

# State Government

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## CHAPTER 13

### ESSENTIAL QUESTION

*Why and how do people create, structure, and change governments?*

### Lesson 1

*The Federal System*

### Lesson 2

*State Legislative Branch*

### Lesson 3

*State Executive Branch*

### Lesson 4

*State Judicial Branch*

## The Story Matters...

Florida's Historic Capitol was built in 1845 in Tallahassee for the state government of Florida. It sits in front of Florida's Capitol Complex—where the Florida legislative and executive branches have offices—and serves as a museum of the state's political history.

As you can see, Florida's Historic Capitol is crowned with a domelike structure known as a cupola. Many other state capitols also have cupolas, but the architecture of capitols around the country varies greatly.

What goes on inside state capitols varies, too. A governor may be busy with the state budget. The legislature may be in heated debate over a controversial bill. Some capitols even include courtrooms.

◀ *Florida's Historic Capitol in Tallahassee*

PHOTO: Walter Bibikow/Getty Images



# Real-Life Civics

### NGSS covered in Real-Life Civics



Students will understand the following benchmarks from the Florida Next Generation Sunshine State Standards.

**SS.7.C.3.14** Differentiate between local, state, and federal governments' obligations and services.

**LA.7.1.7.3** The student will determine the main idea or essential message in grade-level or higher texts through inferring, paraphrasing, summarizing, and identifying relevant details.

**ECONOMY** Governors hold an important job with a variety of duties. In her second term, Washington Governor Christine Gregoire had several goals. One top priority was to balance the state budget in difficult economic times. She worked to create jobs by making her state a good place to start and run a business. She also traveled to Japan and China in an effort to increase opportunities for exporting Washington products. These exports include aerospace industry products, paper and other wood products, food and agricultural products, and electronics. On her trade mission, Gregoire also looked for ways to attract international tourists to Washington state. Increasing both exports and tourism will help the state's economy to grow. Gregoire was elected governor in 2004 and 2008.

Governor Gregoire visits a supermarket in Shanghai, China, during a trip to explore economic opportunities for her state.





▲ Virginia Governor Tim Kaine tours a neighborhood in Suffolk, where homes were destroyed by a tornado.

▶ **DISASTERS** State governors must respond quickly to local disasters. They will visit the scene, address the public, work toward recovery, and try to prevent future tragedies. In 2008 Governor Tim Kaine of Virginia reacted after at least three tornadoes swept through the central and southeastern parts of his state. The tornadoes left a 25-mile path of destroyed houses and livelihoods in the towns of Colonial Heights, Lawrenceville, and Suffolk. More than 200 people were injured and more than 1,300 surviving homes lost power. The cost of the damage was more than \$21 million. After touring the worst-hit areas and speaking with victims, Governor Kaine declared a state of emergency. Such a declaration allows the state government to bypass regular procedures and act quickly to aid the disaster's victims.

## CIVIC LITERACY



**Analyzing** How do the actions of Governor Gregoire and Governor Kaine show the varied responsibilities of state governors?

**Your Opinion** What do you think a governor hopes to achieve through a visit to a disaster site? Would you appreciate a visit from a governor during such a time? Explain.

There's More Online!

✓ **GRAPHIC ORGANIZER**  
State Governments and Federal Government

✓ **CHARTS**  
Division of Powers  
Comparing Constitutions  
Steps to Amend Florida's Constitution  
U.S. Constitution

✓ **VIDEO**  
Roles of State and Local Governments in America



## Lesson 1

# The Federal System

**ESSENTIAL QUESTION** Why and how do people create, structure, and change governments?

## IT MATTERS BECAUSE

Both state and federal governments provide services to people.

NGSSS covered in  
"Federal and State Powers"



**SS.7.C.3.4** Identify the relationship and division of powers between the federal government and state governments.

**SS.7.C.3.7** Analyze the impact of the 13th, 14th, 15th, 19th, 24th, and 26th amendments on participation of minority groups in the American political process.

**SS.7.C.3.14** Differentiate between local, state, and federal governments' obligations and services.

**SS.7.E.2.1** Explain how federal, state, and local taxes support the economy as a function of the United States government.

**LA.7.1.6.1** The student will use new vocabulary that is introduced and taught directly.

**LA.7.1.7.3** The student will determine the main idea or essential message in grade-level or higher texts through inferring, paraphrasing, summarizing, and identifying relevant details.

## Federal and State Powers

**GUIDING QUESTION** How does the federal system allow the national government and state governments to share power?

If you have ever traveled on a highway, you might have seen a road sign with a red, white, and blue shield and a number. This symbol shows that the road is an interstate highway. These roads connect major cities and are mostly paid for by the federal government. The sign might also have had an outline of a state with a number, which means that the road is a state highway.

Why would the same road be both a state and a federal highway? That happens because the United States has a federal system of government. In a **federal system**, the national government and the state governments share and divide powers. Both build highways. That is just one example of how these two levels of government do similar jobs.

In our federal system, some powers are left to the state governments and others to the federal government. Some powers are shared by both. There has been an ongoing debate about how our federal system should work. Some favor states' rights over the power of the national government. Others argue that the powers of the national government should be increased.

## Reading HELPDESK

### Taking Notes: *Contrasting*

As you read, fill out a chart contrasting state governments and the federal government. **LA.7.1.7.3**

State Governments and Federal Government

Similarities	Differences

### Content Vocabulary

- **federal system**
- **reserved powers**
- **concurrent powers**
- **supremacy clause**
- **grants-in-aid**

### **federal system**

the sharing of power between the central and state governments

## States in the Constitution

Do you remember what kind of system the Articles of Confederation set up? Under that government, the nation was a loose union of states. The states were relatively stronger than the central government.

In writing the Constitution, the Framers created a stronger central government. However, they believed that state governments were important as well. Anti-Federalists like Patrick Henry were against giving states less power. Even James Madison, who believed in a strong central government, knew that it was important for states to keep certain powers.

As a result, the Framers created a federal system that divides powers between state and national governments. The Constitution limits the powers of states while offering states protections. For instance:

- Article IV, Section 1 says that each state must respect legal actions taken by other states. Because of this section, for example, one state accepts a driver's license given by another.
- Article IV, Section 2 promises that each state will treat the people of other states equally. For example, states cannot give people from another state tougher punishment for a crime than their own citizens would get.
- Article IV, Section 3 guarantees each state's area. The section says that land cannot be taken from any state to make a new state without its approval. It also says that two states cannot be joined into a new state unless they agree.
- Article IV, Section 4 promises each state a republican form of government. It also vows to protect that government against an enemy attack or a revolt.

## 21<sup>st</sup> Century SKILLS

### Identifying Points of View

When you identify points of view, you think about how an issue affects different people. Write a short dialogue between an anti-Federalist, who was against giving more power to the central government, and to someone who believed that a strong central government was more important than strong state governments. **LA.7.1.7.3**

