



THE GOVERNMENT OF SOUTH CAROLINA

CHAPTER

PREVIEW

PEOPLE: Carroll Campbell, Thomas Jefferson, Oliver Wendell Holmes Jr.

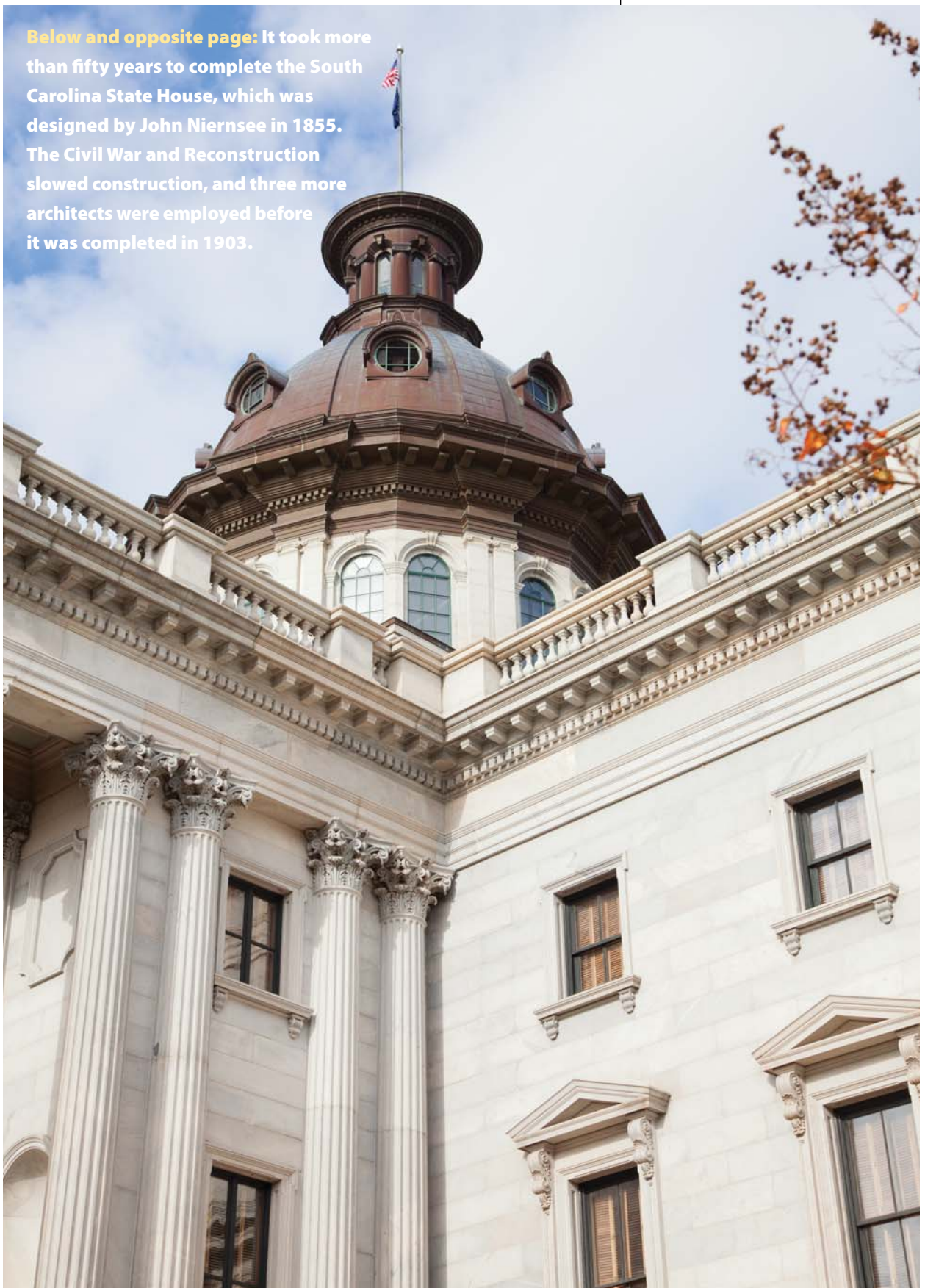
PLACES: Columbia

TERMS: special purpose district, filibuster, president pro tempore, conference committee, patronage, Magistrate Court, probable cause, bail, Municipal Court, Probate Court, Family Court, Circuit Court, masters-in-equity, Court of Appeals, appeal, Supreme Court, incorporated, municipality, political party, special interest group, lobbyist, United States Constitution, Bill of Rights

