government and NGO cooperating to bring academic resources to girls (books, writing implements, etc.)
  - Literacy test requirement for young people before they may complete their education to be eligible for seats in the national legislature

### Female Representation in Politics

While working as a female Page in the United States Senate, I was surrounded by powerful female senators. These women senators were outspoken, assertive, and excellent role models, advocating for Americans on a wide range of issues. I am highly supportive of the South Sudanese government's mandate that at least twenty-five percent of executive and legislative bodies be made up of women. The United States Constitution, by contrast, never mentions or addresses women. The fight for women to be represented in government, to gain the right to vote and own property, took hundreds of years. Females were not allowed to be Pages until 1971, only forty-nine years ago ("First Female Pages Appointed," 2020). Women only make up 23.7% of Congress and are greatly underrepresented in the House ("Women in the U.S. Congress 2020," 2020), as female participation in politics is considerably new for women.

The driving force behind women in the United States Congress has been the passion of women throughout U.S. history to gain increased rights and to be seen as equally competent as men. Some may argue that by establishing quotas for women in government, qualified men may be overlooked. However, there is criteria for who is allowed to be a representative and from what I understand of the 2011 South Sudanese Constitution, women would have to meet the same criteria as men.

I think a potential concern is not overlooking qualified men, but ensuring that the people are represented by someone of their choice who may or may not be female. I believe if women made it to a preliminary all-female ballot where people could choose their preferred female representative for the mandated percentage in a legislature, the people would be represented by a popular, well-liked, and democratically-elected female representative.

I also believe that perhaps the mandate could be gradually diminished until it is completely removed once there is no longer need for it. For example, if the mandate initially led to a national legislature of 25% women, then women would be at least partially represented in government. As women rise to positions of power through the mandate, other young girls and adolescents will see themselves represented in these women in places of authority and may aspire to become female representatives themselves. This could possibly lead to 30% of the legislature becoming female, then 40%, then 45%, etc. until the legislature is accurately representative of females in South Sudan. When over 25% of the legislature is filled by women, the mandate may be reduced to 20% of the legislature and if the percentage of women in the legislature continues to increase, the mandate can continue to be reduced. Once women are accurately and fully represented in the legislature, roughly 48% percent of the national population ("South Sudan: Gender in Brief," 2020) so at least 48% percent of the national legislature, can the mandate be completely eradicated. This process of mandate diminishment would apply to individual and executive and legislative bodies. If the national legislature reached an accurate representation of women within the country, but simultaneously, a local legislature did not reach an accurate representation of women within the locality being represented, the local legislature would maintain the mandate until it reached the accurate representation of women specific to that locality.

It can be expected that the percentage of women in government may dip slightly once a mandate is removed, but the aim of gradual diminishment is to introduce women to positions of power and to inspire other females to follow in the footsteps of their predecessors, introducing a pattern of women in political positions of power and thus, eliminating a need for a mandate at all.

A contributing concern to achieving accurate representation of women in legislative bodies is the low education level of many women. Literacy is a requirement for representatives in government so women are at a disadvantage when it comes to qualifying for positions of power. This may be approached one of two ways: (1) eradicate the requirement for representatives to be literate or (2) take concrete steps to promote female literacy through accessibility to education. The former method would lower standards for government representatives which would hinder any kind of decision making or written communication, major aspects of effective governance. The latter way would help equalize the opportunities of male and females. Women would have the same opportunities as men to pursue positions of power and would be equally qualified for these positions. This option appears to be more beneficial to the overall quality of government than the first.

From my experience as a female, as a Senate Page, and as a current student, I have immensely benefited from equal educational opportunities to my male peers. My ability to articulate my opinions through written form and to read and understand complex texts comes from learned reading and writing skills. I would never have been accepted into the prestigious and selective Senate Page Program had I not been able to write a resume and essay about my experiences, achievements, and desire to become a Senate Page. I would not have been able to stay in the program had I not been able to read or write, as I would not have been able to meet the academic requirements of the School. During my work in the Senate chamber, I had to be able to read numbers and titles of bills in order to deliver them to their correct destinations.

While I support a mandate to place women in positions of political power, I also support equal educational opportunities to help them get there. Due to limited resources for education, the South Sudanese government may perhaps benefit from working with non-governmental

organizations which may be able to provide resources such as books and school supplies for young girls so that they have appropriate tools to learn. In order to ensure the literacy of young women, I propose that the South Sudanese national government not only require equal elementary education for men and women, but have students of both sexes pass a literacy test before being allowed to complete their education. This ensures that a greater percentage of the population is literate and more women are eligible to become political representatives. This law would likely be most effective if it were a specific order from the national government which then authorized lower levels of government to enforce it in given areas or localities, creating a consistent standard for education across the country.

The combination of a mandate for female representatives and the requirement that women be literate before they can complete their education allows a sufficient number of women to qualify as representatives in government in both the executive and legislative bodies.

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## **Federalism Information Program**



 Encouraging elected officials and their staff to effectively convey government transparency and information

8/26/20

## **Federalism Information Program**

- Modeled after the U.S.'s C-SPAN network
  - C-SPAN, Cable-Satellite Public Affairs network, created in 1979 is a network that helps keep Americans informed by showing what our three branches of government are doing
- South Sudan government can actively show its citizens what they are doing and to protect federalism by keeping citizens educated and informed
- Content coming from South Sudan's National Legislature and the Council of States where they post their speeches, and actively show their procedures
- Because the entire country does not have access to internet and the platform to view this, government officials would have staff or volunteers travel around their constituency to share what their official is doing
- Federalism concepts will be shared throughout South Sudan to inspire education, debate, discussion, and through that, reform

8/26/20

### The South Sudan Federalist Information Program

During my time as a United States Senate Page, I found that every single senator is very active on social media, the radio, and television. On these different platforms they are sharing their speeches from the Senate Floor, explaining why they support something, or discussing a national issue. Their staff are responsible for the content that is seen on these different programs. They usually take parts of their speeches and post them on social media so that their constituents can see what they are doing. Another way senators are active on social media is by creating a video of themselves discussing an issue and trying to garner support or simply explaining why they support something. An example would be Senator Tim Scott's (R-SC) *Two with Tim*. On Instagram he will post two minute videos of him discussing what he has been doing and issues that the Senate is about to vote on to keep South Carolinians informed.

Through this social media communication, I realized that the senators are actively getting involved with their communities, although it is not conspicuous. They all publish videos and speeches but there seems to be one problem with all of it; not everyone knows about this. Constituents might not always know what their senator is doing but it can easily be accessible to them by finding their website or social media. Many times a staffer or representative of the senator will go to local events within their communities to talk about what the senator is currently trying to do. I also became very similar with C-SPAN, a public affairs network created in 1979 and funded by the cable industry. It broadcasts live proceedings of the United States federal government. C-SPAN is how the mainstream media has access to what's going on and they stream them as well.

With all of this information about U.S. senators and how they spread information, it could be especially helpful in supporting South Sudan's efforts in promoting federalism and the

adoption of a new Constitution. To support this, first, I believe South Sudan should set up a national network similar to C-SPAN that lets members of the National Legislature of South Sudan and the Council of States post their speeches and videos of them discussing federalism and other issues so anyone in South Sudan with internet access can become informed about what their government is doing. I believe this will strengthen the ties between the elected and appointed officials and the citizens as it has in the United States. Second, recognizing the lack of internet access throughout the entire country, there should be more ways to spread information. A solution: each member of the National Legislature of South Sudan and the Council of States should have a representative that travels to their communities they represent to share what the member is doing in a town hall model or the member could go themself. After the presentation, they could collect questions and concerns for their members. This will strengthen the ties between the citizens and elected officials because they are connecting on a personal level.

