

# Multimedia Activities



## Surfing the "Net"

### The Census Bureau

The Bureau of the Census keeps track of our country's population. Use the Internet to find out the latest projections of the United States and world populations.

### Getting There

Follow the steps below to find information about population projections.

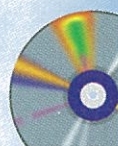
1. Go to your favorite search engine.
2. Type in the phrase *Census Bureau*. Following this phrase, enter words like those below to focus your search:

population  
current U.S. population  
world statistics

The search engine should provide you with a number of links to follow. Links are pointers to different sites on the Internet and commonly appear as blue underlined words.

### What to Do When You Are There

1. Click on the links to navigate through the pages of information.
2. Search until you find the population projection for the United States. Write this number down and the time you recorded it.
3. Search until you find the world's population projection. Write this number and the time you recorded it down.
4. Present your statistics to the class and explain their meaning. Explain whether, in your opinion, these numbers will be larger or smaller by tomorrow.



## Focus on Government

### The Presidency

The presidency is the nation's highest elected office. The presidency comes with many responsibilities and challenges. The **Focus on Government** programs referenced below explain the different roles of the President and student opinions of personal characteristics of a good President.

### Setting Up the Video

Using a bar code reader or an electronic keypad, work with a group of your classmates to view these video segments of the videodisc **Focus on Government**:

### Hands-On Activity

Use ideas from the video programs to design a bulletin board display of magazine clippings demonstrating the different roles of the President.

Be certain to include examples of the following roles:

- lawmaker
- diplomat
- policymaker



Side 2, Chapter 29  
Lecture Launcher:  
The Presidency



Side 2, Chapter 30  
Lecture Launcher:  
Presidential Leadership



Side 2, Chapter 33  
Speaking Out:  
The Character of the  
Presidency



## UNIT 5

# State and Local Government

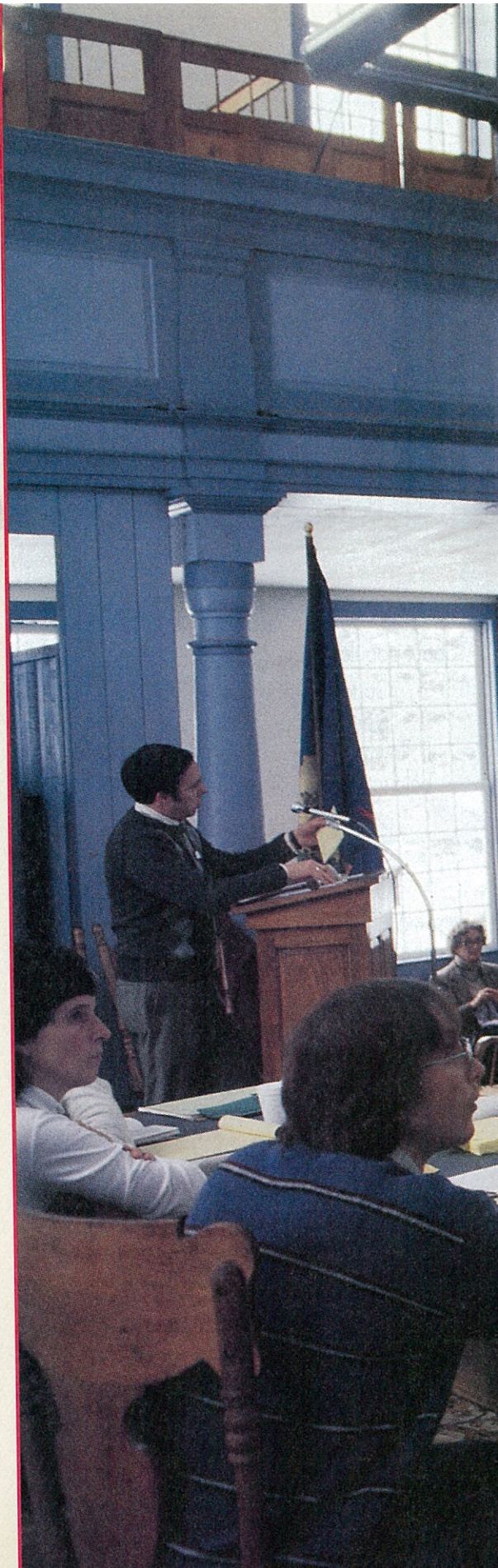
### YOUR ROLE AS A CITIZEN

**T**he relationship between the American people and government is closest at the state and local levels. As citizens one of our most important roles is to work with local leaders to improve our communities and solve problems affecting their well-being.

In Unit 5 you will learn about state and local governments. You will study how they are organized and how they affect our lives. ■

### CHAPTERS IN THIS UNIT

- 13** State Government
- 14** Local Government
- 15** Community Issues





# State Government

## CIVIC PARTICIPATION

**S**tate governments rather than the federal government have the most impact on your daily life. When you make a purchase, you probably pay a state sales tax. Your state maintains many of the roads you ride on. State funds help pay for your school and textbooks. Contact the information office of your state government. Find out the names of the top state officials, both elected

and appointed, and their areas of responsibility.

### Working in Your Community

Prepare an organizational chart of your state government that shows major state officials and their responsibilities. Share this chart with your neighbors. Encourage them to contact these state officials to express their opinions on specific state policies. ■

### Your Civics Journal

Read the newspaper to find out what problems your state faces. Perhaps the state has a large budget deficit, or the crime rate has increased sharply. List the problems in your civics journal. Describe what the state is doing to solve the problems and what you would do if you were governor.



