

STATE OF LOUISIANA



Fourth Judicial District Court

PARISHES OF MOREHOUSE AND OUACHITA

300 ST. JOHN - SUITE 304

Monroe, Louisiana 71201

BENJAMIN JONES, JUDGE
DIVISION H

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March 20, 2001

Re: Judges in the Classroom Program

Dear Judge:

When I became President of the Louisiana District Judges Association in October of 2000, I asked the Executive Committee to approve and fund a Judges in the Classroom Program. The Committee enthusiastically supported the proposed Program and approved a budget for development of materials. The Committee's action was approved at the membership meeting.

To develop the Program, the Executive Committee appointed a 7-Judge Committee composed of the officers of the Association and two other Executive Committee members. The Executive Committee members are Judge W. Ross Foote of the 9th Judicial District Court, and Judge Mary Hotard Becnel, of the 40th Judicial District Court. The officers are Judge Benjamin Jones, President; Judge Durwood Conque, First Vice President; Judge Patricia Minaldi, Second Vice President; Judge Michael Bagneris, Secretary, and Judge Jerome Barbera, III, Treasurer.

The overarching purpose of the program is to assist teachers in better educating school children about our government, particularly our court system. District Judges will serve as a learned resource, devoting at least one hour per month, on average, to this worthy effort.

I request that the Chief Judges of each District take responsibility for assisting in the state-wide implementation of the Program; and I urge all District Judges to participate. Local contact with school superintendents and principals is very important to the success of the Program, and that local contact is most effective when made by local Chief Judges and other Judges serving the school districts.

You may want to add local information to the book that has been developed for your use. This could include the judges of the District and the names of other elected officials. Also, there will be a need to update the list of included elected officials from time to time.

The Association appreciates the support of Dr. Hugh M. Collins, Judicial Administrator and, especially, the assistance of Valerie Willard of his staff. Attorney LaKoshia R. Roberts prepared some of the materials and compiled the book. We acknowledge those who prepared other materials contained in the book.

Respectfully,

Benjamin Jones
President, Louisiana District
Judges Association

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Objectives of *Judges in the Classroom*

***Judges in the Classroom* was initiated and implemented to:**

- 1. Increase young people's understanding of the legal profession and the court system;**
- 2. Clarify misconceptions about, and develop trust and respect for, the justice system;**
- 3. Present an opportunity to explore careers in the justice system;**
- 4. Help students understand rules, authority, and nonviolent dispute settlement;**
- 5. Help students grasp how the court system fits into the three-part system of government;**
- 6. Explain to students the purposes of laws and why they are important;**
- 7. Facilitate students' understanding of the powers and responsibilities of the three branches of government;**
- 8. Allow students an opportunity to develop an extended knowledge of key players in the early history of government;**
- 9. Explain the structure of the American electoral system;**
- 10. Supply students with the distinction between the various systems of justice;**
- 11. Strengthen students' ability to make judgements and decisions;**
- 12. Present opportunities for weighing arguments and for forming opinions;**
- 13. Enhance students' abilities to ask effective questions;**
- 14. Train students to recognize exception; and**
- 15. Develop and/or further students' ability to appreciate both sides of arguments.**

Why should the courts become involved in the educational process?

Participation of judges in educating students allows misconceptions about the judicial branch of government to be corrected. Judges can also provide students with a distinct and positive interpretation of the constitutional guarantees associated with the court system. Such participation also permits students to gain a unique opportunity to communicate with judges who can define and clarify the roles, the structure, and the functions of the judicial system. Judges are equipped to develop positive attitudes toward the law, the judiciary, the United States Constitution, and the Louisiana State Constitution because they have the substantive and procedural knowledge that students need in order to appreciate the justice system.



MEMORANDUM

To: All Judges

From: La Koshia R. Roberts, B.S., M.Ed., J.D.

Re: Pre-Presentation Inquiries

Before presenting your lesson(s), you should discuss the following information with the teacher(s):

1. The topic you are to or will address;
2. The age, grade, number, and ability of the students;
3. The students' background in that particular topic;
4. Time of the class(es), suggested date(s) for presentation, length of time; and
5. When confirming the visit, inquire about parking facilities, classroom location(s), and the phone number(s) where the teacher can be reached if you should cancel.

MEMORANDUM

To: All Judges

From: La Koshia R. Roberts, B.S., M.Ed., J.D.

Re: Helpful Advice

Please remember and maintain the following advice:

1. Try to involve the students.
2. Relate to students on their level.
3. Use examples or situations familiar to students in order to make your points.
4. Be prepared to be challenged and maintain control of the class.
5. Be open to just about anything.
6. Have a definite idea of what you are attempting to assert.
7. Consider various modes of presentation. (You may want to consult with teacher(s) for suggestions.)
8. Adapt the lesson as necessary to meet your personality style, the class's needs etc.
9. Feel free to change the sample lessons, as you deem necessary.
10. Gather any supplemental materials you plan to use. For example, if you plan to refer to a case or a legal form not in this manual, you may want to make copy(ies) of that case or form for your reference and/or for distribution to the student.
11. Be mobile. Circulate around the room rather than standing in front of the room the entire time.
12. Watch the time.
13. Jot down any comments you have about the experience.
14. Be NATURAL – BE YOURSELF!

Chapter 1

Foundations of America

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

1. Recognize the history and content of the United States Constitution;
2. Analyze the Constitution to determine guarantees and protections; and
3. Explain the significance of the Declaration of Independence, the United States Constitution, and the Pledge of Allegiance.

The Declaration of Independence



Background

On July 2, 1776, in Philadelphia, the Continental Congress adopted the resolution introduced by Richard Henry Lee and John Adams which actually declared independence from Great Britain. Written chiefly by Thomas Jefferson, the Declaration of Independence (adopted on July 4, 1776) provided the specific reasons for the break with Great Britain. It declared, in part, "that these United Colonies are, and of right ought to be, free and independent states, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved."

The Declaration of Independence

**The Declaration of Independence of the Thirteen Colonies In
CONGRESS, July 4, 1776**

**The unanimous Declaration of the thirteen United States of
America,**

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.

But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain [George III] is a history of repeated injuries and usurpations,

all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained, and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies, without the consent of our legislatures.

He has affected to render the Military independent of and superior to

the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

- For quartering large bodies of armed troops among us:
- For protecting them by a mock Trial from punishment for any Murders which they should commit on the Inhabitants of these States:
- For cutting off our Trade with all parts of the world:
- For imposing Taxes on us without our Consent:
- For depriving us in many cases of the benefits of Trial by Jury:
- For transporting us beyond Seas to be tried for pretended offences:
- For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:
- For taking away our Charters, abolishing our most valuable Laws and altering fundamentally the Forms of our Governments:
- For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress

in the most humble terms. Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren.

- We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us.
- We have reminded them of the circumstances of our emigration and settlement here.
- We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence.

They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by the authority of the good People of these Colonies, solemnly publish and declare.

That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown,

and that all political connection between them and the State of Great Britain is and ought to be totally dissolved;

and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce,

and to do all other Acts and Things which Independent States may of right do.

And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.

**The signers of the Declaration
represented the new states as follows:**

New Hampshire:

Josiah Bartlett, William Whipple, Matthew Thornton

Massachusetts:

John Hancock, Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry

Rhode Island:

Stephen Hopkins, William Ellery

Connecticut:

Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott

New York:

William Floyd, Philip Livingston, Francis Lewis, Lewis Morris

New Jersey:

Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark

Pennsylvania:

Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross

Delaware:

Caesar Rodney, George Read, Thomas McKean

Maryland:

Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton

Virginia:

George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jr., Francis Lightfoot Lee, Carter Braxton

North Carolina:

William Hooper, Joseph Hewes, John Penn

South Carolina:

Edward Rutledge, Thomas Heyward, Jr., Thomas Lynch, Jr., Arthur Middleton

Georgia:

Button Gwinnett, Lyman Hall, George Walton

The Constitutional Convention

The Constitutional Convention was held in Philadelphia in 1787. Seventy-three delegates were chosen to attend the Convention, but only fifty-five delegates from twelve states (Rhode Island did not participate) actually met in Philadelphia in May 1787. George Washington was chosen to preside. James Madison, who was later known as the "Father of the Constitution" because of his efforts at the Convention and in getting the Constitution ratified, attended the Convention. Jonathan Dayton, who was age 26, was the youngest attendee. The oldest attendee, who was 81 years old, was Benjamin Franklin.

Although there were several issues on which the delegates disagreed, there were several on which they agreed. They all agreed that a written Constitution was better than the unwritten constitution that England had. They all agreed on a three-branch government and in the separation of powers so that each branch could operate independently of the others. They all wanted a government in which the people would be allowed to choose their leaders.

Two Plans of Government

The early debates centered on a proposal by James Madison known as the **Virginia Plan**. The large states wanted this Plan which permitted representation in Congress to be based on population. This Plan called for a bicameral (two-house) legislature that was empowered to make laws. The lower house was elected by voters in each state, and the upper house was chosen by the lower house from candidates nominated by the state legislatures. The executive was chosen by the legislature for one term and was responsible for executing all laws. The legislature also appointed the judges to one or more supreme courts and lower national courts.

The small states wanted every state to be equally represented in Congress. This was known as the **New Jersey Plan**. This Plan maintained the one-house legislature with its powers expanded to include raising revenue and regulating commerce. Each state had one vote, and the members were chosen by state legislatures. A multi-person executive elected by the legislature was suggested.

Constitutional Compromises

Both of these ideas almost tore the Convention apart. However, Roger Sherman came up with an idea that subsequently became known as the **Great Compromise**, which was also known as the **Connecticut Compromise**. The **Great Compromise** provided that the House of Representatives would be based on population, and the Senate would have an equal number of senators (two) from each state.

Three-fifths Compromise

Slaves were a significant percentage of the population in the southern states. Other compromises made at the convention involved slavery. The Southern states wanted slaves counted as part of their populations in order to increase their voting power in Congress. Most of the northern states opposed the idea. The issue of whether or how to count slaves in representation was resolved by a formula used by Congress in 1783. For representation in the house and assessing direct taxes to the states, population was determined by adding the "whole number of free persons" and "three-fifths of all other persons." Slaves were "all other persons." This became known as the **Three-fifths Compromise**.

Legislators

Also related to representation, senators were chosen to serve six-year terms. Representatives were to serve two-year terms. Senators were chosen by state legislatures until the seventeenth Amendment was ratified in 1913.

The Electoral College

The Convention also accepted a one-person executive but debated how the president should be elected and the term of office. The delegates decided the president was to have a four-year term and be eligible for re-election. Having voters choose the president would become a popularity contest. Some suggested that the president be chosen by Congress, but that would violate the separation of powers principle because the president would be controlled by Congress. The solution was the **Electoral College**. Each state was to choose a number of electors equal to the number of delegates to Congress. They would choose the president and vice president. The electors then voted for two people, one of whom could not be from their state. The individual who received the most votes became president and the person with the next highest total became vice president. In case there was a tie, the election was decided by the House of Representatives, where each state had one vote.

Separation of Powers

The Constitution divided the government's functions into three branches: the legislative branch that makes the laws (Congress), the executive branch that carries out the laws (president), and the judicial branch that interprets the laws (courts). This division of powers is known as **separation of powers**. Additionally, the Constitution provided the system of **checks and balances**, which limits the powers of one branch of government are limited by the powers bestowed upon another branch. For example, Congress makes laws but the president can veto legislation. Congress can override a president's veto with a two-thirds vote of both Houses (a check on a check). Another example is the ability of the president to appoint judges to the Supreme Court. The Senate can reject an appointee through its power.

Federalism

The Constitution established the federal system. **Federalism** means the division of power between the national government and the states. It is another name for the federal system of government and the states share power. There were three types of powers established by the writers of the Constitution. They are: 1. **enumerated powers** - Powers the Constitution specifically gives to the federal government; 2. **reserved powers** - Powers that the Constitution gives to the states; and 3. **concurrent powers** - Powers that the federal and state governments share. The Constitution does not definitely explain the areas in which these powers are utilized. The framers of the Constitution were determined to strengthen the national government.

Supremacy Clause

The framers included what is known as the **supremacy clause**. It provides that the Constitution, the laws of the United States, and treaties entered into by the United States are the supreme law of the land. Found in Article VI, the supremacy clause states that the Constitution and the laws of the federal government are the "supreme law of the land." In any conflict between federal law and state law, the federal law has the higher authority.

When it appeared that everything had been covered, a Committee of Style was created to put all the Convention's issues and decisions into a document. On September 17, 1787, the document was ready for signing. Gouverneur Morris was the most important member of the Committee of Style that put the Constitution on its final form. Of the fifty-five delegates present, thirty-nine signed the finished product. The states then had to ratify (approve) the Constitution.

Ratification of the Constitution

Not everyone liked the Constitution. The debate over ratification was waged in the newspapers, through pamphlets, and on the floor of the state conventions, where the vote was often close. People divided between Federalists, those favoring the Constitution, and Anti-Federalists, those opposing it.

Federalists

The Federalists argued that any one group would not dominate the new government and that there were adequate safeguards to protect individuals and the states. The case for the Constitution was presented in a series of newspaper articles that were written by Alexander Hamilton, John Jay, and James Madison and collectively known as *The Federalist Papers*.

Anti-Federalists

The Anti-Federalists believed the Constitution gave too much power to the central government and left the states with too little. Some considered the ratification process to be illegal, since unanimous consent from the states was required to amend the Articles of Confederation.

Virginia approved after James Madison assured the Convention a bill of rights would be brought before Congress.



Portraits of Delegates to the Constitutional Convention



Jonathan Dayton
New Jersey



John Dickinson
Delaware



Oliver Ellsworth
Connecticut



Benjamin Franklin
Pennsylvania



Elbridge **Gerry**
Massachusetts



Alexander Hamilton
New York



James Madison
Virginia



Luther Martin
Maryland

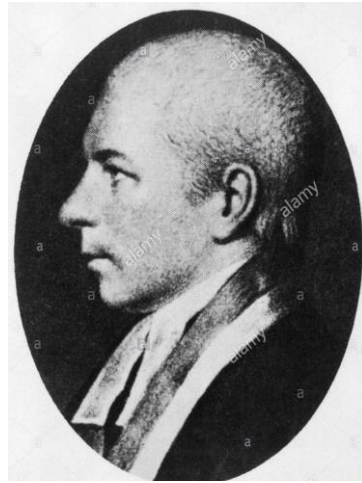


George Mason
Virginia

Portraits of Delegates to the Constitutional Convention



Gouverneur Morris
Pennsylvania



William Patterson
New Jersey



Charles Pinckney
South Carolina



Charles Cotesworth Pinckney
South Carolina



Edmund Randolph
Virginia



John Rutledge
South Carolina



Roger Sherman
Connecticut



George Washington
Virginia



James Wilson
Pennsylvania

Organization of the United States Constitution

Preamble

Beginning with "We the people of the United States," the preamble makes it clear that the Constitution of the United States is the basic agreement by which Americans have joined together to govern themselves.

Articles

The Constitution is divided into seven articles, or parts, that are divided into sections. Most sections are divided into smaller parts called clauses, i.e., the Necessary and Proper Clause and the Supremacy Clause.

- Article I - Describes the legislative branch
- Article II - Describes the executive branch
- Article III - Describes the judicial branch
- Article IV - Describes relations among the states
- Article V - Describes the amendment process
- Article VI - Describes the supremacy of the Constitution
- Article VII - Describes the ratification process

The amendment process to the Constitution has been used sparingly since the Bill of Rights; the first of which was Amendment XI which declares that individuals in another state cannot sue a state. It was added in 1789. Amendment XXVII, which was enacted in 1992, was the last amendment to the Constitution. It limited when pay raises for members of Congress can be enacted.

Amendments 1-X: Collectively known as the Bill of Rights
 Amendment XI: Protected states from outside lawsuits
 Amendment XII: Electors cast separate votes for president
 and vice president

**Amendments XIII-XV: Often called the "Civil War
 Amendments"**

Amendment XIII:	Abolished slavery
Amendment XIV:	Due process and equal protection of the law given to all persons born or naturalized in the United States
Amendment XV:	Right to vote cannot be denied because of race, color, or previous condition of slavery
Amendment XVI:	Permitted Congress to collect federal income tax
Amendment XVII:	Direct election of senators by the people
Amendment XVIII:	Prohibited the manufacture or sale of alcohol
Amendment XIX:	Permitted women the right to vote
Amendment XX:	Moved up the date the president enters office, provided a method for replacing the president who dies before taking office, and provided the date of the opening of Congress
Amendment XXI:	Repealed Prohibition (Amendment XVIII)
Amendment XXII:	Limited a president to two terms
Amendment XXIII:	Permitted citizens in the District of Columbia to vote for president
Amendment XXIV:	Abolished the poll tax for voting
Amendment XXV:	Succession of president or and/or vice president
Amendment XXVI:	Set the minimum voting age to eighteen ¹⁷
Amendment XXVII:	Prohibited Congress from raising its pay until after the next election took place



The United States Constitution



If men were angels, no government would be necessary. If angels were to govern men, neither external or internal controls would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this; you must first enable the government to control the governed; and then in the next place oblige it to control itself.

-James Madison

The Constitution of the United States

(Italicized words indicate portions of the Constitution that are no longer in effect.)

Preamble

We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

(Legislature)

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

(House of Representatives)

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

(Qualifications for Representatives)

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

(Method of Apportionment)

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, *which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.* The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law

direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each state shall have at Least one Representative; *and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.*

(Vacancies)

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

(Rules of the House, Impeachment)

The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of Impeachment.

(Senators)

Section 3. The Senate of the United States shall be composed of two Senators from each State, *chosen by the Legislature thereof*, for six years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

(Qualifications of Senators)

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and

been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

(Vice President)

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall choose their other Officers, and also a President *pro tempore*, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

(Impeachments)

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

(Elections)

Section 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of choosing Senators.

(Sessions)

The Congress shall assemble at least once in every Year, and such Meeting *shall be on the first Monday in December, unless they shall by Law appoint a different Day.*

(Proceedings of the House and the Senate)

Section 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller

Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties, as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgement require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

(Members' Compensation and Privileges)

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

(Money Bills)

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

(Presidential Veto and Congressional Power to Override)

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approves he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. if after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and **Nays**, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, orVotetowhichthe Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be re-passed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

(Congressional Powers)

Section 8. The Congress shall have Power

To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the Supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Arsenals, Dock- yards, and other needful Buildings;-And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

(Limits on Congressional Power)

Section 9. *The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight; but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.*

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

(Limits on Powers of the States)

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant letters of Marque and Reprisal; coin Money, emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing

the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II

(Executive)

(President)

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected as follows

(Election of President)

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

(Electors)

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of Government of the United States, directed to the President of the Senate. The Presi-

dent of the Senate shall, in the Presence of the
 -- Senate and House of Representatives, open all the Certificates, and the votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of votes, then the House of Representatives shall immediately choose by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner choose the President. But in choosing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by Ballot the Vice President.

The Congress may determine the Time of choosing the Electors, and the day on which they shall give their Votes; which Day shall be the same throughout the United States.

(Qualifications of President)

No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

(Succession to the Presidency)

In Case of the removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act

as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

(Compensation)

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

(Oath of Office)

Before he enter on the Execution of his office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of the President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

(Powers of the President)

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

(Making of Treaties)

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

(Vacancies)

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

(Additional Duties and Powers)

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

(Impeachment)

Section 4. The President, Vice President and all civil Officers of the United States shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III**(Judiciary)****(Courts, Judges, Compensation)**

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation which shall not be diminished during their Continuance in Office.

(Jurisdiction)

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority - to all Cases affecting Ambassadors, other public Ministers and Consuls;- to all Cases of admiralty and maritime Jurisdiction;-

to Controversies to which the United States shall be a Party;- to Controversies between two or more States;- between a State and Citizens of another State;- between Citizens of different States;- between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the Supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

(Trial by Jury)

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

(Treason)

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attained.

ARTICLE IV**(Federal System)**

Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records, and Proceedings shall be proved, and the Effect thereof.

(Privileges and Immunities of Citizens)

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the crime.

No Person held to Service or Labor in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labor, but shall be delivered up on Claim of the Party to whom such Service or Labor may be due.

(Admission and Formation of New States; Governing of Territories)

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

(Federal Protection of the States)

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence.

ARTICLE V**(Amendments)**

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; *Provided that no Amendments which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.*

ARTICLE VI (Constitution as Supreme Law)

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Contederation.

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, and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII**(Ratification)**

The Ratification of the Conventions of nine States shall be sufficient for the Establishment of the Constitution between the States so ratifying the same.

Done in Convention by the Unanimous Consent of the States present, the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and eighty seven and of the Independence of the United States of America the Twelfth. In witness whereof We have hereunto subscribed our Names.

Geo. Washington, *President and deputy from Virginia*; *Attest William Jackson, Secretary*; *Delaware*: Geo. Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jaco. Broom; *Maryland*: James McHenry, Daniel of St. Thomas Jenifer, Dani. Carroll; *Virginia*: John Blair, James Madison, Jr.; *North Carolina*: Wm. Blount, Richd. Dobbs Spaight, Hu Williamson; *South Carolina*: J. Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler; *Georgia*: William Few, Abr. Baldwin; *New Hampshire*: John Langdon, Nicholas Gilman; *Massachusetts*: Nathaniel Gorham, Rufus King; *Connecticut*: Wm. Sarni. Johnson, Roger Sherman; *New York*: Alexander Hamilton; *New Jersey*: Wil. Livingston, David Brearley, Wm. Paterson, Jona. Dayton; *Pennsylvania*: B. Franklin, Thomas Mifflin, Robt. Morris, Geo. Clymer, Thos. FitzSimoris, Jared Ingersoll, James Wilson, Gouv. Morris.

**AMENDMENTS TO THE
CONSTITUTION**

{The first ten amendments are known as the Bill of Rights.}

AMENDMENT I [1791]**(Freedoms)****(Speech, Press, Assembly, and Petition)**

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.

AMENDMENT II [1791]**(Right to
Bear Arms)**

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III [1791]**(Quartering of**

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV [1791]**(Freedom
of Persons)****(Warrants, Searches, and Seizure)**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or Affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V [1791] (Capital Crimes) AMENDMENT IX [1791] (Rights Retained by the People)

(Protection of the Accused; Compensation)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI [1791] (Trial by Jury)

(Accusation, Witnesses, Counsel)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the assistance of counsel for his defense.

AMENDMENT VII [1791] (Civil Law)

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

AMENDMENT VIII [1791] (Bails, Fines, and Punishments)

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT X [1791] (Rights Reserved to the States)

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.

AMENDMENT XI [1798] (Jurisdictional Limits)

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

AMENDMENT XII [1804] (Electoral College)

The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;-The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;-The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding

-- three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before *the fourth day of March* next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President-The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

AMENDMENT XIII [1865]

***(Abolition
of Slavery)***

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XIV [1868]

(Citizenship)

(Due Process of Law)

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United

States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

(Apportionment; Right to Vote)

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

(Disqualification for Office)

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

(Public Debt)

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of

insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

AMENDMENT XV [1870] (Right to Vote)

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XVI [1913] (Income Tax)

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

AMENDMENT XVII [1913] (Senators)

(Election)

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of [voters for] the most numerous branch of the State legislatures.

(Vacancies)

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

AMENDMENT XVIII [1919] (Prohibition)

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided by the Constitution, within seven years from the date of the submission thereof to the States by the Congress.

AMENDMENT XIX [1920] (Women's Suffrage)

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XX [1933] (Terms of Office)

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

(Succession)

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice Presi-

dent elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such persons shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

AMENDMENT XXI [1933] (*Prohibition Repealed*)

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any State, Territory, or Possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of submission thereof to the States by the Congress.

AMENDMENT XXII [1951] (*Term of President*)

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

AMENDMENT XXIII [1961] (*Washington, D.C.*)

(*Enfranchisement of Voters in Federal Elections*)

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXIV [1964] (Poll Tax)

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representatives in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXV [1967] (Succession)

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either

the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

AMENDMENT XXVI [1971] (18-Year-Old Vote)

Section 1. The right of citizens of the United States; who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

AMENDMENT XXVII (1992) (Congressional Pay Raises)

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

Questions

1. How many men took part in the Constitutional Convention?
2. Who became known as the "Father of the Constitution"?
3. What are the three branches of government?
4. How did the small states want Congress to be chosen?
5. How did the large states want Congress to be chosen?
6. What compromise did Sherman propose?
7. How many years does a senator serve? How many years does a member of the House of Representatives serve?
8. Who were the Anti-Federalists?

Quiz to Test Students' Knowledge of the Constitutional Convention

1. In 1787, 55 delegates met to frame a new American government. This meeting was known as:

- A. Articles of Confederation
- B. Constitutional Convention
- C. New Hampshire Caucus

2. The delegates met in:

- A. New Orleans
- B. Baton Rouge
- C. Philadelphia

3. The person chosen as the presiding officer of the meeting was:

- A. Abraham Lincoln
- B. George Washington
- C. James Madison

4. The person who put the Constitution in its final form was:

- A. George Washington
- B. James Madison
- C. Gouverneur Morris

5. The "Father of the Constitution" was:

- A. James Madison
- B. Franklin D. Roosevelt
- C. Woodrow Wilson

6. The Constitution divides the powers of the national government into ____ branches of government:

- A. 1
- B. 2
- C. 3

Answer Key

"Questions" page 32

1. 55
2. James Madison
3. executive, legislative, judicial
4. Small states wanted Congress to be chosen by state legislatures.
5. Large states wanted Congress to be chosen based on population.
The lower house was elected by voters in each state, and the upper house was chosen by the lower house from candidates nominated by the state legislatures.
6. the Great Compromise (the Connecticut Compromise)
7. 6 years; 2 years
8. Those who believed the Constitution gave too much power to the central government and left the states with too little.

"Quiz to Test Students' Knowledge of the Constitutional Convention"
page 33

- 1.B
- 2.C
- 3.B
- 4.C
- 5.A
- 6.C

"State and Federal Courts" page 101

1. Federal courts have the power to decide only those cases over which the Constitution gives them authority.
State courts have general, unlimited power to decide nearly every type of case, subject to the limitations of the United States Constitution, their own state constitutions, and state law.

2. State courts have general, unlimited power to decide nearly every type of case, subject to the limitations of the United States Constitution, their own state constitutions, and state law.
3. Federal courts may decide, "...Controversies between two or more states - between a State and Citizens of another State - between Citizens of different States - between Citizens of the same State claiming Lands under Grants of different States..."

"Criminal or Civil" page 170

Answers may vary

"Juvenile Justice Word Scrambler" page 175

1. petition
2. neglected
3. status offender
4. delinquent
5. transfer
6. hearing
7. probation officer
8. adjudication
9. dependent
10. incorrigible
11. foster care
12. juvenile
13. reformatory
14. halfway house
15. abused

An Explanation of the Bill of Rights

The Constitution (Article V) provides that amendments can be proposed either by Congress, with a two-thirds vote of both houses, or by a national convention requested by two-thirds of the state legislatures. Amendments are ratified by three-fourths of the state legislatures or by conventions in three-fourths of the states. Only the Twenty-first Amendment, which repealed Prohibition in 1933, was adopted by state conventions.

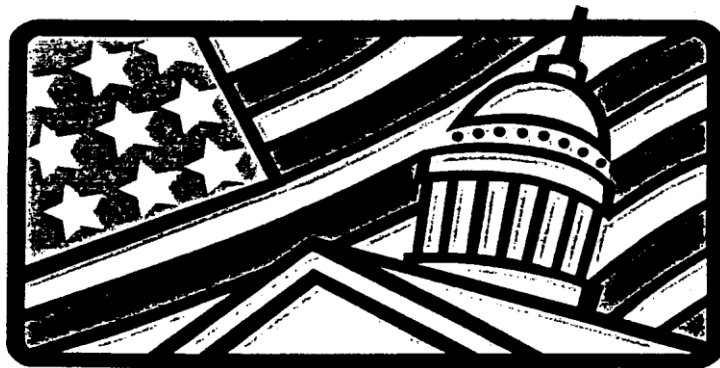
The Constitution has been amended twenty-six times since 1789. The most extensive changes were made within two years of its adoption. At that time, the first ten amendments were added. They were approved as a block by Congress in September 1789, and ratified by eleven states by the end of 1791.

Much of the initial resistance to the Constitution came not from those opposed to strengthening the federal union, but from statesmen who felt that the rights of individuals must be specifically spelled out. One of these was George Mason, author of the Declaration of Rights of Virginia, which was a forerunner of the Bill of Rights. As a delegate to the Constitutional Convention, Mason refused to sign the document because he felt individual rights were not sufficiently protected. Indeed, Mason's opposition nearly blocked ratification by Virginia. As noted earlier, Massachusetts, because of similar feelings, conditioned its ratification on the addition of specific guarantees of individual rights. By the time the First Congress convened, sentiment for adoption of such amendments was nearly unanimous, and the Congress lost little time in drafting them.

These amendments remain intact today, as they were written two centuries ago. The first guarantees freedom of worship, speech and press, the right of peaceful assembly, and the right to petition the government to correct wrongs. The second guarantees the right of citizens to bear arms. The third provides that troops may not be quartered -in private homes without the owner's consent. The fourth guards against unreasonable searches, arrests and seizures of property.

The next four amendments deal with the system of justice. The fifth forbids trial for a major crime except after indictment by a grand jury. It prohibits repeated trials for the same offense; forbids punishment without due process of law and provides that an accused person may not be compelled to testify against himself. The sixth guarantees a speedy public trial for criminal offenses. It requires trial by an unbiased jury, guarantees the right to legal counsel for the accused, and provides that witnesses shall be compelled to attend the trial and testify in the presence of the accused. The seventh assures trial by jury in civil cases involving anything valued at more than twenty United States dollars. The eighth forbids excessive bail or fines, and cruel or unusual punishment.

The last two of the ten amendments contain very broad statements of constitutional authority: The ninth declares that the listing of individual rights is not meant to be comprehensive; that the people have other rights not specifically mentioned in the Constitution. The tenth provides that powers not delegated by the Constitution to the federal government nor prohibited by it to the states are reserved to the states or the people.



The Ten Original Amendments: The Bill of Rights

The first ten amendments to the Constitution, as follows, are in their original form. These amendments were subsequently ratified on December 15, 1791. Collectively, they form what is known as "The Bill of Rights."

AMENDMENT I

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.

AMENDMENT II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

AMENDMENT III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

AMENDMENT VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by people.

AMENDMENT X

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.



Original Pledge of Allegiance

I pledge allegiance to my Flag and to the Republic for which it stands, one nation, indivisible, with liberty and justice for all.

Francis Bellamy, 1892 |

Amended Pledge of Allegiance

I pledge allegiance to the Flag of the United States of America, and to the Republic, for which it stands; one nation, under God, indivisible, with liberty and justice for all.

Explanation of Changes

In 1923 and 1924, the National Flag Conference, under the leadership of the American Legion and the daughters of the American Revolution, changed the Pledge's words, 'my Flag,' to 'the Flag of the United States of America.' Francis Bellamy disliked this change, but his protest was ignored.

In 1954, Congress, after a campaign by the Knights of Columbus, added the words, 'under God,' to the Pledge. The Pledge was now both a patriotic oath and a public prayer.

Meaning of the Pledge of Allegiance

I – Me; an individual

Pledge – To dedicate without selfishness

Allegiance – Love and devotion; loyalty

To the Flag – Our symbol of freedom

of the

United – We have all come together

States – Fifty states with pride and purpose; States united for love of country

of America

and to the Republic – Republic is a sovereign in which the people choose their representatives to govern them. Government is by the people, for the people.

for which it stands

one nation, under God – One people, so blessed by God

indivisible – Incapable of being divided

with liberty – Freedom; an individual's right to live without fear or threat

and justice – The tenet of dealing fairly with others

for all – For everyone – boys and girls, men and women
(Convey to students that the United States is as much their country as it is yours.)

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.



D
E
M

DEMOCRACY
•For Kids•

Election Glossary

Complete the sentences below by inserting the correct word from the glossary of U.S. political terms.

Conservative-A person who believes in a limited government that should act only when individuals and private groups cannot. Conservatives favor limits on all taxes and social spending.

Convention- A gathering of a political party's leaders, delegates, and supporters. The biggest is a national convention, which takes place before presidential elections. A national convention nominates both presidential and vice-presidential candidates and presents a platform (see definition at right).

Democrat-Member of the Democratic Party, one of two major parties that dominate U.S. politics. Democrats generally support social reform and international cooperation in foreign affairs.

Electoral College-The group of representatives, called electors, who cast the official votes for President and Vice President. Each state's number of electors equals the number of its Senators and Representatives. The District of Columbia has three electors. The presidential candidate with the most popular votes in a state usually wins all that state's electors (Maine and Nebraska use slightly different systems). Candidates must receive a majority of the 538 electoral votes- at least 270 - to become President or Vice President.