In conclusion, the use of C-SPAN and senator's staffers to effectively spread information around the country that I witnessed as a United States Senate Page has created a relationship between our government and our citizens that holds our senators accountable while also keeping our citizens involved in our civic process. It is my proposal to start a similar system in South Sudan mentioned in the former paragraph that will help shape the course of South Sudan's future in becoming a federalist country.

# Age for Voting Rights



Establishing a Voting Age for Elections

8/26/20

# Age for Voting Rights

- National voting age for South Sudanese citizens should be clarified in the Constitution
- Median age in South Sudan is 19, meaning if there is a slight variation in voting age in any region of the country, a large and consistent voice will be lost
- The United States faced this exact same problem before 1971 when President Nixon passed the 26th Amendment setting the voting age to 18 years old
  - Before 1971, there were states with varying voting ages. People began to discover that men were being sent to war by politicians they could not vote for because they were too young.
- Setting a clear age will allow the country to have all voices best represented and mitigate future problems that could spawn from an unclarified voting age
- Recognizing the importance of this issue is directly related to the success of Federalism

8/26/20 24

### Age Clarification for Voting Rights Included in the Constitution

During my time as a U.S. Senate Page, I discovered the unwavering patriotism of the young adult. While none of my fellow pages or I were yet the age of eighteen, the age that grants citizens the right to vote in the United States, we were very politically motivated and educated. We would often have engaging political conversions and debates. I saw other's political knowledge grow around me as they listened to senators' speeches. I noticed my fellow Pages whispering in the lobby about certain bills being passed while expressing their personal opinion of how they feel the bills will affect the nation. The South Sudanese Constitution grants voting rights to citizens, but does not clarify the age that the right to vote is granted. Young people are the future of South Sudan. In 2020, the median age in South Sudan is 19 years old meaning that there will be very large consequences if the voting age is not clarified in the Constitution. A large portion of South Sudan's largest voice will be lost if there was even a slight variation in voting age.

As aforementioned, the Constitution should clarify the voting age as opposed to states passing legislation regarding the voting age. This will not only ensure a uniform voting pool for elections in South Sudan, but is crucial for establishing federalism in the Republic. Citizens expressing their federal right to vote is the essence of freedom. If one state chose to set the voting age at sixteen and one decided to set the age at 21, the voice of South Sudan is missing and the vote will not be a consistent representation of South Sudan.

The United States is currently facing an election year and research shows that Generation Z (those who are 18-20 in the year 2020) will make up for 1 in 10 eligible voters in the 2020 presidential election (Cilluffo & Fry, 2019). Just as the United State's voting pool will drastically

change in the near future as more young voters become eligible to express their right to vote, so will the Republic of South Sudan.

Also, the age can be due to change. In the United States, the official age to vote was 21 in many states until 1971 when Richard Nixon certified the 26th amendment of the United States constitution. Until then, the voting age was not upheld by the Constitution and many soldiers in the Vietnam War were dying for their country without actually having a say in the politics of it all. People noticed that since it was expected that people start paying taxes, getting married and rising into adulthood, they should be granted the right to vote with those expectations. If the U.S. had established a voting age, the famous slogan, "Old enough to fight, old enough to vote" would never have been in the minds of soldiers who fought for their country, without having a say in its politics (2012).

Voting age is important to a changing society. It brings new ideas and fresh perspectives to the government. Setting one in the South Sudanese Constitution will keep them from facing the same problem the United States faced in 1971, and will allow young people to feel like their opinion is valued by their Republic.

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# **Lifelong Terms for Supreme Court Justices**



 Establishing lifelong terms for judicial nominations to the Supreme Court

8/26/20

# **Lifelong Terms for Supreme Court Justices**

- Lifelong terms for Supreme Court Justices would separate power between the Executive and Judiciary Branches, eliminating any type of imputed or appearance of bias
- Avoiding any and all appearance of bias is critical if justices are to be truly impartial and universally respected; this is essential for Federalism
- Separation of powers allows different branches of government to check and balance one another's power
- Lifelong terms would allow Supreme Court Justices to vote independently of outside influences
- In Federalist 76 Hamilton argues that "The complete independence of the courts of justice is peculiarly essential in a limited Constitution"

8/26/20

### Lifelong Terms for Supreme Court Justices

Federalism promotes the distinct roles of local, state, and national governments. In developing nations, federalism has the unique potential to integrate diverse nations and ethnic groups that may fear an overarching national government. Similar to the separation of local, state, and national governments in federalism, the separation of powers between different branches of government is critical for developing a successful representative democracy. In developing a new constitution for South Sudan, serious consideration should be given to the separation of powers between the Judicial, Executive, and Legislative branches of government.

To establish and clearly define the separation of powers between the Judicial and Executive branches in South Sudan, Justices of the Supreme Court of South Sudan should serve lifelong terms. Justices with lifelong terms may rule more freely based on their interpretation of the Constitution without fear of retaliation or removal from the court. Lifelong terms allow Justices to vote in accordance with their own beliefs, independently of outside influences.

Outside influences include potentially differing opinions of the Executive branch, the Legislative branch, or public opinion. If the sitting president has complete power to remove Supreme Court Justices, the Justices will have no alternative but to vote to appease the president. Separating the power of the Supreme Court from that of the president is critical to a system of checks and balances in a democratic republic.

During the creation of the United States Constitution, Alexander Hamilton also believed that lifelong terms for Supreme Court Justices would ensure the independence of the Judicial branch of government. In Federalist No. 78, Hamilton states, "... the independence of the judges may be an essential safeguard against the effects of occasional ill humors in the society." Hamilton went on to say, "Periodical appointments, however regulated, or by whomever made,

would, in some way or another, be fatal to their necessary independence." Hamilton argues that the best way to keep the Judicial branch independent from other branches of government is to have lifelong terms for Supreme Court Justices. Independent Justices may vote in accordance with their beliefs and individual interpretations to protect the Constitution.

As a Senate Page, I witnessed the separation of powers within our federal government through a system of checks and balances. In January and February of 2020, I participated in the impeachment trial of the 45<sup>th</sup> President of the United States, Donald J. Trump. As Chief Justice Roberts presided over the impeachment trial, I saw firsthand the separation of powers between the Judicial, Executive, and Legislative branches of government. During the impeachment process, the House of Representatives (part of the Legislative branch) believed that President Trump (part of the Executive branch) acted outside of his power. While the Senate voted to acquit President Trump on both articles of impeachment, the trial illustrates the limitations of power within our government, prohibiting any one branch from acting outside of its Constitutional authority.

In conclusion, I believe Hamilton said it best... "The complete independence of the courts of justice is peculiarly essential in a limited Constitution." As local, state, and national governments are all greatly impacted by the decisions of the Supreme Court, the independence of the Supreme Court of South Sudan from other branches of government is essential for a prospering federalist system. Lifetime appointments for Justices of the South Sudan Supreme Court establish a balance of power and ensure the complete independence of the Judicial branch that Hamilton suggests.