**DARE**  
**TO KEEP KIDS OFF DRUGS.**

**CENTRAL**

September

1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

Sunday



# The Federal System

## FOCUS

### TERMS TO KNOW

federalism, extradition

### OBJECTIVES

- Explain the **constitutional basis for federalism**.
- Describe the basic features of **state constitutions**.
- Identify and describe three examples of **federal-state cooperation**.
- Give an example of **cooperation between states**.

**A**s you learned in Chapter 2, the first American states behaved like 13 separate countries when the Articles of Confederation were in force. Each state wrote its own constitution, set up its own government, and made its own laws. When the states banded together under the United States Constitution, they gave up some of their independence. States could no longer print their own money, for example, or tax items imported from other states. Nevertheless, each state continued to govern itself much as it had in the past.

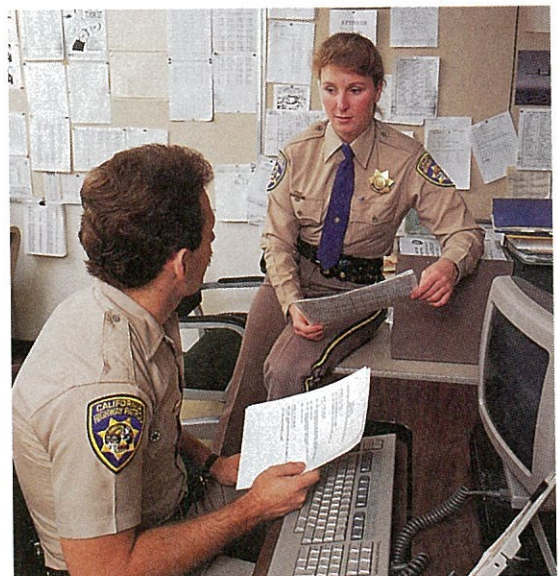
This system, in which the power to govern is shared between the national government and the states, is called the federal system, or **federalism**. Our federal system allows the people of each state

to deal with their needs in their own way. At the same time, it lets the states act together to deal with matters that affect all Americans.

## Constitutional Basis for Federalism

The Constitution does not list the powers of state governments, as it does for the national government. Instead, it specifies what the state governments may *not* do. Article I of the Constitution forbids the states to make treaties, coin money, tax imports or exports, keep an army in peacetime, or declare war. In addition, several amendments to the Constitution prevent state governments from taking away rights granted by the federal government. The most important of these amendments is the Fourteenth, which guarantees all Americans “equal protection of the laws.”

**Law Enforcement** State police officers play an important role in enforcing the state’s laws. *What happens if state and federal laws conflict?*



While some powers are denied to the states, many others are given to both Congress *and* the states. These concurrent powers include the powers to tax and to borrow money.

## Reserved Powers

As you learned in Chapter 4, the Tenth Amendment gives the states additional authority. According to this amendment, state governments may exercise all powers not given to the federal government or denied to the states. These powers, you may recall, are called reserved powers. Among them are the powers to make marriage and divorce laws, to regulate education, and to conduct elections.

In general, each state is responsible for the safety and welfare of its own citizens. State governments often use their reserved powers to meet this responsibility. They set up police forces and other law enforcement operations. They build roads and bridges. They regulate business and trade within their borders. They set educational requirements and provide funding for schools. They organize local governments for counties, cities, and towns. State government touches almost every activity in Americans' lives. (See the chart on page 90.)

## Supremacy Clause

The Framers of the United States Constitution recognized that the powers of the states may sometimes conflict with those of the federal government. For this reason they declared in Article VI that the Constitution and the laws Congress makes shall be the "supreme law of the land." If state and federal law conflict, the federal law has the greater authority and power. One famous use of this "su-

premacy clause" occurred after the Eighteenth Amendment was ratified in 1919. The amendment made it illegal to sell alcoholic beverages anywhere in the United States. Each state had had its own laws about the use of alcohol, but the Eighteenth Amendment became the supreme law of the land and the state laws lost their power.

## State Constitutions

Each state has its own constitution. Like the United States Constitution, a state constitution is a plan of government. It is also the highest law in the state, just as the United States Constitution is the highest law in the nation.

Article IV of the United States Constitution requires each state to have a "republican form of government." (*A republic* is a word meaning representative