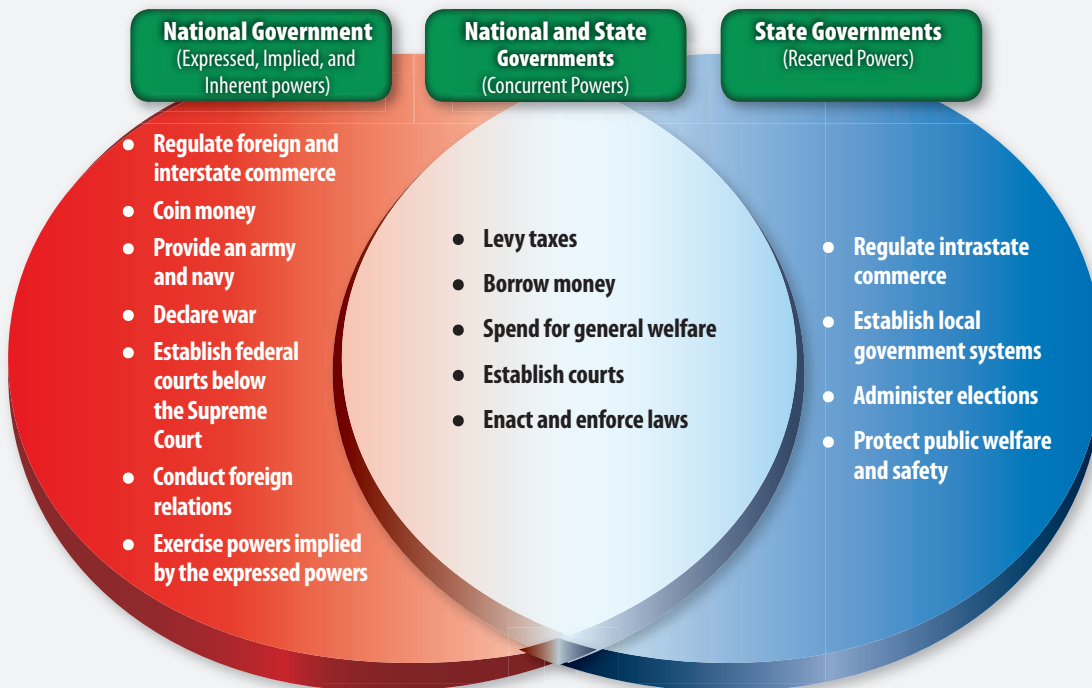
Each state has control over its National Guard units. However, in times of war the federal government can call the National Guard into action to take part in federal missions. This member of the guard was called to serve in the Iraq War.

### ► CRITICAL THINKING

**Making Inferences** How does the National Guard demonstrate the workings of the federal system? **SS.7.C.3.4**



## DIVISION OF POWERS



### CHART SKILLS

The Constitution gives some powers to the federal government and reserves some to the states. Both levels share other powers.

**1 Identifying** Which level creates local government? **SS.7.C.3.14**

#### ▶ CRITICAL THINKING

**2 Making Inferences** Why do you think the states are blocked from coining money?

## Sharing and Dividing Powers

The key to federalism is the way the Constitution assigns powers. Some powers are given only to the federal government. The federal government has three kinds of power.

- *Expressed* powers are those listed in the Constitution. Most of these powers are given in Article I, Section 8.
- *Implied* powers are not listed in the Constitution but can be based on it. For instance, it says that the president is commander in chief of the armed forces. Therefore, the president may send troops in response to a serious crisis.
- *Inherent* powers are the kinds of powers a government has simply because it is a government. Buying land from another country is an example.

### Reading HELPDESK

#### Reading Strategy: *Outlining* **LA.7.1.7.3**

When you outline information in a reading, you organize similar kinds of information under a common heading and include only main points. Create an outline with the following headings:

I. Sharing and Dividing Powers

- A.
- B.
- C.
- D.
- E.

II. Limits on State Powers

- A.
- B.

**Reserved powers** are given only to states. Reserved powers come from the Tenth Amendment. It says that all powers not given to the federal government are reserved for the states.

Some powers are held by both the national and state governments. These shared powers are called **concurrent powers**. The Constitution does not mention concurrent powers. Yet, both levels of government need such powers in order to **function**. Examples of powers that both the state and federal governments hold include the powers to tax, set up courts, and enforce and create laws. Which kind of power is building highways? If you said “concurrent power,” you are right.

## Limits on State Power

The Constitution does put some limits on the powers of the states. For example, states cannot declare war, issue their own money, or impose taxes on imports from other countries or states. Nor can states make treaties with another country. In addition, according to the Fourteenth Amendment, states cannot take away the rights of their citizens “without due process of law.” Also, states are required to give every citizen “equal protection of the laws.”

Courts have used this amendment to make the Bill of Rights apply to the states. When written, the Bill of Rights was aimed at the federal government. For instance, the First Amendment says that Congress—not the states—cannot limit freedom of religion or speech. The Framers worried that a central government that was too strong could take away people’s freedoms. They did not fear the state governments.

Yet, states did take away people’s rights. For example, states in the South passed laws to limit the rights of African Americans. The Fourteenth Amendment gives courts a tool to stop states from making such laws.

Another limit to state power comes from the **supremacy clause**. Article VI says that the Constitution, and all federal laws, “shall be the supreme Law of the Land.” If a state law conflicts with the words of the Constitution or a federal law, the state law is thrown out.

Education is a power reserved for the states. State colleges, like Florida State University, provide education for citizens.

### ► CRITICAL THINKING

**Drawing Conclusions** What are some advantages to having states, as opposed to the federal government, provide education to its citizens? **SS.7.C.3.14**



PHOTO: Ilene MacDonald/Alamy

**reserved powers** powers that the Constitution does not give to the national government and that are kept by the states

**concurrent powers** powers shared by the state and federal governments

**Academic Vocabulary**  
**function** to serve a purpose

**supremacy clause** the clause in Article VI of the Constitution that makes federal laws prevail over state laws when there is a conflict



States often work together to pool resources on projects, such as public transportation, that benefit their citizens. The Port Authority of New York and New Jersey is one example. It manages the region's trade and transportation networks.

**► CRITICAL THINKING**

**Making Inferences** What are some advantages to states working together toward a common purpose?

**NGSSS covered in "The State Constitutions"**



**SS.7.C.3.4** Identify the relationship and division of powers between the federal government and state governments.

**SS.7.C.3.13** Compare the constitutions of the United States and Florida.

**SS.7.C.3.14** Differentiate between local, state, and federal governments' obligations and services.

**Reading HELPDESK**

**grants-in-aid** money awarded to the states by the federal government

## Working Together

The federal and state governments also work together. Each year the federal government gives billions of dollars to the states in **grants-in-aid**. This money is used to meet goals set by Congress. Grants might be for education, health care, or other purposes. Some grants give specific instructions to states. Others set goals but do not detail how to reach those goals.

In recent years, states have been unhappy about certain federal decisions. At times, Congress tells states to take certain actions without giving money to pay for those actions. State officials call these laws unfunded mandates. Critics say these laws are unfair and **violate** the rights of states.

Sometimes states do not want to follow laws Congress passes. For example, many states have resisted the Real ID Act, passed in 2005. The law set tough new ID standards for granting or renewing driver's licenses. Congress said these were needed for national security reasons. Within a few years, though, the legislatures of half the states formally protested the law.

State governments work with one another, too. Some neighboring states, such as New Jersey and Pennsylvania, have agreed not to charge income tax to people who work in their state but live in the other. Some states in the West have formed a group to design a common energy policy. Many states also help one another through a legal process called extradition. In this process, a person charged with a crime who has fled to another state is returned to the state where the crime was committed.

**✓ PROGRESS CHECK**

**Identifying** What are two limits that the Constitution puts on the powers of state governments?

## The State Constitutions

**GUIDING QUESTION** *What characteristics do all state governments share?*

Have you visited other states besides the one in which you live? If so, you may have noticed some ways that other states' climate or geography compare to your own. But you probably did not think about how state governments compare and contrast.

**Academic Vocabulary**

**violate** to fail to keep or to break, as a law

PHOTO: Sandra Baker/Alamy



## COMPARING CONSTITUTIONS

## CHART SKILLS

U.S. Constitution	Florida's Constitution
1st constitution of nation	6th constitution in state's history
7 articles	12 articles
Bill of rights added as first 10 amendments	Begins with a declaration of rights
Establishes executive, legislative, and judiciary at the national level	Establishes executive, legislative, and judiciary at the state level
Is a broad framework of government	Contains many specific provisions, such as provisions regarding a state lottery, conservation, transportation, and smoking in the workplace
Establishes state government	Establishes local government
Does not establish public education	Establishes public education
Allows for amendments but does not require regular reviews	Requires a commission to review the constitution every 20 years for proposing changes

The U.S. Constitution and Florida's state constitution share many similar features but have important differences as well.

- 1 Identifying** Which constitution contains many more specific provisions?
- 2 Comparing** In what ways are Florida's constitution and the U.S. Constitution similar?  
**SS.7.C.3.13**

### Similarities in State Constitutions

Each state has its own constitution. It sets forth the structure of the state's government. As the U.S. Constitution does for the federal government, all state constitutions, including Florida's, split the state government into three branches—the executive, the legislative, and the judicial. They also describe the powers of each branch. State constitutions also list the specific rights guaranteed to state citizens. Florida's list, called the Declaration of Rights, is nearly three times longer than the Bill of Rights.