Government is the means by which a society makes and enforces decisions on how its people must behave. The government makes laws that all citizens must obey, and it has the authority to enforce those laws. Government might use fines, imprisonment, or—in extreme cases—death as means of enforcing rules the institution has decided upon. Government also provides many services that individuals cannot usually provide for themselves. The national government protects its citizens from outside invasion. National, state, and local governments provide education; roads and bridges; water and sewer systems; recreation facilities; some economic security for disabled, unemployed, and elderly citizens; and many other services.

Over the centuries, many types of governments have been tried in many different countries. Most of those have been *authoritarian*; that is, systems that give great power to the government and very little freedom to the people. There are several forms of authoritarian government: *monarchy* (ruled by one person—a king, emperor, or shah); *aristocracy* (ruled by a small class of people who inherit their authority); and *oligarchy* (ruled by only a few people). A *dictator* usually gains and keeps his power through brute force. His authoritarian regime might go even further in trying to control all aspects of people's lives—political, economic, cultural, educational, and religious. That attempt at total control would be called a *totalitarian* government. Finally, a few governments have tried the concepts of *democracy*.

Below and opposite page: It took more than fifty years to complete the South Carolina State House, which was designed by John Niernsee in 1855. The Civil War and Reconstruction slowed construction, and three more architects were employed before it was completed in 1903.





SIGNS of the TIMES

POPULATION

According to the 2010 U.S. Census, South Carolina's population was 4,625,364; the five most populous incorporated places were Columbia, Charleston, North Charleston, Mount Pleasant, and Rock Hill; the five most populous counties were Greenville, Richland, Charleston, Spartanburg, and Horry.

DIVERSITY

The population of South Carolina in 2010 was 51.4 percent female. It was 66.2 percent white, 27.9 percent black, 5.1 percent Hispanic, and 1.3 percent Asian. The percentage of foreign-born residents was 4.7. The percentage living below the poverty level was 16.4. The percentage under eighteen was 23.4; over sixty-five was 13.7 percent.

STATE GOVERNMENT

The legislative branch, the General Assembly, consists of 124 members of the House of Representatives and 46 members of the Senate. The executive branch consists of the governor, lieutenant governor, and 20 department heads—of whom 7 are elected independently and 13 are appointed by the governor. The judicial branch is in four tiers: (from lowest to

highest) Magistrate, Municipal, and Probate Courts; Family and Circuit Courts; Court of Appeals; and Supreme Court.

LOCAL GOVERNMENT

South Carolina has 46 counties, 269 towns and cities, 85 school districts, and 498 special purpose districts.

NATIONAL PARK SERVICE SITES

The National Park Service recognizes many natural and historic sites in South Carolina: Congaree National Park, Charles Pinckney and Ninety Six National Historic Sites, Cowpens National Battlefield, Fort Sumter National Monument, Gullah/Geechee Cultural Heritage Corridor, Kings Mountain National Military Park, Overmountain Victory National Historic Trail, and South Carolina National Heritage Corridor.

STATE PARKS

South Carolina's more than 45 state parks and historic sites protect 80,000 acres of scenic and historic importance for its citizens. Parks also provide opportunities for camping, fishing, boating, biking, and viewing the natural beauty of the state.

South Carolina Government Today

AS YOU READ, LOOK FOR

- the composition and duties of the legislative branch of state government;
- how a bill becomes a law;
- the organization of the executive branch and the powers of the governor;
- the functions of the four tiers of courts in South Carolina;
- terms: **special purpose district, filibuster, president pro tempore, conference committee, patronage, Magistrate Court, probable cause, bail, Municipal Court, Probate Court, Family Court, Circuit Court, masters-in-equity, Court of Appeals, appeal, Supreme Court.**

DID YOU KNOW?