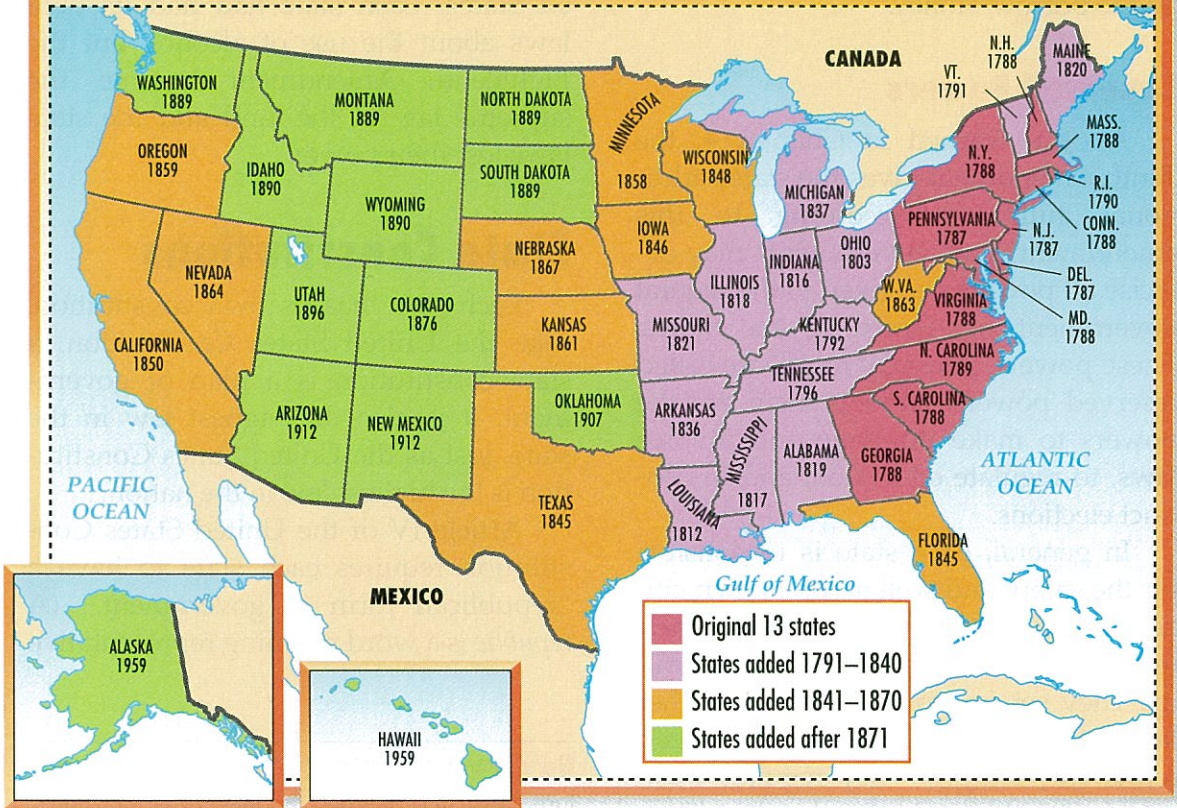
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**Sovereign States** The Arkansas legislature meets in a building modeled after the United States Capitol in Washington, D.C. *What do all 50 state governments have in common?*



# M A P STUDY

**Statehood** Twenty-nine states joined the Union in the 1800s. Which states have been admitted since 1900?



democracy.) Other than that, however, the Constitution does not say anything about how a state's government should be set up. It would be possible, therefore, for the 50 states to create 50 completely different systems of government.

Not surprisingly, however, nearly every state government closely resembles the federal government. The reason for this is simple: The early state constitutions served as models for the writers of the United States Constitution. Since then, most states have used the United States Constitution as a model for their own constitutions.

A typical state constitution begins with a preamble, which cites the goals

and ideals of the state's citizens. All state constitutions provide for three branches of government—legislative, executive, and judicial—and assign certain powers and duties to each branch. Every state constitution also includes a bill of rights, which in most cases is similar to the United States Bill of Rights.

The amendment process is an important part of every state constitution. While the procedure for changing the constitution varies from state to state, it is usually a two-step process similar to amending the United States Constitution. An amendment must first be proposed, generally by the legislature; then it must be ratified by the voters. As the



role of state governments has changed, some state constitutions have been amended hundreds of times.

Despite their basic similarities, the constitutions of different states vary significantly. Every state has its own ideas about what makes a good government. Nebraska, for example, is the only state with a one-house legislature. (The other states have bicameral legislatures similar to that of the United States Congress.) In Delaware the legislature rather than the voters ratifies amendments.

## Federal-State Cooperation

The states and the federal government do not always agree. They do, however, tend to work together most of the time.

The United States Constitution ensures a certain amount of federal-state

cooperation. Article IV, which requires every state to have a “republican form of government,” includes the idea that the United States will defend that form of government if it is threatened. The Constitution says that the federal government will protect each state against invasion and domestic violence. When local or state police cannot control violent incidents within a state, the governor may call for the assistance of federal troops.

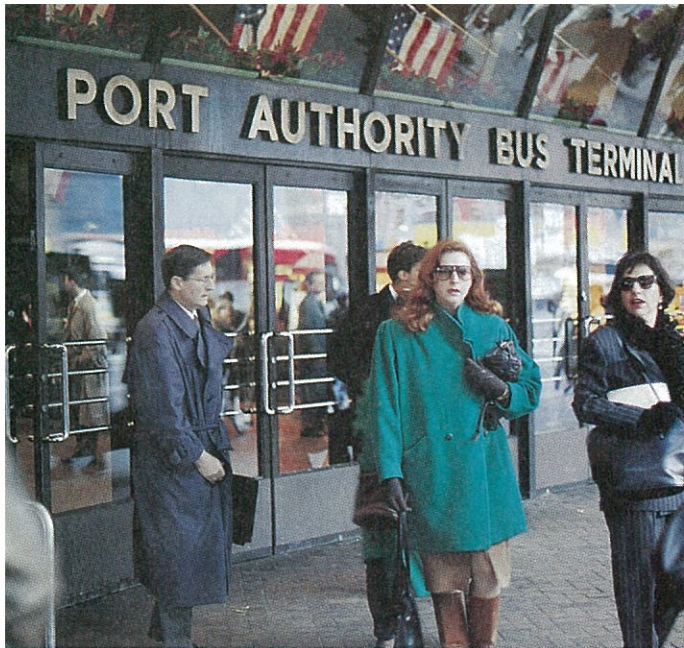
In return, the states provide certain services to the federal government. For example, the states hold elections for federal offices—such as President and Vice President—as well as for state and local offices. This is considered part of the reserved powers of the states.