### Differences Among State Constitutions

Massachusetts has the oldest constitution still in use. Its framework was written in 1780. Florida has had six constitutions. The one in force now was approved in 1969.

State constitutions also vary in length. New Hampshire's is the shortest state constitution at about 9,000 words. Florida's is about 57,000 words. One reason some state constitutions are long is that they are often more specific than the more general U.S. Constitution, which is only about 7,000 words in length. Florida's constitution, for instance, has a long passage that defines the state's boundaries.

Alabama has that longest constitution and has added the most amendments—more than 800. Florida has more than 100 amendments, which is many more than the 27 amendment of the U.S. Constitution.

### PROGRESS CHECK

**Comparing** Why is Florida's constitution longer than the U.S. Constitution?



**SS.7.C.3.4** Identify the relationship and division of powers between the federal government and state governments.

**SS.7.C.3.13** Compare the constitutions of the United States and Florida.

**SS.7.C.3.14** Differentiate between local, state, and federal governments' obligations and services.

# The Constitution of Florida

**GUIDING QUESTION** *How does the Florida constitution compare to the U.S. Constitution?*

Florida was settled by Native Americans about 12,000 years ago. Europeans arrived in the 1500s. By the 1700s, war and disease had killed most of the native population. In 1821 the United States bought Florida from Spain, which controlled it. It became a state on March 3, 1845. In preparation, representatives had met years earlier to draft Florida's first constitution.

## Early Constitutions

Florida's first constitution was drafted in 1838. It began with a declaration of rights, including voting. But many rights applied only to free white men. The constitution made it clear that Florida was a slave territory. It banned lawmakers from passing "laws for the emancipation of slaves." It allowed them to pass laws to stop free African Americans from entering the state.

### CHART SKILLS

Each state has its own process for proposing and approving amendments to its constitution.

**1 Identifying** In Florida, what group gives final approval to an amendment?

#### ► CRITICAL THINKING

**2 Making Inferences** Why do you think the rules require that a suggested amendment be published twice, in every county that has a newspaper, before the election?

### STEPS TO AMEND FLORIDA'S CONSTITUTION

Step 1: Get Approval to Try	A group wanting to suggest an amendment must: <ul style="list-style-type: none"> <li>• Register with a state office as a political group</li> <li>• Get state approval of the form used to get signatures</li> </ul>
Step 2: Get Voters to Sign Papers	To get the suggested amendment on the ballot, the group needs: <ul style="list-style-type: none"> <li>• Signatures from voters equal to 8 percent of the number of people who voted in the last state general election</li> <li>• Signatures from voters in half of the state's congressional districts</li> <li>• Give the signed papers to the state by February 1 of the election year</li> </ul>
Step 3: Get the Papers Approved	Local election officials must approve the signatures as coming from real voters.
Step 4: Get the Top Court's Approval	The state supreme court must approve the suggested amendment.
Step 5: Be Evaluated for Cost	The legislature must give an estimate of its financial impact to the state.
Step 6: Be Published	The suggested amendment must be published twice before the election in at least one newspaper in every county that has a newspaper.
Step 7: Be Approved by Voters	The suggested amendment is approved <i>if</i> 60 percent of voters approve it. If it creates a new tax or fee, 67 percent of voters must approve it.

### Reading HELPDESK

#### Reading Strategy: *Making a Time Line* LA.7.1.7.3

Making a time line helps you understand information that includes dates about a subject. Create a time line that shows when the Florida constitution was revised. Include a descriptive phrase for each date .

In 1861 Florida seceded from the Union and joined the Confederacy. After the Civil War, in 1868, Florida adopted a new constitution reflecting changes that had occurred. It outlawed slavery and gave voting rights to all male citizens 21 and over. But in 1885, a new constitution let the state limit voting rights by putting a tax on voting, or poll tax. Poll taxes kept many African Americans and poor whites from voting. The 1885 constitution lasted more than 80 years. But as Florida grew and changed, it was amended 149 times. In 1968 a new constitution was ratified. It reorganized the governor's cabinet, created a new state board of education, and set clear rules for elections and voting. These and other changes reflect modern Florida.

### Florida's Constitution Today

Florida's current constitution has been in effect for more than 40 years. Unlike the U.S. Constitution, it lists the rights guaranteed to citizens in the first article. Article I says all people are equal before the law, regardless of sex, race, religion, or any other factor. This article guarantees many of the same rights as the U.S. Bill of Rights, such as the rights to free speech, free press, and freedom of assembly. Other provisions include the rights of crime victims, a taxpayer bill of rights, and a definition of marriage.

Article II, General Provisions, defines state boundaries and the location of the state government. It says English is Florida's official language. It sets rules for public officials. It also protects Florida's natural resources and scenic beauty.

Articles III, IV, and V establish the three branches of state government. Article VI describes voting and election rules. Unlike the U.S. Constitution, Florida's constitution addresses campaign funding and spending limits. Article VII gives tax rules for the state and local governments.

Article VIII describes the organization and powers of county and municipal governments in the state. It states that each county is to be governed by a board of county commissioners. The commissioners are to be elected by the people and serve four-year terms. It also says that counties may draft their own charters, or type of constitution, if they don't conflict with the state constitution. Article IX creates Florida's public schools and a state university system. It stresses that the state must provide a good education to "all children residing within its borders."



In 1925 the state legislature of Florida created the state's park system. Homosassa Springs Wildlife State Park, shown here, is just one of 160 state parks in Florida. Florida is also home to a number of national parks, including Everglades National Park.

#### ► CRITICAL THINKING

**Making Connections** How do you think the creation of a state park differs from the creation of a national park?

## Why It MATTERS

### School Rules

The Florida constitution lists rules and rights so that the state can run smoothly and its citizens can live without fear for their safety. Schools also have a set of rules and rights. List some of the rules in your school, and explain how the rules help ensure that your school runs smoothly and promotes a positive learning environment.

Article X is titled Miscellaneous. Its 27 sections cover a range of topics, such as lotteries, the minimum wage, and animal cruelty. Another topic in Article X deals with the conservation of Florida's natural resources. For example, the Everglades Trust Fund is a source of revenue to maintain and conserve the Florida Everglades. Article X also establishes the need for a high-speed ground transportation system called a monorail.

Article XI explains that Florida's constitution requires a review every 20 years to see if it still meets the state's needs. The review commission has 37 members, including the state attorney general plus 15 members selected by the governor, 9 members selected by the speaker of the house, 9 members selected by the senate president, and 3 members selected by the chief justice of the state supreme court. The commission can propose an amendment or revision. The article further states that the state legislature and the people can also propose an amendment. Any proposed amendment must be approved by 60 percent of the state's voters before it can take effect.

Since the constitution was enacted, it has gone through two comprehensive reviews. The most recent review was in 1997–1998. The commission and the legislature suggested 13 amendments. Voters approved all but one of them.

The final article is Article XII, Schedule. It lays out the complex process for moving from the 1885 to the 1968 constitution. Issues include preserving laws, transferring jobs, and dealing with money issues such as taxes and investments.

### **PROGRESS CHECK**

**Analyzing** Why do you think Florida has a constitutional review in its state constitution?

## LESSON 1 REVIEW

### Review Vocabulary

1. What is the difference between *reserved powers* and *concurrent powers*? [LA.7.1.6.1](#)
2. Why is some kind of *supremacy clause* needed in a federal system? [LA.7.1.6.1](#)

### Answer the Guiding Questions

3. **Identifying** What are two powers that the U.S. and Florida governments share? [SS.7.C.3.4](#)
4. **Comparing** How are the structures of state and federal governments similar? [SS.7.C.3.4](#)

5. **Making Inferences** Do you think it is important that Florida, like each state, has an executive, a legislative, and a judicial branch? Explain. [SS.7.C.3.14](#)

### Writing

6. **Persuasive Writing** In 2010 the National Governors' Association and the Council of Chief State School Officers presented national standards for math and English-language arts for students in kindergarten through high school. The federal government hopes states will use these standards instead of the varied state guidelines. But education is usually left to the states. Do you think a national approach is good or bad? Write a letter to your representative in Congress giving your view. [SS.7.C.3.14](#)

# Issues to Debate

**SS.7.C.2.13** Examine multiple perspectives on public and current issues. **SS.7.C.3.4** Identify the relationship and division of powers between the federal government and state governments.