College students who are interested in learning more about the South Carolina legislature can apply to serve part-time as pages in the House and the Senate (below). Pages deliver materials and messages in the Capitol complex, answer phones, and work in the House or Senate chambers during legislative sessions.

The long evolution over nearly three-and-a-half centuries that we will observe in the chapters to come has produced a government that has legitimacy in the eyes of its citizens. It is viewed as reasonably representative of the 4.6 million people it serves. The form of South Carolina's government shares a lot in common with that of other states and the nation. It has three main branches with some built-in checks and balances. Newcomers to South Carolina from other states will be familiar with most of the forms, procedures, and services of our government.

Newcomers might be surprised, though, by the fact that the governor is given so few official powers. They might wonder about the legislators meddling so much in the affairs of local governments. Surely the maze of special purpose districts, governed by appointed commissioners, might bewilder them.



DID YOU KNOW?

The Corinthian-style columns of the State House are among the largest columns in the world. They are *monolithic* (cut from a single piece of stone) and stand forty-three feet high. Each one weighs thirty-seven tons.



Right: The colorfully decorated entrance lobby of the South Carolina State House is enhanced by historical scenes and portraits of significant citizens of the state.

A **special purpose district** is a form of local government created to provide water, sewer, fire control, or other services for a particular area.

The Legislative Branch: The General Assembly

Visitors who walk up the broad marble steps of the State House in Columbia and pass between its massive columns are aware they are entering an architectural masterpiece. Inside, they will discover the most remarkable feature of this impressive building—a large lobby with a huge dome overhead. Pausing a minute to sense the history that has been made here and to notice the paintings and statues, they then notice the huge doors to their right and their left. These doors lead into the House of Representatives and the Senate—two houses, even within one branch of government. Citizens want some balance, some way for each house to check the power of the other. This is supposed to force the members of each house to act wisely and honestly. It does not always work out that way, but the concept is still valid.

The chief function of the legislature is to make laws. Also, it is the only state-level body that can levy taxes, fees, and fines to raise *revenue* (operating funds for the government) and can authorize the spending of that money. The General Assembly has used this far-reaching power to be the dominant factor in South Carolina's government for three centuries. It has great influence over so many aspects of life: the quality of schools, the condition of roads, the sanitation of restaurants, and the cleanliness of the air.