The states and the federal government also cooperate in ways not called for in the Constitution. For example, state and federal agencies often share

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**Federal Relief** Vice President Gore visited flooded areas along the Mississippi in July 1993 as part of federal relief efforts. *What does the Constitution say about federal assistance to states?*





**Partnership** The Port Authority of New York and New Jersey runs transportation facilities serving both states. *In what other ways do states cooperate?*

information. A state police force may help the FBI catch a criminal, or the Federal Bureau of Prisons may share prison management techniques with a state's justice department.

Although not required to do so by the Constitution, the federal government provides funding for many state services. For example, federal agencies help pay for student lunches in public schools and for the construction of state highways. By helping states pay for services that they could not otherwise afford, the federal government also helps the country as a whole.

## Cooperation Between States

The Constitution helps ensure that states cooperate with each other as well as with the federal government. According to Article IV, each state must give "full faith and credit" to the laws and court decisions of other states. This

means that each state must accept and uphold these laws and decisions. For example, if a couple is married according to the laws of one state, every other state must accept that marriage as legal.

Article IV also ensures another type of cooperation. Often, someone who breaks the law in one state will flee to another state to avoid punishment. A state cannot legally punish a person for breaking the laws of another state. If requested to do so, however, a governor usually orders that a person charged with a major crime be returned to the state where the crime was committed. Returning a suspected criminal in this way is called **extradition**.

States cooperate in other ways as well, especially when they share a border. The neighboring states of New York and New Jersey, for example, are partners in an agency called the Port Authority. The Port Authority controls three airports, a seaport, a bus terminal, and other transportation facilities that serve both states.

## ★ SECTION 1 REVIEW ★

### UNDERSTANDING VOCABULARY

*Define* federalism, extradition.

### REVIEWING OBJECTIVES

- 1 What is the constitutional basis for federalism?
- 2 What are the basic features of all state constitutions?
- 3 What are three examples of federal-state cooperation?
- 4 What is an example of cooperation between states?

# Exploring ISSUES

## *The Second Amendment and Gun Control Laws*

The Second Amendment of the Constitution deals with the right to bear arms. The United States has changed a great deal since this amendment was adopted in 1791. At that time, settlers needed guns to shoot animals for food and to defend themselves in a hostile world.

### *Guns in the United States*

Today there are more than 100 million guns in the United States. Most of these are rifles and handguns that law-abiding people keep for hunting or for protection. Still, guns cause many injuries and deaths, and Americans remain divided over the issue of gun control.

### *Arguments For and Against Gun Control*

Some people support gun control laws that ban all handguns. They feel that these small, easily hidden guns make it too easy to kill people. Opponents of gun control argue that gun ownership is as important a right as freedom of speech. Moreover, opponents say, gun control laws do not keep guns out of the hands of criminals, and such laws deprive citizens of the means to protect themselves against armed criminals.

The National Rifle Association (NRA) has long opposed any kind of restraints on gun ownership. Over the years the NRA has built a powerful lobby of gun owners and their supporters. It has been quite suc-



**Confiscated handguns**

cessful in blocking gun control laws and defeating pro-gun control candidates at the national and state levels.

### *Recent Actions*

In recent years the spread of semiautomatic assault rifles has caused a change in public opinion about gun control. Many states have introduced or enacted laws to ban them. The federal government has enacted legislation imposing a partial ban on assault rifles. It also passed a law, the Brady Bill, requiring a waiting period for the purchase of handguns. Such legislation has not ended the debate. Americans remain deeply divided over the issue of gun control.

### **DEVELOPING A POINT OF VIEW**

- 1 Why do you think the authors of the Bill of Rights wanted to make gun ownership a constitutional right?
- 2 List the main arguments for and against gun control laws.



# The State Executive Branch

## FOCUS

### TERMS TO KNOW

commute, parole

### OBJECTIVES

- List and describe several characteristics of **the office of governor**.
- Describe the **powers and duties of the governor**.
- Identify **executive officials and agencies** found in most states.

**T**he executive branch of a state government is similar to the executive branch of the federal government. A chief executive, the governor, leads the state executive branch. The governor plays a number of other roles in addition to chief executive, including those of party leader and chief of state. As the President does in the federal government, the governor delegates powers to a number of state executive departments and agencies.

## The Office of Governor

Each state constitution includes a set of qualifications for 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 5 years. As for most other elected offices, however, there are also unofficial qualifications for the office of governor. Most governors have previously held public office or been active in state politics. Many have had successful careers in law or business. In the past most governors have been men, and this has not changed very much. 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. Other than that, governors are nominated and elected in much the same way that a President is.

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.

**Governor of Hawaii** The citizens of Hawaii elected Ben Cayetano in 1994. *How long is the term of office for governor in most states?*





**Governor's Powers** In cases of emergency, the governor may call up the National Guard to protect the state or provide relief and shelter for its citizens. *What are the governor's responsibilities as chief executive?*

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 in two respects. The lieutenant governor takes over the governorship if the governor dies or leaves office. The lieutenant governor usually presides over the state senate.

## Powers and Duties of the Governor

Like the President, a governor plays several important roles. A governor's most important role is as the state's chief executive. As chief executive, the governor is responsible for executing laws the state legislature passes. To help with this


responsibility, the governor issues executive orders to a large state bureaucracy. The governor has the power to appoint some of the officials in this 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 legislature can pass laws, the governor can play a part in proposing laws. For example, the governor may suggest laws that he or she thinks should be passed. Governors also try to convince the legislature to pass certain bills. They may do this formally, by making speeches to the legislature, or informally, by speaking privately to lawmakers.