## Can States Set Immigration Law?

Illegal immigration has become a growing concern in the United States. As many as 11 million people are believed to live in the country illegally. Some states have been very hard-hit. The great number of illegal immigrants has a financial impact. This is because the state must provide such services as health care and education. Arizona, with perhaps more than 450,000 illegal immigrants, is one such state. The federal government makes immigration policy. For example, it decides who can immigrate and how they can become citizens. But some state leaders think that Congress has not done enough. In 2010 Arizona passed a law that calls on police to check the immigration status of anyone they stop or arrest. It also requires immigrants to carry papers proving they are here legally. The law sparked a debate over its fairness and whether it was within the power of state government to make such a law.



Protesters of the Arizona immigration law march to the state capitol in Phoenix in July of 2010.

### Yes

“The truth is the Arizona law is both reasonable and constitutional. It mirrors substantially what has been federal law in the United States for many decades. Arizona’s law is designed to complement [go along with], not supplant [replace], enforcement of federal immigration laws. . . . [The] Arizona [law] states that the federal government, along with local law enforcement officers authorized by the federal government, can only determine an alien’s immigration status.”

—Arizona governor Jan Brewer, July 6, 2010

### No

“In our constitutional system, the federal government has preeminent [supreme] authority to regulate immigration matters. This authority derives [comes] from the United States Constitution and numerous acts of Congress. . . . Although states may exercise their police power in a manner that has an incidental or indirect effect on aliens [immigrants], a state may not establish its own immigration policy or enforce state laws in a manner that interferes with the federal immigration laws. The Constitution and the federal immigration laws do not permit the development of a patchwork of state and local immigration policies throughout the country.”

—U.S. Department of Justice, July 6, 2010

## Debating the Issue

1. **Summarizing** What are two problems that critics say come from illegal immigration?
2. **Analyzing** What kind of power does Governor Brewer say Arizona is using with its immigration law—expressed, reserved, concurrent, or some other? Why?
3. **Making Inferences** What part of the Constitution does the Justice Department say the law is going against? Why does it make that claim?
4. **Evaluating** Which argument do you find more convincing? Why?

There's More Online!

✓ GRAPHIC ORGANIZER  
How a Bill Becomes a Law

✓ INFOGRAPHIC  
Sample States' Expenditure and Income



## Lesson 2

# The State Legislative Branch

**ESSENTIAL QUESTION** Why and how do people create, structure, and change governments?

## IT MATTERS BECAUSE

State legislatures make laws that affect many aspects of your life such as the quality of schools, roads, and parks.

NGSSS covered in  
"How Legislatures Function"



**SS.7.C.3.9** Illustrate the law making process at the local, state, and federal levels.

**SS.7.E.2.1** Explain how federal, state, and local taxes support the economy as a function of the United States government.

**LA.7.1.6.1** The student will use new vocabulary that is introduced and taught directly.

**LA.7.1.7.3** The student will determine the main idea or essential message in grade-level or higher texts through inferring, paraphrasing, summarizing, and identifying relevant details.

## How Legislatures Function

**GUIDING QUESTION** What are the functions of state legislatures?

Did you know that in most states, the legislative branch is much like that of the federal government? Forty-nine states have a bicameral legislature, with two houses, like Congress. Each state calls its upper house the senate. The lower house is usually called the house of representatives. Nebraska is the only state with a **unicameral** (yoo•nih•KAM•ruhl), or one-house, legislature.

### Legislators and Leaders

Nebraska has the smallest legislature, with only 49 senators. The largest chamber belongs to New Hampshire, with 424 members.

State senators serve four-year terms in two-thirds of the states. House members generally serve for two years. In most states, a person must be either 18 or 21 to serve in the lower house.

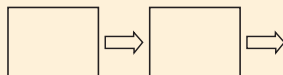
**Minimum** ages for state senators range from 18 to 25 years old.

All states pay their legislators. Most states pay a salary, but a few pay lawmakers a daily rate while the legislature meets. Salaries range from New Hampshire's low of \$200 per year to California's high of \$95,000 per year.

## Reading HELPDESK

### Taking Notes: Sequencing LA.7.1.7.3

As you read, use the graphic organizer to show the sequence of steps a bill follows to become a law. Add more boxes as needed.



### Content Vocabulary

- unicameral
- redistricting
- malapportionment
- session
- special session

## Interpreting Points of View

When you interpret points of view, you think about how different people might view the same issue or idea. Before the 1962 Supreme Court ruling on *Baker v. Carr*, some states did not redraw districts, even when population had shifted dramatically. Write a few sentences in which you explain why some legislators might not want to change district boundaries. What reasons might they give?

Students and legislators in Massachusetts gather after a bill on college tuition limits that they supported has been defeated.

## ► CRITICAL THINKING

**Speculating** What might cause residents of a state to join together to call for a new law to be enacted?

As in the United States Congress, each house in a state legislature has a presiding officer. In the lower chamber, that person is chosen by members of the body. He or she is typically called the speaker. In some states, the lieutenant governor heads the senate. Members of each party in each house choose someone to serve as their party's leader in that house. These members become the majority leader and minority leader. They play roles in setting the schedule for legislation and for planning when bills will be discussed.

## Representation

The districts that members represent need to be roughly equal in population. Every 10 years, the federal government carries out a census to count all Americans. Census results are the basis for drawing district boundaries that will be used for the next 10 years. The task of working out the boundaries of legislative districts is called **redistricting** (ree•DIHS•trihkt•ihng).

In the past, many states often made little effort to draw new boundaries to reflect changes in population. As a result, rural districts often included far fewer people than those in cities. In Alabama, for instance, one state senator from a rural district represented fewer than 16,000 people. Another senator, from a city, represented more than 600,000. This huge difference made city dwellers less powerful than those people who lived in the country. Having unfair district sizes like these is called **malapportionment** (MA•luh•PAWR•shuhn•muhnt).

The United States Supreme Court put an end to this practice. In the 1962 case *Baker v. Carr*, citizens in Tennessee's large cities asked that the state's legislative boundaries be redrawn to better reflect population shifts from rural areas to the cities. The Court ruled that state legislative districts had to be roughly equal in terms of population. That ruling affected all states, not only Tennessee. It resulted in the redrawing of legislative boundaries throughout the country. The goal was to try to ensure that each citizen in a state has an equal voice in government.



PHOTO: AP Photo/Steven Seme

### Content Vocabulary

- legislative referendum
- popular referendum

### unicameral

having a one-house legislature

### Academic Vocabulary

**minimum** the least quantity possible

### redistricting

the process of redrawing legislative districts

### malapportionment

unequal representation in state legislatures



PHOTO: Steve Yeater/AP Photo

State senates, like this one in California, meet to vote on bills.

► **CRITICAL THINKING**

**Making Inferences** Why do you think a bill must first be approved by a committee before the full chamber can vote on it? **SS.7.C.3.9**

## Legislatures at Work

Lawmakers meet during a legislative **session**. A session lasts a few months, though the members can agree to extend it. Sometimes legislatures call a **special session**. This is a meeting held for a specific purpose, such as addressing a crisis. In most states, either the governor or the legislature can call these sessions. In some states, only the governor can.

State legislators do several jobs. They approve the people named by the governor to fill some state offices. They also work for the people of their district. For instance, they may help citizens by directing them to the correct state agency to solve a problem or by making an inquiry on their behalf.

The legislators' chief job though is to make laws. The steps in this process are similar to those in the process followed by Congress. Ideas for new laws may come from individual citizens, the governor, or the legislators. But a lawmaker must introduce the bill. Then it goes to a committee that reviews the bill and may revise it. If the committee members approve the bill, it goes to the full chamber for discussion and a vote. If a majority votes to pass the bill, it goes to the other house. The same process—committee and then full vote—is repeated. Once both houses approve a final version of the bill, it goes to the governor to be signed.