## The Federalist Letters of South Sudan



- Modeled after the The Federalist Papers
  - Federalist Papers were a series of essays written and published in the U.S. Thirteen Colonies during the 1780s and 1790s to promote Federalism

8/26/20

### The Federalist Letters of South Sudan

- Ideas on Federalism to be published in South Sudan newspapers as *The Federalist Letters of South Sudan* 
  - This project's essays/ideas are an initial source of letters
  - · Academics, politicians and anybody can submit a letter to MoFedA for publishing
- Authors would be anonymous, just as they were for *The Federalist Papers*.
- South Sudan citizens would debate the ideas
- · Ideas would also be verbally shared after initial reading
- Essays/ideas also read by politicians and radio talk-show hosts
  - Each person would take a stance on that topic and debate it live on national radio/television.
  - Goal would be to expose the people of South Sudan to federalist ideas so they can make up their own opinion
- Federalist ideas proposed in these essays to the leaders, politicians and citizens of South Sudan will allow debate, discussion and hopefully conclusion that Federalism is best choice of government

8/26/20

### The Federalist Letters of South Sudan

One of my most impactful memories of my time as a Senate Page serving in the U.S. Senate was witnessing the importance of debate on the Senate floor and the distribution of these speeches through the Congressional Record. Every day I witnessed first-hand from just a few feet away, senators debating issues that would directly decide the fate of the U.S. and indirectly the fate of the entire world. This was especially true during the impeachment trial of President Donald Trump. Stenographers type up all of the speeches that senators make while also sending them to the Congressional Record Office. This Office then prints and also posts the speeches on the internet. This is done so that the American public can read about what's going on in the Senate, allowing U.S. citizens an opportunity to debate the same ideas and topics confronting the senators. This form of public distribution and debate can be traced back to the United States' founding fathers when they wrote *The Federalist Papers*.

The Federalist Papers were a series of essays anonymously written by three of the founding fathers of the U.S.: Alexander Hamilton, James Madison, and John Jay. They wrote these essays to promote federalism in the post revolution United States. At the time, the U.S. Constitution had just been proposed and was still awaiting ratification by Congress but was being opposed by the Anti-Federalists led by Thomas Jefferson and Patrick Henry, who supported states' rights. By comparison, the Federalists believed in a strong central government with less or little power given to the states. The Federalist Papers were written to convince the Anti-Federalists to ratify the Constitution and create a stronger central government. They were first published either every week or every other week between October 1787 and May 1788. This endeavor proved successful, and on June 21, 1788 the Constitution was ratified with the minimum number of States to do so. The Federalist Papers were also crucially important during

the impeachment trial of President Donald Trump as they were quoted numerous times during the trial. The most frequently quoted were Federalist Number 69 and 49 as both relate to powers invested in the President. This goes to show that even 250 years after their publication, The Federalist Papers are still influencing American political thought.

My time as a Senate Page also reinforced my resolve and understanding of the crucial need for unbiased media coverage such as journalism, editorials, and opinions on radio, television and online. I saw this while working as a Senate Page whenever I was walking to the Senate Chamber from my residence at Daniel Webster Hall or from other office buildings of the Senate. There was always a large crowd of reporters outside the Senate Chamber, waiting to aggressively ask the senators questions about the impeachment trial. They did this because it was their duty to gain valuable information for the American public; information that would otherwise be inaccessible to the average person. I was one time asked by a reporter, "Which senators are thinking of voting to acquit President Trump?" I wisely chose not to answer since I and all of the Pages had sworn an oath of confidentiality at the beginning of our tenure as Senate Pages. Even so, it was each journalist's duty to try to get information from us. I respect their efforts, and sincerely believe that this type of behavior should be implemented in South Sudan through the publication, dissection, and analysis of essays/letters that people (including me and my fellow Pages) might write. These activities will allow the people of South Sudan to debate and discuss the possibilities of implementing various ideas about federalism.

As supported by the discussion above, I believe that South Sudan should create its own version of The Federalist Papers in order to accomplish the following three objectives: first, to promote federalism and the revision of a new Constitution for South Sudan; second, to promote cooperation between the state governments and federal government; third, to mitigate conflict in

South Sudan and prevent the resumption of civil war. These objectives will be accomplished by the following two methods. First, use a national radio or television broadcasting network to share ideas proposed by the Spring-2020 Pages as well as other academics. Here, these ideas can be read out loud and debated between South Sudanese politicians, academics, ministers, and constitutional experts. These written articles should be submitted anonymously and called: *The* Federalist Letters of South Sudan. This methodology allows the citizens of South Sudan who do not read well to listen and to understand the written essays/letters and their proposed ideas. Second, publish these same essays/letters as articles in South Sudan newspapers and journals, both printed as well as online so South Sudan politicians, lawyers, and others can read, debate and analyze them. Once the public reads and analyzes these essays/letters, further discussion can occur on television/radio programs. This idea of allowing the people of South Sudan to be able to debate issues amongst themselves and voice their concerns to their representatives stems from an August 2019 conversation I had with the Right Hon. Joseph Bol Chan, Speaker of the Council of States of South Sudan (Equal to Senate Majority Leader of U.S. Senate) and a great statesman for South Sudan. He said to me, "Power is dangerous; you must not let it go to your head or it will corrupt you. Instead, do what's best for the people; not what's best for you. Do what's best for the people."

In conclusion, the use of the Congressional Record and Freedom of Press (First Amendment of the U.S. Constitution) that I witnessed as a Senate Page working for our country's 100 senators in the U.S. Senate has led me to propose that the government of South Sudan publish essays and articles written by my fellow Spring-2020 Pages as well as others. These should be called The Federalist Letters of South Sudan and should be widely distributed to allow the people of South Sudan to read the articles, digest them, and come to their own

conclusions. The articles, discussion, and debate will focus on whether federalism is in the best interest of the people of South Sudan, or not. It is optimistically intended and predicted that in the end, just as occurred in the United States, federalism will become the dominating argument for a new form of government in South Sudan.

## Popular Vote



To increase support and legitimacy for Federalism, national elections

 with a popular vote – should be established

8/26/20

# Popular Vote

- National elections for publicly held elected office are key in allowing for more civic engagement for all levels of government
- The United States has a popular election for all elected offices
  - This is not the case for the Presidency
    - The President is elected through the Electoral College
- For all levels of government, the American electorate has increasingly favored a popular election for all levels of government
- Allowing for a national popular election not only reinforces the faith in the democratic system, but it also allows for civic engagement in the local, state, and federal levels of governments
- National popular election allows multiple parties to emerge, creating a political landscape which lets people articulate ideas in a representative system

8/26/20

### The Urgency for a National Popular Vote

On December 18th, 2019, President Donald J. Trump was impeached by the United States (U.S.) House of Representatives and later tried in the U.S. Senate. I was an eye-witness to this event both as a student of American government, and on January 27th, as a Page for the U.S Senate. President Trump was impeached for "Using the powers of his high office, [to solicit] the interference of a foreign government, Ukraine, in the 2020 United States Presidential election" (H. Res 755). Claims and allegations of a threat to the key fundamental principle of the American electorate - on this scale - has never been seen before in American history. As one of thirty Senate Pages serving during the unprecedented trial, it was an honor and privilege being able to witness some of the greatest legal minds debate in the greatest deliberative body in the world. However, after observing the impeachment trial I am now ever the more in favor of establishing an electoral system that must be protected from foreign and domestic interference and a system that encourages and reinforces democratic-federalist beliefs of establishing a popular vote for all levels of the government.

During the impeachment trial, the U.S. Senate tried President Trump and found him not guilty on both articles of impeachment. However, the provoking motions by the House Democrats suggested interference in the national elections this year. Some pundits and political scholars point to America's Electoral College and claim that because we have this institution, no interference can occur in our elections; therefore, there was no need for an impeachment trial. Moreover, what political pundits get wrong is how the Electoral College actually works, and how interference can still occur. The American Electoral College is an institution wherein during a national election constituents cast votes for whom they elect to be president while electors in the Electoral College are supposed to reflect their vote. However, foreign interference to steer the

elections in favor of one candidate is not democratic, especially in a system where the people's vote does, indirectly, count towards electing the next president. This is how the Electoral College can be disrupted; and why it is important for any government to recognize the dangers of election interference

An overwhelming 50 percent of Americans support dismantling the Electoral College and switching to a national popular vote without a "two-plus" party system - which encourages two large political parties that creates polarity in a state's political system. Therefore, as an emerging federalist state that is trying to incorporate democratic principles, South Sudan should adopt a proportional representative national popular vote where the percentage of a vote for a party will reflect the amount that the party will have in the legislative branch. This system also works for local levels of government and the presidency as well because using plurality to determine who wins ensures that whoever does win did so because they had the most votes. This also helps encourage a multi-party system which can be beneficial to allowing differing opinions to be heard and represented in the government so long as there is enough support for the belief.