In addition to executive and legislative responsibilities, all governors have certain judicial responsibilities. Like the President, governors have the power to offer pardons and reprieves to convicted criminals. They can also **commute**, or reduce, a criminal's sentence. For example, if a criminal has been sentenced to death, a governor may decide to commute the sentence to life in prison. 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's supervision—rather than the governor personally—make decisions regarding pardons, sentences, and paroles.

Governors play a number of other roles as well. Every governor is 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



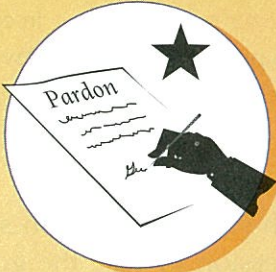


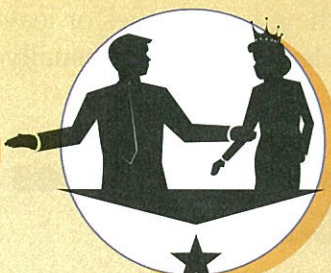


**CHART STUDY**

**Powers and Duties of the Governor**

A state governor has many of the same roles as the President of the United States. *What does the role of chief legislator involve?*

 <p><b>Chief Executive</b> Carries out state laws Appoints officials Prepares a budget</p>	 <p><b>Chief Legislator</b> Proposes legislation Approves or vetoes legislation</p>	 <p><b>Judicial Leader</b> Offers pardons and reprieves Grants parole</p>
 <p><b>Commander in Chief</b> In charge of the National Guard (state militia)</p>	 <p><b>Party Leader</b> Leads the political party in the state</p>	 <p><b>Ceremonial Leader</b> Greets important visitors Represents the state</p>



**Highway Repairs** A paving crew works on a stretch of highway in North Carolina. Which department of state government oversees highway construction and maintenance?

political party while governing the state. Finally, every governor is a chief of state, or ceremonial leader, who greets important visitors or represents the state on ceremonial occasions.

## Executive Officials and Agencies

Although not every governor has a cabinet, each state has a number of high officials who advise the governor on important issues. The governor sometimes selects these officials. More often, however, voters elect executive officials.

While the top government officials vary from state to state, most states have a few important officials in common. Usually a secretary of state is responsible for keeping the state's records. An attorney general acts as the state's lawyer and legal adviser. A superintendent of public instruction (sometimes called a commissioner of education) sets educational

standards and oversees the state's public schools. A treasurer supervises the state's funds, pays money from the treasury, and sometimes acts as chief tax collector. An auditor or comptroller, who makes sure that no government money is spent without approval from the governor and the legislature, supervises the treasurer's work.

In addition, every state has a number of executive departments, agencies, boards, and commissions. Some of these, such as departments of justice, of agriculture, and of labor, are similar to departments in the federal government. Other departments exist only in state governments. For example, nearly all states have a department (or board) of health, which administers programs in health education and disease prevention. Most states have a department of public works and a department of highways to supervise construction of public buildings, dams, bridges, and roads. Most states also have a state welfare board, which helps people who are disadvantaged or unemployed.

### ★ SECTION 2 REVIEW ★

#### UNDERSTANDING VOCABULARY

Define commute, parole.

#### REVIEWING OBJECTIVES

- 1 What are several characteristics of the office of governor?
- 2 What are some of the powers and duties of the governor?
- 3 What executive officials and agencies are found in most states?

# SUPREME COURT CASE STUDIES

## *Reynolds v. Sims*

**W**hen the nation was young, each county or town had a representative in the state legislature. By the early 1900s, more and more people were moving to cities and suburbs. The old formula for assigning legislative seats was no longer fair. A county with 2,000 residents and a city with 100,000 people might each have 1 representative. The legislators from rural areas controlled the state legislatures and paid little attention to the needs of city dwellers.

### The Case

Many people realized that apportioning seats by area instead of population was very unfair. In 1964 the United States Supreme Court heard the case of *Reynolds v. Sims*, which involved the apportioning of legislative seats in Alabama. At that time the Alabama legislature had 43 rural state representatives for every urban one and 16 rural senators for every senator from a city or suburb.

The Court ruled that voters in the most populous districts were underrepresented and that this unequal representation violated the Fourteenth Amendment's guarantee of citizens' equal protection under the laws. As a result both houses of the state legislature had to be reapportioned according to the population, not area.

### The Significance of the Case

The ruling required every state to draw up new voting districts, each with an approximately equal number of voters. This ruling has become known as the "one person, one vote" rule, meaning that each vote counts equally no matter where a voter lives. States also had to draw up new congressional districts for members of the United States House of Representatives. Today the "one person, one vote" rule applies to every election in the country.



**Overrepresented rural areas**

### REVIEWING THE CASE

- 1 Why was apportioning legislative seats by area unfair to cities and suburbs?
- 2 How do you think the "one person, one vote" rule affected city residents?





# The State Legislative Branch

## FOCUS

### TERMS TO KNOW

unicameral, apportionment, line-item veto

### OBJECTIVES

- Explain how **legislative districts** are organized at the state level.
- Describe the basic qualifications of state **legislators**.
- Compare **the legislative process** in the states to that of the federal government.
- Identify **problems facing states** and state legislatures.

State legislatures vary in name and size. In some states the legislature is called the general assembly; in others, it is called the legislative assembly. Most states, however, simply call it the legislature. New Hampshire has the largest legislature, with more than 400 members, and Nebraska has the smallest, with only 49 members.