General election-An election in which voters choose from the candidates nominated by each political party.

Inauguration-The ceremony that takes place when an official is sworn into office.

Independent-Someone who is not registered with a political party, or who votes for candidates from any party.

Liberal-A person who believes government should take direct responsibility for solving social problems such as providing health care and helping the needy.

Majority-Greater than half

Minority-Less than half

Moderate-A person who tends to compromise between liberal and conservative beliefs.

Platform-A political party's written statement of goals and beliefs.

Plurality-Getting the most votes among three or more candidates without winning a majority.

Republican-Member of the Republican Party, one of two major parties that dominate U.S. politics. Republicans generally support business and financial interests and a limited government role in social and economic life.

Third party-Any party other than one of the two major parties.

Questions

- The two political groups that dominate American politics today are the _____ and _____ parties.
- Any political group other than those two is a _____.
- Each state's total electoral votes is equal to the _____.
- A formal ceremony that marks the beginning of an official's term in office is an _____.
- Before a presidential election, each political party holds a _____ to officially choose its candidates.

- A special group of elected representatives called _____ cast the official votes for President and Vice President.
- A _____ sets forth a political party's philosophy and goals.
- To be elected President, a candidate must win a _____ of the 538 electoral votes.
- Someone who does not support any political party is an _____.
- Someone who finds both liberal and conservative policies too extreme is likely to be a _____.

DEMOCRACY

•For Kids•

Campaign Countdown: Road to the White House

Every four years, the United States elects a President and Vice President. Follow the steps in this year's presidential election.



- 1. Candidates announce they are running for President.** This usually happens more than a year before the election. Candidates need time to raise money, meet voters, and tell what they would do if elected President.
- 2. January – June during election year: Primaries and caucuses are held.** In each state, voters name their favorite candidate in primary elections or caucuses (party meetings). Voters are actually choosing delegates pledged to vote for that candidate at the national party conventions.
- 3. Summer: National party conventions.** The delegates who were elected in primary elections and caucuses attend their party's national convention. There they officially nominate their party's candidates for President and Vice President.
- 4. Fall: Election Campaign.** By Labor Day, the candidates are off and running. The major candidates hold televised debates on issues in the campaign. They crisscross the country, meeting voters and explaining how they would solve the country's problems.
- 5. November 3: Election Day 2020.** Voters cast ballots for President, Vice President, members of Congress, and state and local offices.
- 6. December 14: Electoral College vote.** When voters cast ballots for President and Vice President, they actually are choosing electors pledged to vote for that candidate. In December, the chosen electors meet in each state to cast that state's official electoral votes for President and Vice President.
- 7. January 6, 2020: Congress counts the electoral votes.** In January, Congress counts the electoral votes. If no candidate wins a majority (270) of the electoral vote, the House elects the President and the Senate elects the Vice President.
- 8. January 20, 2020: Inauguration Day.** On January 20, 2020, the President and Vice President take their oath of office.

Write your answers on a separate sheet of paper.

Questions



- 1. When do candidates announce they are running for President?**
- 2. What is a caucus?**
- 3. In primary elections and caucuses, whom are voters actually electing?**
- 4. What official role do national party conventions play in choosing a President?**
- 5. When is Election Day in 2020?**
- 6. When voters cast ballots for President and Vice President, whom are they actually choosing?**
- 7. Who chooses the President if no candidate wins a majority (270) of the electoral votes?**
- 8. Who chooses the Vice President if no candidate wins a majority (270) of the electoral votes?**
- 9. Is the Electoral College actually a college? Explain.**
- 10. Do you think the U.S. voting system should be changed to have citizens vote directly for President and Vice President? Explain.**

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•

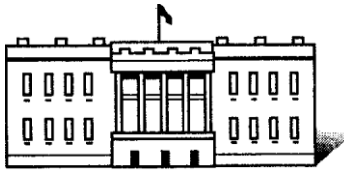
How We Choose Our Leaders

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.

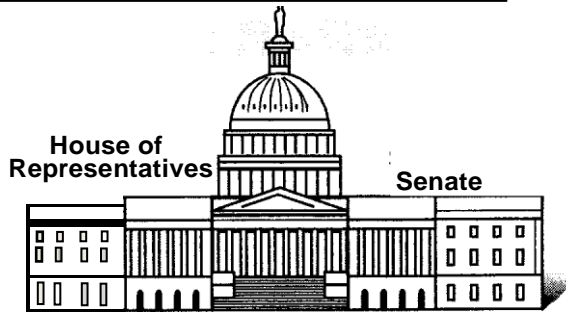
The people directly elect the members of one branch of government. But voters indirectly choose the leaders of the Second branch of government. Members of the third branch are not elected at all, but are appointed. Study the diagram to see how our most important leaders are chosen.

Voters in each state elect members of ...

ELECTORAL COLLEGE
which elects ...



Executive Branch
PRESIDENT
and **VICE PRESIDENT**



Legislative Branch
CONGRESS

President appoints
Supreme Court Justices
and federal judges ...



Judicial Branch
FEDERAL COURTS

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

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?
6 _____ and _____
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 these appointments?

10. Why do you think the Founding Fathers gave that body the power to approve or reject those appointments?

Chapter 3

Federalism

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

1. Explain *Federalism*;
2. Identify the three levels of government; and
3. Understand the importance of the system of checks and balances.

Introduction to Federalism

The framers of the Constitution invented modern-day federalism. With the creation of the Constitution, each citizen was recognized as a citizen of two governments: national and state.

Article I, Section 10 of the Constitution limits the powers of the states and reserves certain powers for the federal government. In contrast, the Constitution grants broad powers to the federal government. Article I, Section 10 emphasizes what the states cannot do. It gives the states authority in a few areas, specifically establishing voter qualifications and setting up the mechanics of congressional elections. Amendment X corrected this reduction in power by reserving to the states, or people, powers either not specifically delegated to the United States or specifically denied to the states.

Article I, Section 10 provides:

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

The New Federalism

Introduction

According to most public opinion polls, many Americans believe that the federal government is too big, both in the number of agencies it directs and in the scope of its powers. Some people also think that the daily business of Capitol Hill has no effect on their lives, in part because they believe that politicians - who live and work "inside the beltway" - do not understand their problems. This dissatisfaction with Washington, D.C., in recent years has renewed debate over the division of power between federal and state and local governments.

Federalism - the sharing of power between the states and the national government - has been a major issue throughout U.S. history. Federalism in the United States has evolved quite a bit since it was first implemented in 1787. In that time, two major kinds of federalism have dominated political theory.

The first, **dual federalism**, holds that the federal government and the state governments are co-equals, each sovereign. In this theory, parts of the Constitution are interpreted very narrowly, such as the Tenth Amendment, the Supremacy Clause, the Necessary and Proper Clause, and the Commerce Clause. In this narrow interpretation, the federal government has jurisdiction only if the Constitution clearly grants such. In this case, there is a very large group of powers belonging to the states, and the federal government is limited to only those powers explicitly listed in the Constitution.

The second, **cooperative federalism**, asserts that the national government is supreme over the states, and the 10th Amendment, the Supremacy Clause, the Necessary and Proper Clause, and the Commerce Clause have entirely different meaning. A good illustration of the wide interpretation of these parts of the Constitution is exemplified by the Necessary and Proper Clause's other common name: the Elastic Clause.

When the federal government was established by the U.S. Constitution in 1787, it only exercised limited or enumerated powers, such as making treaties and printing money. The Tenth Amendment of the Bill of Rights, ratified in 1791, clarified that all other powers belonged to the states: "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." Over the years, in response to national crises, many of the government's powers - particularly those over social programs - were centralized to the federal level. However, in recent years, an increasing number of people on Capitol Hill and across the country want to "devolve," or transfer, power from Washington, D.C., to state and local governments.

State governments are largely responsible for managing the budgets and enforcing the laws in many policy areas, such as poverty and education. Many members of Congress want the states to take on even greater authority in these areas and others, including environmental protection and crime control. Some experts believe that state governments will be able to tackle these problems more effectively and efficiently than Washington. Others, however, doubt that the federal government will provide adequate funds and worry that some states do not have the necessary infrastructure to offer adequate services. However, giving more power to state and local governments is an experiment that many policymakers in Washington believe is worth trying.

Fighting Poverty: The Federal Government Expands

The New Deal.

Before the Great Depression, aid to the poor came mostly from churches and charity organizations. When millions of Americans fell into poverty in the 1930's, however, charities and state governments were ill-equipped financially to provide for the needy, and there was no federal policy in place to provide aid to low-income people. President Franklin Roosevelt and Congress wrote landmark legislation, known collectively as the "New Deal," to combat the effects of the Great Depression. The new legislation included massive job programs that provided work for unemployed Americans. Other programs, like Aid to Families with Dependent Children (AFDC) and Social Security, offered financial assistance to people who could not work because of family responsibilities, age, or disability. This legislation also marked the beginning of an era of centralization; control over many services became more concentrated in the federal government.

The Great Society.

The legacy of Roosevelt's New Deal continued with President Lyndon Johnson's "War on Poverty" three decades later. In 1964 President Johnson declared that no society could be great with poverty in its midst. He implemented social programs designed to eliminate poverty by moving people up the social ladder through vocational education and job training. He also promoted programs, such as food stamps, Medicare, and Medicaid, to help poor and older Americans get enough food and adequate health care. Johnson called his plan the "Great Society."

President Richard Nixon advanced many of the New Deal and Great Society programs by establishing the Supplemental Security Income program and expanding the food stamp program. He also created the Environmental Protection Agency (EPA) in 1970 to enforce laws such as the Clean Air Act (1963). In the

Words of political scientist Timothy Conlan, Nixon participated in "the greatest expansion of federal regulation of state and local governments in American history."

"The Era of Big Government Is Over"

The Reagan Revolution.

In his first inaugural address in 1981, President Ronald Reagan vowed "to curb the size and influence of the federal establishment" because "the federal government is not part of the solution, but part of the problem." Aiming to reduce the size and scope of the federal government, President Reagan promised to balance the budget by scaling back programs such as Social Security, Medicare, and Medicaid. However, he also proposed tax cuts and an increase in defense spending. Although the Democratic-controlled Congress went along with some of President Reagan's proposals, it would not cut Social Security or Medicare, two very popular programs. Consequently, the budget deficit ballooned, and the federal government became, in many ways, even bigger. However, the Reagan presidency gave new prominence to federalism issues that would be promoted after the Republican Party captured control of Congress in 1994.

"Devolution Revolution."

In 1994, for the first time in forty years, a Republican majority was elected to both the U.S. House of Representatives and the U.S. Senate. A top priority for the new majority was scaling back the federal government. In the words of House Budget Committee Chairman John R. Kasich (R-Ohio), Congress wanted to "return money, power, and responsibility to the states"- a campaign some dubbed the "devolution revolution."

President Bill Clinton responded to this shift in popular sentiment by declaring in his 1996 State of the Union address that "the era of big government is over." Clinton supported much of the legislation that emerged from the 104th Congress, including an unfunded mandates law so that Washington will have to provide funds for state and local governments to enforce most new federal policies or mandates. The president was quick to point out that in 1993 and 1994, the White House's "reinventing government" proposals had called for granting states greater flexibility in operating programs.

Current Issues

The recent emphasis on giving states more authority has had a major effect on several important public policy issues, including poverty, education, and the environment.

Poverty.

President Clinton went into office in 1993 promising to "end welfare as we know it." In August 1996 he fulfilled his promise by signing a historic welfare reform bill called the Personal Responsibility and Work Opportunity Act. Then - President Clinton believed that "welfare should be a second chance, not a way of life."

The law ended the sixty-one-year guarantee of direct cash assistance to poor families with children and gave states vast new authority to run their own welfare programs with block grants from the federal government. Supporters and critics of the new law disagreed not only about its potential effect on needy citizens, but also about the states' ability to handle the problem of poverty better than the federal government.

Supporters of the welfare reform bill believed that the federal government allowed welfare to become a lifelong entitlement, rather than temporary assistance. Many Americans also argued that the national government was too inefficient and bureaucratic to properly administer programs like Aid to Families with Dependent Children and that state governments deserved at least the opportunity to control welfare. They contended that states, largely free from federal regulations and more in touch with their residents, could more effectively implement their own welfare systems.

There have been significant reductions in the number of welfare recipients in almost every state.

Relying on Volunteerism.

Lawmakers hope that individual citizens will take more responsibility for the less fortunate-specifically those trying to get off welfare-in their own communities. In April 1997 at the Presidents' Summit for America's Future, President Clinton said that "much of the work [of America] cannot be done by government alone. The solution must be the American people through voluntary service to others." Many students and adults volunteer with local charity groups, such as soup kitchens, day care centers, and food and clothing banks. Some observers, although supportive of these efforts, warn that volunteers and charities should not be relied on too heavily to aid the poor. They worry that without some sort of government safety net, many low-income people will not be able to make ends meet during an economic downturn.

Volunteerism is on the rise in the United States, according to the USA Freedom Corps, a federal agency created by the George W. Bush administration. In 2003, more than 63 million Americans donated their time as volunteers to foster a sense of community, service and responsibility.

Education.

Traditionally, control over public schools has rested with local school districts. Over the years, however, state governments have become involved in overseeing issues such as textbook selection, teacher certification, and equitable school funding. The federal government's role in education has historically been quite limited.

By the 1960's, however, the federal government had taken on a broader role in determining policies and practices in the nation's school. Building on the federal initiatives of the Great Society programs of the 1960's, President Jimmy Carter created the United States Department of Education in 1979. In 1994, President Clinton signed into law Goals 2000: Educate America Act, which set out eight national education goals and provided money to help states meet them. In 2002, President Bush signed into law the No Child Left Behind Act of 2001, which has the purpose of ensuring that children in every classroom enjoy the benefits of well-prepared teachers, research-based curriculum and safe learning environments.

Supporters of strong federal involvement in public education say schools need a benchmark, such as national education standards, to evaluate educational reform. Many argue that only federal guidance will help students in poor school districts measure up to students from wealthier districts. Supporters also maintain that only the federal government has the power to implement certain policy changes in public schools nationwide, such as desegregation and equal funding for male and female extracurricular sports.

Critics of federal involvement in public schools say that state and local authorities understand better what kind of standards and practices their school districts need. Some also believe that national standards or testing will inevitably lead to a national curriculum, the contents of which may be fiercely opposed by some local school boards. Finally, critics say that increased federal involvement adds another expensive bureaucratic layer to the educational system.

Environment.

Since the 1960's, millions of Americans have been concerned about the effects pollution has on public health, fish and wildlife, and the air quality in U.S. cities. In 1970, 20 million Americans gathered at Earth Day rallies, marches, and teach-ins to protest pollution and promote conservation. That same year, the federal government responded to these concerns by forming the Environmental Protection Agency and passing legislation such as the Clean Air Act, which limits air pollutants caused by cars and factories. In recent years, some members of Congress have called for a reduction in the scope of the EPA, instead favoring a more prominent role for state governments and local grassroots organizations in determining environmental guidelines for their own communities.

Some grassroots organizations try to increase awareness of environmental problems and convince elected leaders and ordinary citizens to take action against them. Two such organizations are the Sierra Club, which was founded to protect the wilderness, and the Audubon Society, which works to save animals from extinction. Earth Day promotes a host of environmental concerns. It has become a nationwide annual event that has gained the support of many individuals in communities across the country.

Recycling in Communities.

Recycling has been a popular grassroots environmental activity across the nation for years. Many schools and communities have started recycling programs for glass, aluminum, newspapers, and plastics to reduce the amount of solid waste. Many environmentalists and local government officials maintain that mandatory recycling should be expanded as soon as possible, because waste sites are rapidly filling up and soon there will be no place left to safely dump trash. Supporters of recycling programs believe they are making a difference in their communities without having to rely on the government.

Communities and individuals are also using both their consumer dollars and their investment dollars to voice their environmental concerns, through boycotts, for example. A survey conducted by the Calvert Group found that 81 percent of Americans "would be more likely to invest in companies if they knew they were environmentally responsible." Some corporations, such as nuclear power and petroleum companies, are responding by becoming more "green" and reducing carbon dioxide pollution and using biodegradable industrial detergent.

Conclusion

The environment is one of the many causes that citizens and local governments are supporting in their communities. Many experts believe that activism on a local level is important for communities to succeed in tackling social problems. If the "devolution revolution" continues, and the federal government becomes less involved in issues such as welfare, education, crime, and the environment, state governments will have to design improved social programs. Lawmakers at all levels of government are anxious to see if the states can meet the challenges expanded powers bring.

Timeline of Federalism in the United States

1787-1836

Increased nationalism. Articles of Confederation prove inadequate, creating the movement for a stronger national government. Under a new constitution, Chief Justice John Marshall and the U.S. Supreme Court broadly define national powers, although many states resist this trend.

1787

U.S. federal system of government devised. The delegates to the constitutional convention create a new plan for government under which power is to be shared between a national government and the state governments.

1788

U.S. Constitution takes effect. New constitution is ratified by conventions in nine of the 13 original states. The new federal government begins operations the following year.

1791

Bill of Rights added to the Constitution. The Tenth Amendment, part of the Bill of Rights, specifically addresses the question of powers reserved to the states.

1798

Kentucky and Virginia Resolutions passed. James Madison and Thomas Jefferson ghost-write these pieces of state legislation, which argue that the states have the right to void federal legislation they judge to be unconstitutional. Madison and Jefferson are responding particularly to the Sedition Act of 1798, a federal law that made it a crime to criticize the government of the United States.

1814

Hartford Convention. Delegates from the New England states meet in Hartford, Connecticut, where they threaten to secede from the Union over the issue of the national tariff and the ongoing war with Great Britain.

1819

U.S. Supreme Court rules in *McCulloch v. Maryland*. Chief Justice John Marshall writes opinion establishing that the powers of the United States are not limited to those *expressly* in the Constitution, thus expanding the power of the national government.

1824

U.S. Supreme Court rules in *Gibbons v. Ogden*. In another important opinion, Chief Justice Marshall broadly defines the national government's power to regulate commerce, consequently restricting the power of the states.

1820's

Theory of nullification gains ground. Picking up on the arguments contained in the Virginia and Kentucky Resolutions, advocates of nullification describe the Union as a compact among sovereign states, and not a government of the people. They declare that the states have the ultimate authority in deciding whether the federal government has exceeded its powers.

1830-1860

Increased sectionalism. Regional interests are put ahead of national interests as the northern and southern states begin their political and economic arguments over slavery, tariffs, and other issues. The country begins its drift toward civil war.

1831

Fort Hill Address. States' rights advocate John C. Calhoun advocates theory of nullification by citing Madison's language from the Virginia Resolution. The following year, the South Carolina legislature adopts an Ordinance of Nullification, declaring two hated federal tariffs null and void, and threatening to secede if the federal government attempts to collect the tariffs by force. In response, President Andrew Jackson issues the "Proclamation to the People of South Carolina," warning that such action would constitute treason against the United States.

1836-1860

Supreme Court adopts theory of "dual sovereignty." Under Chief Justice Roger Taney, the Court comes to view the federal and state governments as equals; their interests and "sovereignties" should be weighed against each other.

1861-1865

American Civil War. The northern states' victory determines that the federal government is not a compact among sovereign states. Rather, its authority flows directly from the people. However, the war *does not* resolve the conflict between federal and states' rights.

1880's

Revival of dual sovereignty. U.S. Supreme Court increasingly rules against federal authority and in favor of states' rights, particularly in cases where the federal government attempts to regulate business practices.

1933-1939

Roosevelt administration introduces "New Deal." The president expands federal authority to regulate the economy and provide social services, based on the federal government's constitutional right to regulate interstate commerce (Article I, section 8, paragraph 3). Although the Supreme Court initially declared Roosevelt's legislation unconstitutional, the Court reversed its position in the late 1930s.

1950's and 1960's

Revival of theory of nullification. In response to the Supreme Court's ruling in *Brown v. Board of Education* (1954), southern states decry what they see as the federal government's intrusion on traditional state government rights.

1956

Alabama passes nullification resolution. The state legislature asserts the state's right to "interpose its sovereignty" against the U.S. Supreme Court's *Brown* decision.

1957

Federal troops used to ensure school desegregation. President Dwight D. Eisenhower orders federal troops to protect nine black students as they enroll at Central High School in Little Rock, Arkansas. The governor, Orval Faubus, had earlier ordered the state's National Guard to prevent the students from enrolling. In later years, President John F. Kennedy will use federal authority to enforce desegregation orders in Mississippi and Alabama.

1960's

Johnson administration introduces "Great Society." The administration's social and economic programs, combined with the powers granted in newly enacted civil rights legislation, lead to increased federal oversight of state and local government.

1970's

Nixon administration builds on Great Society. New federal programs continue the expansion of federal power over states and localities. However, these programs are funded through federal "block grants" to the states, giving the states more discretion over spending.

1980's

Reagan administration moves to define a "New Federalism." The administration moves to limit the power of the federal government to impose its policies on state and local governments.

1990's

Debate over federal-state power sharing continues. U.S. Congress enacts legislation shifting authority and control of social, education, and economic policy to the states.

1995

Republican Congress pursues "devolution revolution." A new Republican majority in Congress moves to hand day-to-day control of many federal programs to the states. Most important, Congress gives new authority to state governments to overhaul federally mandated programs, most notably welfare. New welfare policies use block grants to give states more discretion over spending.

Congress also adopts a law compelling the federal government to pay states for the enforcement of any new federal policies or mandates. In addition, budget considerations work to limit the growth of federal programs and initiatives affecting state and local government.

Powers of the Federal Government

A. Delegated powers (specific, enumerated, granted): These powers are found in the first three articles of the Constitution.

1. Levy/collect taxes
2. Coin/print money
3. Regulate foreign and interstate commerce
4. Set up post office
5. Conduct foreign relations
6. Raise/support armed forces
7. Declare war
8. Create inferior courts

B. Implied powers (Article I, Section 8) from the NECESSARY AND PROPER CLAUSE (ELASTIC CLAUSE): Empowers the national government to do all things necessary and proper to carry out its delegated powers.

1. Draft men for armed forces
2. *McCulloch v. Maryland* (1819) supported implied powers:

Maryland tried to tax the federal bank by requiring ALL banks NOT chartered by the state to pay a tax.

Federal bank officer, McCulloch refused to pay; Chief Justice Marshall:

1) Has Congress power to incorporate a bank?

Yes, Congress may establish a bank (IMPLIED)

2) May the state of Maryland tax a branch of the U.S. bank located in Maryland?

No, the power to tax involves the power to destroy; (NATIONAL SUPREMACY)

C. Exclusive powers (inherent): Certain powers belong exclusively to the national government: Declaring war, printing money, making treaties, establishing armed forces.

D. Concurrent powers: Held and exercised by both levels of governments (e.g., taxation, establishing courts, borrowing money)

Proprietary power - The federal government or state governments may own and operate economic enterprise: parks, utilities, subway, airport, etc.

Eminent domain - Power of a state or the federal government to take private property for public use upon payment of just compensation for the property so taken.

State Powers

The 10th amendment states that the powers not delegated to the United States ... are reserved to the states respectively, or the people.

A. Police power - the power of the states to protect and promote the public health, safety, welfare and morals. (e.g., criminal laws, regulation of business, licensing professions,)

8. To regulate intrastate commerce

C. To establish local governments

D. Certain Powers are prohibited to the states - such as printing money, taxing imports and exports, making treaties with foreign countries, engaging in war, impairing the obligation of contracts, denying any person the equal protection of the law;

E. From the Civil War and the Supreme Court's ruling in *Texas vs. White* (1869), Texans learned that states cannot secede from the union.

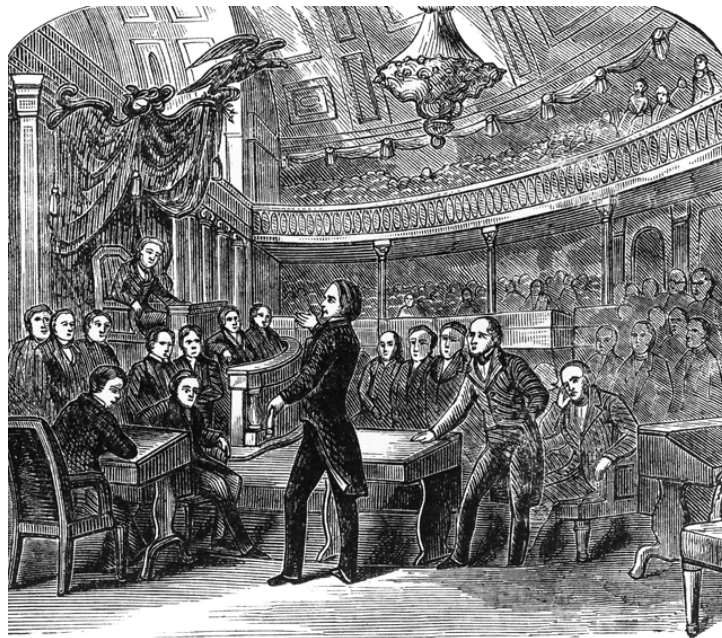
F. States cannot deny the right to vote on account of race, color, sex, or nonpayment of poll tax.

Federal Government Obligations to States

- A. Respect state's territorial integrity (state boundaries)
- B. Guarantee republican form of government to every state, GUARANTEE CLAUSE (Article 4, Section 4)
- C. Protect state against domestic violence
- D. Protect state's equal representation in the Senate

State Obligations to Federal Government

- A. Must respect federal Constitution, laws and treaties
- B. Must organize and hold elections for federal offices (federal government holds no elections of its own)
- C. Amendments to Constitution must be ratified by $\frac{3}{4}$'s of states and states must act on amendments

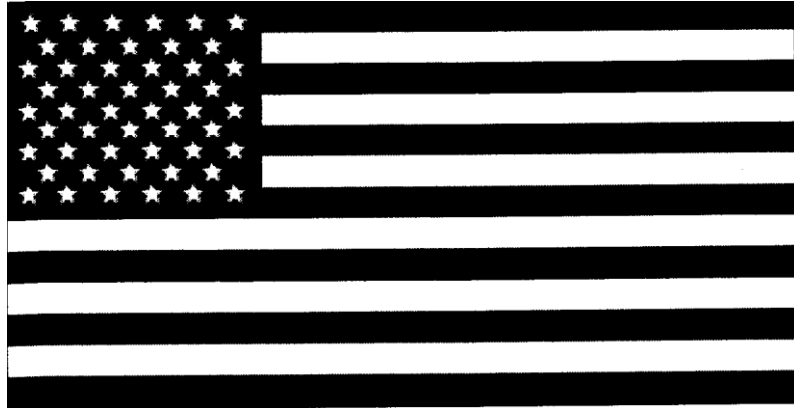


Types of Federalism

A. **Vertical federalism:** Powers flowing vertically between states and federal government

B. **Horizontal federalism:** Obligations imposed by the constitution on states in dealing with one another

1. Give FULL FAITH AND CREDIT to one another's public acts, records, judicial proceedings (e.g., birth certificates, marriage license, divorce decree,)
2. Extend to one another's citizens the PRIVILEGES AND IMMUNITIES of their own citizens.
3. EXTRADITION - Return persons fleeing from justice.
4. Resolve or settle conflicts with one another without use of force (e.g., fishing rights, highway use, and mineral rights); Supreme Court has ORIGINAL JURISDICTION in cases involving states



Three Levels of Government

federal government

1. Makes laws for the entire country
2. Deals with relations with other countries
3. Resolves disputes between states
4. Maintains basic rights for all citizens

state government

1. Makes laws for one state
2. Establishes educational system
3. Regulates commerce within the state
4. Regulates relations between citizens within the state

local government

1. Makes laws for a small area within a state - city, parish
2. Enforces local laws and ordinances
3. Provides police and fire protection

Checks and Balances

The system of "checks and balances" was established by the framers of the Constitution in an effort to ensure that no one branch of the United States government could exceed the power and authority of another.

Legislative

1. Passes laws
2. Can override veto
3. Must approve treaties
4. Must approve appointments
5. Can impeach President and judges
6. Approves judges

Executive

1. Can veto laws
2. Makes treaties
3. Appoints officials
4. Appoints judges

Judicial

1. Can rule that a law is unconstitutional
2. Can say Presidential action is unconstitutional

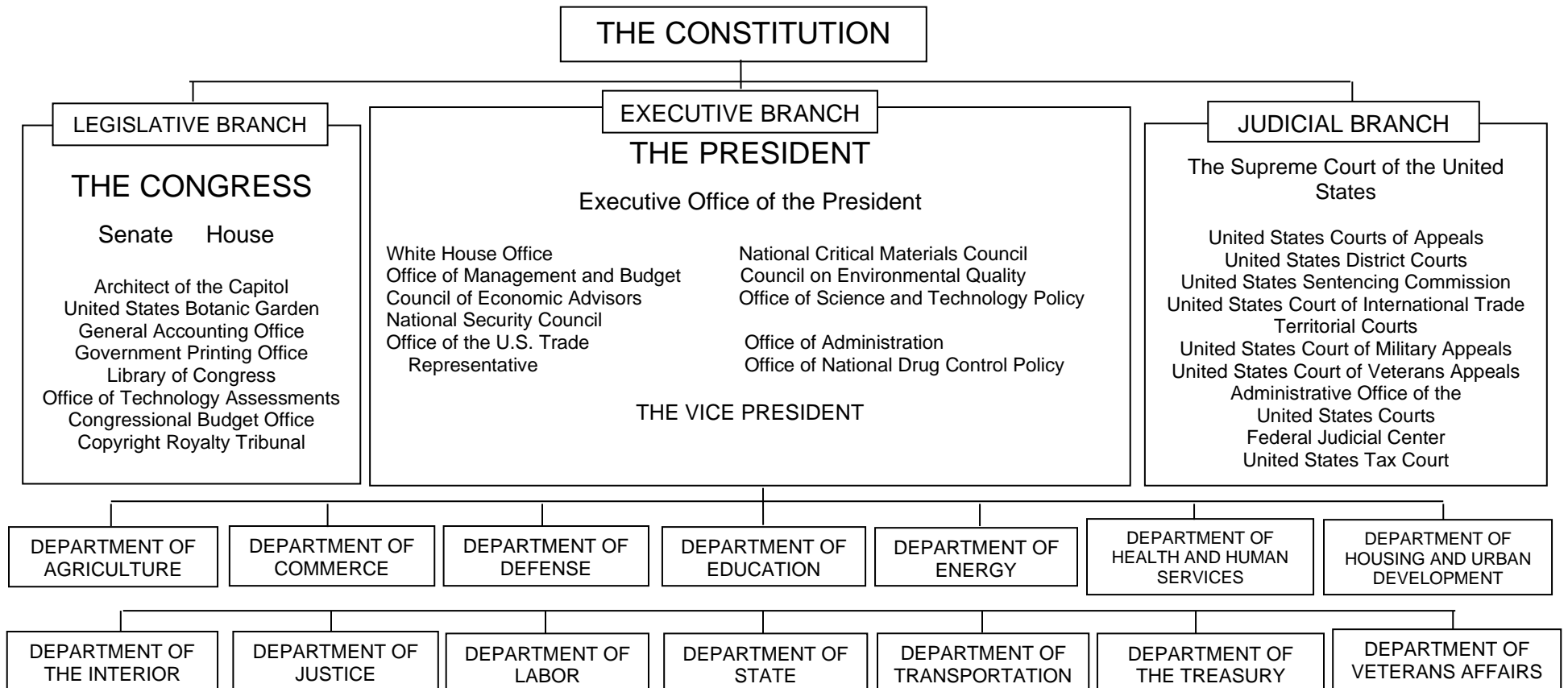
Chapter 4

Federal Government

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

1. Recognize the qualifications of the United States Congress members, the President and the Vice President, and the Supreme Court Justices;
2. Identify powers of the legislative, executive, and judicial branches of the federal government;
3. Comprehend the complexity of how a bill becomes a law; and
4. Describe the roles of the federal courts.