In conclusion, by observing America's current state of election, it is apparent that elections and electoral rights should be protected at all costs. Furthermore, because elections represent the people, fair and free popular elections are urgent factors needed to pave the way for democracy worldwide; and, they are only ever the more supported through a national popular vote.

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## **Balance of Powers**



• The protection of democracy and legislation should be ensured through a nonpartisan official who is not in the president's cabinet

8/26/20

## **Balance of Powers**

- The Minister of Justice should not be appointed
  - The Minister should be nonpartisan
  - Having the Ministry of Justice in the cabinet does not allow for a balance of power within the government
    - However the Ministry of Justice should still be a part of the Executive Branch
- To keep the Minister of Justice independent is to change the way it is filled
  - To maintain a balance of power, the legislative branch should have to undergo a nomination process for which gets approved with a two-thirds majority.
  - In order to remove the Minster, two-thirds of the legislative branch must approve the removal
- The Minister of Justice brings charges against wrongdoings and investigates claims of misconduct
- An independent Minister of Justice strongly supports all aspects of Federalism since he/she is confirmed by the Legislature

8/26/20

### Balance of Power: Ministry of Justice

The United States Legislative branch has vital components that ensure that there are checks and balances throughout the different branches of government. This bicameral legislature is composed of the House of Representatives and the Senate. The House members are elected every two years, with the number of members from the states varying depending on their population although always totaling 435. The Senate is composed of two senators from each state to ensure that each state has proper representation. The senators are elected by the people for a term of six years not appointed by the president. These two legislative bodies serve as checks and balances for the president and Executive Branch. For example, during the recent impeachment trial of President Donald J. Trump the House of Representatives voted to impeach the President, however, the Senate failed to do so. The senators sat for hours and listened to testimony by the White House Counsel and the House Managers. As a U.S. Senate Page, I witnessed democracy in action. I saw how some Senators voted their conscience, and not by their party. Even though the legislators are elected by the people of a specific party, they sometimes vote independently, knowing they may not be reelected.

A democracy means that there is a balance of power. If one sector of the government has too much power then justice is hindered. The Ministry of Justice should not be appointed by the president. Currently, by having the Minister of Justice part of the president's cabinet there cannot be a balance of power. According to the 2011 Transitional Constitution of South Sudan the Minister of Justice's responsibilities include, "performing such other functions as may be assigned to him or her by the President or the law" (Section 8 part 135). In order to ensure the Ministry of Justice is independent from the president's cabinet he should not be taking orders

from the president. The Ministry of Justice should remain part of the Executive Branch, however, but independent from the president.

Another way to keep the position of Minister of Justice independent from the president is to change how the position is filled. The president may recommend someone who he feels is qualified for the position. The nominee would then be confirmed by two-thirds majority of the National Legislative Assembly. This will guarantee that the president has some voice in choosing the Minister but does not have complete authority to appoint the Minister. Similarly, in order to remove the Minister, charges of wrongdoing must be brought and two-thirds majority of the National Legislative Assembly is needed to remove the Minister of Justice. In the case of removal, the Deputy Minister shall become the acting Minister until the President nominates another who is confirmed by the National Legislative Assembly. This process will ensure transparency to the country and show that the power to appoint belongs to the Legislative Assembly, not the President.

The purpose of the Minister of Justice is to oversee the Ministry of Justice. The Ministry of Justice will be tasked with investigating claims of wrongdoing and misconduct against the government or its members. The Ministry of Justice will bring charges if necessary. The Ministry of Justice will also be responsible for making sure court rulings and laws are made public, in multiple languages, to all states and people of the Republic of South Sudan. Having a Ministry of Justice will deter government officials from corruption, thus protecting the people of the Republic of South Sudan.

The creation of this new Ministry of Justice will bring equity to the nation. It will serve to balance the powers of the government. For the states it will safeguard against dishonesty and abuse of power. Checks and Balances are the foundation of a democratic nation. Restructuring

the Ministry of Justice will have a positive and long-term impact on the citizens of the Republic of the South Sudan.

# Resources for Research

- Several good references have been collected and added to the KCC website below. Please use the tab for "South Sudan Federalism Project". There are also some articles I wrote as a high school sophomore and junior that might be helpful. See website at https: KCC-T1d.com.
  - Click here for KCC website; Research Tab

To the right are Vice-President Dr. Riek Machar (left) and President Salva Kiir (right).

Link to Source for VP Dr. Machar picture

Link to Source for President Kiir Picture





8/26/20

# **Back-Up Slides**

To right is impeachment trial of President Donald Trump; Pages Phoebe McChesney and Kyle Thaller are sitting directly to left of the Rostrum, behind Congressman Adam Schiff and Hon. John Roberts, Chief Justice of U.S. Supreme Court is in the Senate President's chair and presiding. Pix is from C-CPAN circa 1/30/2020.



8/26/20

34

Slides 35: Remaining Ideas

Remaining Ideas (listed alphabetically by Page's last name)



Name	Idea
Cole, Eli	Supremacy & "Necessary & Proper Clauses"
McChesney, Phoebe	Freedom of Expression
McChesney, Phoebe	Federal Jurisdiction: Spheres of Power
McChesney, Phoebe	Separation of Powers
McChesney, Phoebe	Independent Vice Presidency
Slucher, Mallory	Female Voting Rights
Teague, Hunter	Election of the Council of States
Thaller, Kyle	State and Federal Offices for Senior Elected Officials
Thaller, Kyle	South Sudan Parliamentary Page- Internship Program
Vazquez, Andres	Environmental Federalism
To the left is Vice-President Dr. Riek Machar and President Salva Kiir Mayardit <u>Link to Source</u>	35

# Supremacy & "Necessary and Proper Clauses"



• Implementation of laws which establish and define the relation between the federal and state government reinforces federalism

8/26/20

# Supremacy & "Necessary and Proper Clauses"

- Separation between federal and state law when legislating allows federalism to succeed
- Creating a mirror of the United State's Tenth Amendment would reinforce Federalism by granting any nonfederal law rights to the state government
- Linking the state and federal government through something similar to the United States' "Necessary and Proper Clause" would create a strong bond while also promoting Federalism
- By making the federal law the highest law of the land while also working in aspects of America's Tenth Amendment and "Necessary and Proper Clause,"
  - Federalism will be promoted through constitutional features that encourage state and federal cooperation in lawmaking and legislation

8/26/20 37

### Supremacy & "Necessary and Proper Clauses"

During my time as a Senate Page, I noticed that one important distinction that was always made in every law was separation between state and federal laws. The federal law would always trump the state law. Every law that progressed through the Senate contained details of how this separation would occur. Any law from war defense bills to clean energy bills to wildlife protection bills always contained details of how separations would function in each state.

Through the war powers act, I overheard countless discussions between senators and lobbyists, and I even noticed a change in voting for a select few senators. Senator Lisa Murkowski from Alaska, the Chairwoman of the Energy Committee, also founded a clean energy bill that I witnessed countless hours of debate. Throughout both of these experiences, I noticed that all of the Senators had a few priorities in mind. First, I noticed that they all tried to create a separation between federal and state legislation in every law they worked on. Second, they always had the concern of their constituents in mind. I discerned that there were two clauses in the United States Constitution that gave rise to this separation.