### Reading **HELPDESK**

**session** a meeting of a legislative or judicial body to conduct business

**special session** a legislative meeting called for a specific purpose



## Citizen Power

A **legislative referendum** takes place when the legislature asks voters to approve a law it has passed. In some states the people must approve actions such as borrowing money or raising taxes. In 49 states, voters must approve changes to the state constitution.

In about half the states, citizens can petition for a **popular referendum** if they dislike a law. This tool allows voters to decide if they want to repeal the law that some people object to.

### ✓ PROGRESS CHECK

**Analyzing** In which state would bills not be passed by two houses before going to the governor? Why?

## State Economic Issues

**GUIDING QUESTION** *What economic challenges do state legislatures face?*

States always face tough choices about what services to fund. Should they repair roads or improve schools? Should they hire more state police officers or do more to maintain state parks? In all but one state, the law demands that the budget be balanced. This means that, unlike the federal government, states cannot spend more money than they collect. Nor can most states borrow money to meet regular expenses, as Congress does.

Therefore, if a state's income is less than expected, that state's government must take quick action. In many states, the governor or the legislature has the power to cut spending in order to balance the budget.

## State Revenues and Spending

States **rely** on taxes as their major source of income. The main types of taxes are income taxes and sales taxes. People pay sales taxes when they purchase goods. Nearly all states have a sales tax, ranging from about 3 percent to 8 percent. Most states also tax the income that people earn from working or from other sources. Together, these taxes supply about two out of every three dollars that all states receive.

PHOTO: Ron Buskirk/Alamy

NGSSS covered in  
"State Economic Issues"



**SS.7.C.3.9** Illustrate the law making process at the local, state, and federal levels.

**SS.7.E.2.1** Explain how federal, state, and local taxes support the economy as a function of the United States government.



Residents enjoy the natural beauty at state parks, like Chewacla State Park in Alabama.

### ► CRITICAL THINKING

**Speculating** How might residents react to cuts in funding for parks? How might legislators respond?

### **legislative referendum**

a vote called by a legislature to seek voter approval of a law

### **popular referendum**

a question placed on a ballot by a citizen petition to decide if a law should be repealed

### **Academic Vocabulary**

**rely** to depend on something or someone

**Florida's Budget Crunch**

Like many other states, Florida faced a severe budget crisis in 2010 and 2011. Analysts predicted that Florida would face a budget shortfall of nearly \$3 billion. This amounted to about 20 percent of its total budget. The reasons for the shortfall mirrored those for most of the country: a sharp decline in housing prices, high unemployment rates, and rising costs of health care. Lawmakers worked to make spending cuts in other areas in order to try to balance Florida's budget.

States also get income from other sources. They charge fees for such things as licenses to marry, drive, and fish. They may also charge use fees. For instance, the toll that a driver pays to travel on certain roads is a use fee.

Most state spending goes to pay for services. These services include aid to local governments, benefits to the poor and disabled, health care, education, and payroll for state workers. States have other expenses as well, such as providing police protection, maintaining roads, and keeping up state parks.

**Budget Crunch**

Balancing the budget becomes challenging for states when they have less income. For several years starting in 2007, the U.S. economy had problems. Many businesses had to lay off workers. The national unemployment rate reached 10 percent. With so many people out of work, state income tax revenues fell. People without jobs had less money to buy products, so sales tax revenues also fell. States could not collect enough taxes to meet expenses. Many had to make deep budget cuts. Some states increased taxes to gain more revenue. But this meant that people had less money to spend to stimulate the economy.

At the same time, states faced growing demands. More people were relying on unemployment payments. Many also required help with health care and other needs. The federal government stepped in to give states extra money. But this aid could not continue indefinitely.

Some states faced huge budget shortfalls. Illinois, for example, had a budget of about \$34 billion in 2011. But it was projected that Illinois would have only half of that amount in revenue in 2012. Other states were also hit hard. Some 40 states had too little revenue to meet their spending needs.

 **PROGRESS CHECK**

**Summarizing** What are the main sources of income for state governments?

**LESSON 2 REVIEW****Review Vocabulary**

1. In a sentence, explain how *redistricting* can affect *malapportionment*. **LA.7.1.6.1**
2. Explain the difference between a *legislative referendum* and a *popular referendum*. **LA.7.1.6.1**

**Answer the Guiding Questions**

3. **Explaining** What jobs do state legislators carry out?  
**SS.7.C.3.9**

4. **Comparing and Contrasting** Why do states face more difficult budget problems than the federal government?  
**SS.7.C.3.9**

**Writing**

5. **EXPOSITORY WRITING** Write an essay explaining how state legislatures are similar to and different from Congress. **SS.7.C.3.9**

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Governors' Roles  
Governors Become President
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## Lesson 3

# State Executive Branch

**ESSENTIAL QUESTION** *Why and how do people create, structure, and change governments?*

## IT MATTERS BECAUSE

*The executive branch carries out the laws of the state.*

## The Governor

**GUIDING QUESTION** *What are the powers and duties of a governor?*

Have you ever thought that you might like to be the governor of your state? In seven states, you can run for this office as soon as you become 18 years old. In most states, however, you will have to wait a few more years—until you are 30. Other requirements also vary widely among the states.

### The Office of Governor

Most states require that a person who serves as governor be a resident of the state. Surprisingly, a handful of states do not have that requirement. Among the many states that have the requirement, the specifics vary greatly. While a candidate for governor in Missouri and Oklahoma must have lived there for at least 10 years, someone who has lived in Rhode Island for just 30 days can run for governor of that state.

Most states limit a person to no more than two terms as governor. But nearly a dozen states have no such limit. Some states, such as Virginia, allow more than one term but do not allow the terms to be consecutive. Someone who is governor for a term must sit out at least one term before being able to hold the office again. Most governors' terms are four years.

### NGSSS covered in "The Governor"



**SS.7.C.3.9** Illustrate the law making process at the local, state, and federal levels.

**LA.7.1.6.1** The student will use new vocabulary that is introduced and taught directly.

**LA.7.1.7.3** The student will determine the main idea or essential message in grade-level or higher texts through inferring, paraphrasing, summarizing, and identifying relevant details.

PHOTO: (tl) Gail Oskir/WireImage/Getty Images; (tc) Eric Engman/Getty Images; (tr) AP Photo/Mike Dorer

## Reading HELPDESK

### Taking Notes: Identifying LA.7.1.7.3

As you read, fill in the concept web shown with examples of the different roles that governors fulfill. Add more connections if you need to.



### Content Vocabulary

- **line-item veto**
- **commute**
- **parole**

Governors, like Deval Patrick of Massachusetts, play many different roles, some of which involve other branches of the government.

- 1 **Identifying** Which roles of the governor involve other branches of government?

► **CRITICAL THINKING**

- 2 **Analyzing** Which role of the governor do you think is most important? Least important? Explain your reasoning. **SS.7.C.3.9**



PHOTO: Gall Oskin/WireImage/Getty Images

**Chief Executive**

Carries out state laws; appoints officials; prepares a budget

**Commander in Chief**

In charge of National Guard (state militia)

**Ceremonial Leader**

Greets important visitors; represents the state

**Legislative Leader**

Proposes legislation; approves or vetoes legislation

**Judicial Leader**

Offers pardons and reprieves; grants parole

**Party Leader**

Leads the political party in the state

## The Chief Executive

Like the president, a governor has many roles. Each role comes with some powers. Two of these roles have developed through **tradition** rather than by law. For instance, a governor's ceremonial role and position as party leader are based on tradition, not on the state constitution.

A governor's main job, like that of the president, is to head the executive branch of government. In this role, he or she is responsible for making sure that the laws of the state are carried out. Also, just as the president commands the nation's armed forces, the governor is the head of the state's National Guard.

Governors often name people to fill state offices. Typically these choices are not final until the state senate has confirmed, or approved, the person. Governors also choose a person to fill a seat in the U.S. Senate if a seat should become vacant. That power comes to them from the U.S. Constitution. However, governors do not have as much control over the people in their cabinets as presidents do.

In most states, the governor also writes the state's annual budget. Typically the legislature must approve it before it goes into effect.