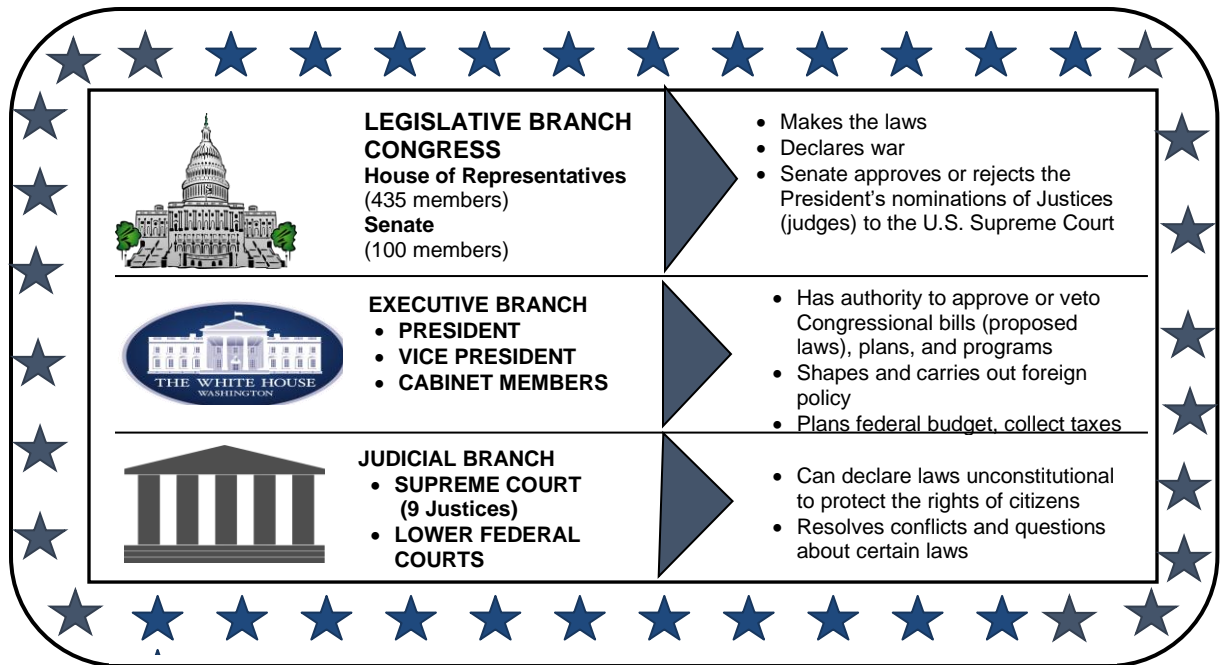
Three Branches of the Federal Government



THREE BRANCHES

Separate but Equal

The nation's Founders wanted to ensure that no one government official or group had too much power. They created three branches of federal government that share power equally. Read the chart, and then answer the questions below.



1. How many branches of government get involved with laws? _____

2. Which branch declares war? Why do you think that branch holds that power?

3. Who nominates Supreme Court Justices? Who approves the nominations?

Qualifications for Federal Office

President

Age: 35+
Citizen: Born in United States Residence: 14+ years
Term: 4 years
Limit: 2 terms

Vice President

Age: 35+
Citizen: Born in United States
Residence: 14+ years
Term: 4 years
Limit: none

Senator

Age: 30+
Citizen: 9+ years
Residence: In state
Term: 6years
Limit: none
Number of senators: 100

Representative

Age: 25+
Citizen: 7+ years
Residence: In state
Term: 2 years
Limit: none
Number of representatives: 435

Your name: _____

Who Can Be President?

A person can be President if he or she
can check all three boxes below.

★ ★ ★ ★ ★ ★	
1. A person must be 35 years old or older.	<input checked="" type="checkbox"/>
2. A person must be born in the U.S.	<input checked="" type="checkbox"/>
3. A person must have lived in the U.S. for 14 years or more.	<input checked="" type="checkbox"/>

Circle true or false for each statement below.

- | | | |
|--|------|-------|
| 1. A President can be 65 years old. | true | false |
| 2. A President can be 21 years old | true | false |
| 3. A President can be born in Iowa. | true | false |
| 4. A President must have lived in the U.S. for 35 years or more. | true | false |

Ann Sky is 40 years old. She was born in Michigan. She has always lived in the United States. Can she be President?

The Legislative Branch

The Organization of Congress

The House of Representatives

Members of the House of Representatives must meet only three qualifications: they must be at least 25 years old; they must have been United States citizens for at least seven years; and they must live in the states they represent.

Representatives are elected for two-year terms. The Constitution does not limit the number of terms a representative may serve. A number of states have already passed laws limiting the terms of representatives.

The number of representatives is fixed at 435. The Constitution guarantees each state at least one representative, but the number of additional representatives depends on the state's population. Some small states, such as Wyoming and Vermont, have only one representative. California the state with the largest population, has 52.

When the Constitution was first written, each state was given one representative in the House for every 30,000 people in the state. To determine the population size of each state, the Constitution called for a national census to be taken every ten years. The United States grew more rapidly than the delegates to the Constitutional Convention ever imagined. Thus, the number of members of the House grew. In the first Congress in 1789, the House had only 65 members. Following the census of 1910, the House had 435 members. To prevent the House from becoming too large, Congress passed a law in 1929 that set 435 as the permanent size of the House of Representatives.

The Senate

The Senate is the smaller of the two houses of Congress. It is made up of 100 members, 2 members from each of the 50 states, regardless of the state's size or population.

The Constitution lists three qualifications for membership in the Senate: a Senator must be at least 30 years old; he or she must have been a citizen of the United States for at least nine years; and a Senator must live or have residence in the state from which he or she is elected. A state's Senators represent the people of the entire state.

The fact that each state has the same number of Senators was part of the Great Compromise made at the Constitution Compromise. The Compromise called for a bicameral legislature.

Originally, the Constitution provided that Senators would be chosen by each state's legislature; however, the Seventeenth Amendment changed this. It requires that Senators be elected directly by the people in each state. Senators are chosen by voters in general elections. These elections are held in November of even-numbered years.

Not every Senate seat is voted on every two years. Each member of the Senate serves a six-year term. The terms are set up that only one-third of the Senate membership comes up for election every two years.

Once a Senator completes one term in office, he or she can be reelected. There is no limit to the number of terms Senators may serve.

Congress

Congress is organized to meet for a period of time known as a **term**. Each term of Congress lasts two years. According to the Twentieth Amendment, new terms begin on January 3 of every odd-numbered year.

Congress elections are held in November of even-numbered years. The Constitution originally stated that new terms would begin on March 4 of the following year.

The terms of Congress have been numbered consecutively since the first Congress met in 1789. The Congress that began its term in 1999 was the 107th Congress. The Congress that began its term on January 3, 2001 was the 107th Congress.

Each term of Congress is divided into two regular sessions. These are the periods of time during which Congress carries out its business. One session, which begins on January 3, is held each year of the term.

A regular session may last as long as Congress wishes. In recent years, Congress has had to meet throughout the year in order to handle its heavy workload. There usually are several **recesses**, or brief periods during the year, when Congress is not in session.

Besides regular sessions, Congress may meet at other times. The President may decide to call a special session of Congress to deal with special problems or emergencies. Occasionally, the House and the Senate meet together in what is

called a **joint session**. An example of a joint session occurs when the President gives a State of the Union Address.

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Leadership of Congress

President of the Senate

The official leader of the Senate is the President of the Senate. The Vice President of the United States serves in this position. The Vice President has no real role in the legislative process. He or she cannot show preference for any position or debate any issue. Additionally, the Vice President may vote only in the case of a tie.

The Vice President is often away from the Senate because of other responsibilities. Therefore, Senators choose another leader known as the **President pro tempore**. The words *pro tempore* mean "for the time being." Unlike the Vice President, the *President pro tempore* is a member of the Senate. as such, he or she can debate and vote on any issue. Usually, the longest serving member of the majority party is named to this position.

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Speaker of the House

) The leader of the House of Representatives, and one of the most powerful member of Congress, is the Speaker of the House. A member of the majority party, the Speaker is chosen by party members for his or her leadership qualities and legislative experience.

The main job of the Speaker is to lead sessions of the House of Representative. The Speaker decides who may speak from the floor, puts questions to a vote, and interprets rules. The Speaker also plays an important part in sending bills to committee and in choosing members to serve on certain committees. As a Representative, the Speaker may debate and vote on any matter before the House.

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How a Bill Becomes a Law

The chief function of Congress is the making of laws. Each Congress is elected for a two-year term and holds two annual sessions. During that time, as many as twenty thousand bills might be introduced, but only five to ten percent of them are actually signed into law. Some may pass through Congress quickly, while others lead to lengthy hearings in the subcommittees or committees and debates on the floors of the House and the Senate.

With the exception of revenue or tax bills, which must originate in the House, legislation can be introduced in either the House or the Senate; sometimes identical bills are introduced in both houses. The majority of bills are written by the executive branch.

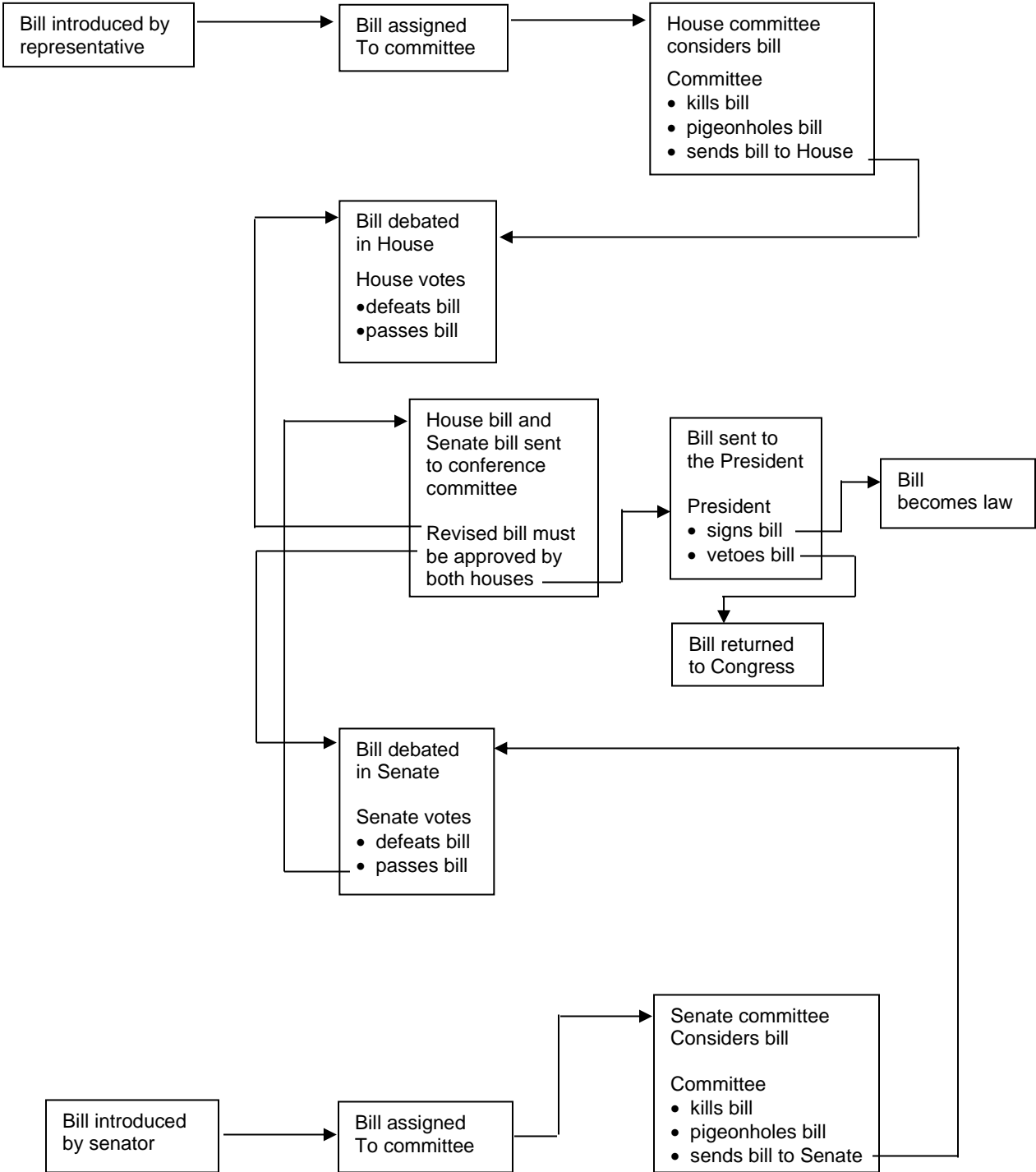
There are three ways to pass a bill:

First way: A bill must pass both houses of Congress by a majority vote. It must then be sent to the President. If the President signs the bill, it becomes law.

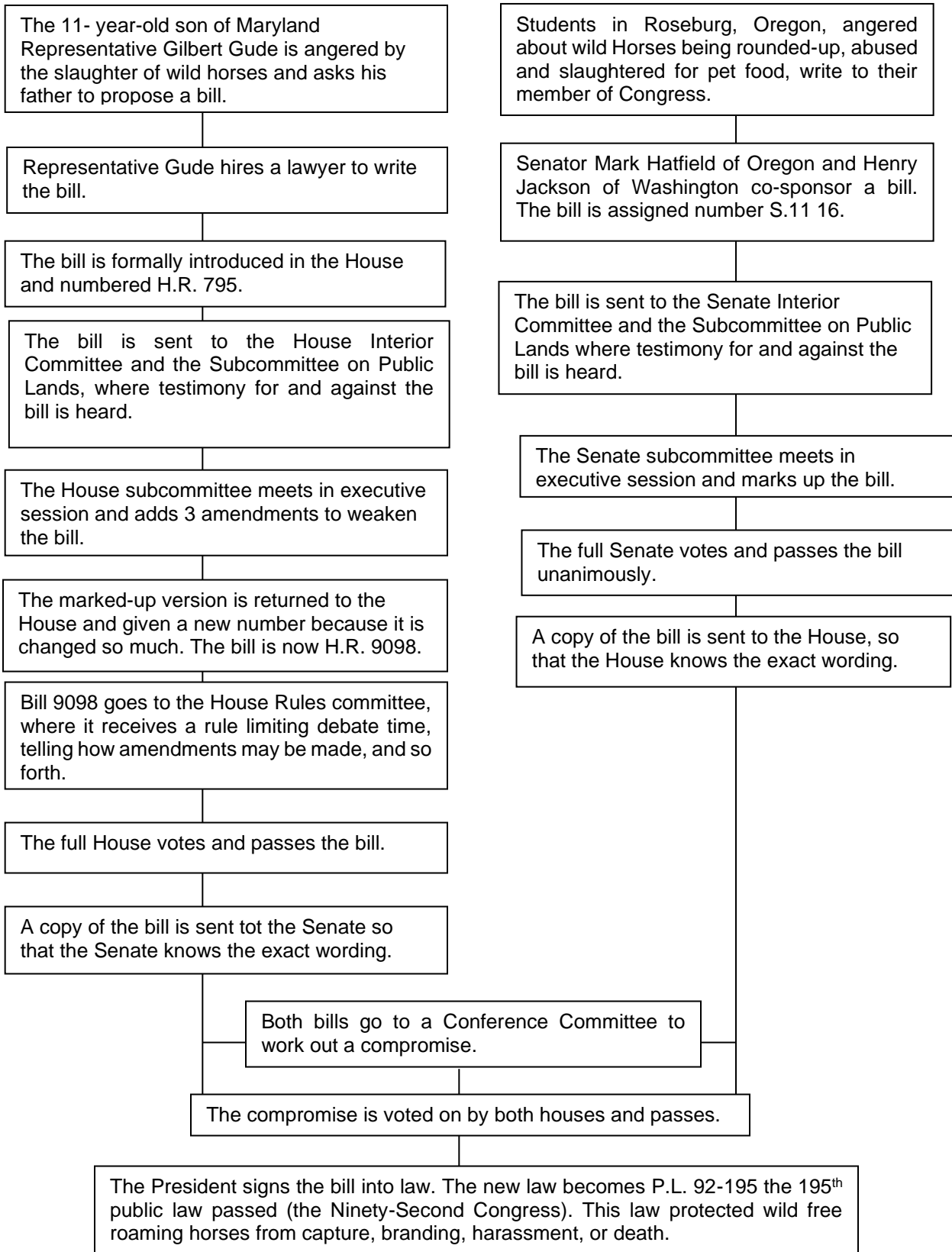
Second way: A bill must pass both houses by a majority vote and be sent to the President. If the President vetoes the bill, he sends it back to the house in which it started. If both houses pass it again by a two-thirds majority vote, it becomes a law without the President's signature.

Third way: A bill must pass both houses by a majority vote and be sent to the President. If the President keeps it ten days (Sundays excepted), it becomes a law without his signature, unless Congress adjourns the ten days are up.

How a Bill Becomes a Law - Illustration



How a Bill Became a Law



ALPHABETICAL LIST
OF THE
HOUSE OF REPRESENTATIVES
of the UNITED STATES
ONE HUNDRED SIXTEENTH CONGRESS

Current as of September 2020

Abramson, Ralph Lee	Republican	Louisiana (LA)
Aderholt, Robert B.	Republican	Alabama (AL)
Aguilar, Pete	Democrat	California (CA)
Allen, Rick W.	Republican	Georgia (GA)
Allred, Colin Z.	Democrat	Texas (TX)
Amash, Justin	Libertarian	Michigan (MI)
Amodei, Mark E.	Republican	Nevada (NV)
Armstrong, Kelly	Republican	North Dakota (ND)
Arrington, Jodey C.	Republican	Texas (TX)
Axne, Cynthia	Democrat	Iowa (IA)
Babin, Brian	Republican	Texas (TX)
Bacon, Don	Republican	Nebraska (NE)
Baird, James R.	Republican	Indiana (IN)
Balderson, Troy	Republican	Ohio (OH)
Banks, Jim	Republican	Indiana (IN)
Barr, Andy	Republican	Kentucky (KY)
Barragán, Nanette Diaz	Democrat	California (CA)
Bass, Karen	Democrat	California (CA)
Beatty, Joyce	Democrat	Ohio (OH)
Bera, Ami	Democrat	California (CA)

Bergman, Jack	Republican	Michigan (MI)
Beyer, Donald S. Jr.	Democrat	Virginia (VA)
Biggs, Andy	Republican	Arizona (AZ)
Bilirakis, Gus M.	Republican	Florida (FL)
Bishop, Dan	Republican	North Carolina (NC)
Bishop, Rob	Republican	Utah (UT)
Bishop, Sanford D. Jr.	Democrat	Georgia (GA)
Blumenauer, Earl	Democrat	Oregon (OR)
Blunt Rochester, Lisa	Democrat	Delaware (DE)
Bonamici, Suzanne	Democrat	Oregon (OR)
Bost, Mike	Republican	Illinois (IL)
Boyle, Brendan F.	Democrat	Pennsylvania (PA)
Brady, Kevin	Republican	Texas (TX)
Brindisi, Anthony	Democrat	New York (NY)
Brooks, Mo	Republican	Alabama (AL)
Brooks, Susan W.	Republican	Indiana (IN)
Brown, Anthony G.	Democrat	Maryland (MD)
Brownley, Julia	Democrat	California (CA)
Buchanan, Vern	Republican	Florida (FL)
Buck, Ken	Republican	Colorado (CO)
Bucshon, Larry	Republican	Indiana (IN)

Budd, Ted	Republican	North Carolina (NC)
Burchett, Tim	Republican	Tennessee (TN)
Burgess, Michael C.	Republican	Texas (TX)
Bustos, Cheri	Democrat	Illinois (IL)
Butterfield, G. K.	Democrat	North Carolina (NC)
Byrne, Bradley	Republican	Alabama (AL)
Calvert, Ken	Republican	California (CA)
Carbajal, Salud O.	Democrat	California (CA)
Carson, André	Democrat	Indiana (IN)
Carter, Earl L. "Buddy"	Republican	Georgia (GA)
Carter, John R.	Republican	Texas (TX)
Cartwright, Matt	Democrat	Pennsylvania (PA)
Case, Ed	Democrat	Hawaii (HI)
Casten, Sean	Democrat	Illinois (IL)
Castor, Kathy	Democrat	Florida (FL)
Castro, Joaquin	Democrat	Texas (TX)
Chabot, Steve	Republican	Ohio (OH)
Cheney, Liz	Republican	Wyoming (WY)
Chu, Judy	Democrat	California (CA)
Cicilline, David N.	Democrat	Rhode Island (RI)
Cisneros, Gilbert Ray Jr.	Democrat	California (CA)

Clark, Katherine M.	Democrat	Massachusetts (MA)
Clarke, Yvette D.	Democrat	New York (NY)
Clay, Wm. Lacy	Democrat	Missouri (MO)
Cleaver, Emanuel	Democrat	Missouri (MO)
Cline, Ben	Republican	Virginia (VA)
Cloud, Michael	Republican	Texas (TX)
Clyburn, James E.	Democrat	South Carolina (SC)
Cohen, Steve	Democrat	Tennessee (TN)
Cole, Tom	Republican	Oklahoma (OK)
Collins, Doug	Republican	Georgia (GA)
Comer, James	Republican	Kentucky (KY)
Conaway, K. Michael	Republican	Texas (TX)
Connolly, Gerald E.	Democrat	Virginia (VA)
Cook, Paul	Republican	California (CA)
Cooper, Jim	Democrat	Tennessee (TN)
Correa, J. Luis	Democrat	California (CA)
Costa, Jim	Democrat	California (CA)
Courtney, Joe	Democrat	Connecticut (CT)
Cox, TJ	Democrat	California (CA)
Craig, Angie	Democrat	Minnesota (MN)
Crawford, Eric A. "Rick"	Republican	Arkansas (AR)

Crenshaw, Dan	Republican	Texas (TX)
Crist, Charlie	Democrat	Florida (FL)
Crow, Jason	Democrat	Colorado (CO)
Cuellar, Henry	Democrat	Texas (TX)
Cunningham, Joe	Democrat	South Carolina (SC)
Curtis, John R.	Republican	Utah (UT)
Cárdenas, Tony	Democrat	California (CA)
Davids, Sharice	Democrat	Kansas (KS)
Davidson, Warren	Republican	Ohio (OH)
Davis, Danny K.	Democrat	Illinois (IL)
Davis, Rodney	Republican	Illinois (IL)
Davis, Susan A.	Democrat	California (CA)
Dean, Madeleine	Democrat	Pennsylvania (PA)
DeFazio, Peter A.	Democrat	Oregon (OR)
DeGette, Diana	Democrat	Colorado (CO)
DeLauro, Rosa L.	Democrat	Connecticut (CT)
DelBene, Suzan K.	Democrat	Washington (WA)
Delgado, Antonio	Democrat	New York (NY)
Demings, Val Butler	Democrat	Florida (FL)
DeSaulnier, Mark	Democrat	California (CA)
DesJarlais, Scott	Republican	Tennessee (TN)

Deutch, Theodore E.	Democrat	Florida (FL)
Diaz-Balart, Mario	Republican	Florida (FL)
Dingell, Debbie	Democrat	Michigan (MI)
Doggett, Lloyd	Democrat	Texas (TX)
Doyle, Michael F.	Democrat	Pennsylvania (PA)
Duncan, Jeff	Republican	South Carolina (SC)
Dunn, Neal P.	Republican	Florida (FL)
Emmer, Tom	Republican	Minnesota (MN)
Engel, Eliot L.	Democrat	New York (NY)
Escobar, Veronica	Democrat	Texas (TX)
Eshoo, Anna G.	Democrat	California (CA)
Español, Adriano	Democrat	New York (NY)
Estes, Ron	Republican	Kansas (KS)
Evans, Dwight	Democrat	Pennsylvania (PA)
Ferguson, A. Drew IV	Republican	Georgia (GA)
Finkenauer, Abby	Democrat	Iowa (IA)
Fitzpatrick, Brian K.	Republican	Pennsylvania (PA)
Fleischmann, Charles J. "Chuck"	Republican	Tennessee (TN)
Fletcher, Lizzie	Democrat	Texas (TX)
Flores, Bill	Republican	Texas (TX)

Fortenberry, Jeff	Republican	Nebraska (NE)
Foster, Bill	Democrat	Illinois (IL)
Foxx, Virginia	Republican	North Carolina (NC)
Frankel, Lois	Democrat	Florida (FL)
Fudge, Marcia L.	Democrat	Ohio (OH)
Fulcher, Russ	Republican	Idaho (ID)
Gabbard, Tulsi	Democrat	Hawaii (HI)
Gaetz, Matt	Republican	Florida (FL)
Gallagher, Mike	Republican	Wisconsin (WI)
Gallego, Ruben	Democrat	Arizona (AZ)
Garamendi, John	Democrat	California (CA)
Garcia, Mike	Republican	California (CA)
Garcia, Sylvia R.	Democrat	Texas (TX)
García, Jesús G. "Chuy"	Democrat	Illinois (IL)
Gianforte, Greg	Republican	Montana (MT)
Gibbs, Bob	Republican	Ohio (OH)
Gohmert, Louie	Republican	Texas (TX)
Golden, Jared F.	Democrat	Maine (ME)
Gomez, Jimmy	Democrat	California (CA)
Gonzalez, Anthony	Republican	Ohio (OH)

Gonzalez, Vicente	Democrat	Texas (TX)
González-Colón, Jennifer	Republican	Puerto Rico (PR)
Gooden, Lance	Republican	Texas (TX)
Gosar, Paul A.	Republican	Arizona (AZ)
Gottheimer, Josh	Democrat	New Jersey (NJ)
Granger, Kay	Republican	Texas (TX)
Graves, Garret	Republican	Louisiana (LA)
Graves, Sam	Republican	Missouri (MO)
Graves, Tom	Republican	Georgia (GA)
Green, Al	Democrat	Texas (TX)
Green, Mark E.	Republican	Tennessee (TN)
Griffith, H. Morgan	Republican	Virginia (VA)
Grijalva, Raúl M.	Democrat	Arizona (AZ)
Grothman, Glenn	Republican	Wisconsin (WI)
Guest, Michael	Republican	Mississippi (MS)
Guthrie, Brett	Republican	Kentucky (KY)
Haaland, Debra A.	Democrat	New Mexico (NM)
Hagedorn, Jim	Republican	Minnesota (MN)
Harder, Josh	Democrat	California (CA)
Harris, Andy	Republican	Maryland (MD)

Hartzler, Vicky	Republican	Missouri (MO)
Hastings, Alcee L.	Democrat	Florida (FL)
Hayes, Jahana	Democrat	Connecticut (CT)
Heck, Denny	Democrat	Washington (WA)
Hern, Kevin	Republican	Oklahoma (OK)
Herrera Beutler, Jaime	Republican	Washington (WA)
Hice, Jody B.	Republican	Georgia (GA)
Higgins, Brian	Democrat	New York (NY)
Higgins, Clay	Republican	Louisiana (LA)
Hill, J. French	Republican	Arkansas (AR)
Himes, James A.	Democrat	Connecticut (CT)
Holding, George	Republican	North Carolina (NC)
Hollingsworth, Trey	Republican	Indiana (IN)
Horn, Kendra S.	Democrat	Oklahoma (OK)
Horsford, Steven	Democrat	Nevada (NV)
Houlahan, Chrissy	Democrat	Pennsylvania (PA)
Hoyer, Steny H.	Democrat	Maryland (MD)
Hudson, Richard	Republican	North Carolina (NC)
Huffman, Jared	Democrat	California (CA)
Huizenga, Bill	Republican	Michigan (MI)
Hurd, Will	Republican	Texas (TX)

Jackson Lee, Sheila	Democrat	Texas (TX)
Jacobs, Chris	Republican	New York (NY)
Jayapal, Pramila	Democrat	Washington (WA)
Jeffries, Hakeem S.	Democrat	New York (NY)
Johnson, Bill	Republican	Ohio (OH)
Johnson, Dusty	Republican	South Dakota (SD)
Johnson, Eddie Bernice	Democrat	Texas (TX)
Johnson, Henry C. "Hank" Jr.	Democrat	Georgia (GA)
Johnson, Mike	Republican	Louisiana (LA)
Jordan, Jim	Republican	Ohio (OH)
Joyce, David P.	Republican	Ohio (OH)
Joyce, John	Republican	Pennsylvania (PA)
Kaptur, Marcy	Democrat	Ohio (OH)
Katko, John	Republican	New York (NY)
Keating, William R.	Democrat	Massachusetts (MA)
Keller, Fred	Republican	Pennsylvania (PA)
Kelly, Mike	Republican	Pennsylvania (PA)
Kelly, Robin L.	Democrat	Illinois (IL)
Kelly, Trent	Republican	Mississippi (MS)
Kennedy, Joseph P. III	Democrat	Massachusetts (MA)

Khanna, Ro	Democrat	California (CA)
Kildee, Daniel T.	Democrat	Michigan (MI)
Kilmer, Derek	Democrat	Washington (WA)
Kim, Andy	Democrat	New Jersey (NJ)
Kind, Ron	Democrat	Wisconsin (WI)
King, Peter T.	Republican	New York (NY)
King, Steve	Republican	Iowa (IA)
Kinzinger, Adam	Republican	Illinois (IL)
Kirkpatrick, Ann	Democrat	Arizona (AZ)
Krishnamoorthi, Raja	Democrat	Illinois (IL)
Kuster, Ann M.	Democrat	New Hampshire (NH)
Kustoff, David	Republican	Tennessee (TN)
LaHood, Darin	Republican	Illinois (IL)
LaMalfa, Doug	Republican	California (CA)
Lamb, Conor	Democrat	Pennsylvania (PA)
Lamborn, Doug	Republican	Colorado (CO)
Langevin, James R.	Democrat	Rhode Island (RI)
Larsen, Rick	Democrat	Washington (WA)
Larson, John B.	Democrat	Connecticut (CT)
Latta, Robert E.	Republican	Ohio (OH)
Lawrence, Brenda L.	Democrat	Michigan (MI)

Lawson, Al Jr.	Democrat	Florida (FL)
Lee, Barbara	Democrat	California (CA)
Lee, Susie	Democrat	Nevada (NV)
Lesko, Debbie	Republican	Arizona (AZ)
Levin, Andy	Democrat	Michigan (MI)
Levin, Mike	Democrat	California (CA)
Lieu, Ted	Democrat	California (CA)
Lipinski, Daniel	Democrat	Illinois (IL)
Loeb sack, David	Democrat	Iowa (IA)
Lofgren, Zoe	Democrat	California (CA)
Long, Billy	Republican	Missouri (MO)
Loudermilk, Barry	Republican	Georgia (GA)
Lowenthal, Alan S.	Democrat	California (CA)
Lowey, Nita M.	Democrat	New York (NY)
Lucas, Frank D.	Republican	Oklahoma (OK)
Luetkemeyer, Blaine	Republican	Missouri (MO)
Luján, Ben Ray	Democrat	New Mexico (NM)
Luria, Elaine G.	Democrat	Virginia (VA)
Lynch, Stephen F.	Democrat	Massachusetts (MA)
Malinowski, Tom	Democrat	New Jersey (NJ)
Maloney, Carolyn B.	Democrat	New York (NY)

Maloney, Sean Patrick	Democrat	New York (NY)
Marchant, Kenny	Republican	Texas (TX)
Marshall, Roger W.	Republican	Kansas (KS)
Massie, Thomas	Republican	Kentucky (KY)
Mast, Brian J.	Republican	Florida (FL)
Matsui, Doris O.	Democrat	California (CA)
McAdams, Ben	Democrat	Utah (UT)
McBath, Lucy	Democrat	Georgia (GA)
McCarthy, Kevin	Republican	California (CA)
McCaul, Michael T.	Republican	Texas (TX)
McClintock, Tom	Republican	California (CA)
McCollum, Betty	Democrat	Minnesota (MN)
McEachin, A. Donald	Democrat	Virginia (VA)
McGovern, James P.	Democrat	Massachusetts (MA)
McHenry, Patrick T.	Republican	North Carolina (NC)
McKinley, David B.	Republican	West Virginia (WV)
McNerney, Jerry	Democrat	California (CA)
Meeks, Gregory W.	Democrat	New York (NY)
Meng, Grace	Democrat	New York (NY)
Meuser, Daniel	Republican	Pennsylvania (PA)
Mfume, Kweisi	Democrat	Maryland (MD)

Miller, Carol D.	Republican	West Virginia (WV)
Mitchell, Paul	Republican	Michigan (MI)
Moolenaar, John R.	Republican	Michigan (MI)
Mooney, Alexander X.	Republican	West Virginia (WV)
Moore, Gwen	Democrat	Wisconsin (WI)
Morelle, Joseph D.	Democrat	New York (NY)
Moulton, Seth	Democrat	Massachusetts (MA)
Mucarsel-Powell, Debbie	Democrat	Florida (FL)
Mullin, Markwayne	Republican	Oklahoma (OK)
Murphy, Gregory F.	Republican	North Carolina (NC)
Murphy, Stephanie N.	Democrat	Florida (FL)
Nadler, Jerrold	Democrat	New York (NY)
Napolitano, Grace F.	Democrat	California (CA)
Neal, Richard E.	Democrat	Massachusetts (MA)
Neguse, Joe	Democrat	Colorado (CO)
Newhouse, Dan	Republican	Washington (WA)
Norcross, Donald	Democrat	New Jersey (NJ)
Norman, Ralph	Republican	South Carolina (SC)
Norton, Eleanor Holmes	Democrat	District of Columbia (DC)
Nunes, Devin	Republican	California (CA)

