

Chapter 2

Rights and Responsibilities of American Citizens

At the conclusion of this chapter, students will be able to:

- 1. Explain how a person becomes an American citizen;**
- 2. Feel positive about the role(s) of citizens in the United States; and**
- 3. Describe the influence of political parties.**

Methods of Becoming an American Citizen

Citizens by Birth

1. The Law of the Soil

This is the most common way people become American citizens at birth. Any person born on American soil, either in the United States or in one of its territories, automatically becomes an American citizen. This is true even if the child's parents are not American citizens.

An exception to the law of the soil affects children of foreign diplomats working in the United States. While here, the diplomats are representatives of other countries.

2. The Law of Blood

Any person born outside the United States to parents who are American citizens automatically becomes an American citizen at birth. The only requirement is that one of the parents once lived in the United States.

If only one of the child's parents is an American citizen, the law of blood still applies.

Citizens by Naturalization

Those people who come to the United States as citizens of other countries. Those who desire to stay here permanently are called **immigrants**.

Rights of American Citizens

Most rights we have fall into one of three general categories: **security, equality, and liberty.**

Security

Security means protection from unfair and unreasonable actions by the government. The government, for example, cannot arrest, imprison, or punish people or search or seize their property without good reason and without following certain rules. The principle of "due process of law" protects these rights for all Americans.

The **due process clause**, which is found in the Fifth and Fourteenth Amendments, states that no person shall be deprived of "life, liberty, or property, without due process of law."

Due process means that the laws must be fair and reasonable, must be in accordance with the Constitution, and must apply to everyone equally.

Due process also applies to property rights. If a state takes property to build a highway, it must pay the property owner(s) a fair amount for their losses.

Equality

The right of equality means that everyone is entitled to the equal protection of all the laws in the United States. That is, all people have a right to be treated the same, regardless of race, religion, or political beliefs.

This right is found in the Fourteenth Amendment.

Liberty

Our fundamental freedoms fall into this category. Most of them are spelled out in the Bill of Rights and the so-called "Civil War Amendments."

Duties and Responsibilities of American Citizens

We have an obligation to carry out certain duties and responsibilities. **Duties** are things we are required to do; if we fail to perform them, we are subject to legal penalties, such as fines or imprisonment. **Responsibilities** are things we should do. We fulfill these obligations voluntarily. Fulfilling both our duties and our responsibilities helps ensure that we have good government and that we continue to enjoy our rights.

Duties include:

1. Obeying the laws
2. Paying taxes
3. Defending the nation
4. Serving in court
5. Attending school
6. Voting

Responsibilities include:

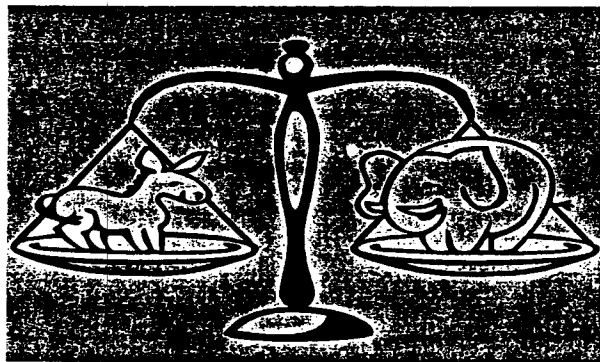
1. Being informed about the government and knowing your rights in order to preserve them
2. Participating in government
3. Respecting the rights of others
4. Respecting diversity

The Two-Party System of the United States

The United States is an example of a nation with a two-party system. The two major parties found are the Democratic and the Republican parties. Smaller political parties have also been formed, but these minor parties generally have had little impact on national elections. Some of them, however, are becoming more prominent in the political realm.

One of the most important advantages of a two-party system over a one-party system is that it gives voters a choice. If the voters are dissatisfied with the way one party is running the nation, they can elect candidates from the other party. The same process works on the state and local government levels.

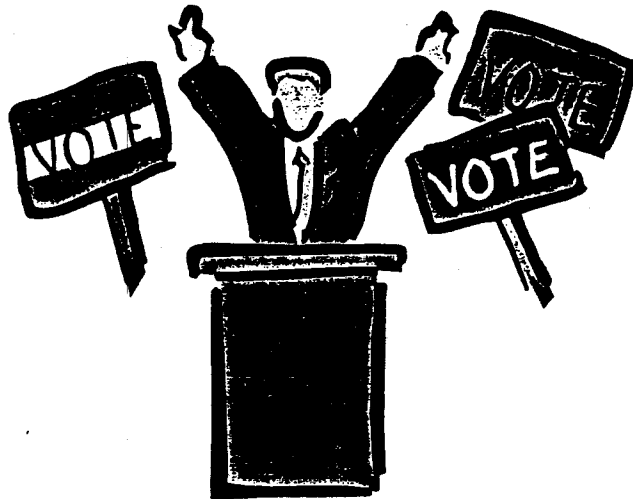
The two-party systems are not without disadvantages. The most important is that a two-party system can extinguish the views of minority groups. For a minority viewpoint to be heard, it generally must be accepted and championed by one of the major parties.



Third Parties

In the United States, the minor parties are called **third parties** because they challenge the two major parties rather than each other. No third party has ever won a presidential election. Third parties have, however, affected the outcome of some elections and influenced government and social policy.

****** Discuss H. Ross Perot in the 1992 and 1996 elections and Ralph Nader in the 2000 election.**



Voting and Elections in the United States

Registering is only one part of getting ready to vote. People should exercise their right to vote for several reasons. Voting gives citizens a chance to choose their government leaders. It also gives them an opportunity to voice their opinion on the past performance of public officials. If the voters are dissatisfied, they can elect new leaders. Voting also allows citizens to express their opinions on public issues.