The similarities, however, outweigh the differences. With one exception, every state legislature has two houses. The upper house is always called the senate, and the lower house is usually called the house of representatives. The

one exception is Nebraska, which has a **unicameral**, or one-house, legislature. Its single house is called the senate.

## Legislative Districts

Each state legislature divides its state into many election districts. The people in these districts elect their own representatives to the state legislature. Generally, there is one set of districts to elect state senators and another to elect state representatives. For many years senate districts were based on land area, and house districts were based on population. This system resulted in unequal representation in many state senates. For example, a city district and a county district would each be represented by 1 senator, even though the city district might have 10 times more people.

The United States Supreme Court's "one person, one vote" decision (see *Reynolds v. Sims* on page 318) ended this

**State Legislatures** Nebraska's legislature has only 49 members, making it the smallest in the country. *In what other way does Nebraska's legislature differ from that of other states?*





**Election Districts** The Texas House of Representatives has 150 members elected from 150 districts. *What is apportionment?*

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situation in 1964. The Court ruled that all election districts must be equal, or nearly equal, in population. As a result many states had to change the apportionment of their legislatures. **Apportionment** is the distribution of legislative seats according to population.

## Legislators

Each state constitution lists the qualifications for membership in its legislature. Generally, legislators must be American citizens and must live in the district they represent. They must also have reached a certain age—usually 25, 21, or 18. A legislator’s term may be 2 or 4 years, depending on the state.

Originally, membership in the state legislature was not intended to be a full-time job. Many state legislatures met for only a few months every two years, and legislators took time off from their jobs to

serve. For this reason the pay for legislators is still fairly low.

As the duties of state governments have grown, however, the responsibilities of state legislators have increased. Many legislatures meet for at least six months a year, and some meet year-round. As a result many state legislators have become full-time public servants, and their salaries are now increasing.

## The Legislative Process

State legislatures operate much like the United States Congress. Ideas for bills come from many sources, including the executive branch, interest groups, individuals, and legislators themselves. After a state senator or representative introduces a bill in the legislature, the bill is sent to an appropriate committee. State legislatures, like Congress, have various committees that study bills, hold hearings, and revise the bills if necessary. A committee may recommend that a bill be passed or that it be killed. If the two houses pass different versions of a bill, the bill is sent to a conference committee.

As in the United States Congress, each house of a state legislature has a leader. A speaker usually presides over the state house of representatives, and a president (often the lieutenant governor) usually presides over the state senate. These leaders have a great deal of control over legislation.

After the legislature passes a bill, it is sent to the governor, who may sign the bill, veto it, or pocket-veto it. In many states, the governor has another option as well—a **line-item veto**—which means that the governor can approve certain parts of the bill and veto others.

If the governor vetoes all or part of a bill, the legislature may vote to override



**Education** California has one of the nation's largest university systems. *Why are many state universities facing financial problems?*

the veto. As in the United States Congress, however, few vetoes are successfully overridden.

## Problems Facing States

In recent years Americans have begun to expect more and more from their state governments. They demand better public transportation, better schools, and better services for people who are disabled or disadvantaged. They expect their state governments to protect the environment, regulate business, and reduce crime and drug abuse.

### Budget Squeeze

Unfortunately, most states have found it difficult or impossible to pay for these services. Most legislators will not vote to raise taxes because they know that such a vote may cost them reelection. In the past, federal grants helped pay for programs that state taxes could not sup-

port. However, many of those grants have been eliminated as the federal government has faced its own budget squeeze.

### Borrow or Cut Services?

As a result many state governments have been faced with a difficult choice: to borrow increasing amounts of money or to cut essential services. Neither solution is satisfactory. Paying interest on borrowed money is expensive and adds to the drain on a state's treasury. On the other hand, cutting services—at a time when crime, homelessness, and pollution are rising—may be considered unwise and irresponsible.

The Supreme Court's "one person, one vote" ruling increased the representation of city dwellers in state legislatures. Because cities are where crime, drug abuse, and unemployment are highest, legislators are under great pressure to deal with these issues.

## ★ SECTION 3 REVIEW ★

### UNDERSTANDING VOCABULARY

*Define* unicameral, apportionment, line-item veto.

### REVIEWING OBJECTIVES

- 1 How are legislative districts organized at the state level?
- 2 What are the basic qualifications of state legislators?
- 3 In what ways is the legislative process in the states similar to that of the federal government?
- 4 What are some of the problems facing states and state legislatures?



## Developing a Multimedia Presentation

**W**ith a multimedia presentation, you can easily capture the attention of your audience by presenting information in an interesting way. Multimedia is the mixture of text, video, audio, and animation in an interactive computer program. To create a multimedia presentation, you will combine computer and video images, along with television, sound, and video.

### Learning the Skill

To develop a multimedia production, you will need traditional computer graphic tools and draw programs, animation programs that make still images move, and authoring systems to tie everything together. Before you start, assess your computer to determine what its capabilities are. Your production can be modified to the tools you have.