O'Halleran, Tom	Democrat	Arizona (AZ)
Ocasio-Cortez, Alexandria	Democrat	New York (NY)
Olson, Pete	Republican	Texas (TX)
Omar, Ilhan	Democrat	Minnesota (MN)
Palazzo, Steven M.	Republican	Mississippi (MS)
Pallone, Frank Jr.	Democrat	New Jersey (NJ)
Palmer, Gary J.	Republican	Alabama (AL)
Panetta, Jimmy	Democrat	California (CA)
Pappas, Chris	Democrat	New Hampshire (NH)
Pascrell, Bill Jr.	Democrat	New Jersey (NJ)
Payne, Donald M. Jr.	Democrat	New Jersey (NJ)
Pelosi, Nancy	Democrat	California (CA)
Pence, Greg	Republican	Indiana (IN)
Perlmutter, Ed	Democrat	Colorado (CO)
Perry, Scott	Republican	Pennsylvania (PA)
Peters, Scott H.	Democrat	California (CA)
Peterson, Collin C.	Democrat	Minnesota (MN)
Phillips, Dean	Democrat	Minnesota (MN)
Pingree, Chellie	Democrat	Maine (ME)
Plaskett, Stacey E.	Democrat	Virgin Islands (VI)

Pocan, Mark	Democrat	Wisconsin (WI)
Porter, Katie	Democrat	California (CA)
Posey, Bill	Republican	Florida (FL)
Pressley, Ayanna	Democrat	Massachusetts (MA)
Price, David E.	Democrat	North Carolina (NC)
Quigley, Mike	Democrat	Illinois (IL)
Radewagen, Aumua Amata Coleman	Republican	American Samoa (AS)
Raskin, Jamie	Democrat	Maryland (MD)
Reed, Tom	Republican	New York (NY)
Reschenthaler, Guy	Republican	Pennsylvania (PA)
Rice, Kathleen M.	Democrat	New York (NY)
Rice, Tom	Republican	South Carolina (SC)
Richmond, Cedric L.	Democrat	Louisiana (LA)
Riggleman, Denver	Republican	Virginia (VA)
Roby, Martha	Republican	Alabama (AL)
Rodgers, Cathy McMorris	Republican	Washington (WA)
Roe, David P.	Republican	Tennessee (TN)
Rogers, Harold	Republican	Kentucky (KY)
Rogers, Mike	Republican	Alabama (AL)
Rooney, Francis	Republican	Florida (FL)

Rose, John W.	Republican	Tennessee (TN)
Rose, Max	Democrat	New York (NY)
Rouda, Harley	Democrat	California (CA)
Rouzer, David	Republican	North Carolina (NC)
Roy, Chip	Republican	Texas (TX)
Roybal-Allard, Lucille	Democrat	California (CA)
Ruiz, Raul	Democrat	California (CA)
Ruppersberger, C. A. Dutch	Democrat	Maryland (MD)
Rush, Bobby L.	Democrat	Illinois (IL)
Rutherford, John H.	Republican	Florida (FL)
Ryan, Tim	Democrat	Ohio (OH)
Sablan, Gregorio Kilili Camacho	Democrat	Northern Mariana Islands (MP)
San Nicolas, Michael F. Q.	Democrat	Guam (GU)
Sarbanes, John P.	Democrat	Maryland (MD)
Scalise, Steve	Republican	Louisiana (LA)
Scanlon, Mary Gay	Democrat	Pennsylvania (PA)
Schakowsky, Janice D.	Democrat	Illinois (IL)
Schiff, Adam B.	Democrat	California (CA)
Schneider, Bradley Scott	Democrat	Illinois (IL)

Schrader, Kurt	Democrat	Oregon (OR)
Schrier, Kim	Democrat	Washington (WA)
Schweikert, David	Republican	Arizona (AZ)
Scott, Austin	Republican	Georgia (GA)
Scott, David	Democrat	Georgia (GA)
Scott, Robert C. "Bobby"	Democrat	Virginia (VA)
Sensenbrenner, F. James Jr.	Republican	Wisconsin (WI)
Serrano, José E.	Democrat	New York (NY)
Sewell, Terri A.	Democrat	Alabama (AL)
Shalala, Donna E.	Democrat	Florida (FL)
Sherman, Brad	Democrat	California (CA)
Sherrill, Mikie	Democrat	New Jersey (NJ)
Shimkus, John	Republican	Illinois (IL)
Simpson, Michael K.	Republican	Idaho (ID)
Sires, Albio	Democrat	New Jersey (NJ)
Slotkin, Elissa	Democrat	Michigan (MI)
Smith, Adam	Democrat	Washington (WA)
Smith, Adrian	Republican	Nebraska (NE)
Smith, Christopher H.	Republican	New Jersey (NJ)
Smith, Jason	Republican	Missouri (MO)

Smucker, Lloyd	Republican	Pennsylvania (PA)
Soto, Darren	Democrat	Florida (FL)
Spanberger, Abigail Davis	Democrat	Virginia (VA)
Spano, Ross	Republican	Florida (FL)
Speier, Jackie	Democrat	California (CA)
Stanton, Greg	Democrat	Arizona (AZ)
Stauber, Pete	Republican	Minnesota (MN)
Stefanik, Elise M.	Republican	New York (NY)
Steil, Bryan	Republican	Wisconsin (WI)
Steube, W. Gregory	Republican	Florida (FL)
Stevens, Haley M.	Democrat	Michigan (MI)
Stewart, Chris	Republican	Utah (UT)
Stivers, Steve	Republican	Ohio (OH)
Suozzi, Thomas R.	Democrat	New York (NY)
Swalwell, Eric	Democrat	California (CA)
Sánchez, Linda T.	Democrat	California (CA)
Takano, Mark	Democrat	California (CA)
Taylor, Van	Republican	Texas (TX)
Thompson, Bennie G.	Democrat	Mississippi (MS)
Thompson, Glenn	Republican	Pennsylvania (PA)

Thompson, Mike	Democrat	California (CA)
Thornberry, Mac	Republican	Texas (TX)
Tiffany, Thomas P.	Republican	Wisconsin (WI)
Timmons, William R. IV	Republican	South Carolina (SC)
Tipton, Scott R.	Republican	Colorado (CO)
Titus, Dina	Democrat	Nevada (NV)
Tlaib, Rashida	Democrat	Michigan (MI)
Tonko, Paul	Democrat	New York (NY)
Torres Small, Xochitl	Democrat	New Mexico (NM)
Torres, Norma J.	Democrat	California (CA)
Trahan, Lori	Democrat	Massachusetts (MA)
Trone, David J.	Democrat	Maryland (MD)
Turner, Michael R.	Republican	Ohio (OH)
Underwood, Lauren	Democrat	Illinois (IL)
Upton, Fred	Republican	Michigan (MI)
Van Drew, Jefferson	Republican	New Jersey (NJ)
Vargas, Juan	Democrat	California (CA)
Veasey, Marc A.	Democrat	Texas (TX)
Vela, Filemon	Democrat	Texas (TX)
Velázquez, Nydia M.	Democrat	New York (NY)
Visclosky, Peter J.	Democrat	Indiana (IN)

Wagner, Ann	Republican	Missouri (MO)
Walberg, Tim	Republican	Michigan (MI)
Walden, Greg	Republican	Oregon (OR)
Walker, Mark	Republican	North Carolina (NC)
Walorski, Jackie	Republican	Indiana (IN)
Waltz, Michael	Republican	Florida (FL)
Wasserman Schultz, Debbie	Democrat	Florida (FL)
Waters, Maxine	Democrat	California (CA)
Watkins, Steve	Republican	Kansas (KS)
Watson Coleman, Bonnie	Democrat	New Jersey (NJ)
Weber, Randy K. Sr.	Republican	Texas (TX)
Webster, Daniel	Republican	Florida (FL)
Welch, Peter	Democrat	Vermont (VT)
Wenstrup, Brad R.	Republican	Ohio (OH)
Westerman, Bruce	Republican	Arkansas (AR)
Wexton, Jennifer	Democrat	Virginia (VA)
Wild, Susan	Democrat	Pennsylvania (PA)
Williams, Roger	Republican	Texas (TX)
Wilson, Frederica S.	Democrat	Florida (FL)
Wilson, Joe	Republican	South Carolina (SC)

Wittman, Robert J.	Republican	Virginia (VA)
Womack, Steve	Republican	Arkansas (AR)
Woodall, Rob	Republican	Georgia (GA)
Wright, Ron	Republican	Texas (TX)
Yarmuth, John A.	Democrat	Kentucky (KY)
Yoho, Ted S.	Republican	Florida (FL)
Young, Don	Republican	Alaska (AK)
Zeldin, Lee M.	Republican	New York (NY)

List of Current Members of the United States Senate 116th Congress

The United States Senate consists of 100 members, two from each of the 50 states. Below is a list of U.S. senators in the 116th United States Congress.

State	Senator		Assumed Office	Seat Up
Alabama	Richard Shelby	Republican	January 3, 1987	2022
	Doug Jones	Democratic	January 3, 2018	2020
Alaska	Lisa Murkowski	Republican	December 20, 2002	2022
	Dan Sullivan	Republican	January 3, 2015	2020
Arizona	Kyrsten Sinema	Democratic	January 3, 2019	2024
	Martha McSally	Republican	January 3, 2019	2020 (special) 2022 (general)
Arkansas	John Boozman	Republican	January 3, 2011	2022
	Tom Cotton	Republican	January 3, 2015	2020
California	Dianne Feinstein	Democratic	November 4, 1992	2024
	Kamala Harris	Democratic	January 3, 2017	2022
Colorado	Michael Bennet	Democratic	January 22, 2009	2022
	Cory Gardner	Republican	January 3, 2015	2020

State	Senator		Assumed Office	Seat Up
Connecticut	Richard Blumenthal	Democratic	January 3, 2011	2022
	Chris Murphy	Democratic	January 3, 2013	2024
Delaware	Tom Carper	Democratic	January 3, 2001	2024
	Chris Coons	Democratic	November 15, 2010	2020
Florida	Marco Rubio	Republican	January 3, 2011	2022
	Rick Scott	Republican	January 8, 2019	2024
Georgia	David Perdue	Republican	January 3, 2015	2020
	Kelly Loeffler	Republican	January 6, 2020	2020 (special) 2022 (general)
Hawaii	Brian Schatz	Democratic	December 26, 2012	2022
	Mazie Hirono	Democratic	January 3, 2013	2024
Idaho	Mike Crapo	Republican	January 3, 1999	2022
	Jim Risch	Republican	January 3, 2009	2020
Illinois	Dick Durbin	Democratic	January 3, 1997	2020
	Tammy Duckworth	Democratic	January 3, 2017	2022
Indiana	Todd Young	Republican	January 3, 2017	2022
	Mike Braun	Republican	January 3, 2019	2024

State	Senator		Assumed Office	Seat Up
Iowa	Chuck Grassley	Republican	January 3, 1981	2022
	Joni Ernst	Republican	January 3, 2015	2020
Kansas	Pat Roberts	Republican	January 3, 1997	2020
	Jerry Moran	Republican	January 3, 2011	2022
Kentucky	Mitch McConnell	Republican	January 3, 1985	2020
	Rand Paul	Republican	January 3, 2011	2022
Louisiana	Bill Cassidy	Republican	January 3, 2015	2020
	John Kennedy	Republican	January 3, 2017	2022
Maine	Susan Collins	Republican	January 3, 1997	2020
	Angus King	Independent	January 3, 2013	2024
Maryland	Ben Cardin	Democratic	January 3, 2007	2024
	Chris Van Hollen	Democratic	January 3, 2017	2022
Massachusetts	Elizabeth Warren	Democratic	January 3, 2013	2024
	Ed Markey	Democratic	July 16, 2013	2020
Michigan	Debbie Stabenow	Democratic	January 3, 2001	2024
	Gary Peters	Democratic	January 3, 2015	2020
Minnesota	Amy Klobuchar	Democratic	January 3, 2007	2024
	Tina Smith	Democratic	January 3, 2018	2020
Mississippi	Roger Wicker	Republican	December 31, 2007	2024
	Cindy Hyde-Smith	Republican	April 9, 2018	2020
Missouri	Roy Blunt	Republican	January 3, 2011	2022
	Josh Hawley	Republican	January 3, 2019	2024
Montana	Jon Tester	Democratic	January 3, 2007	2024
	Steve Daines	Republican	January 3, 2015	2020
Nebraska	Deb Fischer	Republican	January 3, 2013	2024
	Ben Sasse	Republican	January 3, 2015	2020
Nevada	Catherine Cortez Masto	Democratic	January 3, 2017	2022

State	Senator		Assumed Office	Seat Up
	Jacky Rosen	Democratic	January 3, 2019	2024
New Hampshire	Jeanne Shaheen	Democratic	January 3, 2009	2020
	Maggie Hassan	Democratic	January 3, 2017	2022
New Jersey	Bob Menendez	Democratic	January 18, 2006	2024
	Cory Booker	Democratic	October 31, 2013 ⁱⁱⁱ	2020
New Mexico	Tom Udall	Democratic	January 3, 2009	2020
	Martin Heinrich	Democratic	January 3, 2013	2024
New York	Chuck Schumer	Democratic	January 3, 1999	2022
	Kirsten Gillibrand	Democratic	January 26, 2009	2024
North Carolina	Richard Burr	Republican	January 3, 2005	2022
	Thom Tillis	Republican	January 3, 2015	2020
North Dakota	John Hoeven	Republican	January 3, 2011	2022
	Kevin Cramer	Republican	January 3, 2019	2024
Ohio	Sherrod Brown	Democratic	January 3, 2007	2024
	Rob Portman	Republican	January 3, 2011	2022
Oklahoma	Jim Inhofe	Republican	November 17, 1994	2020
	James Lankford	Republican	January 3, 2015	2022
Oregon	Ron Wyden	Democratic	February 6, 1996	2022
	Jeff Merkley	Democratic	January 3, 2009	2020
Pennsylvania	Bob Casey Jr.	Democratic	January 3, 2007	2024
	Pat Toomey	Republican	January 3, 2011	2022
Rhode Island	Jack Reed	Democratic	January 3, 1997	2020
	Sheldon Whitehouse	Democratic	January 3, 2007	2024
South Carolina	Lindsey Graham	Republican	January 3, 2003	2020
	Tim Scott	Republican	January 2, 2013	2022
South Dakota	John Thune	Republican	January 3, 2005	2022
	Mike Rounds	Republican	January 3, 2015	2020
Tennessee	Lamar Alexander	Republican	January 3, 2003	2020
	Marsha Blackburn	Republican	January 3, 2019	2024
Texas	John Cornyn	Republican	December 2, 2002	2020
	Ted Cruz	Republican	January 3, 2013	2024
Utah	Mike Lee	Republican	January 3, 2011	2022
	Mitt Romney	Republican	January 3, 2019	2024
Vermont	Patrick Leahy	Democratic	January 3, 1975	2022
	Bernie Sanders	Independent	January 3, 2007	2024
Virginia	Mark Warner	Democratic	January 3, 2009	2020
	Tim Kaine	Democratic	January 3, 2013	2024
Washington	Patty Murray	Democratic	January 3, 1993	2022
	Maria Cantwell	Democratic	January 3, 2001	2024
West Virginia	Joe Manchin	Democratic	November 10, 2010	2024

State	Senator		Assumed Office	Seat Up
	Shelley Moore Capito	Republican	January 3, 2015	2020
Wisconsin	Ron Johnson	Republican	January 3, 2011	2022
	Tammy Baldwin	Democratic	January 3, 2013	2024
Wyoming	Mike Enzi	Republican	January 3, 1997	2020
	John Barrasso	Republican	June 25, 2007	2024

Demographics

There are 74 men (at least 69 white, 3 Hispanic, and 2 black) and 26 women (at least 21 white, 1 Hispanic, 2 Asian (1 Thai, and 1 Japanese), and 1 bi-racial (black and Indian) who are currently (September 2020) United States senators.

The Executive Branch

Hail to the Chief



Powers of the Presidency

Article II of the United States Constitution sets out the powers of the Presidency.

Article II

Section 2. The President shall be Commander in chief of the Army and Navy of the United States, and of the militia of the Several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointment are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section 3. He shall from time to time give Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

The President and the Vice President

The President

The President of the United States holds one of the most important offices in the world. The Constitution lists only three requirements to become President of the United States: 1) the President must be a native-born (not naturalized) citizen of this country; 2) he or she must be at least 35 years old; and 3) he or she must have lived in the United States for at least 14 years.

Almost all our Presidents have shared similar characteristics. Every President in American History has been a white male. All but one have been Protestant, and many have been of British ancestry. Most, but not all, attended college, and many began their career as lawyers.

Only in the past few decades has the presidency become a possibility for a wider range of Americans. John F. Kennedy, a Catholic, was elected President in 1960. In 1984, the Democratic Party nominated Geraldine Ferraro as its first female vice-presidential candidate. In that same year, and four years later, Jesse Jackson, an African American male, ran second in the race to become the Democratic candidate for President.

Election and Terms of Office

Presidents are chosen every four years in general elections. These elections are held on the first Tuesday after the first Monday in November. The candidates first run for their party's nomination in state primaries and caucuses. The nomination is made at each party's national convention. Then, the parties' candidates run against each other in the general election.

When Election Day comes, the voters are not actually voting for President. Instead, they are choosing electors who will vote for President for them.

The Constitution originally placed no limit on the number of terms a President could serve. George Washington, who felt that eight years was enough for any President, stepped down after two four-year terms. Following his example, no President served more than two terms until 1940, when President Franklin D. Roosevelt was elected to a third term. In 1944, he was elected to a fourth term.

After Roosevelt's death, Congress proposed a constitutional amendment that would prevent any President from breaking the two-term tradition again. The

Twenty-second Amendment, ratified in 1951, limits each President to two terms in office.

Salary and Benefits

The President's salary is determined by Congress and cannot change during the President's term. The President receives a salary of \$400,000 per year, plus another \$50,000.00 per year for expenses.

The President and his or her family enjoy free lodging in the White House and the use of Camp David, a mountain estate in Maryland. The President is given office space and a large staff. He or she has the use of several automobiles, a yacht, and specially equipped airplanes and helicopters. The President and his or her family also receive round-the-clock protection by the Secret Service.

First Spouse

The role of "First Spouse" or spouse of the President, is full time and unpaid, although he or she is entitled to an annual pension of \$20,000.

The First Spouse can help to reach more voters and raise campaign dollars. The Spouse becomes a surrogate when the President cannot be in two places at the same time.

The Vice President

The Vice President is the only other member of the executive branch mentioned in the Constitution. Article II says that if the President dies, becomes disabled, or leaves office, the Vice President automatically takes on all the powers of the President. This is the most important duty of the Vice President. For this reason, the qualifications for the vice presidency are the same as those for the presidency. The Vice President must be:

- 1) a natural-born citizen of the United States
- 2) a resident of the United States for at least 14 years, and
- 3) at least 35 years old.

The Vice President serves as President of the Senate. The position of Vice President has few real powers; however, many Presidents have given their Vice Presidents major responsibilities. Most recent Vice Presidents have taken part in cabinet meetings and have helped make important government decisions.

Election and Terms of Office

The procedure for electing the Vice President has changed since the Constitution was written. Originally, members of the Electoral College voted for two candidates for President. The candidate who received a majority of electoral votes became President, and the candidate who came in second became Vice President. The method caused problems with more than one person from each political party competing for the presidency, it was difficult for any candidate to win a majority of the electors' votes. To help solve these problems, the Twelfth Amendment was passed in 1804. It calls for the President and Vice President to be elected on separate ballots.

The number of four-year terms a Vice President can serve is not limited; however, no Vice President has ever served more than two terms.

Salary and Benefits

The Vice President earns a salary of \$202,900 per year, plus \$10,000 per year for expenses. The Vice President receives many of the same benefits as the President, including an office in the White House, a large staff, a free official residence, special government transportation, and protection by the Secret Service.



Presidential Succession

In 1947, Congress passed a law on the order of succession to the presidency. In 1967, a few years after the assassination of President John F. Kennedy, the Twenty-fifth Amendment officially settled the question of succession.

1. Vice President
2. Speaker of the House
3. President *Pro Tempore* of the Senate
4. Secretary of State
5. Secretary of the Treasury
6. Secretary of Defense
7. Attorney General
8. Secretary of the Interior
9. Secretary of Agriculture
10. Secretary of Commerce
11. Secretary of Labor
12. Secretary of Health and Human Services
13. Secretary of Housing and Urban Development
14. Secretary of Transportation
15. Secretary of Energy
16. Secretary of Education
17. Secretary of Veterans Affairs
18. Secretary of Homeland Security

Powers and Duties of the President



Powers

Power to appoint and remove certain government leaders

Power to issue executive orders

Power to enforce the law

Power to make budgets

Power to recognize a country

Power to make treaties and executive agreements

Power to suggest laws and to direct the course of legislation through Congress

Power to call special sessions of Congress

Power to veto bills

Power to appoint judges to federal courts

Power to grant pardons and reprieves

Duties

Serves as chief of state

Serves as chief executive

Heads the federal bureaucracy

Serves as Commander in Chief

Serves as chief diplomat

Serves as national party leader

SCHOLASTIC
DEMOCRACY

•For Kids•

The President Wears Seven Hats

The U.S. President has the most powerful job in the world. It is like working seven jobs at once—some people say he wears seven hats. Some of the President's powers, or jobs, are listed in the U.S. Constitution. Other powers are implied (suggested as necessary) by U.S. laws, court decisions, or action of earlier Presidents.

See if you can match each of the President's jobs, described below at left, with a real President's action, listed below in the column at right.

Jobs of the President

___ 1. **Chief Executive.** The President enforces U.S. laws, creates policies, hires and fires officials within the executive branch, and appoints federal (national) judges. Congress must approve many appointments, including Cabinet Secretaries and Supreme Court Justices.



___ 2. **Commander in Chief.** The Constitution makes the President head of the nation's military forces. Only Congress can declare war, but recent Presidents have sent troops into troops into combat without a formal declaration.



___ 3. **Head of state.** The President is a living symbol of the U.S. This job includes mostly ceremonial duties, such as welcoming foreign leaders, congratulating famous Americans, and promoting U.S. traditions.



___ 4. **Director of foreign policy.** The Constitution says that only the President can make treaties with other countries (although the Senate must approve them). The President, working with the Secretary of State, shapes policies for dealing with other countries.



___ 5. **Head of political party.** The President is head of his political party. He uses his influence to back party candidates, raise money for campaigns, and appoint party officials.



___ 6. **Economic guardian.** The President is expected to keep the U.S. economy running smoothly. He plans the federal government's budget, which Congress modifies and sends to the President for approval. The President also appoints the head of the Federal Reserve, which controls the amount of money circulating in the U.S. economy.



___ 7. **Legislative leader.** Only Congress can pass legislation. But the Constitution gives the President the power to sign acts of Congress into law or to veto (reject) any law. Congress can override the veto by a two-thirds majority vote of the House and Senate.



Presidential Actions

A. President Richard M. Nixon visits China to improve relations with that country.

B. President Bill Clinton balances the federal budget.

C. President Ronald Reagan campaigns for fellow Republicans running for Congress.

D. President George H.W. Bush entertains the Queen of England at the White House.

E. President John F. Kennedy issues an Executive Order to launch the Peace Corps.

F. President Lyndon B. Johnson signs the Voting Rights Act of 1965.

G. President George W. Bush sends U.S. combat troops to Iraq.

United States Presidents and Vice Presidents

Year	President/VP	Party
1789	George Washington (VA) John Adams (MA)	No party designations
1792	George Washington (VA) John Adams (MA)	No party designations
1796	John Adams (MA) Thomas Jefferson (VA)	Federalist Democratic-Republican
1800	Thomas Jefferson (VA) Aaron Burr (NY)	Democratic-Republican
1804	Thomas Jefferson (VA) George Clinton (NY)	Democratic-Republican
1808	James Madison (VA) George Clinton (NY)	Democratic-Republican
1812	James Madison (VA) Elbridge Gerry (MA)	Democratic-Republican
1816	James Monroe (VA) Daniel Tompkins (NY)	Democratic-Republican
1820	James Monroe (VA) Daniel Tompkins (NY)	Democratic-Republican
1824	John Quincy Adams (MA) John C. Calhoun (SC)	Democratic-Republican Democratic-Republican
1828	Andrew Jackson (TN) John C. Calhoun (SC)	Democratic
1832	Andrew Jackson (TN) Martin Van Buren (NY)	Democratic
1836	Martin Van Buren (NY) Richard M. Johnson (KY)	Democratic
1840	William H. Harrison (OH) John Tyler (VA)	Whig
1841	John Tyler (VA) (no Vice President)	Whig
1844	James K. Polk (TN) George M. Dallas (PA)	Democratic

Year	President/VP	Party
1848	Zachary Taylor (LA) Millard Fillmore (NY)	Whig
1850	Millard Fillmore (NY) (no Vice President)	Whig
1852	Franklin Pierce (N.H.) William King (AL)	Democratic
1856	James Buchanan (PA) John C. Breckinridge (KY)	Democratic
1860	Abraham Lincoln (IL) Hannibal Hamlin (ME)	Republican
1864	Abraham Lincoln (IL) Andrew Johnson (TN)	Republican
1864	Andrew Johnson (TN) (no Vice President)	Republican
1868	Ulysses S. Grant (OH) Schuyler Colfax (IN)	Republican
1872	Ulysses S. Grant (OH) Henry Wilson (MA)	Republican
1876	Rutherford B. Hayes (OH) William A. Wheeler (NY)	Republican
1880	James A. Garfield (OH) Chester A. Arthur (NY)	Republican
1881	Chester A Arthur (NY) (no Vice President)	Republican
1884	Grover Cleveland (NY) Thomas A Hendricks (IN)	Democratic
1888	Benjamin Harrison (IN) Levi. P. Morton (NY)	Republican
1892	Grover Cleveland (NY) Adlai E. Stevenson (IL).	Democratic
1896	William McKinley (OH) Garret Hobart (VA)	Republican
1900	William McKinley (OH) Theodore Roosevelt (NY)	Republican
1901	Theodore Roosevelt (NY) (no Vice President)	Republican
1904	Theodore Roosevelt (NY) Charles Fairbanks (IN)	Republican

Year	President/VP	Party
1908	William H. Taft (OH) James Sherman (NY)	Republican
1912	Woodrow Wilson (NJ) Thomas Marshall (IN)	Democratic
1916	Woodrow Wilson (NJ) Thomas Marshall (IN)	Democratic
1920	Warren G. Harding (OH) Calvin Coolidge (MA)	Republican
1923	Calvin Coolidge (MA) (no Vice President)	Republican
1924	Calvin Coolidge (MA) Charles Dawes (OH)	Republican
1928	Herbert C. Hoover (IA) Charles Curtis (KS)	Republican
1932	Franklin D. Roosevelt (NY) John Nance Gamer (TX)	Democratic
1936	Franklin D. Roosevelt (NY) John Nance Gamer (TX)	Democratic
1940	Franklin D. Roosevelt (NY) Henry A. Wallace (IA)	Democratic
1944	Franklin D. Roosevelt (NY) Harry S. Truman (MO)	Democratic
1945	Harry S. Truman (MO) (no Vice President)	Democratic
1948	Harry S. Truman (MO) Alben W. Barkley (KY)	Democratic
1952	Dwight D. Eisenhower (KS) Richard M. Nixon (CA)	Republican
1956	Dwight D. Eisenhower (KS) Richard M. Nixon (CA)	Republican
1960	John F. Kennedy (MA) Lyndon B. Johnson (TX)	Democratic
1963	Lyndon Johnson (TX) (no Vice President)	Democratic
1964	Lyndon Johnson (TX) Hubert H. Humphrey (MN)	Democratic
1968	Richard M. Nixon (CA) Spiro T. Agnew (MD)	Republican

Year	President/VP	Party
1972	Richard M. Nixon (CA) Spiro T. Agnew (MD)	Republican
1974	Gerald Ford (NE) Nelson Rockefeller (ME)	Republican
1976	Jimmy Carter (GA) Walter Mondale (MN)	Democratic
1980	Ronald Reagan (CA) George Bush (TX)	Republican
1984	Ronald Reagan (CA) George Bush (TX)	Republican
1988	George Bush (TX) Dan Quayle (IN)	Republican
1992	Bill Clinton (AR) Al Gore, Jr. (TN)	Democratic
1996	Bill Clinton (AR) Al Gore, Jr. (TN)	Democratic
2000	George W. Bush (TX) Richard "Dick" Cheney (WY)	Republican
2004	George W. Bush (TX) Richard "Dick" Cheney (WY)	Republican
2008	Barack Obama (HI) Joe Biden (DE)	Democrat
2012	Barack Obama (HI) Joe Biden (DE)	Democrat
2016	Donald Trump (NY) Mike Pence (IN)	Republican
2020	Joe Biden (DE) Kamala Harris	Democrat



Name _____

Presidents Since 1961

Which states have produced the most Presidents? What kind of political experience do most Presidents have?
The table below gives this information.

Name	Presidency	Born	Birthplace	Party	College/ Education	Prior Office	Died
John. F. Kennedy	1961-1963	1917	Brookline, Mass.	Dem.	Harvard University	U.S. Senator	1963
Lyndon B. Johnson	1963-1969	1908	Stonewall, Tex.	Dem.	Southwest Texas State Teachers College	Vice President	1973
Richard M. Nixon	1969-1974	1913	Yorba Linda, Calif.	Rep.	Whittier College	Vice President	1994
Gerald R. Ford	1974-1977	1913	Omaha, Neb.	Rep.	University of Michigan	Vice President	2006
Jimmy Carter	1977-1981	1924	Plains, Ga.	Dem.	U.S. Naval Academy	Georgia Governor	
Ronald Reagan	1981-1989	1911	Tampico, Ill.	Rep.	Eureka College	California Governor	2004
George H. W. Bush	1989-1993	1924	Milton, Mass.	Rep.	Yale University	Vice President	2018
Bill Clinton	1993-2001	1946	Hope, Ark.	Dem.	Georgetown University	Arkansas Governor	
George W. Bush	2001-2009	1946	New Haven, CT	Rep.	Yale, Harvard	U.S. Senator	
Barak Obama	2009-2017	1961	Honolulu, HI	Dem.	Columbia, Harvard Law	U. S. Senator	
Donald Trump	2017 -	1946	New York, NY	Rep.	Wharton School	Businessman	

Questions*****

- Which two Presidents listed above attended military academies?
- Who was the youngest person to be elected President?
- Who was the oldest person to be elected President?
- Since 1981, most Presidents have been from which political party?
- Which political office has been the most common previous job among the Presidents since 1961?
- How many former Governors became U.S. President?
- Since 1961, two states have each been the birthplace of two Presidents. What are those states?
- Since 1961, which father and son were both elected President?
- Why do you think former Vice Presidents or Governors are more likely to become President?
- What personal and professional qualification should a presidential candidate have? Why?

Name: _____

Past Presidents

This list shows information about our nation's past eight Presidents.
Use the list to answer the questions that follow.

<u>President</u>	<u>Term</u>	<u>Political Party</u>
Gerald R. Ford	1974 -1977	Republican
Jimmy Carter	1977-1981	Democrat
Ronald Reagan	1981-1989	Republican
George H. W. Bush	1989 -1993	Republican
Bill Clinton	1993 - 2001	Democrat
George W. Bush	2001 - 2009	Republican
Barack Obama	2009 – 2017	Democrat
Donald Trump	2017 -	Republican

***NOTE:** Donald Trump's current term as President will end on January 20, 2021. If he is elected again, he will serve as President until 2025.

1. What political party does our current President belong to? _____

How many other Presidents have belonged to that party since 1974?