Several clauses in the United States Constitution would be beneficial during the development of federalism in South Sudan. First, the Tenth Amendment of the United States Constitution states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states respectively, or to the people." This rule basically reserves all rights not granted to the federal government to the states. Several of these powers in the United States include the following: financial powers, control over the executive, control over constitutional amendments, and electoral function. This provision was not meant to be a limit on what the federal government can or cannot do, yet its full intention was to provide better cooperation between state and federal governments. This amendment is also used extensively with the

"Necessary and Proper Clause" in Article 1 Section 8 of our Constitution. This clause assists the Constitution to be not the only source of laws in our country. Having this link between the state and federal government would create a stronger bond, which, in return, would promote Federalism.

The Supremacy Clause states, "This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land...." This clause states that our Constitution, treaties, and all other federal laws are the supreme Law of the Land. State judges are required by law to uphold it, even when state laws or constitutions are not in accordance with this law. The last point of the supremacy clause is that states can not regulate, interfere with, or take control of any federal issues.

I believe that these two clauses will help South Sudan through the creation of a greater bond between both state and national governments, and in the end, will promote federalism.

These provisions would help to lay the pathway to create legislation that will promote every state as a whole. In conclusion, a greater development of relations will ensue through a stronger system balancing laws in every state, which in turn will promote federalism.

8/26/20

# Freedom of Expression



• The right to peacefully assemble through such actions as protests, demonstrations, marches, etc.

# Freedom of Expression

- Gives people of a country input and power within the political system
- Examples: lobbyists on Capital Hill, peaceful demonstrations, etc.
- People are more accepting of a federalist form of government when people feel they are being heard
- Peaceful assembly leads to:
  - a longer lasting more flexible policy
  - · Responds to changing times
- Dr. Martin Luther King, Jr. helped pass civil rights legislation and American governors are taking down controversial statues and symbols due to peaceful protest

8/26/20

### Freedom of Expression

The concept of federalism works partly because ordinary Americans are able to express their opinions to their representatives. In order for the state and national governments to pass laws that are efficacious to the maintenance of peace and prosperity inside the country, the voices of constituents are highly valued.

A provision for free speech is listed in the Bill of Rights of the United States

Constitution. The First Amendment states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances" ("Constitution of the United States," 2009).

South Sudan may benefit from including the right to peaceful freedom of expression within its own constitution in order to maintain a stable system of government (federalism) and ensure its permanency by creating a flexible ruling body.

The right to lobby, protest, and express oneself is protected by the U.S. Constitution through the First Amendment. Because American citizens have freedom of speech, they can channel their passion for civil causes through peaceful protest or demonstration. While serving as a Senate Page, I observed lobbyists visit the Senate chamber for a number of causes. They were not hard to miss as they often color coordinated their outfits and came in large masses to grab the attention of senators. This was in itself, an exercise of the right to freedom of expression, the ability to not only make a direct statement by talking with legislators, which is what lobbyists often do, but to make an indirect statement through clothing choice, to communicate their opinion on a policy issue. Through the ability to express their ideas, to try to convince lawmakers

to vote one side or another, these Americans feel part of the political process because they are being heard.

The United States is also currently dealing with outrage over systemic racism and police brutality. Americans are angry that ongoing racial discrimination within the United States has resulted in the deaths of innocent Black men and women at the hands of the police officers who were supposed to protect the very same people they killed. In response, Americans have taken to the streets in protest, the overwhelming majority of which have been peaceful and thus, constitutional. Without the right to peaceful protest, the outrage of Americans would grow and could potentially lead to violent uprisings.

The ability to express freedom of speech is key to effective federalism because it keeps the government intact. A healthy outlet to expressing opinions on the government is through nonviolent demonstration through the likes of marches, lobbying, and parades. If people feel like they are being heard, they are content with their current government.

In addition, peaceful protest works to maintain a flexible system that is better able to respond to changing economic, social, and political factors and so it is more probable to endure permanently than if freedom of expression were limited.

For example, the late activist, Dr. Martin Luther King, Jr. employed nonviolent protest that helped achieve civil rights legislation outlawing racial discrimination in public places (Civil Rights Act of 1964). More currently, American lawmakers are listening to demonstrators and changing laws that still support racist institutions. Governors of formerly Confederate states are taking down the Confederate flag due to its symbolism in support of slavery. Mayors have diverted funding away from police departments and toward schools and public facilities as well

as mental health resource centers in order to more adequately support residents of their towns and cities.

Such changes within the United States have been supported by the Constitution itself and interpreter of the document, former Chief Justice of the Supreme Court, John Marshall. Marshall claimed that "...a constitution, intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs..." ("Constitution of the United States," 2009). Marshall supported a Constitution that would change and adapt to the current conditions of the country and the world. The Constitution itself supports this idea through its provision for amendments or changes to the Constitution that allow the document to respond to contemporary problems that were not relevant at the time the Constitution was first written.

Being able to change the Constitution in response to the shifting desires of the people allows the federalist system of government to continue to operate for an extended period of time. The system adapts to the needs of the people by allowing people to have input into the system through freedom of expression and representation. When people feel like the system reflects their needs, they do not oppose it. When the system is structurally built to change and adapt, it is able to continue to reflect the desires of its constituents and people as a body and maintain a stable relationship between the people and the government.

# Federal Jurisdiction: Spheres of Power



 Distinguish spheres of power between the traditional/local, state, and national governments

8/26/20

# Federal Jurisdiction: Spheres of Power

- In order for Federalism to work, spheres of power must be clearly outlined
  - In the U.S., local/tradition governments have specific, outlined powers
  - The national government has unique and defined powers
- These powers may overlap on occasion
- However, the constitution includes a provision protecting specific rights of the people and local/traditional governments from the national government
- Ensures all levels of government have authority, and keeps national government in check

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41

#### Federal Jurisdiction; Spheres of Power

The United States (U.S.) has an effective federal government in that powers are shared between states and the national government. A major reason federalism works for the U.S. is the fact that states have independent jurisdiction that the national government does not involve itself in (National Archives & Records, n.d.). Individual federal jurisdiction as a fundamental aspect of federalism may benefit South Sudan by being provided for in its constitution.

While serving as a Senate Page, not only did I regularly see senators at work, but I also listened to speeches they made on the floor. While each senator is a representative of a given state, that person is the national representative, not the state representative. While senators did mention their states on occasion, they focused more on the impact of legislation on Americans rather than members of a particular state. Senators were not voting on clean energy legislation for Texas or a COVID-19 emergency action plan for New York. Each vote affected all states because if they had power over individual states, then the states as individuals would have none.

The Tenth Amendment to the United States Constitution claims, "The power not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." This Amendment claims that states have authority over powers not given to the national government. Due to the Tenth Amendment, the states presently have individual power over such items as education, commerce within the state, motor laws, energy laws, and certain job laws since these are not powers given to the national government. The states are not allowed to commit such actions as regulating trade across states and with other nations, coining money, borrowing money for the nation, making naturalization or bankruptcy law, granting copyrights or patents, declaring war, raising or regulating armies, or

collecting taxes because these are powers the Constitution grants the national government (Article I, Section 8).

If the national government were to impede upon the rights of the state governments or the state governments upon the national government, the accusing side could bring the case to the Supreme Court which establishes the final legal say. The Supreme Court's duty is to protect the inherent character of the Constitution by ruling on whether or not a situation, document, etc. is constitutional, also known as judicial review. This ability ultimately protects the freedoms of the States and the people from the national government since the Constitution guarantees rights to the States and the people while maintaining the power of the national government. In the U.S., this lets the national government unite all fifty states and run an efficient country.