MAP 9

South Carolina's House Districts

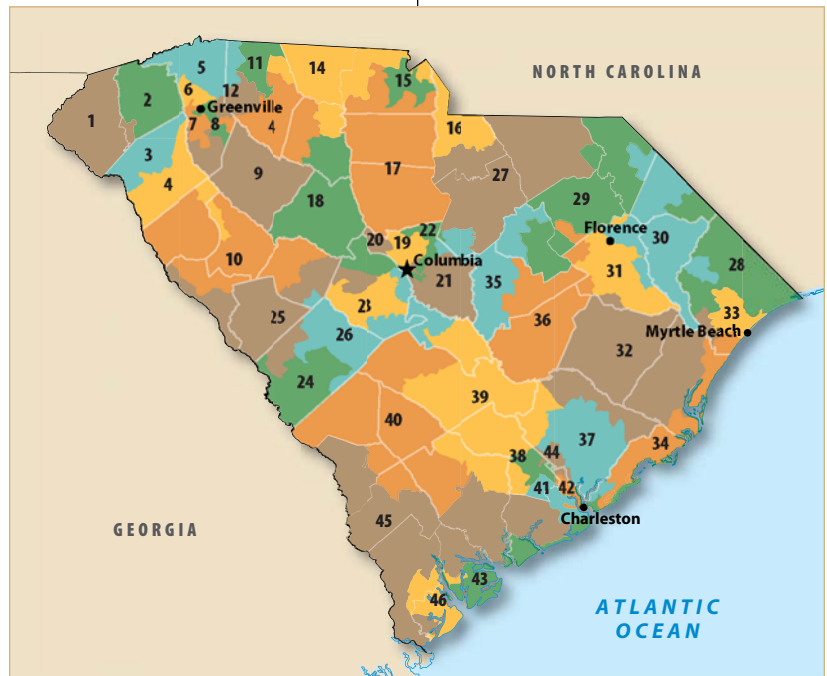
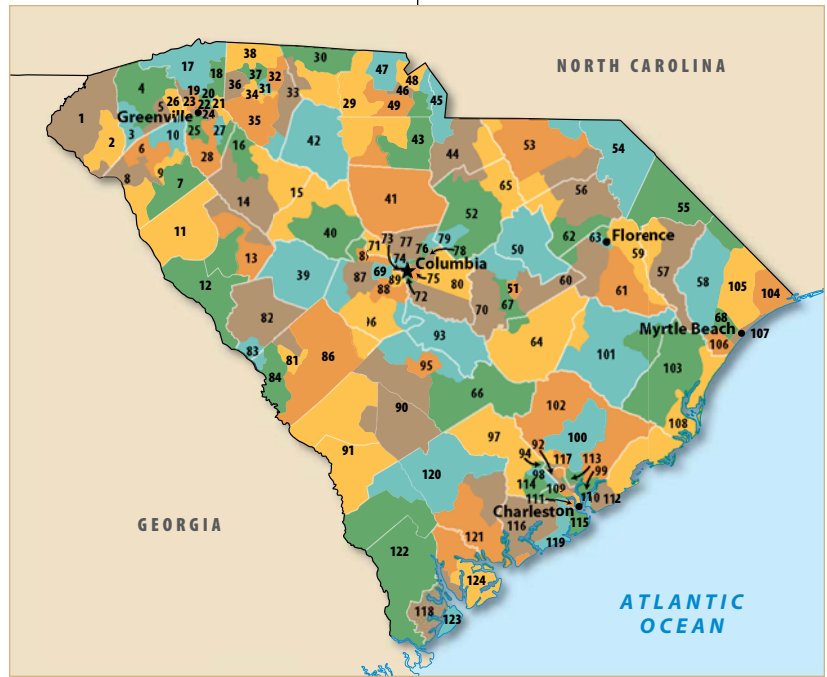
Map Skill: In which House district are you located?

The Legislature and Its Rules

South Carolinians' daily lives are affected in so many ways by the General Assembly, so it is important to know something about how it works in order to be an effective citizen. To be elected to the House of Representatives, one only has to be 21 years of age. Senators have to be 25. The House has 1 member from each of 124 districts across the state. Each district contains about 37,000 persons whom the House member represents for a 2-year term. A senator is elected from 1 of 46 districts and represents about 100,552 people for a 4-year term. There are no limits on reelection possibilities for either house.

A member of the General Assembly is not expected to be a full-time, professional politician. In fact, the ideal is to be a "citizen legislator." The pay is low, requiring that members have other means of subsistence. The legislature meets three days a week from early January to early June each year. Committee meetings are sometimes held on other days or in other seasons. Legislators work quite hard if they are *conscientious* (responsible).

Each chamber of the General Assembly has its own complex set of rules. The most successful legislators are those who master the rules and can use them to their advantage. One unique feature of the Senate is the **filibuster** (a rule that allows almost unlimited debate). That allows a small group, or even one member, to hold up or even kill a bill by continuing to talk until



MAP 10

South Carolina's Senate Districts

Map Skill: In which Senate district are you located?



Above: The chamber of the South Carolina House of Representatives is the larger of the two chambers, with desks for each of its 124 members. The South Carolina constitution specifies that the General Assembly's annual session begins on the second Tuesday in January and runs through the first Thursday in June.

the leadership will decide to go on to other legislation. A vote of two-thirds of senators is necessary to stop debate and end the filibuster. The House of Representatives does not allow filibusters. A majority vote can shut off debate and bring the bill to a vote. The state constitution gives the House the right to originate all revenue bills. That privilege gives a little edge to the lower house in the balance-of-power contest.

Legislative Committees

Both houses do most of their work in committees. The Senate has fifteen standing (permanent) committees; the House has eleven. Senators are chosen for committees largely on the basis of their choice, *seniority* (length of service), and political party. Chairs of committees are elected by the whole Senate. The speaker of the House appoints all members of House committees and appoints committee chairs.