2. Who was President in 1985? _____

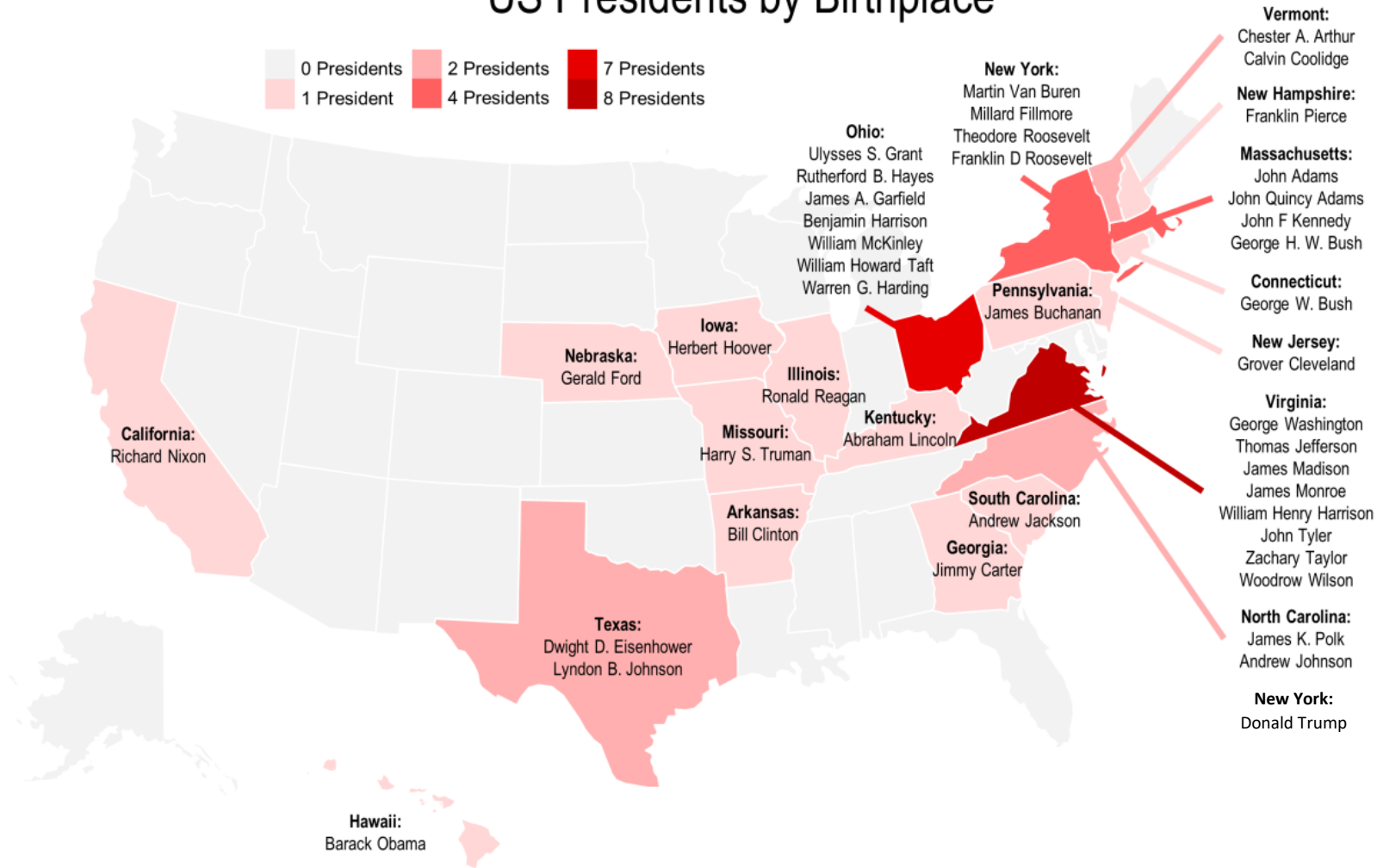
3. In what year did Jimmy Carter become President? _____

4. Who was the President right before the one we have today? _____

5. How many Presidents served more than four years? _____

Who were they? _____

US Presidents by Birthplace



1. Which state has the birthplace of most U.S. Presidents? _____
2. Which state is the birthplace of President George W. Bush? _____
3. President Bush's father was also a U.S. President. Where was he born? _____
4. How many Presidents were born in your home state? _____



How Much Do You Know About Washington, D.C.?

Test your knowledge about the nation's capital with this quiz. Cover the answers on the right with a sheet of paper, then try to answer the questions without peeking. How many did you answer correctly?

- 1. What does the "D.C." in Washington, D.C., stand for?

- 2. For whom is Washington, D.C. named? _____
- 3. In what year did work begin on the design of Washington, D.C.?

- 4. Who designed Washington, D.C.?.? _____

- 5. How large a city is Washington, D.C.? _____
- 6. True or false: Washington, D.C. is the only U.S. city that is not part of a state. _____
- 7. To what government body does the U.S. Constitution give the power to run Washington, D.C.?

- 8. Does Washington, D.C., have a mayor or City Council?

- 9. In what presidential election year were residents of Washington, D.C., allowed to vote for President for the first time?

- 10. In what year did Congress grant residents of Washington, D.C., the right to vote for their local government?

- 1. District of Columbia
- 2. The nation's first president, George Washington, and explorer Christopher Columbus.
- 3. 1791
- 4. The work was begun by Pierre Charles L'Enfant. After L'Enfant was fired, Andrew Ellicott and Benjamin Banneker completed the job.
- 5. About 68 square miles
- 6. True
- 7. U.S. Congress
- 8. Yes. The Mayor and members of the City Council are all elected to four-year terms. However, Congress has the right to veto city laws and must approve the city's budget.
- 9. 1964
- 10. 1973. Before 1973, D.C residents had not had that right in almost 100 years. In 1974, city voters elected Walter E. Washington as Mayor.

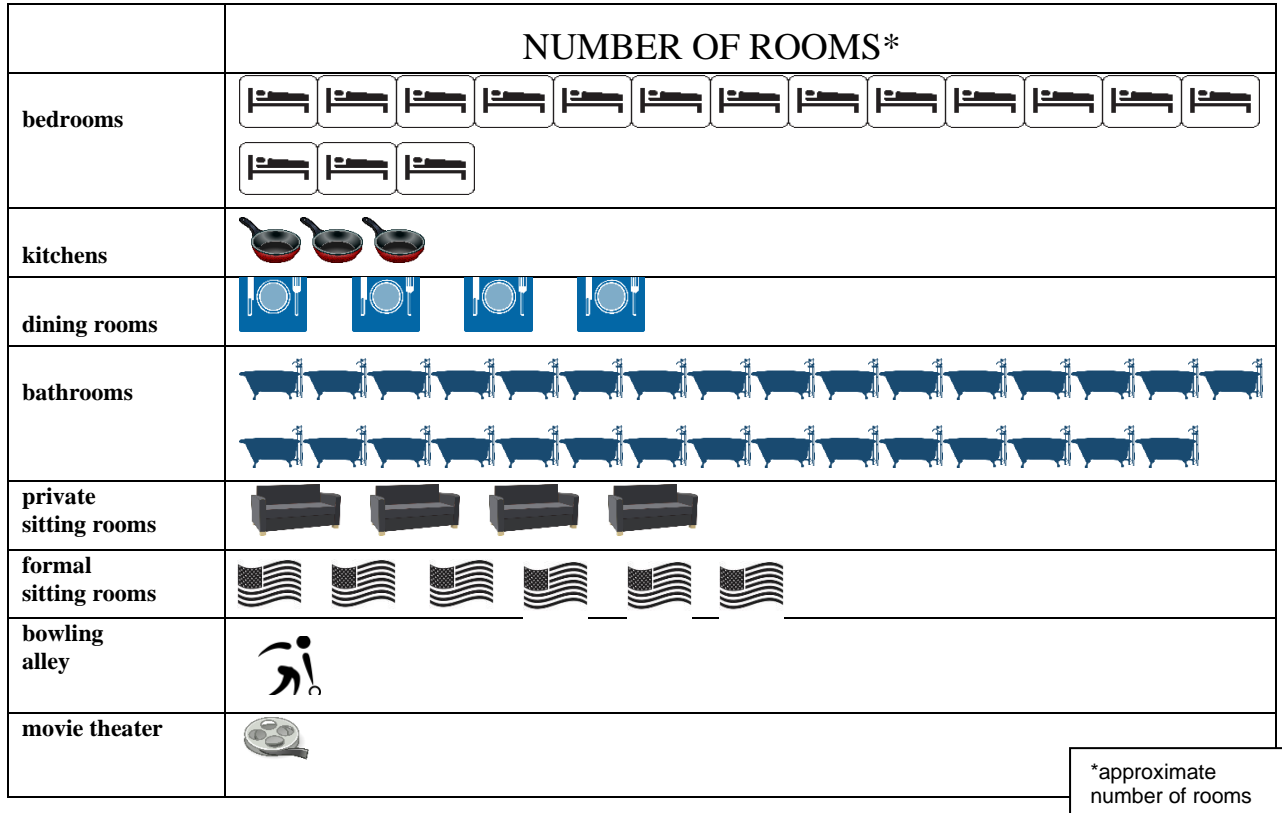
DEMOCRACY

•For Kids•



What's Inside the White House?

The White House has 132 rooms on its four main floors. You can learn about some of them in the pictograph below. The pictograph shows the number of certain types of rooms in the White House. Each symbol stands for one room. Read the graph, then answer the questions.

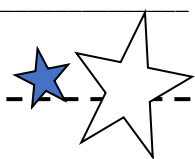


1. How many bedrooms are in the White House? _____
2. How many bathrooms are in the White House? _____
3. What are there more of in the White House: kitchens or dining rooms? _____
4. How is the White House different from other homes you know? _____

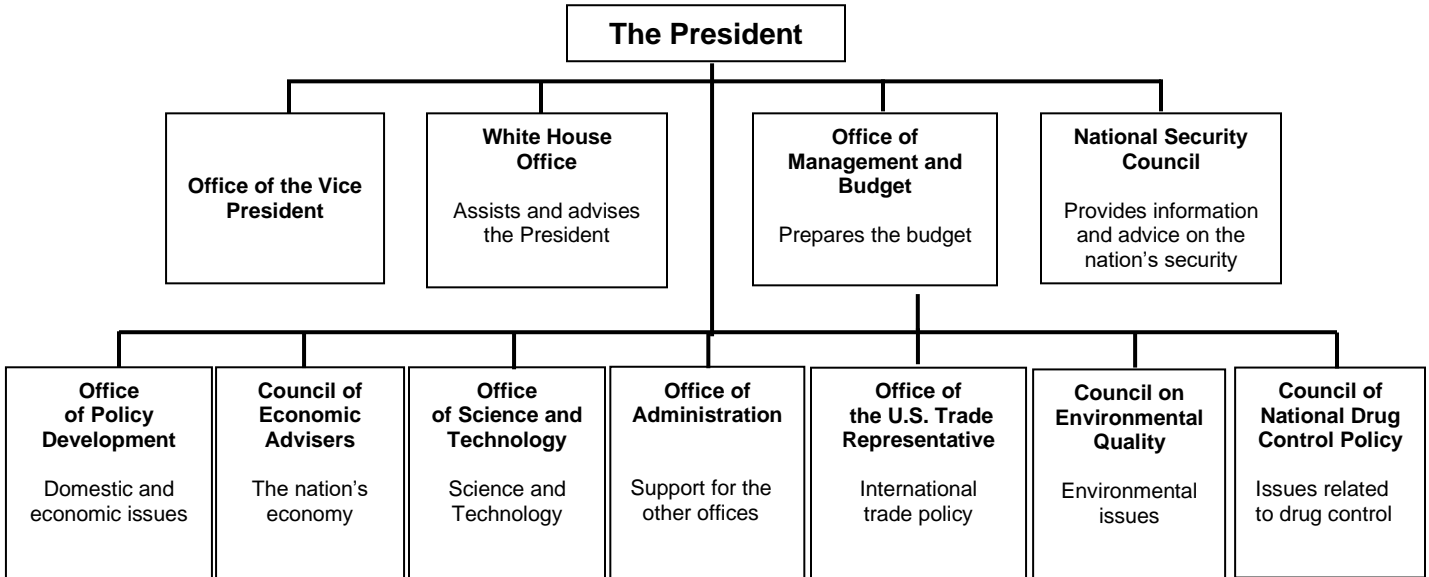
5. How is the White House the same as other homes you know? _____

You Do It!

Create a pictograph of the rooms in your home or school.



Executive Office of the President



President's Cabinet

Executive Departments

The heads of the fifteen executive departments are members of the President's Cabinet.



Department of State (1789):

Handles foreign affairs and relationships with other nations. It makes recommendations on foreign policy, negotiates treaties, speaks for the United States in the United Nations, and represents the United States at international conferences.



Department of the Treasury (1789):

Formulates and recommends economic, financial, tax, and fiscal policies; serves as financial agent for the US Government; enforces the law; and manufactures coins and currency.



Department of Defense (1947):

Provides the military forces needed to deter war and to protect the security of the United States. The Army, Navy, Air Force, Marines, Coast Guard, National Guard, and Reserve Forces are part of this Department.



Department of Justice (1870):

Enforces and defends the Federal laws of the United States by preventing and controlling crime, seeking just punishment for those guilty of unlawful behavior; and enforcing the Nation's immigration laws.



Department of the Interior (1849):

Oversees national conservation efforts and is responsible for most of our nationally owned public lands, natural resources, and wildlife.



Department of Agriculture (1862):

Ensures a safe, affordable, nutritious, and accessible food supply; cares for agriculture, forest, and range lands; supports the development of rural communities; and provides economic development for farmers and rural residents.



Department of Commerce (1903):

Promotes economic, business, and job opportunities for all Americans. It is responsible for all copyrights, patents, and trademarks. It also plays a major role in Federal government matters related to oceans, weather, and technology.



Department of Labor (1913):

Oversees the interests of US workers by protecting workers' wages, health and safety employment and pension rights; promoting equal employment opportunity; and administering job training, unemployment insurance, and workers' compensation programs.



Department of Health and Human Services (1953):

Protects the health of all Americans and provides essential human services. The duties of the Department include conducting medical research, preventing the outbreak of diseases, assuring the safety of food and drugs; administering financial assistance for low income families; protecting against child and domestic abuse; and protecting against drug abuse.



Department of Housing and Urban Development (1965):

Aims to create a decent, safe, and sanitary home and living environment for every American. It is responsible for home ownership programs, providing housing assistance for low income persons, helping the homeless, and promoting growth and development in distressed neighborhoods.



Department of Transportation (1966):

Ensures a fast, safe, efficient, accessible, and convenient transportation system. This includes transportation of people and goods by car, plane, train, and ship. It is also responsible for maintaining the Federal highway system.



Department of Energy (1977):

Researches and develops reliable energy systems that are friendly to the environment but are not too expensive. It is also responsible for the Nation's nuclear energy and weapons technologies.



Department of Education (1979):

Establishes guidelines and provides leadership to address American education. It helps local communities meet the needs of their students. It also helps individuals pay for college and prepare for employment.



Department of Veterans Affairs (1988):

Acts as the principal advocate for veterans and their families ensuring that they receive medical care, benefits, social support, and lasting memorials recognizing their service.



Department of Homeland Security (2003):

Works to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism, and minimize the damage from potential attacks and natural disasters.

The Judicial Branch

Distinction of Federal and State Courts

Federal Courts

Federal courts have power to decide only those cases over which the Constitution gives them authority. These courts are located principally in the larger cities. Only carefully selected types of cases may be heard in the federal courts. The controversies that may be decided in the federal courts are identified in Article 111, Section 2 of the Constitution. They include cases in which the United States government or one of its officers is either suing someone or is being sued.

Federal courts may also decide cases for which state courts are inappropriate or might be suspected of partiality. Federal courts may decide, "...Controversies between - two or more states – between a State and Citizens of another State - between Citizens of different States - between Citizens of the same State claiming Lands under Grants of different States..."

State Courts

State courts have general, unlimited power to decide nearly every type of case, subject only to the limitations of the United States Constitution, their own state constitutions, and state law. The state and local courts are in virtually every town and parish (county) and are the courts with which citizens most often have contact. These courts handle most criminal matters and the great bulk of legal business concerning probate of estates, marital disputes, dealings in land, commercial contracts, and other day-to-day matters.

State and Federal Courts - Questions

1. Describe the two judicial systems that exist in the United States.
2. What are the powers of the state courts?
3. What types of cases are tried in federal courts?

The Federal Judiciary

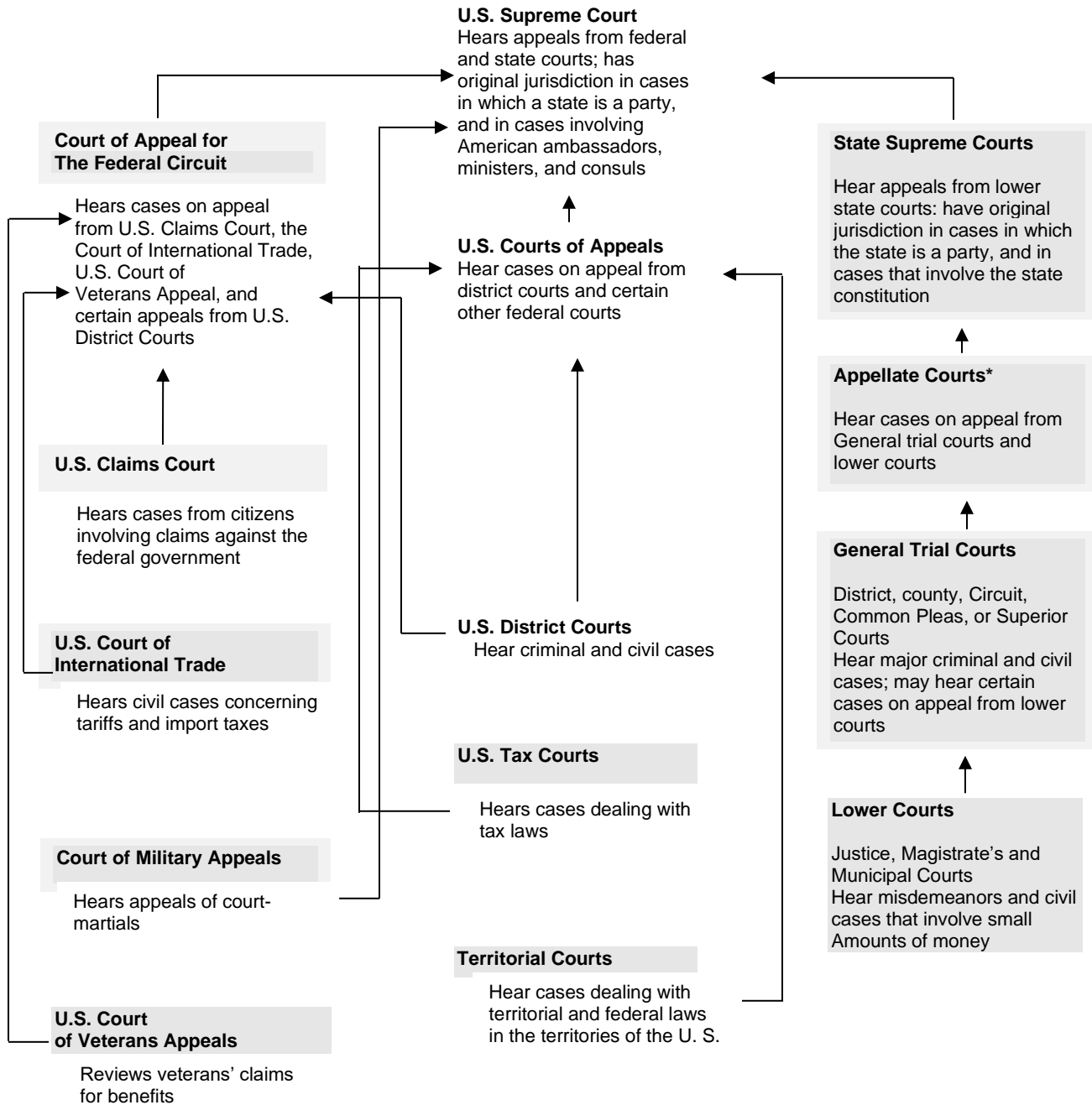
Federal judges are appointed for life by the president. Federal courts can exercise only judicial powers and shall perform only judicial work. Their judicial work includes interpreting laws, not making laws, which is the duty of the legislative branch, nor does their work include carrying out laws, which is the function of the executive branch. Federal judges, like other judges, are to be impartial and should render their decisions based on the law and the facts of cases.

The Judiciary Acts

The Constitution had not fully explained either the organization or the role of this branch of government. With the Judiciary Act of 1789, Congress had filled in the missing details. The act created a national court system with three circuit courts and thirteen district courts, all headed by the Supreme Court. The act also stated that the Supreme Court would settle differences between state and federal laws.

Just before the end of its term, Congress passed the Judiciary Act of 1801. This act decreased the number of Supreme Court justices and increased the number of federal judges. Outgoing members of Congress, in cooperation with President John Adams, were trying to limit newly elected President Thomas Jefferson's opportunity to appoint judges to the Supreme Court. They were also working to leave behind a powerful group of Federalist judges whose terms were made for life. Adams quickly filled the new judicial posts just before leaving office. These last-minute appointments, known as the **midnight judges**, angered Jefferson, who believed that he had the right to appoint judges from his own party.

The United States Court System



* Found in about two thirds of the states

← Indicates usual route of appeals

Federal Court System

- **Special Federal Courts**

- State Court System

Federal Court Jurisdiction

Article III of the Constitution gives the federal courts **jurisdiction**, the authority to hear and decide a case, only in cases involving one of the following:

1. The Constitution (arising under)
2. Federal laws
3. Admiralty and maritime laws
4. Disputes in which the United States government is involved
5. Controversies between states
6. Controversies between citizens of different states (Amount in controversy must exceed \$75,000.00)
7. Disputes involving foreign governments
8. United States ambassadors, ministers, and consuls serving in foreign countries

In most of these areas, the federal courts have **exclusive jurisdiction**, which means that only the federal courts may hear and decide cases. By giving the federal courts jurisdiction in these instances, the writers of the Constitution left all other matters to the state courts. In some instances, however, a case can be heard in either the state or federal courts. In these instances, the state and federal courts are said to share jurisdiction, or to have **concurrent jurisdiction**.

Courts of Appeals

The intermediate appellate courts in the federal judicial system are the courts of appeals. The United States Court of Appeals for the Federal Circuit and the twelve regional courts of appeals are often referred to as circuit courts. The courts of appeals review matters from the district courts of their geographical regions, the United States Tax Court, and from certain federal administrative agencies.

The First through Eleventh Circuits each include three or more states. The United States Court of Appeals for the District of Columbia hears cases arising in the District of Columbia and has appellate jurisdiction assigned by Congress in legislation concerning many departments of the federal government.

The judges who sit on the courts of appeals are appointed for life by the President with the advice and consent of the Senate. Each court of appeals consists of six or more judges, depending on the caseload of the courts. The judge who has served on the court the longest and who is under 65 years of age is designated as the chief judge and performs administrative duties in addition to hearing cases. The chief judge serves for a maximum term of seven years. There are 167 judges on the 12 regional courts of appeals.

District Courts

The United States district courts are federal courts of general trial jurisdiction. There are 94 district courts in the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the territories of Guam, the United States Virgin Islands, and the Northern Mariana Islands. A district may itself be divided into divisions and may have several places where the court hears cases. Each district court also has a bankruptcy unit.

With the exception of the three territorial courts, all district court judges are appointed for life by the President with the advice and consent of the Senate. Congress authorizes judgeships for each district based in large part on the caseload. In each district, the judge who has served on the court the longest and who is under 65 years of age is designated as the chief judge. The chief judge has administrative duties in addition to a caseload. There are 649 district court judges.

The President is free to choose anyone for appointment, but the selection must be approved by the Senate.



Directory of United States Courts of Appeals

Court of Appeals	Districts Included in Circuit	Number of Authorized Judgeships	Location and Postal Address
<i>Federal Circuit</i>	<i>United States</i>	12	<i>Washington, D.C. 20439</i>
<i>District of Columbia Circuit</i>	<i>District of Columbia</i>	12	<i>Washington, D.C. 20001</i>
<i>First Circuit</i>	<i>Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico</i>	6	<i>Boston, MA 02109</i>
<i>Second Circuit</i>	<i>Connecticut, New York, and Vermont</i>	13	<i>New York, NY 10007</i>
<i>Third Circuit</i>	<i>Delaware, New Jersey, Pennsylvania, and the Virgin Islands</i>	14	<i>Philadelphia, PA 19106</i>
<i>Fourth Circuit</i>	<i>Maryland, North Carolina, South Carolina, Virginia, and West Virginia</i>	15	<i>Richmond, VA 23219</i>
<i>Fifth Circuit</i>	<i>Louisiana, Mississippi, and Texas</i>	17	<i>New Orleans, LA 70130</i>
<i>Sixth Circuit</i>	<i>Kentucky, Michigan, Ohio, and Tennessee</i>	16	<i>Cincinnati, OH 45202</i>
<i>Seventh Circuit</i>	<i>Illinois, Indiana, and Wisconsin</i>	11	<i>Chicago, IL 60604</i>
<i>Eighth Circuit</i>	<i>Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota</i>	11	<i>St. Louis, MO 63101</i>
<i>Ninth Circuit</i>	<i>Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Guam, and the Northern Mariana Islands</i>	28	<i>San Francisco, CA 94101</i>
<i>Tenth Circuit</i>	<i>Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming</i>	12	<i>Denver, CO 80294</i>
<i>Eleventh Circuit</i>	<i>Alabama, Florida, and Georgia</i>	12	<i>Atlanta, GA 30303</i>

The United States Supreme Court

The Supreme Court is the only court established by the constitution. It is the highest court in the land.

The Supreme Court has both original and appellate jurisdiction. Its original jurisdiction, however, applies only to a few cases. These are cases in which a state is a party, and cases that involve ambassadors, ministers, and consuls. Such cases are heard for the first time by the Supreme Court. All other cases heard by the Court fall under its appellate jurisdiction. That is, they are cases that have been decided by a state court or a lower federal court, but are being appealed the Supreme Court.

One of the most important powers of the Court in deciding cases is the power of judicial review. This is the power of the Supreme Court, as well as other courts, to decide whether or not the laws and actions of other branches or levels of government agree with the Constitution. If they do not, such laws and actions are found to be unconstitutional and are no longer in force.

Supreme Court Justices

The Supreme Court is made of eight associate justices and one chief justice. Until 1981, all the justices who had served on the Supreme Court were men. In 1981, President Ronald Reagan appointed Sandra Day O'Connor to the Court, and in 1993, President Bill Clinton appointed Ruth Bader Ginsburg to the Court. Thurgood Marshall, the first African American appointed to the Court, was appointed in 1967. After Justice Marshall retired in 1991, Clarence Thomas, an African American, was appointed to the Court.

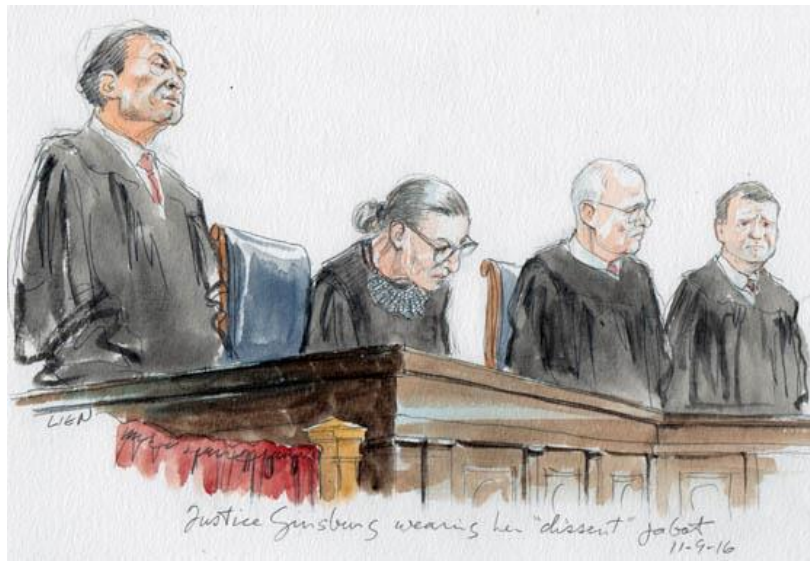
Supreme Court justices serve for life.

The Constitution does not provide any qualifications for serving on the Supreme Court. However, all justices have been lawyers and most have been judges or law professors.

The Constitution gives the President the power to appoint Supreme Court Justices, with the consent of the Senate. Presidents usually try to appoint justices who share their political beliefs or view of the law. Once appointed to the Court, however, a justice is under no obligation to follow the President's line of thinking.

The justices of the Supreme Court decide to hear only certain kinds of cases. They usually decide to hear a case if it involves a significant constitutional question. In most instances, such questions center around the Bill of Rights and

other amendments and deal with issues such as freedom of speech, equal protection of the laws, and fair trial.



John Marshall

His Contributions to the Supreme Court

One of John Adams' judicial appointments was John Marshall, a long-time Federalist leader and cousin of Thomas Jefferson. At the time of his appointment, Marshall was serving as Secretary of State.

Marshall became Chief Justice (the leading judge of the Supreme Court) on January 31, 1801. He had that post for 34 years, until his death in 1835. While on the Supreme Court, Marshall helped establish many important principles of constitutional law. Marshall also helped build the prestige and authority of the Supreme Court in such cases as *Marbury v. Madison*.

Marbury v. Madison

The case of *Marbury v. Madison* (1803) arose when President Jefferson tried to block the activities of Federalist judges. Just before he left office, President Adams had appointed William Marbury as justice of the peace for the District of Columbia, but Secretary of State James Madison, under orders from President Jefferson, never delivered the official papers giving Marbury his authority. Marbury sued Madison, demanding that the Supreme Court order the Secretary of State to let him take his office. According to the Judiciary Act of 1789, the Court had the power to give such an order.

Judicial Review

Chief Justice John Marshall ruled against Marbury, declaring that it was against the Constitution for the Supreme Court to give this order to the executive branch. In other words, Marshall declared part of the Judiciary Act of 1789 unconstitutional – the first time a federal court had been so bold.

The Court ruling was a victory for the Jefferson administration. Yet in a much larger sense it was a victory for the Supreme Court, for the case established the power of **judicial review**. The power of judicial review enables federal courts to review state laws and state court decisions to determine if they are in keeping with the federal Constitution. In this way the Court plays an important role in preserving the federal union. Marshall, a Federalist, wanted to establish the supremacy of the national government over the states. Judicial review also allows federal courts to decide whether laws passed by Congress constitutional, as is the case of *Marbury v. Madison*.

Judicial review is not clearly stated anywhere in the constitution. Yet thanks in part to *Marbury v. Madison*, it remains a vital power of the judicial branch today.

United States Supreme Court

February 2021

1. Clarence Thomas: Appointed by President George H. W. Bush in 1991
2. Stephen Breyer: Appointed by President Clinton in 1994
3. John G. Roberts: Appointed by President G. W. Bush in 2005
4. Samuel A. Alito, Jr.: Appointed by President G. W. Bush in 2006
5. Sonia Sotomayor: Appointed by President Obama in 2009
6. Elena Kagan: Appointed by President Obama in 2010
7. Neil McGill Gorsuch: Appointed by President Trump in 2017
8. Brett Michael Kavanaugh: Appointed by President Trump in 2018
9. Amy Coney Barrett: Appointed by President Trump in 2020

Chapter 5

State Government

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

1. Identify the structure of state government; and
2. Recognize the functions of state legislatures, governors, and the courts.

Louisiana **State** Constitution

Article I. Declaration of Rights



1. Origin and Purpose of Government

Section 1: All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state.

2. Due Process of Law

Section 2. No person shall be deprived of life, liberty, or property, except by due process of law.

3. Right to Individual Dignity

Section 3. No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations. Slavery and involuntary servitude are prohibited, except in the latter case as punishment for crime.

4. Right to Property

Section 4. Every person has the right to acquire, own, control, use, enjoy, protect, and dispose of private property. This right is subject to reasonable statutory restrictions and the reasonable exercise of the police power.

Property shall not be taken or damaged by the state or its political subdivisions except for public purposes and with just compensation paid to the owner or into court for his benefit. Property shall not be taken or damaged by any private entity authorized by law to expropriate, except for a public and necessary purpose and with just compensation paid to the owner; in such proceedings, whether the purpose is public and necessary shall be a judicial question. In every expropriation, a party has the right to trial by jury to determine compensation, and the owner shall be compensated to the full extent of his loss. No business enterprise or any of its assets shall be taken for the purpose of operating that enterprise or halting competition with a government enterprise. However, a municipality may expropriate a utility within its jurisdiction.

Personal effects shall never be taken. But the following property may be forfeited and disposed of in a civil proceeding, as provided by law: contraband drugs; property derived in whole or in part from contraband drugs; property used in the distribution, transfer, sale, felony possession, manufacture, or transportation of contraband drugs; property furnished or intended to be . furnished in exchange for contraband drugs; property used or intended to be used to facilitate any of the above conduct; or other property because the above described property has been rendered unavailable.

This Section shall not apply to appropriation of property necessary for levee and levee drainage purposes.

Amended by Acts 1989, No. 840, §1, approved Oct. 7, 1989, eff. Nov. 7, 1989.

5. Right to Privacy

Section 5. Every person shall be secure in his personal property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy. No warrant shall issue without probable cause supported by oath or affirmation, and particularly describing the place to be searched, the persons or things to be seized, and the lawful purpose or reason for the search. Any person adversely affected by a search or seizure conducted in violation of this Section shall have standing to raise its illegality in the appropriate court.

6. Freedom from Intrusion

Section 6. No person shall be quartered in any house without the consent of the owner or lawful occupant.

7. Freedom of Expression

Section 7. No law shall curtail or restrain the freedom of speech or of the press. Every person may speak, write, and publish his sentiments on any subject, but is responsible for abuse of that freedom.

8. Freedom of Religion

Section 8. No law shall be enacted respecting an establishment of religion or prohibiting the free exercise thereof.

9. Right of Assembly and Petition

Section 9. No law shall impair the right of any person to assemble peaceably or to petition government for a redress of grievances.