By keeping the spheres of responsibilities separate for state governments and the national government, states are able to retain their own autonomy within their territory and the national government remains powerful enough to take care of the duties it needs to make decisions concerning the country as a whole. This balance between local or traditional governments and the national government allows the people of South Sudan their own autonomy while simultaneously allowing the national government to have sufficient authority over the entire country.

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# **Separation of Powers**



• Division of national powers among multiple branches

8/26/20

# **Separation of Powers**

- Required for federalism to work. Otherwise, the government is not really federalist-based since the judiciary can always over-rule state powers
- Increased efficiency of government
  - Lawmakers do not have the time to rule on constitutionality of legislation
- Ensure neutrality in judicial decisions
- Lawmakers would have difficulty remaining unbiased if having to judge the fairness of bills they voted for/against
- Essay may be used to promote Federalism to the South Sudanese people by reiterating support of an aspect of Federalism (promotes *Federalist Letters of South Sudan* idea)

8/26/20 43

#### Separation of Powers

The United States includes separation of powers as a core concept of its government. The legislative branch is responsible for making laws, the executive branch for enforcing them, and the judicial branch for making sure government action is constitutional. I believe South Sudan would benefit from having a similar federalism-based government organization as outlined in the United States Constitution, with one branch responsible for a particular function in order to encourage efficiency and prevent one singular branch from gaining too much power.

During my time as a Page in the United States Senate, I worked with lawmakers within the judicial branch. On a regular basis, senators were voting, speaking, and making decisions about proposed bills and legislation. When not inside the Senate Chamber itself, many went back to their offices or traveled to their home states in order to reach out to constituents. Lawmakers were kept so busy managing emerging legislation that they did not have the time to deal with enforcement of laws or deciding whether all laws adhered to the Constitution. The judicial and executive branches are very similar in that senators, judges, justices, and presidents do not have the capacity to manage the responsibilities of all three branches. Responsibilities are broken up across branches in order to promote maximum efficiency in each of the three departments. This is done so that lawmaking is given the same attention and organization as enforcing laws and ruling on their fairness.

In addition, breaking up duties across different branches enables each one to check the authority of the others. If one branch were to take on the responsibility of rulemaking, enforcement, and judgement of laws, it would be unable to stay unbiased. For example, lawmakers would continuously rule their laws constitutional even if they were not, because they would also have had the power of the judiciary. Since the judiciary branch is separate from the

legislative branch, the judiciary can objectively decide the constitutionality of laws. Likewise, if the President made all laws, he or she could also declare these laws constitutional and therefore not be held accountable by the Constitution. This would only mimic a monarchy, and take away power from the people. For federalism to work, separation of powers is required.

# **Independent Vice Presidency**



 Once the Vice President is elected, the president cannot dismiss the Vice President without approval from Legislature

8/26/20

### **Independent Vice Presidency**

- Vice President to be elected and will serve same term as President
- Vice President cannot be removed unless requested by President and confirmed by super majority vote of Legislature
- Role of Vice President
  - Advise the President honestly, without fear of job termination
  - Assist the President in managing the duties of the Executive Office
  - Offer viewpoints different from the President's which may be representative of various perspectives throughout the country, increasing representation of the country's diversity within the national government
- President and vice president may work jointly though informal sharing of power, reducing potential need to compete for executive authority
- Important for federalism since states will see and respect constitutionalbased sharing of power

8/26/20

#### Independent Vice Presidency

The President of the United States picks a vice president as his or her running mate. Once in office however, the vice president is only subject to removal from office through impeachment ("Vice President of the United States," 2020) and (Article II, Section 4). Although both have responsibilities within the Executive Branch, the president cannot dismiss the vice president.

In order to encourage independence within the Executive Branch, I believe South Sudan should include a constitutional provision that limits presidential power over the vice president, namely preventing presidential dismissal of the vice president, in order to more evenly distribute powers across the executive branch and ultimately contribute to the stability of government.

The current United States Vice President, Michael Pence, was a United States senator before he joined President Donald Trump's campaign. While I served as a Senate Page, the Vice President came to visit the Capitol Building and talked to Pages in the lobby of the Senate Chamber. He comes to the Capitol in order to stay connected to legislators, as he is the President of the Senate. His major constitutional responsibility is to break ties in voting in the Senate and has very few other outlined duties. Former President Barack Obama assigned former Vice President Joseph Biden certain responsibilities within the Obama administration, but did not have the power to fire Vice President Biden. He could choose to give or take away tasks for the vice president to complete, but ultimately had to have the same person serving in the position throughout the same term.

If the vice president cannot be dismissed by the president, he or she is able to act independently and may advise the president more appropriately on policy without fear of job termination. The vice president may offer additional perspectives to policy enforcement and help to share the responsibilities of the president if allowed to do so. This allows the president to

better do his or her job and allows the vice president more power over activities in the executive branch.

Additionally, this encourages flexibility within the executive branch, and policy enforcement more representative of the people due to various perspectives on the same issues. If the president informally shares powers with the vice president, both leaders would be more inclined to agree and cooperate in order to keep the country running. There would be no need to compete against one another for presidential power or work against one another while in office since decisions would be made jointly by the two people, which may mitigate potential conflict between differing party interests.

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Women have an equal right to vote and should be encouraged to vote

8/26/20

# Female Voting Rights

- The current Constitution specifically lays out rights for women but does not include voting rights
- Without having a specification, the current constitution has too much legal ambiguity, leaving room for future politicians to abuse powers
- In the United States, Article 1 granted citizens the right to vote; however, women were not specifically addressed until nearly 150 years later
- Having gender diversity in the voting pool ensures the whole country's needs are represented instead of just one group of people
- Gender diversity, like ethnic and geographic diversity is in general support of Federalism and separation of powers.

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#### Female Voting Rights

Having the opportunity to serve as one of the fourteen females selected during the spring semester of the U.S. Senate Page Program allowed me to be in the presence of so many strong female role models. My fellow pages surrounded me with words of empowerment and through listening to the speeches and debates the female senators would give, I discovered the importance of having different perspectives in the Chamber. Similarly, this uncovered a realization of the need for gender diversity in the voting pool. The U.S. Constitution did not grant females the right to vote until 1920 when the 19th amendment was passed. Article I of the United States Constitution did not blatantly say that females were granted the right to vote. When the United States began, it was only wealthy landowners with the privilege that many fought and died for.

The same stands for the current Constitution of the Republic of South Sudan. While Article 16 in the Bill of Rights is set apart specifically for the rights of women, it does not include the right to vote. A country that stands with half of their population lacking the right to vote will face issues in the future. The U.S. saw it with an extreme lack of representation for the first one hundred and fifty years of its being until Jeanette Rankin broke the mold and was voted into the House of Representatives in 1917. While women have been working towards representation since then, the 19th amendment has certainly helped widen female representation in politics.

The current constitution for South Sudan says that every citizen has the right to vote; however, what are the chances that people abuse powers? Women in South Sudan do express their right to vote but, the wording of the constitution leaves too much legal ambiguity. Without openly granting women the right to this privilege, the unthinkable has the opportunity to happen.

Voting is a person's best way to keep its country in check and become the best it can for all, not just certain clusters of a population. Additionally, protecting women's right to vote will set a precedent for voting in state and local government elections. As it is the state and local government's job to enact many laws that are specific and important to the region, it is important that this precedent is set to ensure lasting changes in their communities.

In 1776, Abigail Adams, the wife of America's second President, John Adams, wrote in a letter to him, "I desire you would remember the ladies and be more generous and favorable to them than your ancestors". The Continental Congress did not heed to Abigail Adams' wishes and placed women in a period of oppression for 150 years to come. As I conclude, I urge that Adams's wishes be granted: for women be specifically included in the voting rights article to ensure gender diversity in South Sudan's voting pool.