## Reading HELPDESK

### Academic Vocabulary

**tradition** a custom; the long-followed way of doing things

### line-item veto

to veto only a specific part of a bill

### Academic Vocabulary

**specific** clearly specified, precise, or explicit

### commute

to reduce a criminal's sentence

### parole

to grant a prisoner an early release from prison, with certain restrictions

## Other Roles of the Governor

Governors have certain legislative duties, too. Early each year, they deliver a “state of the state” message to the legislature and the state’s citizens. In it, governors outline their goals. Then they send bills to the legislature that will help the state reach those goals. Governors can also call a special session of the legislature to respond to a crisis.

Like presidents, governors have the power to veto bills. For all but six governors, this power goes further. They can use a **line-item veto**. This means they can veto **specific** parts of a bill rather than the whole law. Lawmakers can override either of these kinds of vetoes by voting to pass the bill again.

Governors have some judicial powers as well. They can appoint judges. They can change criminal sentences. A governor may grant pardons to criminals. A pardon removes a criminal’s punishment. A governor can also choose to **commute**, or reduce, someone’s sentence. These rulings can be made before any punishment has been served. Governors can also grant prisoners an early release from prison. That early release is called **parole** (puh•ROHL).

## Next in Line

What happens if the governor dies or for some reason leaves office before the end of a term? In 43 states, the person next in line is the lieutenant governor. In some states, candidates for governor and lieutenant governor run as a team, or on the same ticket. In other states, they run separately. They may even belong to different political parties. The next person in line steps into the governor’s position with surprising frequency. Between 2000 and 2010, governors were replaced 20 times.

### ✓ PROGRESS CHECK

**Evaluating** What kind of check is there on the governor’s power to appoint people to fill vacant offices?



PHOTO: Eric Engman/Getty Images

### Governor’s Term Limits

In Florida, the governor may not serve more than two four-year terms in succession, or one right after the other. Governor Jeb Bush, after serving two terms in succession, had to step down as governor in 2011 because of term limits.

Lieutenant Governor Sean Parnell waves to a crowd after being sworn in as governor of Alaska. Parnell replaced Governor Sarah Palin when she resigned in 2009.

### ► CRITICAL THINKING

**Drawing Conclusions** Why do you think that most states have a lieutenant governor?



SS.7.C.3.9 Illustrate the law making process at the local, state, and federal levels.

# State Executive Departments

**GUIDING QUESTION** *What is the role of the executives who head a state's administrative departments?*

In the federal government, the executive branch has many departments and agencies. They serve a number of needs at the national level.

State governments also have a number of executive departments, agencies, and boards. Some are similar to those at the federal level, such as departments of labor, justice, and agriculture. Others are specific to state needs, including departments of health and public works and highways. Many states also have boards of welfare to help those in need.

The federal departments, agencies, and boards are headed by officials whom the president chooses and the Senate approves. At the state level, on the other hand, elected officials run many departments. These officials get their jobs without the governor playing a role. They are independent, so they might not be willing to take direction from the governor.

## Major Executive Officials

Most states have five major executive officials. Each carries out important activities in the state. The titles of these officials differ from state to state.

An official for New Jersey's department of weights and measures does an inspection at a gas station.

### ► CRITICAL THINKING

**Drawing Conclusions** How does this state department help you as a consumer?



PHOTO: AP Photo/Mike Derer

## Reading HELPDESK

### Reading Strategy: Summarizing LA.7.1.7.3

When you summarize a reading, you find the most important points and restate them in your own words. Summarize the similarities and differences between the federal and state executive branches.

- The secretary of state oversees elections in the state and the recording and publishing of all laws. The office headed by this person also keeps other kinds of official records.
- The attorney general is the state’s chief lawyer. He or she is the leader of the lawyers who represent the state in legal matters. These include disputes with the federal government.
- The state treasurer’s main duty is to handle and keep track of the flow of money into and out of the state government.
- The state auditor’s job is to review the conduct of state departments and offices. This official makes sure that work is being done honestly and efficiently. Auditors ensure that tax dollars are not misused.
- The commissioner or superintendent of education oversees the state’s public school system. This person is concerned with the content that should be studied in each subject in each grade and other school-related issues.

In most states, the first three offices are filled through elections. About half the states also elect the auditor. In others, the auditor is chosen by one or both houses of the legislature or named by the governor. The head of education is elected in only about a third of the states. In the rest, the official is named by the governor or by a special group of officials.

## State Cabinets

In most states, the executive department officials make up a cabinet. The cabinet meets regularly with the governor to give advice and share information. These officials from the different departments each bring special knowledge when discussing issues. The size of cabinets varies widely, from fewer than 10 members in some states to as many as 75 in New York. Some cabinets meet every week. Others meet only every one or two months.

### PROGRESS CHECK

**Explaining** What is the role of the cabinet?

## LESSON 3 REVIEW

### Review Vocabulary

1. Explain the difference between a veto and a *line-item veto*. [LA.7.1.6.1](#)
2. Describe the difference between a governor’s judicial powers to *commute* and to *parole*. [LA.7.1.6.1](#)

### Answer the Guiding Questions

3. **Identifying** What is the chief duty of a governor? [SS.7.C.3.9](#)

4. **Analyzing** Many executive department heads are elected in their own right, not appointed by the governor. How can that affect the governor’s ability to direct them? Why? [SS.7.C.3.9](#)

### Writing

5. **CREATIVE WRITING** Write a journal entry describing a day in the life of a governor. Be sure to include examples of the many different roles a governor plays. [SS.7.C.3.9](#)

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Pros and Cons of Electing Judges
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## Lesson 4

# State Judicial Branch

**ESSENTIAL QUESTION** *Why and how do people create, structure, and change governments?*

## IT MATTERS BECAUSE

*State courts decide many issues affecting people's lives.*

## The Structure of State Courts

**GUIDING QUESTION** *How is the state's judicial system organized?*

Have you ever watched a scene in a television show where a lawyer questions a tense witness and introduces dramatic evidence? Such courtroom dramas occur in state courts across the country.

Although each state has its own court system, all state court systems are organized in a similar fashion. Every state has two sets of courts, known as lower courts and higher courts. At each level, the courts hear cases that differ in how serious and **complex** they are.

### Lower Courts

The lower courts are trial courts. In a **trial court**, a judge or a jury listens to the evidence that is presented and reaches a verdict, or decision, in favor of one party in the case or the other. Lower trial courts go by different names depending on their location. In rural areas, for example, they may be called justice courts. When they cover an entire county, they are often referred to as district courts. In cities, lower-level trial courts are often called municipal courts.

NGSSS covered in  
"The Structure of State Courts"



**SS.7.C.3.11** Diagram the levels, functions, and powers of courts at the state and federal levels.

**LA.7.1.6.1** The student will use new vocabulary that is introduced and taught directly.

**LA.7.1.7.3** The student will determine the main idea or essential message in grade-level or higher texts through inferring, paraphrasing, summarizing, and identifying relevant details.

## Reading HELPDESK

### Taking Notes: Categorizing

As you read, fill in a chart like the one shown with examples of types of courts in each category. **LA.7.1.7.3**

	Lower Level	Higher Level
Trial		
Appellate		

### Content Vocabulary

- **trial court**
- **plaintiff**
- **appellate court**
- **misdemeanor**
- **defendant**
- **felony**
- **civil case**



Lower-level courts may handle criminal cases and civil cases. In a criminal case, a person is accused of committing a crime. A trial is held to determine whether the person is guilty or innocent. If the accused person is found guilty, he or she is punished.

Crimes handled in the lowest level of courts are simple ones. For example, they may be traffic violations or misdemeanors. **Misdemeanors** (MIHS•dih•MEE•nuhrz) are the least serious crimes, such as theft of a small sum of money or trespassing. Usually, misdemeanors are punished by a fine or a short stay in a local jail rather than in a prison. These cases are often decided by a judge instead of a jury.

Lower-level courts also hear civil cases. In **civil cases**, two parties are involved in a dispute in which one claims to have been harmed in some way by the other. The person who claims to have been harmed is the **plaintiff**. The person said to have caused the harm is the **defendant**.