10. Right to Vote; Disqualification from Seeking or Holding an Elective Office

Section 10. (A) Right to Vote. Every citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.

(B) Disqualification. The following persons shall not be permitted to qualify as a candidate for elective public office or take public elective office or appointment of honor, trust, or profit in this state:

(1) A person who has been convicted within this state of a felony and who has exhausted all legal remedies, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be a felony and who has exhausted all legal remedies and has not afterwards been pardoned either by the governor of this state or by the officer of the state, nation, government or country having such authority to pardon in the place where the person was convicted and sentenced.

(2) person actually under an order of imprisonment for conviction of a felony.

(C) Exception. Notwithstanding the provisions of Paragraph (B) of this Section, a person who desires to qualify as a candidate for or hold an elective office, who has been convicted of a felony and who has served his sentence, but has not been pardoned for such felony, shall be permitted to qualify as a candidate for or hold such office if the date of his qualifying for such office is more than fifteen years after the date of the completion of his original sentence.

Acts 1997, No. 1492, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998.

11. Right to Keep and Bear Arms

Section 11. The right of each citizen to keep and bear- arms shall not be abridged, but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person.

12. Freedom from Discrimination

Section 12. In access to public areas, accommodations, and facilities, every person shall be free from discrimination based on race, religion, or national

ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, or physical condition.

13. Rights of the Accused

Section 13. When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self-incrimination, his right to the assistance of counsel and, if indigent, his right to court appointed counsel. In a criminal prosecution, an accused shall be informed of the nature and cause of the accusation against him. At each stage of the proceedings, every person is entitled to assistance of counsel of his choice, or appointed by the court if he is indigent and charged with an offense punishable by imprisonment. The legislature shall provide for a uniform system for securing and compensating qualified counsel for indigents.

14. Right to Preliminary Examination

Section 14. The right to a preliminary examination shall not be denied in felony cases except when the accused is indicted by a grand jury.

15. Initiation of Prosecution

Section 15. Prosecution of a felony shall be initiated by indictment or information, but no person shall be held to answer for a capital crime or a crime punishable by life imprisonment except on indictment by a grand jury. No person shall be twice placed in jeopardy for the same offense, except on his application for a new trial, when a mistrial is declared, or when a motion in arrest of judgment is sustained.

16. Right to a Fair Trial

Section 16. Every person charged with a crime is presumed innocent until proven guilty and is entitled to a speedy, public, and impartial trial in the parish where the offense or an element of the offense occurred, unless venue is changed in accordance with law. No person shall be compelled to give evidence against himself. An accused is entitled to confront and cross-examine the witnesses against him, to compel the attendance of witnesses, to present a defense, and to testify in his own behalf. However, nothing in this Section or any other section of this constitution shall prohibit the legislature from enacting a law to require a trial court to instruct a jury in a criminal trial that the governor is empowered to grant a reprieve, pardon, or commutation of sentence following conviction of a crime, that the governor in exercising such authority may commute or modify a sentence of life imprisonment without

benefit of parole to a lesser sentence which includes the possibility of parole, may commute a sentence of death to a lesser sentence of life imprisonment without benefit of parole, or may allow the release of an offender either by reducing a life imprisonment or death sentence to the time already served by the offender or by granting the offender a pardon.

Acts 1995, No. 1322, §1, approved Nov. 18, 1995, eff. Dec. 23, 1995.

17. Jury Trial in Criminal Cases; Joinder of Felonies; Mode of Trial

Section 17. (A) jury Trial in Criminal Cases. A criminal case in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom must concur to render a verdict. A case in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom must concur to render a verdict. A case in which the punishment may be confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, all of whom must concur to render a verdict. The accused shall have a right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law. Except in capital cases, a defendant may knowingly and intelligently waive his right to a trial by jury.

(B) Joinder of Felonies; Mode of Trial. Notwithstanding any provision of law to the contrary, offenses in which punishment is necessarily confinement at hard labor may be charged in the same indictment or information with offenses in which the punishment may be confinement at hard labor; provided, however, that the joined offenses are of the same or similar character or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan; and provided further, that cases so joined shall be tried by a jury composed of twelve jurors, ten of whom must concur to render a verdict.

Acts 1997, No. 1502, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998.

18. Right to Bail

Section 18. (A) Excessive bail shall not be required. Before and during a trial, a person shall be bailable by sufficient surety, except when he is charged with a capital offense and the proof is evident and the presumption of guilt is great. After conviction and before sentencing, a person shall be bailable if the maximum sentence which may be imposed is imprisonment for five years or less; and the judge may grant bail if the maximum sentence which may be imposed is imprisonment exceeding five years. After sentencing and until final judgement, a

person shall be bailable if the sentence actually imposed is five years or less; and the judge may grant bail if the sentence actually imposed exceeds imprisonment for five years.

(B) However, a person charged with a crime of violence as defined by law or with production, manufacture, distribution, or dispensing or possession with intent to produce, manufacture, distribute, or dispense a controlled dangerous substance as defined by the Louisiana Controlled Dangerous Substances Law, and the proof is evident and the presumption of guilt is great, shall not be bailable if, after a contradictory hearing, the judge or magistrate finds by clear and convincing evidence that there is a substantial risk that the person may flee or poses an imminent danger to any other person or the community.

Acts 1997, No. 1498, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998.

19. Right to Judicial Review

Section 19. No person shall be subjected to imprisonment or forfeiture of rights or property without the right of judicial review based upon a complete record of all evidence upon which the judgment is based. This right may be intelligently waived. The cost of transcribing the record shall be paid as provided by law.

20. Right to Humane Treatment

Section 20. No law shall subject any person to euthanasia, to torture, or to cruel, excessive, or unusual punishment. Full rights of citizenship shall be restored upon termination of state and federal supervision following conviction for any offense.

21. Writ of Habeas Corpus

Section 21. The writ of habeas corpus shall not be suspended.

22. Access to Courts

Section 22. All courts shall be open, and every person shall have an adequate remedy by due process of law and justice, administered without denial, partiality, or unreasonable delay, for injury to him in his person, property, reputation, or other rights.

23. Prohibited Laws

Section 23. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall be enacted.

24. Unenumerated Right

Section 24. The enumeration in this constitution of certain rights shall not deny or disparage other rights retained by the individual citizens of the state.

25. Rights of a Victim

Section 25. Any person who is a victim of crime shall be treated with fairness, dignity, and respect, and shall be informed of the rights accorded under this Section. As defined by law, a victim of crime shall have the right to reasonable notice and to be present and heard during all critical stages of preconviction and postconviction proceedings; the right to be informed upon the release from custody or the escape of the accused or the offender; the right to confer with the prosecution prior to final disposition of the case; the right to refuse to be interviewed by the accused or a representative of the accused; the right to review and comment upon the presentence report prior to imposition of sentence; the right to seek restitution; and the right to a reasonably prompt conclusion of the case. The legislature shall enact laws to implement this Section. The evidentiary and procedural laws of this state shall be interpreted in a manner consistent with this Section.

Nothing in this Section shall be construed to inure to the benefit of an accused or to confer upon any person the right to appeal or seek supervisory review of any judicial decision made in a criminal proceeding. Nothing in this Section shall be the basis for an award of costs or attorney fees, for the appointment of counsel for a victim, or for any cause of action for compensation or damages against the state of Louisiana, a political subdivision, a public agency, or a court, or any officer, employee, or agent thereof. Remedies to enforce the rights enumerated in this Section shall be provided by law.

Acts 1997, No; 1487, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998.

26. State Sovereignty

Section 26. The people of this state have the sole and exclusive right of governing themselves as a free and sovereign state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, pertaining thereto, which is not, or may not hereafter be, by them expressly delegated to the United States of America in congress assembled.

Acts 1997, No. 1494, §1, approved Oct. 3, 1998, eff. Nov. 5, 1998.

Louisiana Symbols



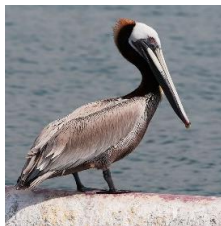
STATE SEAL

Louisiana's first territorial governor, William C.C. Claiborne had great admiration for the awkward bird that inhabited the Gulf Coast region. The pelican, rather than let its young starve, would tear at its own flesh to feed them. The Governor's great respect for the Pelican led him to first use the bird on official documents. Many different versions of the present seal, including one with as many as twelve chicks in the nest, were utilized. Pelicans rarely have more than three chicks in the nest at any time, and it was a version with three chicks that was officially designed on April 30, 1902 as the official state seal.



STATE INSECT

The honeybee is the official Louisiana state insect. Honey has been collected in Louisiana since before it became a state in 1812. In the 19th century, some of Louisiana's big plantations produced thousands of pounds of honey each year. Today, not only are thousands of pounds of honey collected every year in Louisiana, but queen bees bred in Louisiana are sent all over the United States to raise bee colonies.



STATE BIRD

Louisiana's state bird is the Eastern Brown Pelican. The lower portion of the Pelican's large bill is a pouch that can be greatly extended. Pelicans eat fish, catching them by scooping up salt water with their pouch. The average one-month-old pr;ivsn

eats about five pounds of fish a day! The pelican is featured on Louisiana's flag and state seal, and one of Louisiana's nicknames is "The Pelican State."



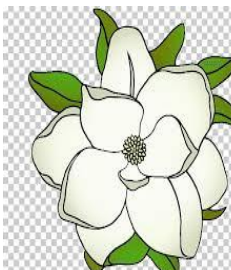
STATE DOG

The Catahoula Leopard Dog, often called the Catahoula Hound, is the official state dog. It is the only breed of dog native to Louisiana and is a cross between a breed of domestic dogs raised by the Indians of the Catahoula Lake region and the Spanish "war dog" that came to Louisiana in the 16th century. The Catahoula Leopard Dog has a spotted coat and webbed feet and makes an excellent pet, guard dog and hunting dog.



STATE TREE

About half of Louisiana is covered with timber of various kinds. The bald cypress, the Louisiana state tree, is a beautiful hardwood that grows all over the state, especially in swampy areas. Many houses and buildings built of cypress over a hundred years ago still stand today in Louisiana and are almost as good as new.



STATE FLOWER

The state flower of Louisiana is the magnolia. In the summer, the state's thousands of magnolia flowers have an especially rich fragrance. The blooms are very large and creamy white. The magnolia tree is an evergreen.

Three Branches of State Government

Legislative

Senate

House of Representatives

1. Passes state laws
2. Approves state budget

Terms are usually:

Senate: 4 years

Representatives: 2 years

Executive

Governor

Lieutenant Governor

1. Chief of National Guard.
2. Suggests state laws
3. Can veto state laws

Terms are usually 2 or 4 years

Judicial

State Supreme Court

Hears cases on appeal

State Courts of Appeal

Hear cases on appeal

State District Courts

Hear trial cases, bench and jury, civil and criminal

Local Courts

Hear special cases, such as traffic, family, and juvenile

The Legislative Branch

State Legislatures

Each of the fifty states has a constitution of its own which is the supreme law of that particular state. The only restriction on the state constitutions is that they must not conflict with the United States Constitution. The legislative branch of the state government is usually called a state legislature. It is divided into two groups or houses. The upper house is called the Senate and the members of that house, called state senators, are usually elected for four-year terms. The members of the lower house, which is known as the State House of Representatives, usually serve for two-year terms.

Any legislator who desires to make a new law presents a bill to the particular house to which he or she belongs. This document is known as a bill. If the bill is passed by the house in which it is introduced, it goes to the other house for approval. After it passes both houses, it goes to the governor of the state for his or her signature. If the governor vetoes it or refuses to sign it, the bill will not become a state law unless the legislators vote on the bill again and decide to pass it without the governor's approval. Most state laws require a two-thirds vote of the members of each house of the legislature in order to pass a law after the governor has vetoed the bill.

The Louisiana Legislature

The Louisiana Constitution establishes the legislative branch as one of the three coordinate branches of state government. Article III, Section 1(A) vests the legislative power of the state in the legislature, consisting of the Senate and the House of Representatives. The legislature is responsible for determining general policy for the state and for the residents of the state through the enactment of laws. Oversight of the actions of the executive on administering state programs is also vested in the legislature. This power, closely related to the power to make laws, is exercised in order to assure that legislative policy and intent are carried out. Review of administrative rules of executive branch agencies by legislative oversight committees is an important exercise of this authority. The legislature and its committees also have the power to gather information and make such investigations as may be needed to enact laws.

Composition

Louisiana Constitution Article III, Section 3 provides that the number of the legislature shall be provided by law but establishes a maximum number of senators at 39 and the maximum number of members of the House of Representatives at 105. The distribution of representation in both houses of the legislature is based on population in accordance with state constitutional mandate (La.Const. art. III, Sec.6) and United States Supreme Court decisions. The legislature is required to reapportion the representation in each house by the end of the year following the year in which the state's population is reported to the president of the United States for each decennial federal census, on the basis of total population shown by such census.

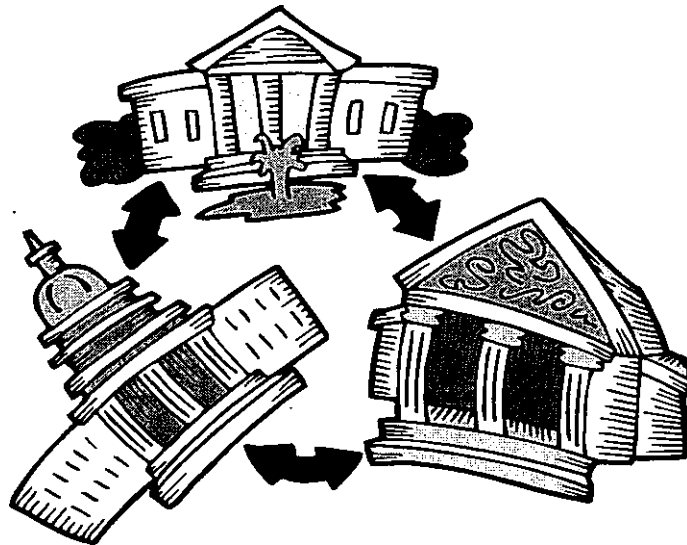
Terms and Vacancies

Legislators are elected for four-year terms and take office on the same day as the governor and other statewide elected officials. A vacancy in the legislature can be filled only for the remainder of the term during which the vacancy occurred and only by the electors of the district in which the vacancy occurred. La.Const. art.III, sec.4(0).

Officers

The officers of each house of the legislature are elected at the beginning of each term to serve for four-year terms. The House of Representatives elects from among its members a speaker and speaker *pro tempore*. It also selects its chief clerical officer, the clerk of the House, who is not a member. The Senate elects its presiding officer, the president of the Senate, from among its membership and also elects a president *pro tempore* from its membership. It selects its chief clerical officer, the secretary of the Senate, who is not a member. Each house provides for the election of its officers. La.Const. art.III, sec.?(C).

***** In 2003, Sen. Diana Bajoie and Rep. Sharon Weston Broome were both elected as the first African American women to serve as President Pro- Tempore (Senate) and Speaker Pro-Tempore (House), respectively.**



Louisiana House of Representatives

as of August 2020

Adams, Roy Daryl
Amedée, Beryl
Bacala, Tony
Bagley, Larry
Beaulieu IV, Gerald "Beau"
Bishop, Stuart J.
Bourriaque, Ryan
Brass, Ken
Brown, Chad
Bryant, Marcus Anthony
Butler, Rhonda Gaye
Carpenter, Barbara
Carrier, R. Dewith
Carter, Gary
Carter, Robby
Carter. Sr., Wilford
Cormier, Mack
Coussan, Jean-Paul
Cox, Kenny R.
Crews, Raymond J.
Davis, Paula
DeVillier, Phillip
Deshotel, Daryl Andrew
DuBuisson, Mary
Duplessis, Royce
Dwight, Stephen
Echols, Michael Charles
Edmonds, Rick
Edmonston, Kathy
Emerson, Julie
Farnum, Les
Firment, Michael "Gabe"
Fontenot, Bryan
Freeman, Aimee Adatto
Freiberg, Barbara Reich
Frieman, Lawrence "Larry"
Gadberry, Foy Bryan

Gaines, Randal L.
Garofalo, Raymond E.
Glover, Cedric
Goudeau I, Jonathan
Green Jr., Kyle M.
Harris, Lance
Henry, Charles Alexander
Hilferty, Stephanie
Hodges, Valarie
Hollis, Paul
Horton, Dodie
Hughes, Jason
Huval, Mike
Illg Jr., John R.
Ivey, Barry
James, Edward C. "Ted"
Jefferson, Patrick O.
Jenkins, Sam
Johnson, C. Travis
Johnson, Mike
Jones, Frederick
Jordan, Edmond
Kerner, Timothy P.
LaCombe, Jeremy
Landry, Mandie
Larvadain III, Ed
Lyons, Rodney
Mack, Sherman Q.
Magee, Tanner
Marcelle, C. Denise
Marino III, Joseph A.
McCormick, Danny
McFarland, Jack
McKnight, Markham Scott
McMahen, Wayne
Miquez, Blake
Miller, Dustin
Miller, Gregory A.
Mincey, Jr., Buddy
Moore, Pat
Muscarello, Nicholas
Nelson, Richard
Newell, Candace N.
Orgeron, Joseph A.
Owen, Charles

Owen, Robert "Bob"
Phelps, Tammy T
Pierre, Vincent J.
Pressly, Thomas A.
Riser, Neil
Romero, Troy D.
Schamerhorn, Rodney
Schexnayder, Clay
Seabaugh, Alan
Selders, Larry
St. Blanc III, Vincent "Vinney"
Stagni, Joseph A.
Stefanski, John M.
Tarver, Phillip Eric
Thomas, Polly
Thompson, Francis S.
Turner, Christopher
Villio, Debbie
Wheat Jr., William "Bill"
White, Malinda
Willard, Matthew
Wright, Mark
Zeringue, Jerome

Louisiana State Senate

as of August 2020

Senator Mark Abraham
Senator R. L. Bret Allain
Senator Regina Barrow
Senator Louie Bernard
Senator Gerald Boudreaux
Senator Joseph Bouie
Senator Troy Carter
Senator Stewart Cathey
Senator Heather Cloud
Senator Patrick Connick
Senator Page Cortez
Senator Michael Fesi
Senator Cleo Fields
Senator Franklin Foil
Senator Jimmy Harris
Senator Cameron Henry
Senator Bob Hensgens
Senator Sharon Hewitt
Senator Katrina Jackson
Senator Ronnie Johns
Senator Eddie Lambert
Senator Jay Luneau
Senator Patrick McMath
Senator Barry Milligan
Senator Fred Mills
Senator Robert Mills
Senator Beth Mizell
Senator Jay Morris
Senator Barrow Peacock
Senator Karen Carter Peterson
Senator J. Rogers Pope
Senator Ed Price
Senator Mike Reese
Senator Gary Smith
Senator Kirk Talbot
Senator Gregory Tarver
Senator Rick Ward
Senator Mack Bodi White
Senator Glen Womack

The Executive Branch

The Office of Governor

In most states, a governor must be an American citizen, at least 30 years old, and a resident of the state for at least five years. In the past, most governors have been men. In 1997, only 2 of the nation's 50 governors were women.

The voters of each state elect their governor directly: There is no Electoral College in state elections. Once elected, the governor in most states serves a four-year term. In nearly every state, a governor can be impeached if he or she commits a crime while in office. In several states, the voters themselves can take steps to remove a governor from office by demanding a special "recall" election.

Each state constitution sets up a line of succession in case the governor dies, resigns, or is removed from office. In most states, the first person in line is the lieutenant governor. The role of the lieutenant governor is similar to that of the Vice President of the United States in two instances. The lieutenant governor takes over the government if the governor dies or leaves office. The lieutenant governor usually presides over the state senate.

Powers and Duties of the Governor

A governor's most important role is as the state's chief executive. He or she is responsible for executing laws the state legislature passes. The governor has the power to appoint some officials in the state bureaucracy, usually with the approval of the state senate. The governor also has the power to veto bills the legislature passes. In most states, it is the governor's responsibility to prepare a budget for the state and submit it to the legislature.

The governor is also the state's chief legislator. Although only the state's legislature can pass laws, the governor can play a part in proposing laws. Governors also try to convince the legislature to pass certain bills.

Additionally, governors have certain judicial responsibilities. Governors have the power to offer pardons and reprieves to convicted criminals. They can also commute, or reduce, a criminal's sentence. Governors also have the power to grant a prisoner a parole, an early release from prison, with certain restrictions. Usually committees or boards under the governor, rather than the governor personally, makes decisions regarding pardons, sentences, and paroles.

Every governor is the commander in chief of the National Guard, a state militia that may be called up to protect the state and its citizens during emergencies. Every governor is a party leader who tries to help

out his or her political party while governing the state. Every governor is a chief of state, or a ceremonial leader, who greets important visitors or represents the state on ceremonial occasions.

Louisiana Governor

The governor of Louisiana is responsible for the implementation of the constitution and laws. As the chief executive officer of the state, he or she exercises certain legislative powers. Louisiana Constitution Article IV, Section 5(8) directs him, at the beginning of each regular session and at other times, to make reports and recommendations and to give information to the legislature concerning the affairs of the state, including its complete financial condition. Article IV, Section 5(D) requires the governor to submit to the legislature an operating budget and a capital budget for each fiscal year. The governor is authorized to call the legislature into special session. Additionally, he may veto any bill or any item in an appropriation bill. The legislature has constitutional power to override a veto by two-thirds of the elected membership of each house.

The governor is elected to a limit of two four-year terms.

Louisiana Lieutenant Governor

The lieutenant governor of Louisiana exercises powers delegated to him or her by the governor as provided by law. The lieutenant governor serves as governor in the event of a vacancy in the office, if the governor is unable to act as governor, or is out of state. Under the new constitution, the lieutenant governor no longer serves ex-officio president of the Senate, but he or she is made ex-officio member of each committee, board and commission on which the governor serves. La.Const. art.IV, sec.6. Additionally, the lieutenant governor serves as Commissioner of the Louisiana Department of Culture, Recreation and Tourism.

The lieutenant governor is elected for a term of four years. He or she may serve for an unlimited number of terms.

List of Governors of Louisiana

First French Era

- Sieur Sauvole de la Villantray 1699-1701
- Jean Baptiste de la Mayne, Sieur de Bienville 1701-1713
- Antonine de la Mathe Cadillac 1713-1716
- Jean Baptiste de la Mayne 1716-1717
- De l'Epinau 1717-1718
- Jean Baptiste de la Mayne 1718-1724
- Pierre Dugue , Sieur de Boisbriant 1724-1726
- Etienne Perier 1726-1733
- Jean Baptiste de la Mayne 1733-1743
- Pierre Rigaud, Marquis de Vaudreuil 1743-1753
- Louis Billouart Chevalier de Kerlerec 1753-1763
- Jean Jacques D'Abbadie 1765
- Charles Philippe Aubry 1765-1766

France to Spain transition period

- Charles Philippe Aubry 1766-1769
- Antonio de Ulloa 1766-1768 (Appointed by Spain, not recognized by the colony)

Era of rule by Spain

- Alejandro O'Reilly (Captain General) 1769
- Luis de Unzaga 1770-1777
- Bernardo de Galvez 1777-1785
- Estevan Miro 1785-1791
- Francisco Luis Hector, Baron de Carondelet 1791-1797
- Manuel Gayoso de Lemos 1797-1798
- Sebastian de la Puerta y O'Farril, Marquis de Casa Calvo 1799-1801
- Juan Manuel de Salcedo 1801-1803

Second French period

- Pierre Clement de Laussat 1803

United States territorial period

- William Charles Cole Claiborne 1803-1812

First period of U.S. statehood

Name	Party	Dates
William C. C. Claiborne	Jeff. Rep.	1812-1816
Jacques Villere	Jeff. Rep.	1816-1820
Thomas B. Robertson	Jeff. Rep.	1820-1824
Henry S. Thibodaux	Jeff. Rep.	1824-1824
Henry Johnson	Jeff. Rep.	1824-1828
Pierre Derbigny	Jeff. Rep.	1828-1829
Armand Beauvais	Jeff. Rep.	1829-1830
Jacques Dupre	Jeff. Rep.	1830-1831
Andre B. Roman	Whig	1831-1835
Edward D. White	Whig	1835-1839
Andre B. Roman	Whig	1839-1843
Alexandre Mouton	Democratic	1843-1846
Isaac Johnson	Democratic	1846-1850
Joseph Marshall Walker	Democratic	1850-1853
Paul O. Hebert	Democratic	1853-1856
Robert C. Wickliffe	Democratic	1856-1860
Thomas O. Moore	Democratic	1860-1862

American Civil War Era

Governors of Confederate States of America held territory in Louisiana

- Thomas Overton Moore Democratic 1862-1864
- Henry W. Allen Democratic 1864-1865

Governors of Union held territory in Louisiana

- George F. Shepley 1862-1864
- Michael Hahn Republican 1864-1865

Reconstruction Era

Name	Party	Dates
James M. Wells	Republican	1865-1867
Benjamin Flanders	Republican	1867-1868
Joshua Baker	Republican	1868-1868

Second U.S. Statehood Era

Name	Party	Dates
Henry C. Warmoth	Republican	1868-1872
P. B. S. Pinchback	Republican	1872-1873
John McEnery	Democratic	1873-1873
William P. Kellogg	Republican	1873-1877
Francis T. Nicholls	Democratic	1877-1880
Louis A. Wiltz	Democratic	1880-1881
Samuel D. McEnery	Democratic	1881-1888
Francis T. Nicholls	Democratic	1888-1892
Murphy J. Foster	Democratic	1892-1900
William W. Heard	Democratic	1900-1904
Newton C. Blanchard	Democratic	1904-1908
Jared Y. Sanders	Democratic	1908-1912

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Luther E. Hall	Democratic	1912-1916
Ruffin G. Pleasant	Democratic	1916-1920
John M. Parker	Democratic	1920-1924
Henry L. Fuqua	Democratic	1924-1926
Oramel H. Simpson	Democratic	1926-1928
Huey Pierce Long	Democratic	1928-1932
Alvin Olin King	Democratic	1932-1932
Oscar K. Allen	Democratic	1932-1936
James A. Noe	Democratic	1936-1936
Richard W. Leche	Democratic	1936-1939
Earl K. Long	Democratic	1939-1940
Sam H. Jones	Democratic	1940-1944
Jimmie H. Davis	Democratic	1944-1948
Earl K. Long	Democratic	1948-1952
Robert F. Kennon	Democratic	1952-1956
Earl K. Long	Democratic	1956-1960
Jimmie H. Davis	Democratic	1960-1964
John J. McKeithen	Democratic	1964-1972
Edwin W. Edwards	Democratic	1972-1980
David C. Treen	Republican	1980-1984
Edwin W. Edwards	Democratic	1984-1988
Buddy Roemer	Republican	1988-1992
Edwin W. Edwards	Democratic	1992-1996
Mike Foster, Jr.	Republican	1996-2004
Kathleen Blanco	Democratic	2004-2008
Bobby Jindal	Republican	2008-2015
John Bel Edwards	Democrat	2016-

The Judicial Branch

Structure of the Louisiana System

Louisiana Supreme Court

5 Courts of Appeal

41 Judicial District Courts

Family and Juvenile Courts

Parish Courts

City Courts

Justices of the Peace

Mayor's Courts

Lower State Courts

Small local courts almost always handle less serious crimes, known as **misdemeanors**. These courts do not have juries. Instead, a single judge hears and decides cases. The voters of the community usually elect lower court judges.

In many rural areas and small towns, the local court is called a justice court and the judge is called a **justice of the peace**. In larger towns and small cities, local courts may be called police courts or **magistrate courts**. These courts handle minor cases such as traffic violations or disturbing the peace. They may also handle civil cases involving small sums of money, usually less than \$1,000.00. If someone is found guilty, the punishment may be a small fine or, occasionally, a short jail term.

Most larger cities have municipal courts that serve the same purpose. These are often divided into specialized courts - traffic courts, juvenile courts, and small-claims courts. Small-claims courts hear civil cases involving small amounts of money.

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Higher State Courts

General Trial Courts

Courts called general trial courts handle more serious crimes known as **felonies**. Depending on the state and on the way the court is organized, a general trial court may be called a district court, a circuit court, or a superior court. General trial courts have the responsibility of determining whether someone is guilty or not guilty of a serious crime.

Unlike lower courts, general trial courts, general trial courts may use a jury to determine a defendant's guilt or innocence. The judge's job in a general trial court is to guide the jury and, in some cases, to decide on a sentence.

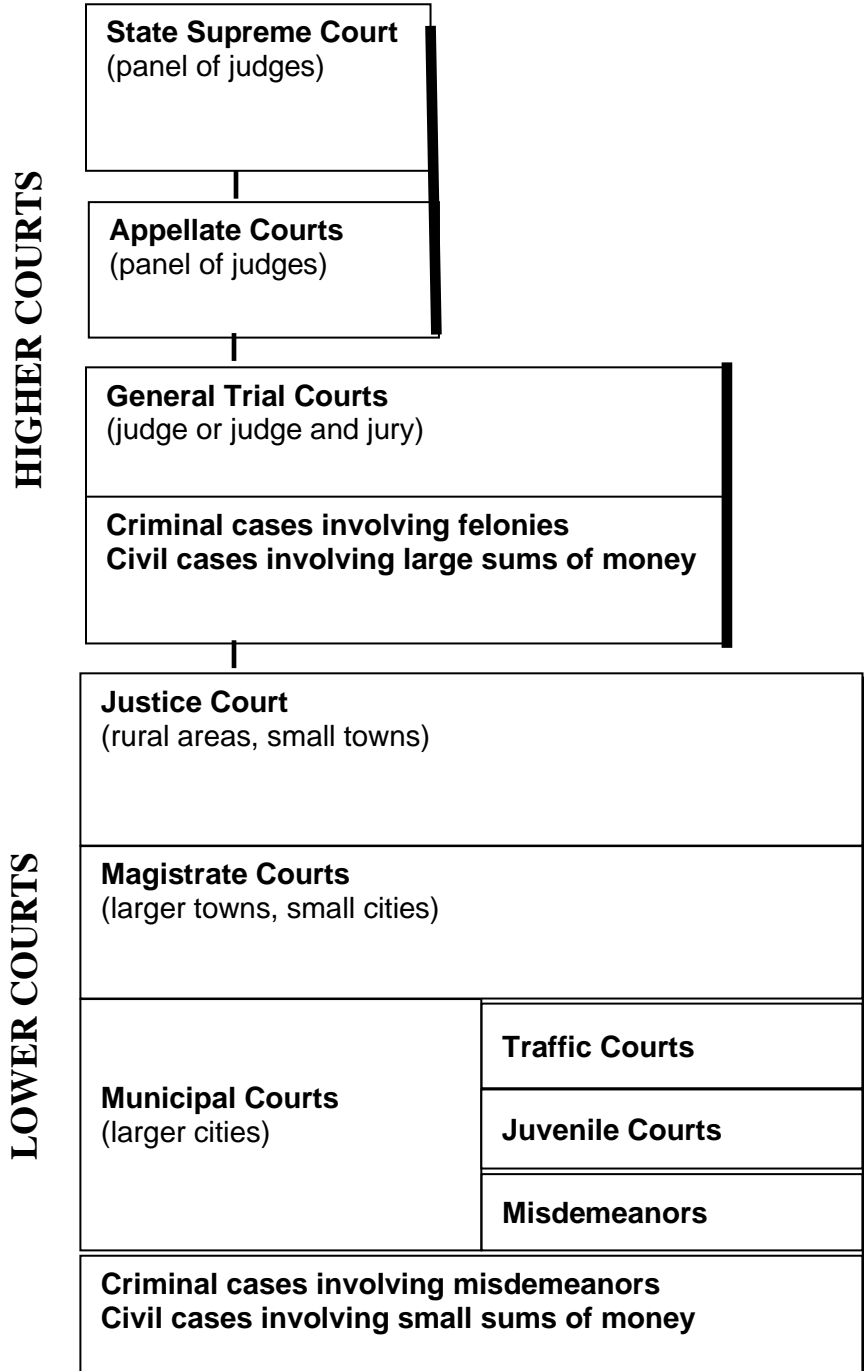
Appellate Courts

Sometimes the decision of a general trial court may be appealed to an appellate court. An appellate court has no jury. Instead, a panel of judges reviews the records of the trial court's proceedings. For example, if the judges find that a defendant did not have a fair trial, they can decide, by a majority vote, to overturn the lower court's decision.

The highest state court is the supreme court. The state supreme court consists of a panel of judges, usually elected by the voters. The supreme court hears arguments from lawyers representing both sides of a case, reviews the evidence, and makes a decision by a majority vote. Except for cases involving federal law or the United States Constitution, the decisions of the state supreme court are final. Those cases may be appealed to the United States Supreme Court.