Legislative Leaders

The Senate also elects a **president pro tempore** (president for the time being), usually the leader of the majority party. This official has major responsibilities and powers over legislation moving through the Senate. The presiding officer of the Senate is the lieutenant governor, who can vote only in the case of a tie.

The House of Representatives elects a speaker, the leader of the majority party in that chamber. The speaker has major authority. He (or she, someday)

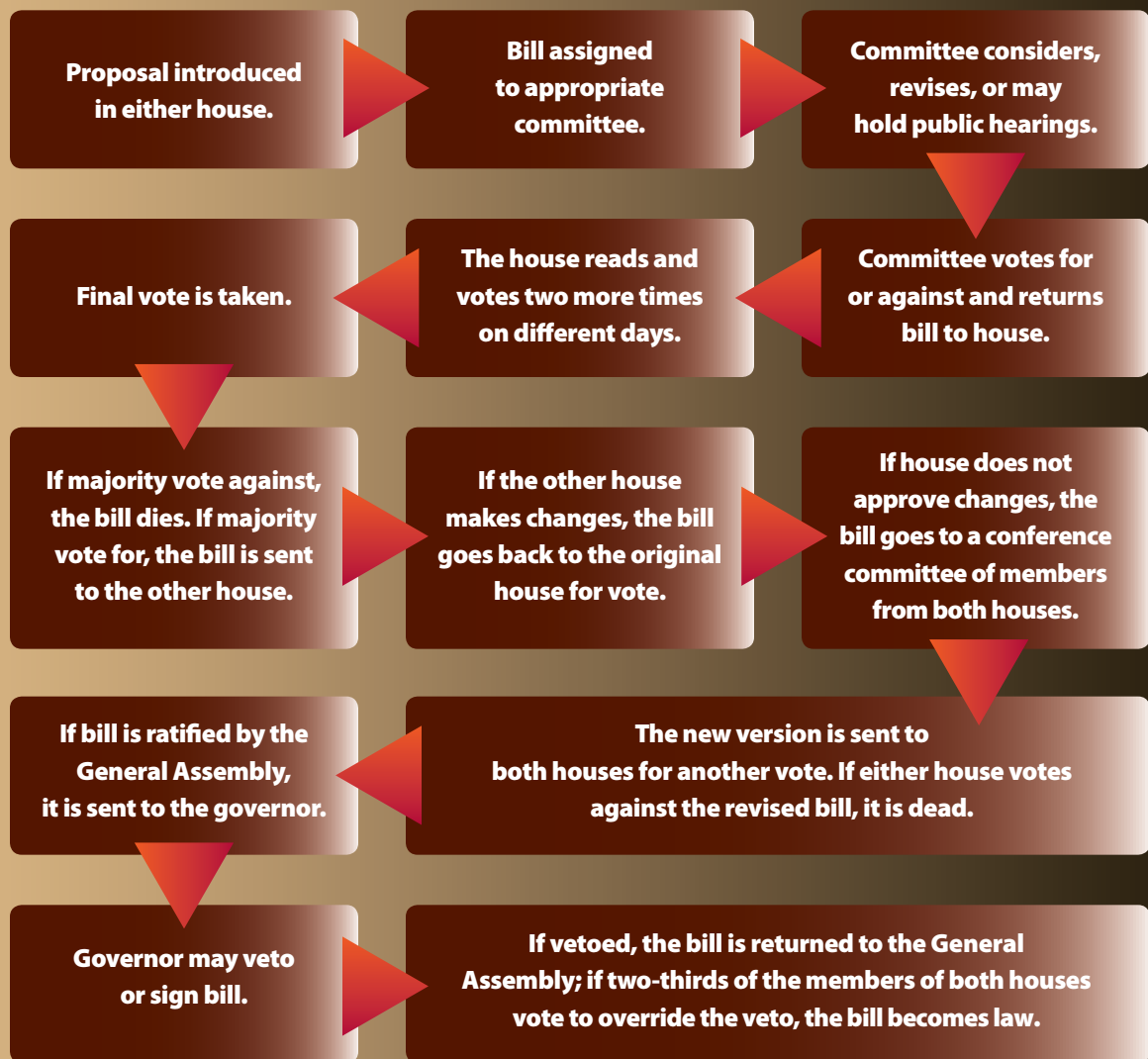
presides when the House is in session and is in a position to make life easy or difficult for a member. The speaker might well have more influence in state government than the governor.