An example of a civil suit is an argument between two neighbors over the line that divides their property. Many civil cases have to do with contracts, or business agreements. Often in these cases, one party says that another party did not carry out the actions promised in the contract. The civil cases that are heard in lower-level courts involve small sums of money.

In lower-level courts, a judge, and not a jury, often makes a decision about a defendant's guilt or innocence.

#### ► CRITICAL THINKING

**Making Inferences** Why might cases be decided in this way?

## Higher Courts

The higher courts are the second level of state courts. They can be either trial courts or appellate courts. In an **appellate** (uh•PEH•luht) **court**, the party who has lost the case in a lower court appeals the decision. To appeal means to ask a judge to review and reverse the earlier case. The party who appeals might think that legal errors were made during the trial and that these errors had an effect on the outcome of the court's decision. The appellate court decides whether errors in applying the law were made.



PHOTO: Design Pics Inc./Alamy

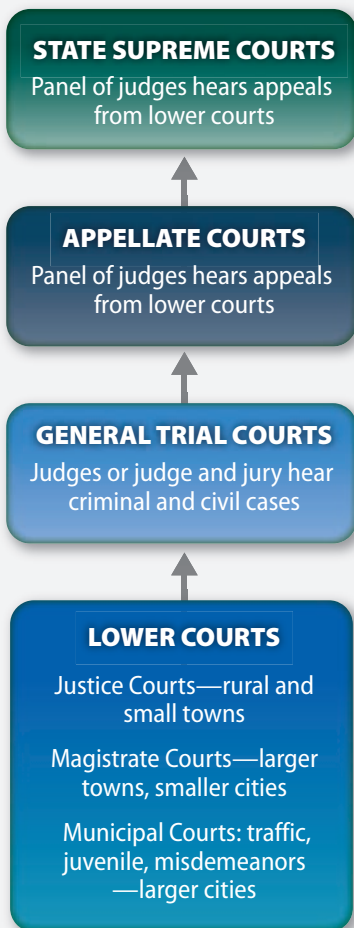
**Academic Vocabulary**  
**complex** complicated or intricate

**trial court** type of court in which a judge or a jury listens to the evidence and reaches a verdict, or decision, in favor of one party or another in the case

**misdemeanor** the least serious type of crime

**civil case** court case in which one party in a dispute claims to have been harmed in some way by the other

## STATE COURT STRUCTURE



### CHART SKILLS

The diagram shows the different levels of state courts and some names of courts at each level.

#### ► CRITICAL THINKING

- 1 Identifying** How many levels of courts are shown in the diagram?
- 2 Analyzing** Why is the state supreme court called the “court of last resort” for state law? [SS.7.C.3.11](#)

Higher-level trial courts handle more serious crimes called **felonies** (FEH•luh•neez). Some examples of felonies include assault, robbery, kidnapping, and murder. Trials in these courts do not always involve juries. The accused person can choose to have the judge, and not a jury, determine guilt or innocence.

Higher trial courts also handle civil cases that are more serious than the civil cases handled in lower courts. They may involve huge sums of money. Civil cases may also be decided either by a jury or by a judge.

Forty-one states have two levels of appellate courts. The exceptions are generally states with small populations, such as Delaware and Montana. The first line of appeal is in an intermediate appellate court. This court is often called the court of appeals. Usually a group of judges hears a case. They study the information given by both sides and compare the case to past cases that were similar. Then they agree on a decision. They may decide to let the earlier court ruling stand, or they may choose to overturn it.

Courts in one state are not bound by the rulings of another state’s courts. However, a court may consult the ruling of another state’s courts if it feels the decision relates to the case it is hearing.

### State Supreme Court

Each state also has a supreme court at the top level of its court system. The state supreme court hears appeals from the intermediate appellate courts. State supreme courts generally issue, or give out, written explanations of their rulings. These decisions guide judges as they try cases in the future. In most states, these courts take both civil and criminal cases. Oklahoma and Texas, however, have separate courts for civil appeals and criminal appeals.

State supreme courts are called “courts of last resort,” but that is not entirely true. In state law, they are the final word. However, someone who loses an appeal in the state supreme court may believe that the ruling violated his or her rights under the U.S. Constitution. If so, that person can appeal the case to the U.S. Supreme Court. The Court may or may not choose to hear the case.

#### ✓ PROGRESS CHECK

**Explaining** What is the role of state supreme courts?

## Reading HELPDESK

**plaintiff** the person in a civil case who claims to have been harmed

**defendant** the person in a civil case who is said to have caused the harm

**appellate court** type of court in which a party who lost a case in a lower court asks judges to review that decision and reverse it

**felony** type of crime more serious than a misdemeanor

# Staffing the Courts

**GUIDING QUESTION** *What are the usual methods for selecting judges?*

If you were to appear in a court, what qualities would you want the judge to have? To be effective, judges must know the law. They should be free of **bias** so they can judge fairly. They are also expected to be independent—to avoid being swayed by political pressure.

Yet judges in the United States serve in a representative democracy. In such a system, the people generally vote to select those who hold government office. Can the general public be counted on to choose judges wisely? Will they have enough information about the experience, knowledge, and character of judges to make good decisions?

## Choosing Judges for Trial Courts

With the various levels of trial courts, it is not surprising that judges for these courts are chosen in many different ways. Some judges are selected by governors, state legislators, the state supreme court, or city officials. Other judges are elected by voters. Some states use a combination of processes depending on whether it is a judge’s first term or a later term. In this mixed approach, an elected official chooses a judge for his or her first term on the bench. When that term ends, if the judge seeks a new term, he or she has to stand for election by the people.

Even election systems differ. Some elections are nonpartisan, which means that candidates are not linked to any political party. Other election systems allow judges to have a party identity.

The terms of office for judges also vary. Among the high-level trial judges, the term is usually from six to eight years. But a term can be as few as four years or as many as ten.



Judges elected by the people often use campaign signs, like these at the Neshoba County Fair in Philadelphia, Mississippi.

### ► CRITICAL THINKING

**Formulating Questions** What questions might voters ask a judge who is running for election in your area?

NGSSS covered in  
“Staffing the Courts”

**SS.7.C.3.11** Diagram the levels, functions, and powers of courts at the state and federal levels.

## Academic Vocabulary

**bias** good or bad feelings about a person or group that affects judgment

## Choosing Judges for Appellate Courts

In the appellate courts, states are almost evenly split in how they select judges. About half of the states elect judges. In the other half, the governor chooses judges. In some of those states, the appointments must be confirmed by the state legislature or another governmental body.

In 41 states, the judges for the state supreme courts serve for terms of six, eight, or ten years. The rest have terms that are longer or shorter. Some states give longer terms to the chief justice. In other states, the position of chief justice rotates among all the justices on the court. In this case, each justice serves as chief for only two or three years.

Once their term is done, judges have to be approved again to continue to serve on the bench. Forty-one states require that judges be approved by popular vote. In the other states, either the governor or the legislature makes the decision. About half of the states require that judges retire after they have reached a certain age. In most of these states, the retirement age ranges from 70 to 75. Other states have no set age at which judges must retire.

Although judges can be removed from office by impeachment, this process can take a long time. Most states also have boards to look into complaints about judges. If the board finds that a judge has acted improperly, it can make a recommendation to the state supreme court. The court has the power to suspend or remove the judge.

### PROGRESS CHECK

**Summarizing** What are the most common ways to select appellate judges?

## LESSON 4 REVIEW

### Review Vocabulary

1. What roles do the *plaintiff* and the *defendant* play in a civil case? [LA.7.1.6.1](#)
2. What is the difference between a *misdemeanor* and a *felony*? [LA.7.1.6.1](#)

### Answer the Guiding Questions

3. **Summarizing** What happens in a lower or trial court? [SS.7.C.3.11](#)
4. **Comparing and Contrasting** Describe how states choose judges for trial courts and for appellate courts. [SS.7.C.3.11](#)

### Writing

5. **PERSUASIVE WRITING** Identify the method for choosing appellate court judges that you think is best. Write down reasons for your choice. Then take the role of a state senator and write a speech proposing that your state adopt that method. Support your stand with reasons. [SS.7.C.3.11](#)



## In re Gault

**In the case in re Gault, the Supreme Court considered whether the way a juvenile defendant was treated violated his constitutional right to due process.**

**SS.7.C.3.12** Analyze the significance and outcomes of landmark Supreme Court cases including, but not limited to, *Marbury v. Madison*, *Plessy v. Ferguson*, *Brown v. Board of Education*, *Gideon v. Wainwright*, *Miranda v. Arizona*, *in re Gault*, *Tinker v. Des Moines*, *Hazelwood v. Kuhlmeier*, *United States v. Nixon*, and *Bush v. Gore*.