State Judicial System

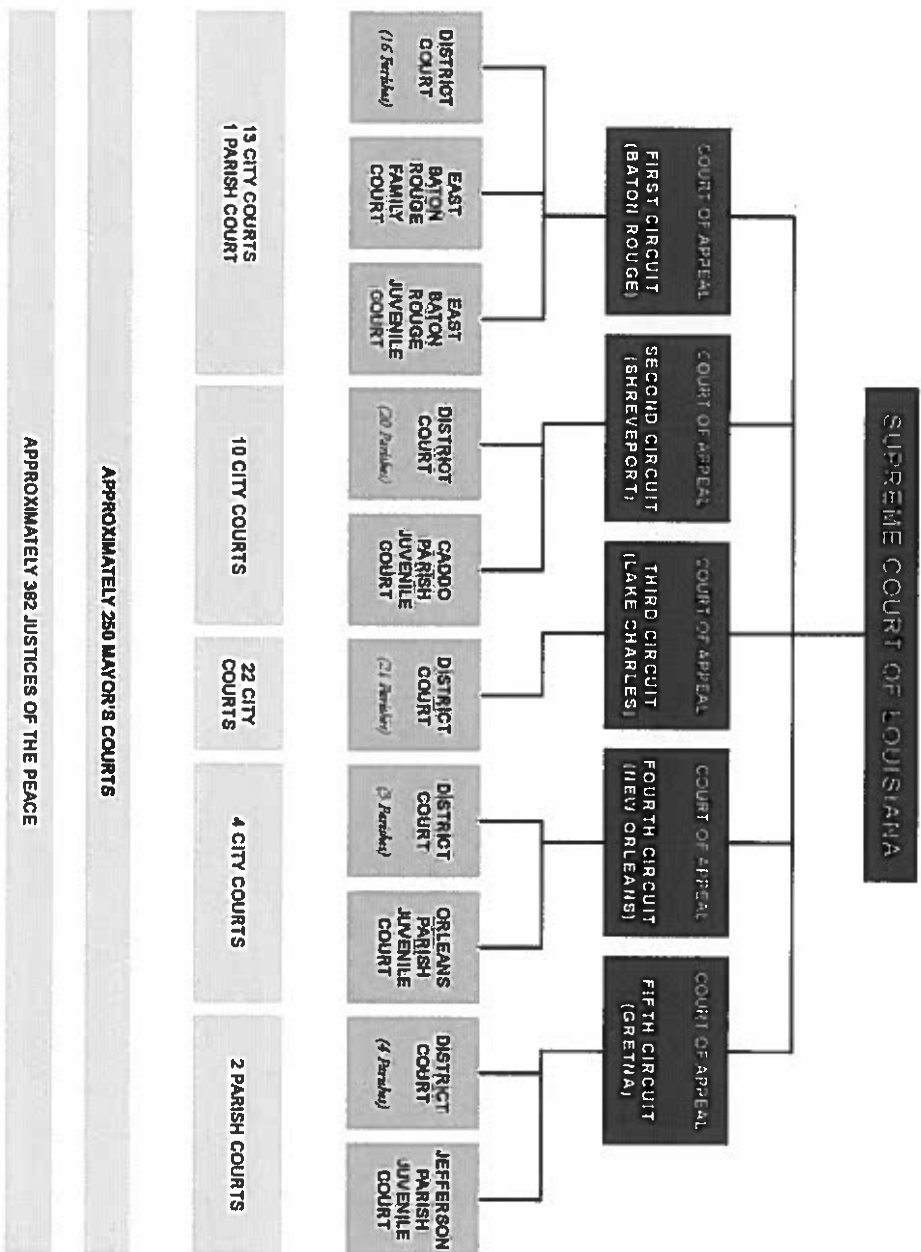


Diagrams:

- Louisiana Court Structure
- Louisiana District Courts Judicial Districts
- Louisiana Courts of Appeal
- Louisiana Supreme Court Districts

LOUISIANA COURT STRUCTURE

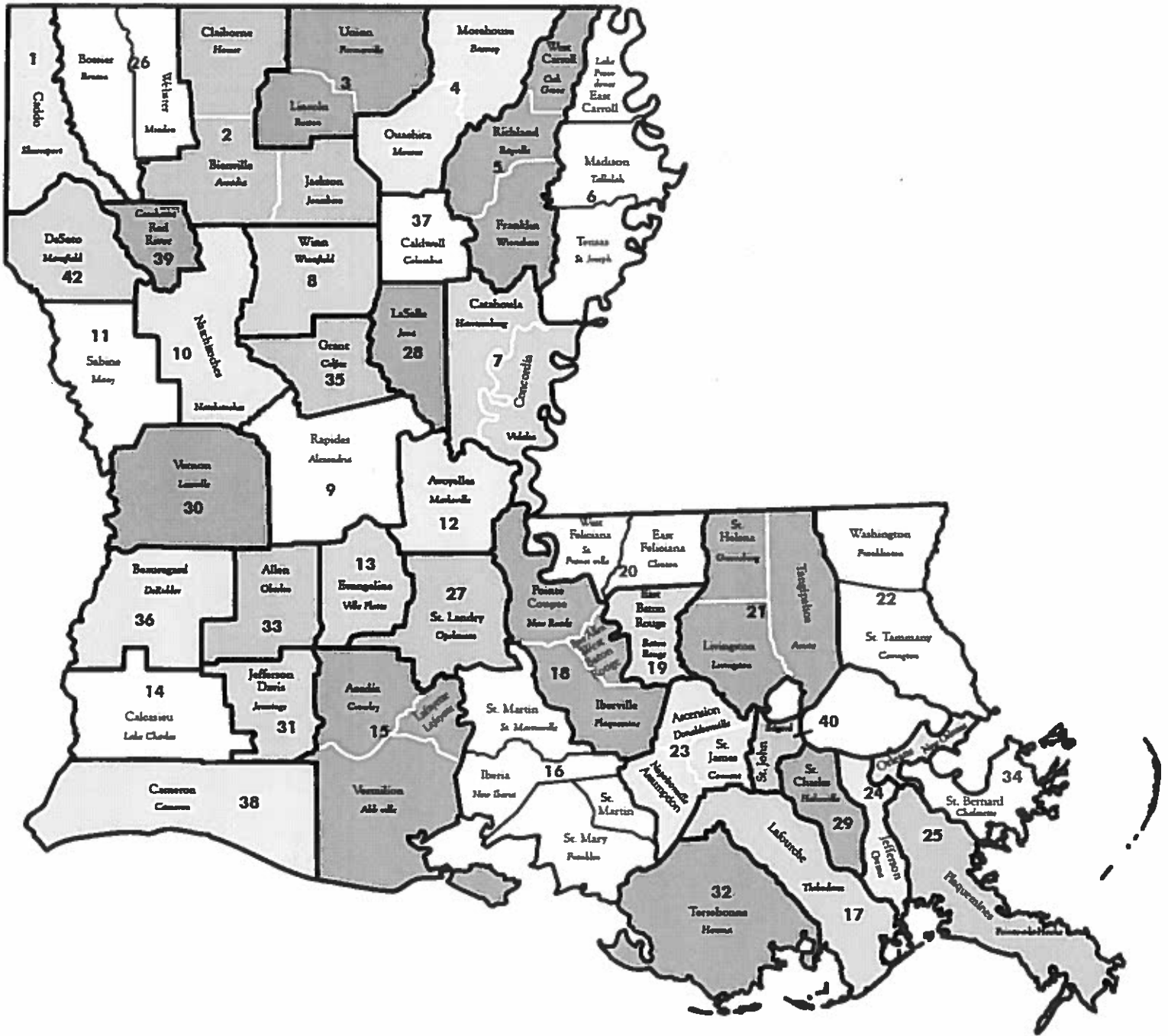
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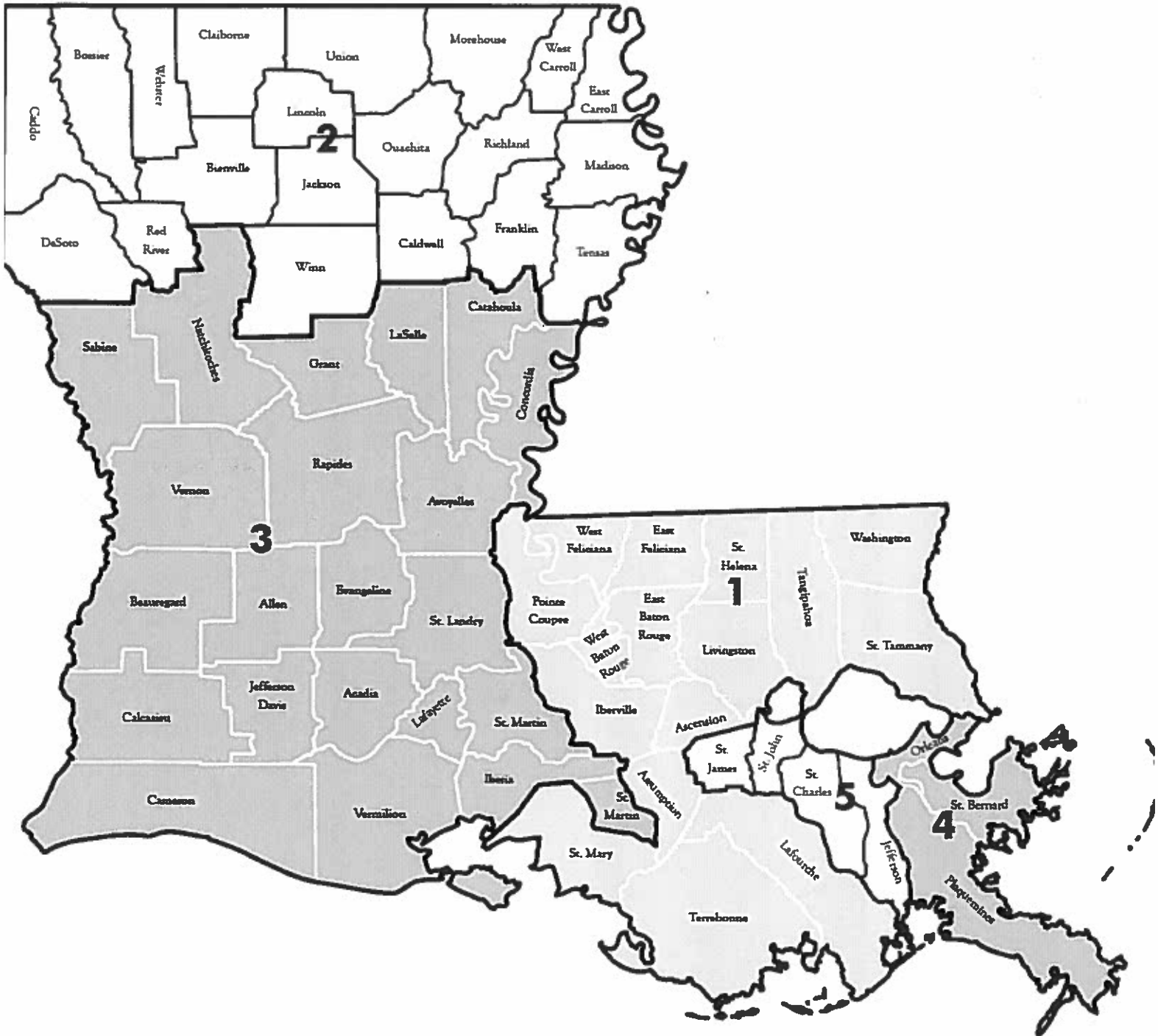
Number of Justices and Judges:

7	Supreme Court
53	Courts of Appeal
236	District, Family and Juvenile
73	City and Parish Courts
368	Total

Louisiana District Courts Judicial Districts



Louisiana Courts of Appeal



Chapter 6

Local Government

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

1. Recognize the structure of local governments;
2. Appreciate the impact local governments have on their daily lives; and
3. Understand the roles of members of local government.

Three Branches of Local Government

Local governments do not have constitutions. They usually receive a charter from the state government. The people usually elect the executive and legislative branches.

Executive

Mayor

Usually elected and is responsible for the day-to-day business of running the city

Legislative

City Council

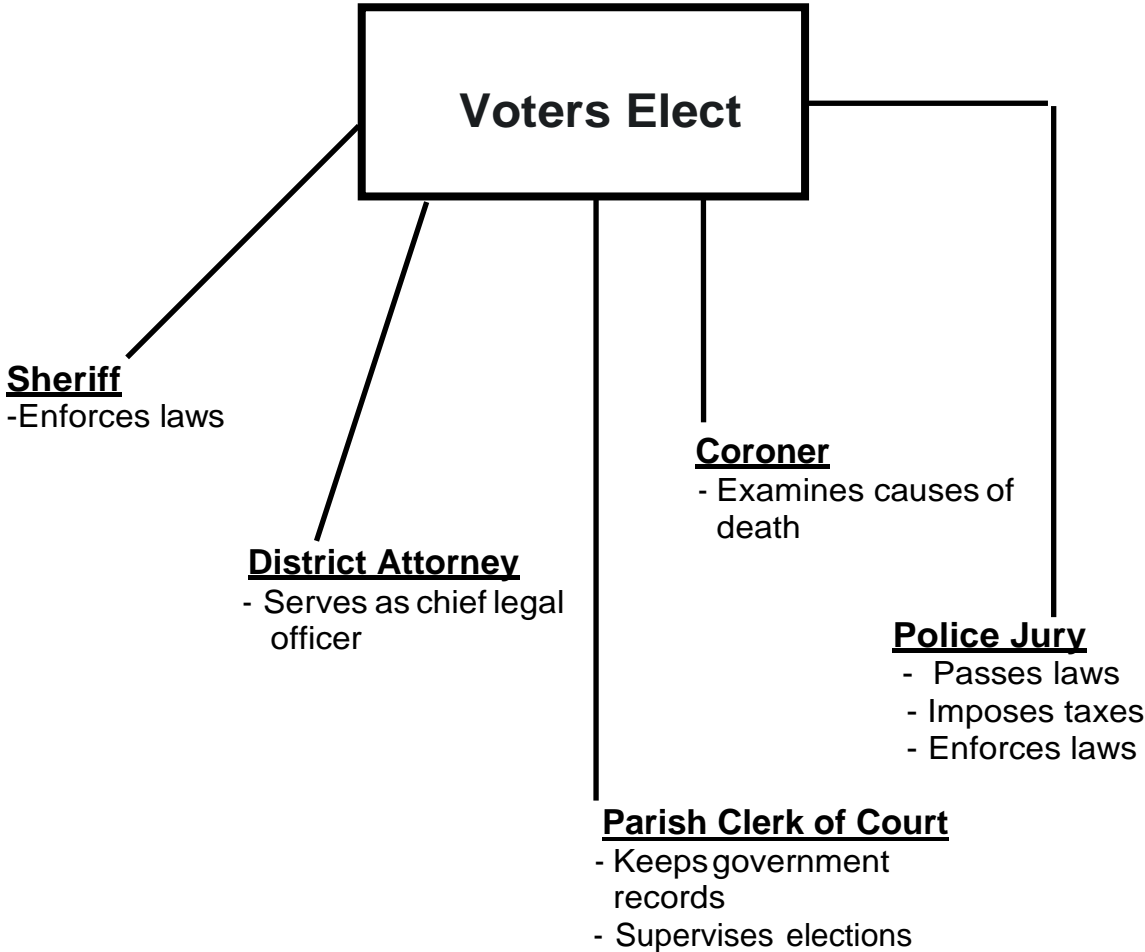
Usually elected and is responsible for making laws and directing the affairs of the city

Judicial

City Courts Parish Courts

Handle local issues, such as traffic laws, criminal law, and small claims. May be appealed to the state appellate courts.

Organization of Parish Government

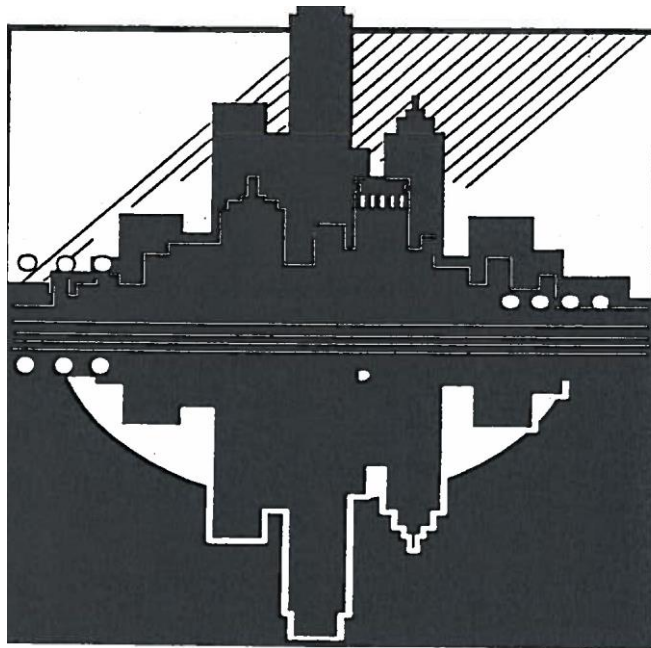


Louisiana's 64 Parishes

Acadia	Madison
Allen	Morehouse
Ascension	Natchitoches
Assumption	Orleans
Avoyelles	Ouachita
Beauregard	Plaquemines
Bienville	Point Coupee
Bossier	Rapides
Caddo	Red River
Calcasieu	Richland
Caldwell	Sabine
Cameron.	St. Bernard
Catahoula	St. Charles
Claiborne	St. Helena
Concordia	St. James
De Soto	St. John the Baptist
East BatonRouge	St. Landry
East Carroll	St. Martin
East Feliciana	St. Mary
Evangeline	St. Tammany
Franklin	Tangipahoa
Grant	Tensas
Iberia	Terrebonne
Iberville	Union
Jackson	Vermillion
Jefferson	Vernon
Jefferson Davis	Washington
La Salle	Webster
Lafayette	West Baton Rouge
Lafourche	West Carroll
Lincoln	West Feliciana
Livingston	Winn

Local Governments

Local governments are those units of government found within a state. Their purpose is to serve the needs of local communities. Local governments vary greatly in size and structure. The United States Constitution grants no power to local governments. It does not even mention their existence. Usually, state constitutions describe the duties and powers of local governments. The only powers that a local government has are those that the state gives it. Most often, a state grants these powers in a **charter**, or plan of government. This charter describes the local government and gives it authority over its affairs.



Parish Officials

Sheriff

The sheriff is the parish's chief law enforcement officer. The Sheriff's department, which usually includes deputies and uniformed officers, enforces court orders and manages the parish jail. The sheriff's department usually shares law enforcement duties with a separate police department.

District Attorney (DA)

The district attorney is the parish's chief legal officer. The district attorney investigates crimes, brings charges against suspected lawbreakers and prosecutes the case in court.

Coroner

The coroner is an official who tries to establish the cause of unusual or suspicious deaths. The coroner usually works closely with the sheriff's department or the police department.

Clerk of Court

The parish clerk is similar to the state government's secretary of state. The parish clerk keeps official government records and often supervises parish elections. In its function as recorder, the clerk of court's office receives, files and enters on a daily register all deeds, mortgages, and other instruments to be recorded in the public records of the parish.

Assessor

The assessor examines all taxable property within the parish and estimates how much it is worth. The parish's property tax is based on the assessor's estimates.

Police Jury

The Police jury has the power to make regulations for its own government. Its power includes, but is not limited to, regulating the proportion and directions and the making and repairing of roads, bridges, causeways, dams, and highways. The police jury's power allows it to do work to further the best interests of its parish.

City Government

City government is the most common form of local government. The oldest and most widely used form of city government in the United States is the mayor-council form of government. Under this form of city government, responsibility for governing the city is divided between separate legislative and executive branches. The legislative branch consists of a group of officials called the **city council**. A chief executive called the **mayor** holds executive responsibility. City government also includes officials such as a clerk and a city attorney. Separate departments handle police and fire protection, recreation, roads and buildings, health and welfare, and other matters.

Mayor

As chief executive, the mayor directs the workings of the city government. Often, the mayor is one of the most visible city leaders, addressing current issues, planning new developments, and working with state and national leaders. The mayor also acts as a symbol of the city and as its key spokesperson. In this role, the mayor might welcome visitors or lead ceremonies to open a new shopping center. A mayor's term of office varies from city to city. It usually ranges from two to four years.

City Council

The city council is the city's legislative body. The council's most important duty is to make laws for the city. As part of this duty, city councils often lead investigations and study ideas for changes in policy. They also work on long-range plans for new projects. These may include road development or sewage disposal.

Most councils have six or fewer members. In large cities, however, the council may be much larger. The length of time that city council members serve varies from one to six years.

Chief of Police

The chief of police has general responsibility for law enforcement in a city/municipality. He is charged with the enforcement of all ordinances within the city/municipality and all applicable state laws. He is obligated to perform all other duties required of him by ordinance. The chief of police reports directly to the mayor. The chief of police must also reside within the city/ municipal limits of said city/municipality.

The Court

Court Functions

1. Serves as a symbol of justice
2. Settles disputes
3. Protects society from crime
4. Punishes offenders
5. Provides a natural setting for "doing" Justice

The judge should not be young; he should have learned to know evil, not from his own soul, but from late and long observation of the nature of evil in others; knowledge should be his guide, not personal experience.

-Plato

How Much Do You Know About Your City and State?

1. Your state's governor: _____
2. Your state's lieutenant governor: _____
3. Does your state have a house of representatives? _____
4. Your senate leader _____
5. The dominant party in your state senate: _____
6. The dominant party in your state house of representatives: _____
7. Your governor's political party: _____
8. Your governor's political party: _____
9. Does your city or town have a council? ____ How many members? _____
10. Your mayor's political party: _____
11. Superintendent of your school district: _____
12. State capital: _____
13. State motto: _____
14. Describe the state flag: _____
15. State flower: _____
16. State tree: _____
17. State bird: _____
18. Year your state joined the Union: _____
19. All states that share borders with your state: _____

Chapter 7

The Legal System in the United States

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

1. Understand how the legal system works
2. Explain why laws are necessary
3. Discuss how cases proceed through civil and criminal courts

Law

What is a law?

A **law** is a statement or rule that tells us what we may or may not do. In order for a law to be legal, it must have a clear definition and a penalty. There are two broad sets of laws known as criminal and civil.

All laws must follow the broad limits of the United States Constitution. The purpose of any law is to help regulate a nation (federal), geographic area (state, city, or local). Laws create order out of chaos. Without laws, citizens would be unable to enjoy the benefits of their freedom.

Why do we need laws?

1. To peacefully resolve conflict
2. To limit government
3. To promote rights
4. To promote citizens' welfare
5. To control crime (**crime: An act that breaks a law**)

What makes a good law?

Good laws are:

1. just
2. reasonable
3. understandable, and
4. enforceable

Types of law

Constitutional law

Criminal law

Administrative law

International law

Tort law

Contract law

Corporate law

Family law

Property law

Successions (Inheritance) law



Courtroom Members

1. Judge: The chief executive of a courtroom. Official who is usually elected who supervises trials, decides cases, protects citizens' constitutional rights, and manages the flow of cases. Providing justice is the most critical duty of a judge.
2. District attorney or prosecutor: Represents the interest of the state. As an officer of the state, his or her duty includes protecting society and individual victims and ensuring that innocent people are not charged with crimes.
3. Plaintiffs attorney: Represents the party filing suit against another.
4. Defense attorney or public defender: Represents the citizen accused of a crime or a wrong.
5. Bailiff: Security officer in the courtroom who protects the judge, jurors, witnesses, and the public. He/She also gives directions and helps with prisoners.
6. Court reporter: Court staff responsible for recording everything said in court and typing transcripts if appealed. The finished product is known as an official record of a trial and is often put in the form of a document.
7. Clerk of court: An administrator who aids the judge in running the court. Record keeper and "paper pusher," the clerk performs many behind-the-scenes-duties, such as preparing a jury list, that keep the court operating efficiently.
8. Law clerks: Aid the judge in keeping the docket up-to-date. (You should explain "docket.") Conduct research and supply the judge with the applicable research to aid the judge in rendering decisions.

9. Witnesses: There are two types: lay and expert. A **lay witness** is also known as a character or eyewitness and is permitted to speak about non-scientific issues in court.

An **expert witness** will testify about an area in which he or she has a specialized skill. Fingerprinting, handwriting analysis, and blood testing are examples of scientific evidence.

10. Jurors: Citizens qualified to decide the facts of civil and criminal cases. Amendments VI and VII to the Constitution provide for a jury trial in most criminal and civil cases. A grand jury of 12 to 23 members usually considers the evidence and determine whether a trial is justified. A petit jury, usually of 12 members, sits at the trial proper and, after hearing the evidence, reaches a verdict.

11. Deputy clerks of court: Clerk's staff who help in the office and the court and keep up with all the clerk's functions.

12. Defendant and victim: They are the reason for having all of the other actors present in court. The victim is the person who is pursuing the lawsuit. The defendant is the person accused of committing the crime. Together, each person fulfills a necessary role in the pursuit of justice.

Methods of Selecting Judges



1. Through a popular election
2. By appointment by governor or President
3. Selection on the basis of qualifications
4. The state legislature decides who will be a judge (Used in three states)

Criminal Law

Criminal law focuses on acts that offend someone, that person's property, or society. Such acts are called **crimes** or offenses and are ranked according to their severity. **Crimes** are public wrongs directed at society.

The most serious category of crime is a **felony**. Examples of felonies include arson, robbery and murder. A **misdemeanor** is a lesser type of crime. The punishment for a misdemeanor is less severe than that for a felony. Bicycle theft, petty theft and forging someone's name on a check are misdemeanors. **Capital punishment**, or the death penalty, is the penalty for committing higher degrees of murder. The state is the plaintiff, and the offender is the defendant.

In order for a criminal law to be valid, it must include two features: 1) a clear definition of a crime, and 2) a reasonable punishment. Criminal laws deter people from committing crimes, and they reform some of those found guilty of crimes. Additionally, they give society a level of safety and protection from people who refuse or are unable to live within the law.

Civil Law

Civil law deals with the personal and property rights of people, such as signing a contract to buy a car, getting married or divorced, and inheritance rights. A **lawsuit** is mechanism by which a dispute over one or more of these rights is resolved.

The **plaintiff** is the person who decides to sue someone. The **defendant** is the person who is sued. If a plaintiff wins a lawsuit, he may be awarded money to be paid by the defendant, who is the loser in the lawsuit.

Either or both parties could be an organization or a corporation. Also, a lawsuit may involve more than one plaintiff and/or more than one defendant.

Progression of Civil Actions

Petition filed

Service perfected

Answer filed

Discovery proceedings

Motions filed

• Pretrial proceedings

Trial by judge or jury

Judge or jury reaches decisions

Progression of Felony Criminal Trials

Defendant arrested (Discuss *Miranda*)

Filing of Bill of Information or

Indictment Motions filed

Discovery answered

Hearings on motions

Trial

- a. Selection and swearing of jury;
- b. Reading of indictment or bill of information;
- c. Reading of defendant's plea on arraignment;
- d. Opening statements of the state and the defendant;
- e. Presentation of the evidence of the state, of the defendant and of the state in rebuttal
- f. Argument of the state, the defendant and the state in rebuttal;
- g. The court's charge;
- h. Announcement of the verdict or mistrial in jury cases or of the judgment in non-jury cases; and
- i. Discharge of the jury in jury cases. .

Sentencing

Steps in a Criminal Court Case

1. Investigation: The police investigate a reported crime.
2. Arrest: The suspect is arrested.
3. Booking: The suspect is detained at a jail, fingerprinted, photographed, and told of the charges against him or her.
4. Initial appearance: The defendant makes his or her first court appearance. The defendant is told of his or her rights, the charges are read aloud, and bail is decided.
5. Indictment: Documents issued by a prosecutor (information) or grand jury (indictment) that list all of the charges against a suspect. Some states use a grand jury trial to determine whether or not the government should prosecute an accused person. Some states use a preliminary hearing, where a judge reviews the evidence to see if there is enough to continue toward a trial.
6. Arraignment: Defendant pleads "guilty" or "not guilty" to the charges. Charges may be dismissed at this point.
7. Trial or guilty plea: Someone who tries to get the crime reduced or changed in exchange for a guilty plea is plea bargaining. Almost 90 percent of all criminal cases are resolved in this way. Very few persons accused of a felony ever seek a trial to determine guilt or innocence.
8. Sentencing: The judge determines the punishment.
9. Appeal: A convicted person may appeal his or her conviction to a court of appeal.

Reserved

Criminal or Civil? - Exercise

Identify each as either "criminal," "civil," or "both."

1. A bank employee pockets your cash deposit. _____
2. A neighbor accidentally backs his car over your bike. _____
3. There are rats in the kitchen of a restaurant. _____
4. A drug company uses false advertising. _____
5. You are caught hunting without a license. _____
6. A person takes a friend's car without permission. _____
7. A factory dumps toxic waste into the water supply. _____

8. A pickpocket steals a wallet. _____
9. A car manufacturer knowingly makes defective cars. _____
10. A hospital overcharges for its services. _____

Chapter 8

Juveniles in the United States

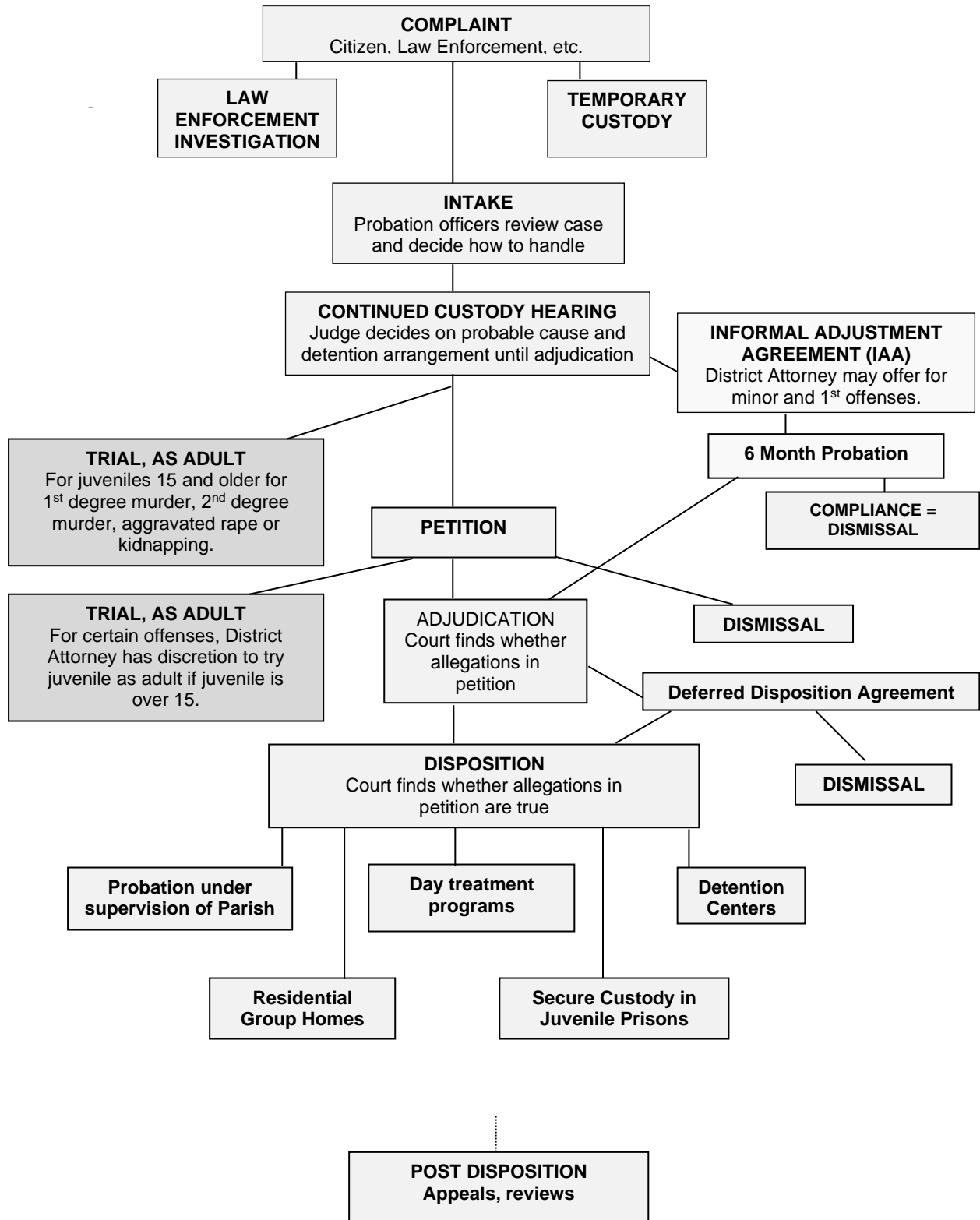
At the conclusion of this chapter, students will be able to:

1. Detail the goals of juvenile justice; and
2. Explain how the legal system deals with juvenile offenders.

“Under our Constitution, the condition of being a boy does not justify a kangaroo court. The traditional ideas of Juvenile Court procedure, indeed, contemplated that time would be available and care would be used to establish precisely what the juvenile did and why he did it ...”