### **Election of the Council of States**



• Representation of the people is essential in a Federalist system, and the election of the Council of States gives the people of South Sudan greater representation in their government

8/26/20

### **Election of the Council of States**

- Federalism in the U.S. works well with elected rather than appointed officials, and so federalism in South Sudan should benefit by this model
- The election of the Council of States separates powers between the Legislative and Executive Branches
- Elected representatives more likely to trust those whom they have elected
- James Madison explains the importance of the separation of power in Federalist 51 (one of the Federalist Papers)
- Madison states, "In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own"

8/26/20 49

### Election of the Council of States

Representation of the people in the local, state, and national government is an essential part of a federalist system. For the people of South Sudan to have greater representation in their government, the members of the South Sudan Council of States should be elected by the people of each state rather than be appointed by the president. Additionally, the election of the members of the Council of States would further create a separation of powers between the legislative branch and executive branch of South Sudan's Government.

During my experience as a Senate Page, I saw senators frequently giving speeches and creating awareness for issues that disproportionately affected their home state; I believe that senators focused on such issues because they were elected by the people of their own state. For example, I remember Senator Kennedy from Louisiana giving a speech that requested funding to counteract the rising sea levels in his home state. The people of Louisiana were greatly impacted as their homes and businesses became submerged in water – Senator Kennedy then spoke on the Senate floor and represented his people and their struggles. While senators must focus primarily on issues that affect the nation as a whole, having representatives from each state allows them to create awareness on issues that affect specific regions more than others. For this reason, I believe that the people are better represented if they elect their legislative branch.

Elected representatives more accurately reflect the will of the people. People are also naturally more likely to trust those whom they have elected, and trust in the government is crucial for the people to accept a federalist system. In addition, elected representatives are more accessible to the people. Federalism will be able to function better if the diverse populations elect diverse representatives that accurately portray the people.

Another benefit of the election of the Council of States is the separation of powers between the legislative branch and executive branch. In Federalist 51, James Madison discusses the importance of separating powers of the federal government. Madison states, "In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own." For example, if the president has the power to appoint and dismiss anyone in the judicial or legislative branches, the president may control all aspects of the federal government. Unlimited presidential power undermines democracy. If the powers of the federal government are properly designated between the branches, the branches will be able to check and balance each other's power, thus preventing any specific branch of government from becoming too powerful. A legislative branch that is elected by the people and completely independent of the presidency checks and balances the power of the president.

The election of the Council of States by the people will increase their representation in the national government. Representation in the local governments, state governments, and national government is important for sustaining a federalist system in which the different levels of government work together. For this reason, the election of the Council of States by the people of each state better promotes federalism. The election of the Council of States will also promote separation of powers and will allow the members of the Council of States to focus on issues that impact their own state instead of national issues involving the president.

### State and Federal Offices for Senior Elected Officials

Senate Page

Senate Portrait

Sponsoring Senator

Senate Portrait

Senator Mark Warner
D-Virginia
Vice-Chair of Senate Intelligence
Committee

- Every U.S. Senator has two offices, one in Washington D.C, the Capital of the U.S., and one office back in the capital of their home state.
- South Sudan should follow this example as it would promote Federalism and cooperation between the State and National governments.

8/26/20

### State and Federal Offices for Senior Elected Officials

- Senior Elected officials of South Sudan having State offices and Federal offices would have many merits
  - Shows that Members of the Council of States and National Assembly are keeping the interests of their constituents close to their heart
  - Promotes Federalism since there is one office in Juba, and one office back in their home state, therefore showing cooperation between the State and National governments
  - o Creates jobs in their state since the state office will need staff
    - The Member of Parliament will also need a staff to help him/her manage his affairs
    - Staff should be extremely diverse and represent the ethnicities of the people of each state
    - Avoid favoritism and select the people who are most qualified

8/26/20

51

#### State and Federal Offices for Senior Elected Officials

As a U.S. Senate Page, I often had to visit the offices of the senators in order to deliver various materials for them. Some of these materials included: Important legislation they voted on, notes they took during the impeachment trial, and the latest news from various newspapers. Whenever I went to an individual senator's office I was always very observant of the fact that each office was a glimpse into the culture of that state. Such was true when I went to Senator Tester of Montana's office; inside was a stuffed Buffalo head and portraits of cowboys wrangling cattle. Also, I could easily tell that the staff inside were all from Montana as their desks were decorated with Montana sports teams' regalia. Senators are deeply proud of the culture and heritage of their state and they carry this pride into the Senate in how they structure their workspace and recruit their employees. Another way that senators show that they care about their state is that they set up satellite offices in their home states. These are used whenever the senator is back home and show their constituents that they have not forgotten their origin and history.

Federalism involves the sharing of power between state and central governments, with each being sensitive and constantly aware of differing cultures, just as is true with senators from different states. This concept leads to my proposal for South Sudan: to have one office for each Member of Parliament (MP) in South Sudan in Juba, and one office in the capital of each of their respective states. The implementation of this proposal would allow each MP to have a strong home base in each of their respective states for two reasons. One, they would physically have an office to go to once they return to their states and a place to do work and check on important issues from the office of the President or other important officials. Second, it also shows the general public that the MPs are trying to allow their constituents to voice their concerns to the

federal government and let them be heard. As a result, it would promote cooperation and prosperity between the states and the federal government, which further supports federalism. The state offices will also create a need for a staff to manage affairs while the MP is absent and in the Capital. This would create jobs for the MP's constituents. Overall, this concept should also be a constitutional requirement.

I also would like to propose that the staff who assist the MP while he/she is in the capital be citizens from his or her respective state and to pick them based on talent or merit, rather than if they know the MP personally or is a relative. I believe that this should be implemented for three reasons. First, it would show the MP's constituents that their representatives are neither nepotistic nor corrupt but instead are picking staffers who would do the best job, which is always good for any democracy as it shows the leader to be an advocate of the common people. Second, it would encourage other citizens to try to engage themselves in civic duty and politics by voting or even volunteering for campaigns. Third, by having the best suited person, the job will be done the most efficiently and the MP's office will run that much more smoothly. The practice of choosing merit over favor is sometimes not done in the U.S. for a variety of reasons. However, if South Sudan implements this practice, then they would and could be seen as a model to other countries, including the U.S.

Each ethnic group within each MP's state or constituency should also be fairly represented in the staff that the MP picks. The MP should choose his staff to make sure that everyone is talented but also at least one person from each group/tribe is picked from within that state. This would create equal representation in the staff of the MP's state and show them to be right and just. This concept of doing what's honorable and right as a public official stems from an August 2019 conversation that I had with the Right Hon. Joseph Bol Chan, Speaker of the

Council of States of South Sudan (equal to Senate Majority Leader of the U.S. Senate). He said to me, "Power is dangerous; you must not let it go to your head or it will corrupt you. Instead, do what's best for the people; not what's best for you. Do what's best for the people."

In conclusion, my time as a Page showed me that senators and politicians should not forget their origin and whom they are fighting for. Hence, they should have both state offices and employees from all ethnic groups from within their own state working in those offices. I believe this should also be implemented in South Sudan to promote cooperation between the states, federal government, and the promotion of federalism. The practice of choosing employees on the basis of merit and talent (rather than on personal relationships) should also be implemented as it would show that the MP or government official is fair and just.