### Practicing the Skill

Before you begin creating a multimedia presentation, answer the following questions:

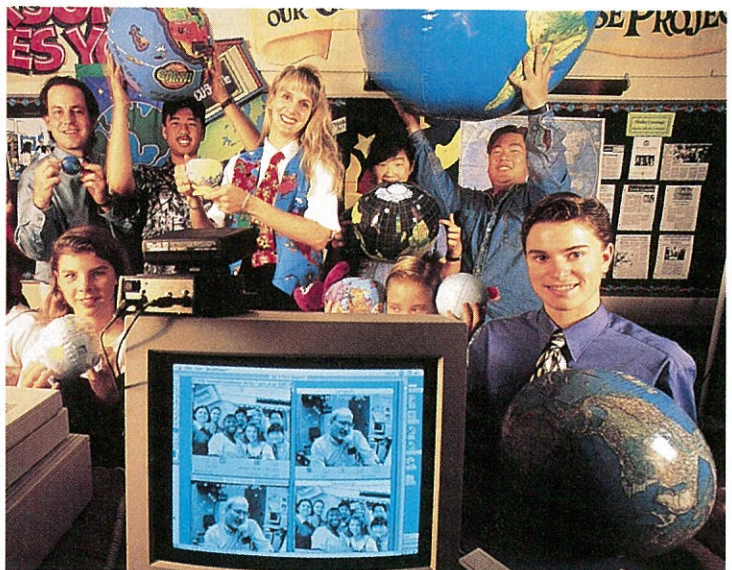
- Which forms of media would be most effective for a presentation like this? Do you want sound, video, animation, photographs, and graphics?
- Which of these elements does your computer support?

- What kind of software program, software system, or authoring system do you need?
- Is there a “do-it-all-program” that would enable you to develop the type of presentation you want?
- Of all the available media forms, which is most appropriate for each segment of your presentation?

### APPLYING THE SKILL

**U**se these guidelines to plan a multimedia presentation about your state’s constitution. Be sure to include a complete outline of the text, as well as the multimedia applications.

### A Completed Multimedia Presentation





# The State Judicial Branch

## FOCUS

### TERMS TO KNOW

misdemeanor, justice of the peace, magistrate court, felony, plea bargain

### OBJECTIVES

- Identify three types of **lower state courts**.
- Identify three types of **higher state courts**.
- Discuss **problems facing the state courts**.

The federal court system, which you read about in Chapter 12, handles only a small portion of the nation's judicial workload. Most of the legal matters that arise within a state—robberies, assaults, sale and use of illegal drugs, broken contracts, child custody battles, and so on—are the responsibility of the state court system.

## Lower State Courts

Each year, state and local courts decide millions of cases. To handle the enormous number of cases as efficiently as possible, most states have set up several different kinds of courts. At the lowest level are justice courts, which handle minor matters in local communities.

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 each case. 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. 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.

**A Civil Wedding** A judge marries a young couple in a civil ceremony. *What kinds of cases do lower court judges usually hear?*



## Higher State Courts

Courts called general trial courts handle more serious crimes, known as **felonies**. These courts deal with criminal cases involving major crimes such as robbery, murder, and arson. They also hear civil cases involving large amounts of money.

## General Trial Courts

Depending on the state and on the way the court system is organized, a general trial court may be called a district court, a county court, a common pleas court, a circuit court, or a superior court. No matter what they are called, however, general trial courts have the same responsibility: to determine whether someone is guilty or not guilty of a serious crime.

Unlike lower courts, general trial courts may use a jury to determine a defendant's guilt or innocence. The job of the judge 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. The basis for appeal is usually that the general trial court violated one of the defendant's constitutional rights to a fair trial.

An appellate court has no jury. Instead, a panel of judges reviews the records of the trial court's proceedings. If the judges feel that the 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, in some states called the

court of appeals. The supreme court consists of a panel of judges, usually elected by the voters.

Like the United States Supreme Court, the state supreme court hears arguments from lawyers representing both sides of a case, reviews the evidence, and makes a decision by majority vote. Except for cases involving federal law or the United States Constitution, the decisions of the state supreme court are final.

## DID YOU KNOW?

### State Symbols

Choosing the symbols for a state is not an easy job. Each state legislature must go through the often arduous process of picking a state motto, state bird, state tree, state flower, state animal, state song, and so on. These decisions can involve lengthy hearings, heated debates, and much lobbying.

Some states go beyond the standard symbols and also name state insects, fish, gems, reptiles, fossils, and shells. Connecticut has a state hero, Nathan Hale, and Maryland has a state dog, the Chesapeake Bay retriever. Massachusetts chose cranberry juice as the state beverage in 1970, and Washington State designated the square dance as the state dance in 1979.

New Jersey is one of the few states without a state song. Many hopeful composers have sent their songs to the legislature, but not one has measured up.



**California's state animal**

## CHART STUDY

**State Judicial System** General trial courts handle criminal cases involving felonies. Which courts try criminal cases involving misdemeanors?



Cases that do involve federal law or the Constitution may be appealed to the United States Supreme Court.

## Problems Facing the State Courts

Running a state court system is costly. It involves paying the salaries of court officials and clerical staff and maintaining court buildings. Most state court systems face a severe shortage of funds.

However, the United States Constitution guarantees a fair trial to every individual, no matter how much that trial costs. For this reason state courts cannot cut their services.

Most state court systems have too few judges and too little space to handle the huge number of cases that come before them each year. Because of this, months may pass before a person who is accused of a crime finally receives a trial. A defendant who cannot afford bail may remain in jail during those months—even if he or she is innocent.

One way the courts have tried to speed the legal process and cut costs is by plea-bargaining with defendants. In a **plea bargain**, a defendant agrees to plead guilty to a crime in exchange for a reduced sentence or some other form of leniency. A guilty plea makes a court trial unnecessary. Few people believe that plea-bargaining is a good solution to the problem of overcrowded courts. No one, however, has found a better solution that does not involve spending money.

## ★ SECTION 4 REVIEW ★

### UNDERSTANDING VOCABULARY

*Define* misdemeanor, justice of the peace, magistrate court, felony, plea bargain.