-In re Gault, 387 U.S. 1 (1967)

Louisiana Juvenile Justice Case Flow Diagram



Young law violators generally enter the juvenile justice system through law enforcement...

Each State's processing of law violators is unique:

Even within states, case processing often varies from community to community depending on local practice and tradition. Consequently, any description of juvenile justice processing must be general, outlining a common series of decision points.

Law enforcement diverts many juvenile offenders out of the justice system: At arrest, a decision is made either to send the matter further into the justice system or to divert the case out of the system, often into alternative programs. Usually, law enforcement makes this decision, after talking to the victim, the juvenile, and the parents, and after reviewing the juvenile's prior contacts with the juvenile justice system. Twenty percent of all juveniles arrested in 2000 were handled within the police department and then released. Seventy percent of arrested juveniles were referred to juvenile court.

Federal regulations discourage holding juveniles in adult jails and lockups. If law enforcement must detain a juvenile in secure custody for a brief period in order to contact a parent or guardian or to arrange transportation to a juvenile detention facility, Federal regulations require that the juvenile be securely detained for no longer than 6 hours and in an area that is not within sight or sound of adult inmates.

Most juvenile court cases are referred by law enforcement:

Law enforcement referrals accounted for 84% of all delinquency cases referred to juvenile court in 2000. The remaining referrals were made by others such as parents, victims, schools, and probation officers.

The court intake function is generally the responsibility of the juvenile probation department and/or the prosecutor's office. At this point, intake must decide either to dismiss the case, handle the matter informally, or request formal intervention by the juvenile court.

To make this decision, an intake officer first reviews the facts of the case to determine if there is sufficient evidence to prove the allegation. If there is not, the case is dismissed. If there is sufficient evidence, intake will then determine if formal intervention is necessary. About half of all cases referred to juvenile court intake are handled informally. Most informally processed cases are dismissed. In the other informally processed cases, the juvenile voluntarily agrees to specific conditions for a specific time period. These conditions are often outlined in a written agreement, generally called a "consent decree." Conditions may include such items as victim restitution, school attendance, drug counseling, or a curfew.

In most jurisdictions, a juvenile may be offered an informal disposition only if he or she admits to committing the act. The juvenile's compliance with the informal agreement is often monitored by a probation officer. Consequently, this process is sometimes labeled "informal probation."

If the juvenile successfully complies with the informal disposition, the case is dismissed. If, however, the juvenile fails to meet the conditions, the intake decision may be to formally prosecute the case, and the case will proceed just as it would have if the initial decision had been to refer the case for an adjudicatory hearing.

During the processing of a case, a juvenile may be held in a secure detention facility:

Juvenile courts may hold delinquents in a secure detention facility if the court believes it is in the best interest of the community or the child. After arrest a youth is often brought to the local juvenile detention facility by law enforcement. Juvenile probation officers or detention workers review the case and decide if the juvenile should be held pending a hearing by a judge.

In all states, a detention hearing must be held within a time period defined by statute, generally within 24 hours. At the detention hearing a judge reviews the case and determines if continued detention is warranted. As a result of the detention hearing the youth may be released or detention continued. In 2000, juveniles were detained in 1 in 5 delinquency cases processed by the juvenile courts. Detention may extend beyond the adjudicatory and dispositional hearings. In some cases crowded juvenile facilities require that detention continue beyond adjudication until a bed becomes available in a juvenile correctional institution or treatment facility.

Prosecutors may file a case in either juvenile or criminal court:

In many states, prosecutors are required to file certain (generally serious) cases involving juveniles in the criminal court. These are cases in which the legislature has decided the juvenile should be handled as a criminal offender. In a growing number of states the legislature has given the prosecutor the discretion of filing a defined list of cases in either juvenile or adult court. In these states, both the juvenile and adult courts have original jurisdiction over these cases, and the prosecutor selects the court that will handle the matter.

If the case is handled in juvenile court, two types of petitions may be filed: delinquency or waiver. A delinquency petition states the allegations and requests the juvenile court to *adjudicate* (or judge) the youth a delinquent, making the juvenile a ward of the court. This language differs from that used in the criminal court system (where an offender is *convicted* and sentenced).

In response to the delinquency petition, an adjudicatory hearing is scheduled. At the adjudicatory hearing (trial), witnesses are called and the facts of the case are

presented. In nearly all adjudicatory hearings the determination that the juvenile was responsible for the offense(s) is made by a judge; although, in some states the juvenile is given the right to a jury trial. In 2000, juveniles were adjudicated delinquent in 66% of cases petitioned to juvenile court for criminal law violations.

Intake may ask the juvenile court to transfer the case to criminal court:

A waiver petition is filed when the prosecutor or intake officer believes that a case under jurisdiction of the juvenile court would be more appropriately handled in criminal court. The court decision in these matters follows a review of the facts of the case and a determination that there is probable cause to believe that the juvenile committed the act. With this established, the court then considers whether jurisdiction over the matter should be waived and the case is transferred to criminal court.

This decision generally centers around the issue of whether the juvenile is amenable to treatment in the juvenile justice system. The prosecution may argue that the juvenile has been adjudicated several times previously and that interventions ordered by the juvenile court have not kept the juvenile from committing subsequent criminal acts. The prosecutor may argue that the crime is so serious that the juvenile court is unlikely to be able to intervene for the time period necessary to rehabilitate the youth.

If the judge agrees that the case should be transferred to criminal court, juvenile court jurisdiction over the matter is waived and the case is filed in criminal court. If the judge does not approve the waiver request, an adjudicatory hearing is scheduled in juvenile court.

Between the adjudication decision and the disposition hearing, an investigation report is prepared by probation staff:

Once the juvenile is adjudicated delinquent, a disposition plan is developed. To prepare this plan, probation staff develop a detailed understanding of the youth and assess available support systems and programs. To assist in preparation of disposition recommendations, the court may order psychological evaluations, diagnostic tests, or a period of confinement in a diagnostic facility.

At the disposition hearing, dispositional recommendations are presented to the judge. The prosecutor and the youth may also present dispositional recommendations. After considering options presented, the judge orders a disposition in the case.

Most cases placed on probation also receive other dispositions:

Most juvenile dispositions are multi-faceted. A probation order may include additional requirements such as drug counseling, weekend confinement in the local detention center, and community or victim restitution. The term of probation may be for a specified period of time or open ended. Review hearings are held to monitor the juvenile's progress and to hear reports from probation staff. After

conditions of the probation have been successfully met, the judge terminates the case. In 2000, more than 6 in 10 adjudicated delinquents were placed on formal probation.

The judge may order the juvenile committed to a residential placement:

Residential commitment may be for a specific or indeterminate ordered time period. In 2000, nearly 1 in 4 adjudicated delinquents were placed in a residential facility. The facility may be publicly or privately operated and may have a secure prison-like environment or a more open, even home-like setting. In many states, when the judge commits a juvenile to the state department of juvenile corrections, the department determines where the juvenile will be placed and when the juvenile will be released. In other instances, the judge controls the type and length of stay. In these situations, review hearings are held to assess the progress of the juvenile.

Juvenile aftercare is similar to adult parole:

Following release from an institution, the juvenile is often ordered to a period of aftercare or parole. During this period the juvenile is under supervision of the court or the juvenile corrections department. If the juvenile does not follow the conditions of aftercare, he or she may be recommitted to the same facility or to another facility.

The processing of status offense cases differs from that of delinquency cases:

A delinquent offense is an act committed by a juvenile for which an adult could be prosecuted in criminal court. There are, however, behaviors that are law violations only for youth of juvenile status. These "status offenses" may include such behaviors as running away from home, truancy, ungovernability, curfew violations, and underage drinking. In many ways the processing of status offense cases parallels that of delinquency cases.

Not all cases, however, consider all of these behaviors to be law violations. Many States view these behaviors as indicators that the child is in need of supervision and respond to the behavior through the provision of social services. This different characterization of status offenses causes them to be handled more like dependency than delinquency cases.

While many status offenders enter the juvenile justice system through law enforcement, in many states the initial, official contact is a child welfare agency. In 2000, more than half of all status offense cases referred to juvenile court came from law enforcement.

The Juvenile Justice and Delinquency Prevention Act discourages the holding of status offenders in secure juvenile facilities, either for detention or placement. This policy has been labeled *deinstitutionalization of status offenders*. An exception to this policy occurs when the status offender violates a valid court order such as a

(f)

probation order that requires the adjudicated status offender to attend school and observe a court-ordered curfew. In such situations, the status offender may be confined in a secure detention facility.



Juvenile Justice

There is a separate system of justice for children. Youth who get into trouble with the law are called **delinquents**. They are brought to a juvenile court and are initially placed under the direct supervision of a juvenile **probation officer**. This officer is responsible for a variety of duties. These include investigating the charges, assisting children in need, and helping the court make a "good" decision about what to do with a juvenile.

A delinquency **petition** is a request for the court to review the actions of a child to decide if he is a delinquent. The **hearing is** conducted to review the evidence. A judge's decision that a child is indeed a delinquent is called an **adjudication**. There are many options available to a judge. He may order the delinquent to be sent to a training school or **reformatory** for a period of time. Also, the youth may be placed on **probation**, given a **foster home**, put on **house arrest**, or sent to a special program. Children who drink alcohol or take drugs are often sent to clinics or halfway houses to receive intensive treatment for their problems.

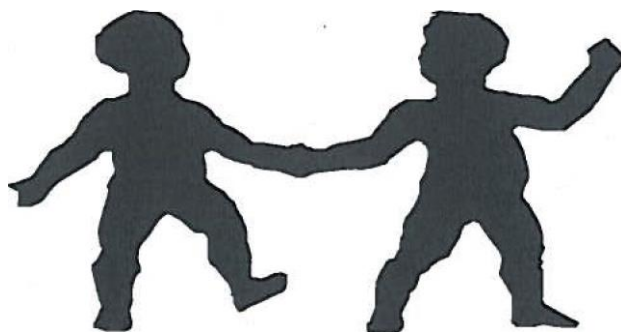
The goal of juvenile justice is to keep children out of trouble. A priority of the courts is to find ways to help rather than to punish delinquents. Much like a loving parent, the judge is concerned with the long-term welfare of children in his custody. Juveniles who commit serious crimes (felonies), however, may be transferred to the adult judicial system to stand trial. Each state has a minimum age at which juveniles become eligible for transfer. A juvenile who stands trial for a serious crime may receive adult penalties ranging from a brief period of imprisonment to a death sentence. Most juveniles, however, stay within the juvenile court. They are classified by information based on their past behavior; every child fits into one or more categories defined by law.

There are many categories of juvenile classification. **Dependent juveniles** have no one to care for them. The state must provide food, clothing, and other needs for these youth. **Neglected** or **abused** children are placed under state care because their parents hurt or ignored them.

Delinquents are the chief concern of the juvenile justice system. These are children who break the law, causing harm to people and property. Some do things that are considered "adult crimes" but are not sent to adult court. **Status offenders**, on the other hand, break rules and regulations such as not going to school. Such actions are illegal for minors but not for adults. A final type of delinquent is the **incorrigible child**. He or she has been labeled unmanageable or "out of control" by the court.

Delinquents come from all types of families and neighborhoods. Usually their involvement with crime is limited to property and drug-related offenses. Many of these delinquents will spend a portion of their adolescence on probation or in a juvenile facility.

It is the duty of the juvenile court to help these children.



Legal Rights of Juveniles

*Students and their property may be searched on school grounds by school officials if there is "reasonable suspicion" against them.

*A juvenile being formally processed by the juvenile court shall have access to an attorney who will assist him or her.

*A juvenile is considered innocent until proven guilty beyond a reasonable doubt.

*Juveniles have the right not to say something that would incriminate them in court.

*A court order must provide a timely, full notice to the juvenile of all the charges brought against him or her.

*Arrested juveniles have the right to face and cross-examine witnesses during a delinquency hearing.

*Juveniles do not automatically have a right to a trial by jury in juvenile court. That particular decision is up to the judge.

*All juveniles are entitled to an adequate standard of living and care.

*Juvenile delinquents have the right to "reasonable" treatment and rehabilitation.

*Ordinarily, a juvenile may request that the press and public be barred from attending his or her hearing.

*Juvenile delinquents have a right to be safe from cruel and unusual punishments by the state.

Juvenile Justice Word Scrambler

Unscramble these words that relate to juvenile justice. Use the word bank if you need help.

1. TTIPEON _____
2. NGETDELCE _____
3. NOSTUFAFTRESED _____
4. INQDELTNEU _____
5. SNARTREF _____
6. ERAGHIN _____
7. AFIORPTNFCBROEIO _____
8. DUICJADTNIOA _____
9. PEDEDENNT _____
10. BGLERRCNIIIO _____
11. RECREATSFO _____
12. LINEVUEJ _____
13. FARMROOTYER _____
14. HAHAFLOSUYUWE _____
15. SUBADE _____

Word Bank

Incorrigible	foster care	adjudication	status offender
abused	neglected	probation officer	dependent
halfway house	petition	hearing	juvenile
delinquent	transfer	reformatory	

Answer Key

"Juvenile Justice Word Scrambler"

1. petition
2. neglected
3. status offender
4. delinquent
5. transfer
6. hearing
7. probation officer
8. adjudication
9. dependent
10. incorrigible
11. foster care
12. juvenile
13. reformatory
14. halfway house
15. abused

One-Hour Presentations

Utilizing Materials and Suggested Presentations Presentation Guidance

Younger students may find the concept of government somewhat remote and confusing but citizenship is something very meaningful and relevant to them. They are important members of the community, and citizenship is an important issue as you establish and maintain your learning community.

Your challenge will be to make the content meaningful to the students. The suggested lessons provided in this manual are useful bridges to make concepts such as democracy, politics, citizenship and participation more meaningful and accessible to the students.

When presenting to students, it is important for you to start where your audience is, not where you are. Ask yourself the following questions before you begin your presentation:

1. Regarding my subject, how are the students unlike me?
2. What terms and concepts will they probably not understand?
3. What do I need to tell them so that they understand my meaning?
4. What misconceptions might they have?

As an instructor or facilitator, you must be willing to adapt to the different levels of knowledge that will be found in each class. You must remember that you will have some students who know a tremendous amount about your topic(s), some students who know little or nothing about your topic(s), and the remaining students will have mixed knowledge. As a result of these varying levels of scholarship, you must make an effort to communicate the information in a manner that will facilitate the purpose of ***Judges in the Classroom***.

All materials in this manual can be used according to each judge's preference of topics. Please do not hesitate to use supplemental materials.

Also, maintain control in the classroom!

A few topics that you can introduce to stimulate interest, conversation and exploration with the students follow. You may use all ten, or as many as you wish, as one one-hour presentation, or you may use some of them as introductions to other lessons.

1. Define ***citizenship***. The status of a citizen with its attendant duties, rights, and privileges.

Explain that we are all citizens of many communities. (e.g., schools, neighborhood/town, teams, state, nationality, and/or ethnicity)

2. Ask students to identify what communities of which they are members.

3. What do communities need in order to function and prosper?
(e.g., participation, organization, rules, and consequences)

4. Discuss what a community would be like without rules.
(Focus on the value that rules have in their lives, specifically in the classroom.)

5. Explain rules/laws.

6. What is/are the purpose(s) of rules/laws?

7. Who makes the law?

8. Who enforces the law?

9. Who interprets the law?

10. What are the students' roles in their communities?

The Legal System

I. Introduction of Judge

(Give a little background about yourself)

II. Ask thought-provoking questions

(Allow students to express their knowledge of the legal system, such as components of the system and the members of the system)

III. Legal System Concepts {This is explored via interaction with students)

A. Purpose of the system

B. Components of the system

C. Roles of each member of the court

1. Judges

2. Lawyers

3. Bailiffs

4. Court Reporters

5. Clerks

6. Juries

7. Law Clerks

IV. Conclusion

What is *Law*?

I. Introduction

II. What is law?

(Solicit students' ideas and perceptions) **THIS IS NOT THE TIME TO CORRECT MISCONCEPTIONS OR MISSTATEMENTS! DO MAKE NOTE OF THEM AND DISCUSS THEM IN JV.**

111. Distribute copies of *No Vehicles in the Park*

- A. Either read out loud or ask a student to read
- B. Discuss the function of each player in the hypothetical
- C. Distinguish between interpretation of the law and black letter law (Explain in relation to *New Vehicles in the Park*)
- D. Inquire about the role of a judge in such a case
- E. Ask about the role of a jury in such a case
 1. Ask students how they would have decided the case against each person
- F. Determine the problem(s), if any, with the law

IV. Return to and discuss misstatements and misconceptions in II

V. Conclusion

No Vehicles In The Park

The City of Beautifica established a large, lovely park in the city. The city council wanted to preserve elements of nature in the heart of the city undisturbed by city noise, traffic and pollution. The park is a place where citizens can find grass, trees, flowers and solitude. In addition, there are playgrounds and picnic areas. At all entrances to the park the following sign has been posted:



The law seems clear, but disputes have arisen over the *interpretation of the law*.

By breaking into groups of three, you will role play a judge and defense and prosecuting attorneys. You will interpret the law as it has been established by the Beautifica City Council, and argue the *letter* of the law versus the interpretation, in a variety of hypothetical cases in which citations have been issued for bringing vehicles into the park.

Officer N.O. Warnings, applying the letter of the law, has issued the following citations to people for violating the law:

Case 1 Police Officer Larry Kline

Cited for: driving patrol car in the park ,

Officer Kline was chasing a bank robber at the time. The robber could not have been caught if Officer Kline had not driven through the park.

Case 2 Ambulance Driver Keisha Newman

Cited for: driving ambulance in the park

-- Driver Newman was rushing a car accident victim to the hospital. The road through the park was the shortest distance between accident and the hospital. Driver Newman believes that the accident victim would not have survived if she had not driven through the park.

Case 3 Mr. Dwayne Thomas

Cited for: pushing baby carriage in the park

Mr. Thomas was strolling his baby in the baby's carriage through the park on Sunday morning.

Case 4 Garbage Truck Driver Mary Smith

Cited for: driving garbage truck in the park

Driver Smith was on her regular route collecting the trash cans placed in and around the park.

Case 5 Lt. Antoine Boudreaux (retired)

Cited for: parking a military tank in the park

Lt. Boudreaux is the head of a local veterans committee. His committee put up the Vietnam Veterans War Memorial last year to honor the town's citizens who died in the war. The federal government donated the tank as part of the War Memorial.

Case 6 Mr. Bill Johnson

Cited for: driving his horse-drawn carriage in the park

Mr. Johnson makes a living driving tourist through the park and around the city's scenic spots in an old-fashioned horse drawn carriage. Several of the city's citizens have done so for many years.

Case 7 Mr. Oliver Hebert

Cited for: driving car through the park

Mr. Hebert works on one side of the park and lives on the other. He saves 10 minutes if he drives through the park rather than around.

Case 8 Robbie Franklin, Jr.

Cited for: riding bike through the park

Robbie is 6 years old. He was riding the "big-wheel" bike he got for his birthday. His mother was watching him from a nearby park bench.

Juries

(For this lesson, you may want to use sample jury charges and interrogatories.)

I. Introduction

II. Juries

A. Implore students to explain juries

1. Composition
2. Number
3. Method of selecting
4. Their importance in a jury trial

III. Why should students learn about trial by jury?

- A. Many students will someday serve on juries
- B. For most, it will be their principal way, other than by voting, of directly participating in the democratic process
- C. The more jurors understand their roles, the better they will be able to fulfill this responsibility
- D. The basic principle is secured by most state constitutions and by the Sixth and Seventh Amendments to the United States Constitution (You may want to Issue copies of these Amendments.)
- E. Contrast to other countries, where judges alone often decide issues, juries help balance the scales of justice
- F. Juries keep law in the United States from drifting too far from the will and conscience of the people

III. Other advantages and disadvantages of juries

IV. Capabilities of juries

(Can they truly sort out the difficult issues that come before them?)

V. Discuss jury charges and interrogatories

VI. Conclusion

Overview of Justice - Evolution of Conflict Resolutions

I. Introduction

II. Guarantee of right to trial by jury

A. Explain to students that in the United states, we are guaranteed the right to trial by jury in both civil and criminal cases. (Explain the difference between the two types of cases.)

B. As a starting point for exploring several historic methods of conflict resolution, stage a conflict in class.

1. Get the help of four students - one to act as the accuser and three to act as the accused.
2. The accuser should accuse the other three students of breaking a school rule, such as cursing or eating in class.
3. The students should deny the charge.

III. Trial by Ordeal

A. Explain that you are putting the accused on trial.

1. Instead of trying the case in front of a jury, you are relying on a trial by ordeal.
2. Give the accused students a piece of hard, colored candy, and tell them to place it in their mouths for at least one minute without biting it. (Make sure that all the candies will leave the students' mouths brightly colored, except one.)

B. Students are now subjected to the "ordeal"

1. Explain to the rest of the class that at the end of a few minutes, the accused students will stick out their tongues.
2. Any student whose tongue is brightly colored will be considered guilty because a colored tongue is evidence that the alleged crime has been committed.
3. A tongue that is not colored is proof of innocence.

C. Explain that people have always needed ways to resolve legal conflicts, and that trial by ordeal was a common method used in Europe during the Middle Ages.

1. Accused people were forced to undergo dangerous tests, even torture, because the people believed that the innocent would not be hurt or that

their wounds would miraculously heal. (Give examples of torture - What about the Salem Witch Trials?)

D. Have students stick out their tongues

1. You (Judge) write the verdicts in the trial by ordeal on the chalkboard.
2. Ask students if they think a colored tongue is enough to prove guilt or innocence.

E. Discuss advantages and/or disadvantages, if any, of trial by ordeal

F. Compare/contrast to trial by jury

If time permits, cover trial by oath. (See next page.) If not, conclude this lesson.

IV. Conclusion

- A. Ask students what trials are like in our country today.
- B. List characteristics of the jury on the chalkboard.
- C. How does a jury reach its verdict?

Overview of Justice II - Evolution of Conflict Resolutions

I. Introduction

II. Discuss trial by jury

III. Trial by Oath

- A. Select a group of students to serve as the accused and the remaining class members act as "nobles"
- B. Explain that in a trial by oath, people accused of a crime only had to swear or take an oath, that they were innocent - unless others swore against them.
- C. The community was counting on people of good reputation to tell the truth when they spoke under oath. To lie under oath would be to risk becoming an outcast in the community.
- D. Have each of the accused students to swear to his or her innocence before a council of "nobles."
- E. Have each of the accused students choose two supporters to testify under oath about the student's good character. **Before the witnesses testify, tell them that if the nobles find one of the accused parties guilty, they will punish any witness who supported that person.**
- F. When the witnesses have testified, have the nobles vote and render their verdict for the accused.
- G. Write that verdict on the chalkboard.

IV. Discuss advantages and disadvantages of trial by ordeal

V. Compare to trial by jury

VI. Conclusion

- A. Ask students what trials are like in our country today.
- B. List characteristics of the jury on the chalkboard.
- C. How does a jury reach its verdict?

Juries - *Voir Dire*

I. Introduction

II. Importance of juries

III. Functions/Roles of juries

IV. Process of selecting juries

A. Define *voir dire*

B. You may want to explain the role of the lawyers and the judge during *voir dire*

V. Conduct *voir dire*

A. Explain to students the type of case which will be tried

B. Subject students to a mock *voir dire*

VI. Solicit feedback about the selection process

VII. Conclusion

Judges and Lawyers

(Use this lesson as your chance to explain how one becomes a lawyer and/or a judge, the duties of each, and the functions of each in the court.)

This is truly an interactive lesson.

I. Introduction

II. Lawyers

- A. How does one become a lawyer?
- B. Role(s) of plaintiffs attorney
- C. Role(s) of prosecutor
- D. Role(s) of defense attorney
 - 1. Explain the term *defenses*
- E. Obligations to clients

III. Judges

- A. How does one become a judge?
- B. Role(s) of judges
 - 1. Jury trials
 - 2. Bench trials
- C. Application of law

IV. Conclusion

Case Scenario(s)

You may choose any case that you find interesting or noteworthy. The case you choose may be one over which you have presided or are presiding. Do not use the real names of the parties. Either type the scenario or read the scenario to the class.

Discuss the facts and stimulate students' interpretations of the facts. Your goal is to develop students' analytical reasoning skills. Students should be able to "argue" both sides once they have extrapolated the issue(s).

You are to serve as the facilitator in this lesson. You are to guide students' thinking and their responses.

At the end of the discussion, reveal the judgment actually rendered by the court. Explain the reasons for judgment. You should also compare and contrast the judgment with the responses given by the students.

You may discuss one or more scenarios. Your allotted time will be the determining factor.

The Fourth Amendment

I. Introduction

II. The two functions of the Fourth Amendment

- A. Prohibits "unreasonable searches and seizures"
- B. "No warrants shall issue but upon probable cause"

III. Historical Context of Fourth Amendment

- A. Declaration of Independence (1776)
 - 1. Purpose
- B. United States Constitution (1787)
 - 1. Purpose
 - 2. What did it do in relation to searches and seizures?
- C. Bill of Rights (1789)
 - 1. Purpose
- D. Adoption of Fourteenth Amendment
 - 1. Purpose
 - 2. Its effect

IV. Discussions

- A. Police stops
 - 1. May detain
 - 2. May pat down
 - 3. May question
- B. Police Arrest
 - 1. Greater restraint
 - 2. May search
 - 3. *Miranda* warning
 - a. Brief explanation (history and purpose)
- C. The test
 - 1. Does a citizen feel free to leave: or not to respond to police questions?
 - 2. Factors
 - a. Police tell citizen not to leave
 - b. Police move citizen to question him/her
 - c. Police hold citizen's possessions, i.e. driver's license
 - d. Police are in uniform
 - e. One police officer or more than one
- D. Examples

1. Policeman says, "Hello. What's going on?"
2. Same facts but citizen is in a high-crime area, and police have a report of a crime having been committed.
3. Vehicle stop. Is driver free to leave? What about passengers? Sly gestures are made.
4. Group profiles, e.g., drug courier profile, racial profile

E. Procedure to raise Fourth Amendment violation

1. Motion to suppress

F. Juveniles

1. School searches

G. Fifth Amendment

V. Conclusion



What is *law*? - Court Procedures

I. Introduction

II. What is *law*?

A. Rules for ordered society

111. Who makes the rules?

A. Legislative branch

1. Congress
2. State legislature
3. City council

B. Executive branch

1. President
2. Governor
3. Agencies

C. Judicial branch

1. Judges

D. The people (voters)

IV. Procedures to enforce the rules

A. Criminal {enforcement of rules by the government}

1. Police arrest and investigation
2. Judicial system
 - a. Prosecutors and defense counsel
 - b. Trier of facts (judge or jury)
 - c. Appeals

B. Civil {enforcement of rules by citizens or government}

1. Make complaints to the government agency
2. File lawsuit to enforce rules - in court
3. Mediation/arbitration - outside court
4. Appeals

C. Criminal trial proceedings

(See material in manual)

D. Civil trial proceedings

(See material in manual)

V. Conclusion

Serving on a Jury

I. Introduction

II. What do jurors and juries do?

- A. Decide fact disputes In a trial
- 7. Implement constitutionally guaranteed right to trial by jury by peers
- C. Juries are an essential part of the judicial system
- D. Direct participation in government

III. How are juries selected?

A. Jury Pools

- 1. Court sends out jury duty notices
- 2. Sources used for juror lists
 - a. Voter rolls; OMV records
- 3. Qualifications, exemptions, and excuses for jury service

B. Jury Panels

- 1. *Voir dire* process
 - a. Oath taken by members
 - b. Disqualifying factors
- 2. Examination of jury panel members
 - a. Conducted by judge in criminal cases
 - b. Standard questions asked in criminal case *voir dire* and reasons for those questions
 - c. Questions may be answered at side bar if necessary to accommodate privacy concerns
 - d. Lawyers have a right to *voir dire* the jury in civil cases

C. Cause Challenges

D. Preemptory Challenges

E. *Batson* Challenges

IV. Role of jurors during trial

- A. Listen to testimony (May take notes, etc.)
- B. Judge credibility of witnesses
- C. Draw inferences from direct and circumstantial evidence
- D. Not to form an opinion nor discuss case until submitted
- E. Listen to and apply court's instructions on the law

V. Role of jurors during deliberations

A. Criminal standard: People's burden is to prove crime elements "beyond a reasonable doubt"

B. Civil standard: In most civil cases, the burden of proof is preponderance of the evidence

VI. Conclusion

You be the Judge

- I. Introduction
- II. Allow students to express their understanding of a judge (duties, functions, responsibilities)
- III. Explain what it means or is to be a judge
- IV. Read real life case scenarios to students
 - A. Change names of parties
 - B. Modify cases in order to fit within allotted time
- V. Allow students to act as judges
 - A. Solicit their rendition of the facts
 - B. Ask them to render judgment based on the facts
 - C. Provide students with applicable law
- VI. Tell students how the courts ruled in the cases
 - A. Compare/contrast courts' judgments with students' findings
 - B. Seek commentary from students regarding courts' judgments
- VII. Conclusion

Criminal Trial

(The manual contains an outline of criminal court proceedings.)

I. Introduction

II. Discuss criminal trial

- A. Distinguish between civil trial
- B. Urge students to give their views of a criminal trial
 - 1. Use examples of criminal matters

III. Present students with a criminal case scenario

- A. Use a simple case
- B. Change the names of the party(ies)

IV. Ask students to identify the prosecutor and the defendant(s)

V. Explain the steps in adjudicating a criminal matter (Encourage students' participation)

- A. Apply the case scenario that you read to this discussion
- B. Begin with investigation and/or arrest
- C. End with sentencing

VI. Conclusion

You be the Attorney

I. Introduction

II. Discuss the functions and duties of lawyers in criminal and civil cases

A. Identify the names for attorneys

1. prosecutor
2. defense attorney
3. plaintiffs attorney

III. Distribute to students facts from a criminal or civil case (Only the facts, not the judgments.)

IV. Divide students into two equal groups, if possible

- A. One group will serve as prosecutor or plaintiff's attorney
- B. Other group will serve as defense attorney

V. Permit students time to read scenario

VI. Each side is to present problems of the case, if any

VII. Each group will present its arguments

VIII. Tell students how judge ruled

- A. Discuss *in* relation to the case presented by the students

IX. Conclusion

Mediation

Scenario

Jane Smith bought a building that she uses as her flower shop. Next door to Jane's shop is a hardware store owned by Bob Jones. Before Jane bought her building and began her business, Bob had built a fence that was on 1 ½ feet of what is now Jane's property. According to Jane, the fence limited the parking spaces for her customers. Jane stated that after several attempts to get Bob to remove the fence, she destroyed the fence with a bulldozer. Bob is now outraged, and he wants Jane to replace the fence at a cost of \$550.00.

Lesson

Explain that students will mediate this case. The judge will serve as the mediator, and two students will act as the disputants. Tell students that the mediator does not make a decision in the case. The judge's role is to help the disputants reach an agreement.

- I. Mediator explains that in mediation, the two parties will make their own agreement. They must not interrupt each other. If the need arises, the mediator will talk to each party separately.
- II. The mediator asks each disputant to define the problem as he or she sees it and express feelings about it.
- III. Each disputant defines the problem and expresses feelings about it.
- IV. The mediator restates views of both disputants. The mediator asks questions to clarify issues.
- V. The mediator asks disputant #1 if he or she has a proposed solution for the problem. The mediator then asks disputant #2 if he or she agrees. If not, the mediator asks disputant #2 for a proposed solution and asks disputant #1 if he or she agrees.
- VI. If there is an agreement, the mediator restates the agreement to make sure

both disputants approve.

VII. If no agreement is reached, then the mediator talks to each disputant separately, asking how he or she is willing to solve the problem. Then the mediator brings them together and asks them to offer their solutions. The mediator will restate the agreement if an agreement is reached.

Questions for Class

1. How does a mediator compare with a judge?
2. (For the disputants) Did they feel that they were treated fairly?
3. How did they feel about the process?
4. Was a solution reached? What was it?
5. Discuss the advantages and disadvantages of mediation. What types of conflicts are better suited for mediation as opposed to court proceedings?

Search and Seizure

I. Introduction

II. Ask students what are "rights?"

- A. Ask if they have any rights
- B. Where do these rights originate?
 - 1. School rules
 - 2. Parents
 - 3. Constitution

III. Discuss the Fourth Amendment

- A. Apply to school setting
- B. Have students to recognize the responsibilities of school administrators that may conflict with students' Fourth Amendment protections

111. Present students with a scenario in which a student or his property is searched

IV. Ask questions to begin and maintain a meaningful discussion

V. Conclusion

References and Resources

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