### The South Sudan Parliamentary Page/Internship Program

Senate Page

Senate Portrait

Sponsoring Senator

Senate Portrait

Senator Mark Warner
D-Virginia
Vice-Chair of Senate Intelligence
Committee

- · The U.S. Senate Page Program was founded to foster future leaders in public service and government.
- South Sudan should establish a similar program for the Council of States or the National Assembly to promote Federalism while also encouraging the young leaders of South Sudan to enter public service

8/26/20

### The South Sudan Parliamentary Page/Internship Program

- Inspires young leaders to enter public service
- Allows college students to intern or serve as a "Page" for Members of the the National Assembly or Council of States
- Gives Parliamentary Pages a first-hand look into the Legislative process and the highest levels of the Federal government
- Former Senate Pages from the U.S. to assist and become involved
  - Visit for a month or so during the summer
  - Video conferences throughout the year
  - · Consider introduction to the U.S. Senate Page Program
- Promotes federalism by:
  - Taking college students from Universities that are in each of the respective states in South Sudan and sending them to Juba to work for their Representatives in the Council of States and the National assembly

3/26/20 53

#### The South Sudan Parliamentary Page/Internship Program

The most influential experience I have ever had in my life was as a U.S. Senate Page. Prior to the Senate Page Program, I was fascinated by history, politics, and famous people and thought of public service as a possible career option. However, as a U.S. Senate Page I witnessed and experienced the impeachment trial of President Donald Trump firsthand. This was an incredibly significant part of American history and showed how our federalist-based government strikes the perfect balance between its three branches. I saw how that challenge affected the character of each of the members of the U.S. Senate. As I viewed their crucial leadership during the impeachment trial, I vowed to enter politics, eventually to arise to be a U.S. senator, and to follow their example by serving the American people acting solely in the peoples' interest and no one else's.

This experience "called" me to public service, and I believe that this "call" can be replicated in South Sudan by creating a Parliamentary Page/Intern program for South Sudan. This program would promote youth activism in government and public service and inspire the pages/interns to one day pursue careers as members of Parliament and cabinet members. The South Sudan Parliamentary Page/Intern Program would entail the following: First, students from Universities in South Sudan such as Juba University, University of Rumbek and others would come to Juba, the capital of South Sudan and attend the current session of Parliament and/or Cabinet Ministries while assisting the members and ministers. Students would apply and be nominated by their respective state's governor or Member of the Council of States where they would then travel to Juba for 30-60 days in July and August. There would be ten Pages/Interns in total, representing the ten states of South Sudan. Their duties would consist of writing and reviewing speeches for the members, creating presentations to show their ideas to other

members, and researching various topics and subjects. This would allow students to view the inner workings of legislation and government while watching speeches and debates between the Members of Parliament firsthand. The first few years of this program would also involve five to ten former U.S. Senate Pages visiting South Sudan and working alongside the South Sudan Page/Interns for the 30-60 day period.

Prior to the onset of the program, a virtual international student exchange should occur between U.S. universities and the universities hosting the Page/Intern students. This would allow the American students to have a better understanding of international affairs and be prepared to enter areas such as diplomacy, foreign affairs, and public service. Similarly, this exchange would allow South Sudan students an opportunity for high level dialogue and interaction. Former U.S. Senate Pages would also be part of this virtual exchange, enhancing the experience however possible.

This program would promote federalism as it allows students (e.g. future leaders) from all ten states of South Sudan to work in the federal government. This allows the future leaders/Interns to figure out ways to work together and overcome the differences in each of their respective state's culture and ethnicity while also recognizing their similarities. This experience is directly similar to what me and my fellow Pages experienced while at the U.S. Senate. Half of us were Democrats while the other half were Republican; all of us were from different states with different laws. However, we recognized that all of our differing opinions and personalities made us stronger as a group, and that our overall strength occurred not in spite of, but as a result of our contrasting backgrounds and political parties.

The program would allow South Sudan students to come into contact with Americans and their federalist government. The Americans could then describe how great federalism works in

the U.S., which allows the South Sudan students to return to their respective states and tell their Parliamentary Members and local government officials the benefits of federalism.

In conclusion, the South Sudan Parliamentary Page/Internship Program would allow students from both South Sudan and the U.S. to view the inner workings of a national government. The program promotes federalism since the future leaders would be coming from the ten states of South Sudan and exposed to fellow young leaders who are living in the U.S., a country following a federalist model of government. Overall, the Parliamentary Page/Internship Program benefits both South Sudan and the U.S. by preparing the youth of each nation to take the reins from their elder leaders when they are old enough to guide their countries to even greater glory.

### **Environmental Federalism**



 To combat the effects of climate change, environmental federalism should be adopted and enacted by both state and national government

8/26/20

### **Environmental Federalism**

- The effects of climate change on the environment thus far have been catastrophic and are worsening
- Climate change, if not abated, will create deadly famines, mass migration, and increased temperatures that will lead to deaths
- Environmental federalism allows for the federal government to set national environmental standards
  - The state level will then set a certain standard which follows and is sometimes stricter than
    the national standard which caters to regional specific needs which may not be the same
    for other regions
  - The local level will also set standards which would cater to the needs of the locality to combat climate change
- Allowing the various levels of governments to work together to set mandates that cater to regional needs increases public support for federalism through the tangible initiatives which the government would enact
- Environmental federalism would increase civic engagement on all levels of government through region-based initiatives to combat climate change

8/26/20 55

#### Environmental Federalism

While serving as a United States (U.S.) Senate Page, I had the honor to witness an impeachment trial, attend the State of the Union, facilitate legislative votes, and listen to empowering speeches from some of the most intellectual and powerful people in the world. Prior to beginning my Senate Page experience, I had known of many senators already, my favorite of which was Senator Brian Schatz (D-HI) - a self-proclaimed climate hawk. After finally arriving at the Senate, however, there was another senator who was more vociferous regarding climate initiatives: Senator Sheldon Whitehouse (D-RI). As someone who has a deep passion for the environment and environmentalism, it was a privilege to hear Senator Whitehouse's "Time to Wake Up" speeches regarding different aspects of the environment and climate change.

Oftentimes Senator Whitehouse speaks out on these environmental challenges that affect not only the nation as a whole but how they affect regions differently. In these speeches, he mentions how localities, state governments, and the federal government can work together to overcome these challenges; moreover, this principle can be applied not only to the U.S. but to South Sudan as well.

There are many consequences to the greenhouse effect and the resulting climate change which it creates, such as sea levels rising, frequent heat waves, deadlier storms, more species facing extinction, increased hunger shortages, and the displacement of millions of people. Global action is needed to combat these impending results of climate change. Environmental federalism is one of the most comprehensive yet straightforward ways to address these imminent outcomes.

Environmental federalism, as supported by Senator Whitehouse, is a system of governing that allows for various levels of government to tailor their policies and programs to the demands of their citizens. Therefore, implementing environmental federalism will be key to allowing

South Sudan to not only implement an institution which will protect their environment, but also establish a national precedent for what federalism is and how it can benefit all citizens.

Implementing environmental federalism will also create jobs both as bureaucrats and infield positions. These jobs, which would be created to oversee and act upon the needs of the environment, would be created in localities, the state government, and the national government. As previously mentioned, in this system of environmental federalism, the national government and presidency can set a national standard for environmental protection and then as powers devolve into localities and the state government, the differing levels of government can institute policies which not only adhere to the national standard but oftentimes go beyond this standard. The benefit of this - beyond encouraging federalism - is that different states and localities can create policies and programs which work for them but may not work for other regions.

I believe in a better and cleaner future for all people around the world, as do most nationstates. In December 2015, 190 nation-states convened in Paris to sign the Paris Climate Accord
which set forth an agenda to create a global coalition to combat the detrimental effects of climate
change. However, some policies and initiatives that may work for Brazil and its tropical rain
forests may not work for the Australian Outback or its ecosystem. This is why environmental
federalism is needed. Countries who signed on to the accord must follow the global standard, yet
individual countries can create custom initiatives to address regional needs. South Sudan is a
diverse country, not only socially but ecologically as well. Therefore, enabling environmental
federalism not only reaffirms the need of the government but also reaffirms and acts upon the
environmental needs of the people.

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