Upon entering the polling places, the locations where votes are cast, voters give their names to an election worker, who checks the names against a master list. The voters are then given a ballot and directed to a voting booth.

Voters cast their ballots in one of three ways - by computerized machine, by mechanical machine, or by paper ballot. With a computerized voting machine, votes are cast by touching certain spots on the screen, by pushing certain buttons or by marking a ballot. With a mechanical voting machine, votes are cast by pulling small levers next to the names of the candidates chosen. With a paper ballot, a square is marked or a hole punched next to the names of the candidates chosen.

****** Discuss the advantages and disadvantages of each voting method. You may want to include the 2000 Florida Presidential election results in your discussion.**

The Electoral College

(Explain to students that the electoral college remains a mystery to most people.)

Provide the following explanation (with necessary audience adjustments) to illustrate how the electoral college works.

Each State is allocated a number of Electors equal to the number of its United States Senators (always 2) plus the number of its United States Representatives (which may change each decade according to the size of each state's population as determined in the census).

The political parties (or independent candidates) in each state submit to the state's chief election official a list of individuals pledged to their candidate for president and equal in number to the state's electoral vote. Usually, the major political parties select these individuals either in their state party conventions or through appointment by their state party leaders while third parties and independent candidates merely designate theirs.

After their caucuses and primaries, the major parties nominate their candidates for president and vice president in their national conventions traditionally held in the summer preceding the individual state laws. The names of the duly nominated candidates are then officially submitted to each state's chief election official so that they might appear on the general election ballot.

On the Tuesday following the first Monday of November in years divisible by four, the people in each state cast their ballots for the party slate of Electors representing their choice for president and vice president. Whichever party slate wins the most popular votes in the state becomes that state's Electors - so that, in effect, whichever presidential ticket gets the most popular votes in a state wins all the Electors of that state. (The two exceptions to this are Maine and Nebraska where two Electors are chosen by statewide popular vote and the remainder by the popular vote within each Congressional district.)

On the Monday following the second Wednesday of December, each state's Electors meet in their respective state capitals and cast their electoral votes - one for president and one for vice president. In order to prevent Electors from voting only for "favorite sons" of their home state, at least one of their votes must be for a person from outside their state. The electoral votes are then sealed and transmitted from each state to the President of the Senate who, on the following January 6, opens and reads them before both houses of the Congress.

The candidate for president with the most electoral votes, provided that it is an absolute majority (one over half the total), is declared president. Similarly, the vice presidential candidate with the absolute majority of electoral votes is declared vice president.

In the event that no one obtains an absolute majority of electoral votes for president, the United States House of Representatives (as the chamber closer to the people) selects the president from among the top three contenders with each State casting only one vote and an absolute majority of the States being required to elect. Similarly, if no one obtains an absolute majority for vice president, then the United States Senate makes the selection from among the top two contenders for that office.

At noon on January 20, the duly elected president and vice president are sworn into office.



Voting Requirements

In order to vote, an individual must satisfy the following requirements:

1. Be a citizen of America
2. Be registered to vote
3. Be age 18
4. Be a resident of a state (Most states require 30 days of residency of that state.)





SCHOLASTIC DEMOCRACY For Kids

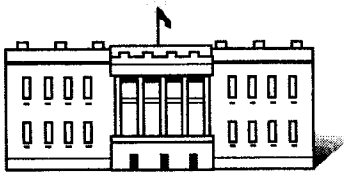
How We Choose Our Leaders

The United States is a democracy, in which the people choose their leaders. But when the Founding Fathers wrote the U.S. Constitution, they specified different ways for choosing the leaders of our three branches of the federal government.

The people directly elect the members of one branch of government. But voters indirectly choose the leaders of the second branch of government. Members of the third branch are not elected at all, but are appointed. Study the diagram to see how our most important leaders are chosen.

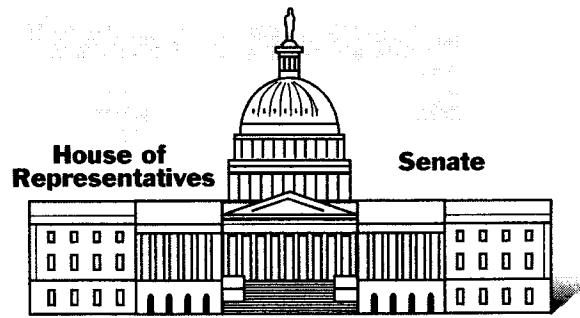
Voters in each state elect members of...

ELECTORAL COLLEGE which elects ...



Executive Branch PRESIDENT and VICE PRESIDENT

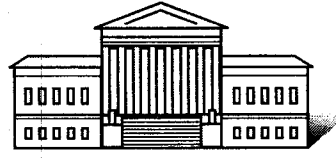
President appoints Supreme Court Justices and federal judges ...



House of Representatives Senate

Legislative Branch CONGRESS

... Senate approves or rejects Supreme Court Justices and federal judges



Judicial Branch FEDERAL COURTS

Questions

- 1. U.S. voters directly elect members of which branch of the federal government?
2. This branch of government has two houses, or chambers, called the ... and ...
3. The Framers of the U.S. Constitution created a two-step process for electing the leaders of which branch of government?
4. Which two officials head that branch of government?
5. When voters cast ballots in November for those leaders, they will actually be electing a group of representatives called ...
6. What do these representatives do?
7. Top officials of which branch of government are appointed?
8. Who appoints the top officials of that branch?
9. Which government body has the power to approve or reject those appointments?
10. Why do you think the Founding Fathers gave that body the power to approve or reject those appointments?