### REVIEWING OBJECTIVES

- 1 What are three types of lower state courts?
- 2 What are three types of higher state courts?
- 3 What are some of the problems facing the state courts?

## Identifying Key Terms

Choose the vocabulary term that best completes each of the sentences below. Write your answers on a separate sheet of paper.

unicameral    apportionment  
misdemeanor    felony    justice of the peace  
plea bargain    commute

1. Some people felt that the new \_\_\_\_\_ of election districts was unequal.
2. After reviewing the case, the governor decided to \_\_\_\_\_ the criminal's sentence to life imprisonment.
3. The traffic violation was a(n) \_\_\_\_\_ and was therefore handled by the local justice of the peace.
4. The defendant decided to plead guilty in a(n) \_\_\_\_\_ in exchange for a reduced charge.
5. The murder case, a(n) \_\_\_\_\_, was handled by the general trial court.
6. Only one state, Nebraska, has a(n) \_\_\_\_\_ legislature.
7. The marriage was performed by a(n) \_\_\_\_\_ in a small rural town.

## Reviewing the Main Ideas

### SECTION 1

1. Identify three features of state constitutions that are similar to those of the United States Constitution.
2. What is the significance of the supremacy clause?

### SECTION 2

3. Identify three roles that a governor has in common with the President.
4. What judicial powers do governors have?

### SECTION 3

5. Identify three ways in which state legislatures are similar to Congress.
6. What are three problems facing state governments today?

### SECTION 4

7. What types of cases are usually handled by lower state courts?
8. Identify three ways in which lower state courts and higher state courts differ.

## Critical Thinking

### SECTION 1

1. **Making Inferences** Why do you think the Framers of the United States Constitution did not list the powers of the state governments?

### SECTION 2

2. **Determining Cause and Effect** High-level officials in many states are chosen by the voters rather than by the governor. How does this affect the governor's power?

### SECTION 3

3. **Identifying Alternatives** What do you think is the best way for states to solve their money problems? Why?

### SECTION 4

4. **Evaluating Information** Do you think judges in state courts should be appointed or elected? Explain.

## Reinforcing Citizenship Skills

In a current almanac, select a table that shows some type of information about the states such as agricultural production or crime rates. Study the



table until you are familiar with the information. Then copy a part of the table, or bring the book to class to share with your classmates. Report on your findings.

## Cooperative Learning

With a group of 3 other students, develop 10 survey questions about your state government. Then interview several family members, adults, and students to find out what they know about state government. Also survey their impressions of your state government. Share your results with the class.

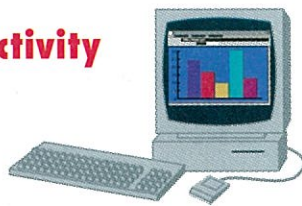
## Focusing on Your Community

Find out about your local court system. What types of lower courts does your community have? Is there a general trial court or appeals court in your community? Prepare a short oral report of your findings.

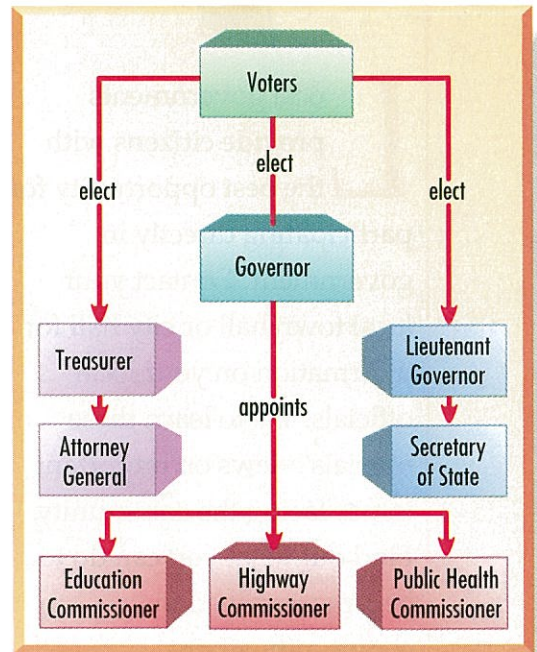
## Technology Activity

### Using the Internet

Search the Internet to find issues and challenges currently facing your state's policymakers. You might use the name of your state or the following as key words to help focus your search: **issues, legislation, state laws**. Study the information you find and determine how you feel about a particular issue or challenge. Then search the Internet to find your state representative's e-mail address. Write



and send electronic mail to the legislator describing your position on the issue and asking how the legislator views the issue.



## Analyzing Visuals

The diagram above shows the organization of the executive branch of a typical state. Study the diagram and answer the questions.

1. Which state officials are usually chosen by the voters?
2. How can the voters show their approval or disapproval of the way the state attorney general and state treasurer perform their duties?
3. What avenue of complaint might there be for people dissatisfied with a commissioner?

# Local Government

## CIVIC PARTICIPATION

**L**ocal governments provide citizens with the best opportunity for participating directly in government. Contact your local town hall or city hall for information on your local officials. Try to learn these officials' views on important issues facing the community. Find out what you can do to become involved in community affairs.

### Working in Your Community

When you have this information, choose an issue facing the community. Organize a meeting of friends and neighbors to discuss the issue. Draft a petition stating the group's ideas and recommendations for dealing with the issue. Circulate the petition in the community to gather signatures, and then present it to local government officials. ■

### Your Civics Journal

As you study this chapter, think about some of the problems facing your local government. If your community has a local newspaper, look through it for ideas. Write the problems in your civics journal. Note which level of government deals with the problem and what is being done.