### Background of the Case

Over time, states developed a separate court system for juveniles—people under 18 years old. The system did not follow normal procedures in criminal law. Instead, some rules were changed to protect young people. Other rules were designed to move cases involving young people quickly.

Gerald Gault was arrested early in 1964 and put on probation. If a person on probation commits another crime, the punishment is usually harsher. During his probation, Gault, then 15, was arrested again. At two different hearings, he was not given a lawyer. He confessed to the crime, though he was never told of his right not to respond to questioning. The court sentenced him to six years in a state youth detention center. For the same crime, an adult would have been sentenced to no more than a \$50 fine and two months in jail.

Gault's parents appealed to the U.S. Supreme Court. They said that because officials took Gault's confession without telling him of his right to a lawyer, his due process rights, guaranteed by the Fourteenth Amendment, had been violated.

### The Decision

In an 8–1 decision, the Court ruled that the procedures the state used violated Gault's due process rights. The justices said that officials failed to follow due process by not telling Gault's parents of his hearing and not telling Gault he had the right to a lawyer. Another due process failure was not telling Gault of his right to remain silent. That right protects a person accused of a crime from



A juvenile defendant and his attorney

making statements that could be used against him in a court of law. The Court said that the state cannot ignore the rights of juveniles. Justice Abe Fortas wrote:

**“[T]he question is whether . . . an admission by the juvenile may be used against him in the absence of clear . . . evidence that the admission was made with knowledge that he was not obliged to speak and would not be penalized for remaining silent. . . . We conclude that the constitutional privilege against self-incrimination is applicable in the case of juveniles as it is with respect to adults.”**

—Justice Abe Fortas, *In re Gault*, 1967

### Why It Matters

The decision extended due process protection to juveniles. Juvenile courts still struggle to balance juveniles' rights with the desire to treat them differently from adults in order to protect them.

### Analyzing the Case

- 1. Comparing** Explain the differences in how the police would have treated Gault if he were an adult and not a juvenile offender.
- 2. Evaluating** Does the Court's decision make it impossible to treat juvenile and adult cases differently? Why or why not?

## CHAPTER 13 Activities

Write your answers on a separate sheet of paper.

### 1 Writing Activity SS.7.C.3.9

#### EXPLORING THE ESSENTIAL QUESTION

Why and how do people create, structure, and change governments?

Find out what rules Florida uses for a legislative referendum. Then write a brief oral presentation describing why and how this process is used. You may use visual aids with your presentation.

### 2 21st Century Skills SS.7.C.3.14

**CREATING A DATABASE** State governments now provide a wealth of information on the Internet. Focusing on one house of the legislature, one executive agency, or one type of court, create a database of your state's resources on the Web. In your database, include URLs and brief descriptions of the content on each page. Also include an evaluation of how easy it is to find information on each page and how helpful you find each page to be.

### 3 Being an Active Citizen SS.7.C.3.9

Find the names of the one or two state legislators who represent the district in which you live. Use the Internet or other resources to discover what issues they are most concerned about. Choose one of these issues that might affect you and your family. Write a letter to one of your representatives expressing your views on the issue. Explain why it matters to you. Give reasons to support your opinions.

### 4 Understanding Visuals SS.7.C.3.4

**ANALYZING A POLITICAL CARTOON** This political cartoon was drawn in the midst of an economic downturn, when states faced a serious budget crunch. What view does the cartoonist have of the problem and the solution?



CARTOON: JOHN TREVER, The Albuquerque Journal, and PoliticalCartoons.com

# CHAPTER 13 Assessment



## REVIEW THE GUIDING QUESTIONS

Directions: Choose the best answer for each question.

- 1** **SS.7.C.3.4** What kind of power is a state government's power to tax?  
A. concurrent  
B. expressed  
C. reserved  
D. supreme
- 2** **SS.7.C.3.14** What principle is used to create state legislative districts?  
F. They should be roughly equal in area.  
G. They should split the state into urban and rural districts.  
H. They should be similar in population.  
I. They should follow natural land and water features.
- 3** **SS.7.C.3.14** Why do states have budget difficulties that the federal government does not have?  
A. No one is willing to loan money to the states.  
B. People expect more from state government.  
C. States are smaller and have less revenue.  
D. States must balance their budget without borrowing money.
- 4** **SS.7.C.3.9** What power do some governors have that a president does not have?  
F. appoint people to office  
G. command armed forces  
H. line-item veto  
I. set plans for legislation
- 5** **SS.7.C.3.14** Which state official oversees the collecting and counting of votes?  
A. attorney general  
B. secretary of state  
C. state auditor  
D. state treasurer
- 6** **SS.7.C.3.11** Which court would handle the first appeal of a case tried in a higher-level state trial court?  
F. district court  
G. intermediate appellate court  
H. municipal court  
I. state supreme court

### NGSSS assessed in Chapter 13 Activities



**SS.7.C.3.4** Identify the relationship and division of powers between the federal government and state governments.  
**SS.7.C.3.9** Illustrate the law making process at the local, state, and federal levels.  
**SS.7.C.3.14** Differentiate between local, state, and federal governments' obligations and services.

### NGSSS assessed in Chapter 13 Assessment



**SS.7.C.3.4** Identify the relationship and division of powers between the federal government and state governments.  
**SS.7.C.3.9** Illustrate the law making process at the local, state, and federal levels.  
**SS.7.C.3.11** Diagram the levels, functions, and powers of courts at the state and federal levels.  
**SS.7.C.3.14** Differentiate between local, state, and federal governments' obligations and services.  
**LA.7.1.6.2** The student will listen to, read, and discuss familiar and conceptually challenging text.



## DBQ DOCUMENT-BASED QUESTIONS

**Directions:** Analyze the excerpt and answer the questions that follow.

Article IX of Florida’s constitution establishes a state university system.

*“In order to achieve excellence through teaching students, advancing research and providing public service for the benefit of Florida’s citizens, their communities and economies, the people hereby establish a system of governance for the state university system of Florida.”*

SS.7.C.3.14; LA.7.1.6.2

- 7 Evaluating** What is one reason Florida set up the state university system?
- A. to replace private colleges
  - B. to employ workers
  - C. to benefit Florida’s citizens and economy
  - D. to benefit surrounding states

SS.7.C.3.14; LA.7.1.6.2

- 8 Drawing Conclusions** Why does the article state that “the people” establish a state university, rather than “the government”?
- F. because the state derives its power from the people
  - G. because the university system is a public service
  - H. because public universities benefit the people
  - I. because the state universities are intended only for Florida’s citizens

## SHORT RESPONSE

Article III, Section 3, of Florida’s constitution discusses legislative sessions.

*“(c) **Special Sessions** (1) The governor, by proclamation stating the purpose, may convene [bring together] the legislature in special session during which only such legislative business may be transacted as is within the purview [aim] of the proclamation. . . . (d) **Length of Sessions** A regular session of the legislature shall not exceed sixty consecutive days.”*

SS.7.C.3.9

- 9** What is the length of a regular session of the legislature? Why do you think this constitution provides a maximum number of days?
- 10** Why do you think this constitution limits the work of special sessions to only the issues raised by the governor in calling that session?

SS.7.C.3.9

## EXTENDED RESPONSE

SS.7.C.3.9

- 11 Expository Writing** Write a narrative paragraph explaining the duties of the legislature during its session. Include a description of a special session.

### Need Extra Help?

If You’ve Missed Question	1	2	3	4	5	6	7	8	9	10	11
Review Lesson	1	2	2	3	3	4	2	1, 2	2	1, 2, 3	2, 3