How a Bill Becomes Law

When a legislator submits a bill for consideration, something like this will happen. In the first reading, the reading clerk will announce just its title to the chamber. The presiding officer will refer the bill to a committee for study and perhaps revision, and the committee chair may refer the bill to a subcommittee. The bill will probably die in subcommittee for lack

FIGURE 3

How a Bill Becomes Law





Above: The South Carolina Senate chamber is smaller than the House chamber, with only 48 members.

DID YOU KNOW?

The board of the Legislative Audit Council has five public members and four legislative members. One of the public members must be a Certified Public Accountant (CPA) and one must be an attorney. The legislative members are the chairs of the Senate and House Judiciary Committees and the Senate Finance and House Ways and Means Committees, or their designees.

of support. Only a fraction of proposed bills actually become law. If the subcommittee likes the bill, it reports it out favorably to the full committee. That committee might send it on to the full chamber for its important second reading. This is the opportunity for all members to debate the bill and try to amend it to improve it, or perhaps to make it unacceptable to a majority. After the debate, the presiding officer calls for the vote. If it receives a majority, it has succeeded—until tomorrow when it comes up for a third reading. But “third reading” is only a formality.

After that vote, the bill goes to the other house for the same treatment. If that chamber passes it and the governor signs it, a new law has been made! However, if the other house made a few changes, it comes back to the original chamber. If that house accepts the changes and the governor signs the bill, it becomes law. If that house rejects the changes, it goes to a **conference committee** (a committee composed of a few members of each house, which works out the differences between versions of a bill). If both houses accept the changes, and the governor signs it, finally a law has been made.

It is no wonder that only a fraction of proposed bills become law. It is so easy for a few members, especially if they are experienced and powerful, to kill a bill.

Other Legislative Duties

The General Assembly has several duties and powers beyond making laws. It elects most of the judges in the state. It appoints hundreds of persons to boards and commissions—groups that have a strong hand in running many state agencies. In addition, many of the governor’s appointments are made with the advice and consent of the Senate.

One of the key duties of the General Assembly is its oversight function. The legislature follows up on the acts it has passed to make sure state agencies are carrying out the intent of the law and spending money properly. The Legislative Audit Council, established in 1974, has become a very important arm of the General Assembly. It can investigate and audit any state agency or department to determine if it is spending funds wisely and according to law. In 2014, reform legislation strengthened the oversight power by *requiring* the General Assembly to investigate all state agencies periodically.

The Executive Branch: The Governor

The governor's role is to carry out the laws passed by the General Assembly, to maintain order, and to be the spokesperson for the state. Colonial South Carolinians' experience with the British king built a distrust of executive authority that has echoed through more than two centuries since. From the Revolution to the Civil War, governors were elected by the General Assembly, were limited to one two-year term, and had no veto power. The Constitution of 1895, the basis of our present constitution, scattered executive authority among so many offices that the governor had very little formal authority. The constitution allowed two two-year terms at first, was amended to allow one four-year term, then finally was amended again in 1980 to allow two four-year terms. The possibility of longer service in office improved the governor's standing. To run for governor, one has to be a U.S. citizen at least thirty years of age who has lived in the state for at least five years.

If for any reason the governor cannot perform the duties of office, the lieutenant governor becomes the governor. The qualifications for office are the same for the lieutenant governor and the governor.

Formal Powers

The governor's formal powers have improved in the last few decades. In 1993, the General Assembly authorized the governor to submit an executive budget every year for its consideration. Also in 1993, the governor was authorized to consolidate 76 state agencies into 13 departments. The department heads would be in the governor's cabinet, and he or she would appoint them and could dismiss them if necessary. Yet the governor continues to be limited by the fact that seven heads of other departments are still elected independently. In 2014, the legislature finally agreed to allow the governor more authority over the administration of the executive branch.

Another example of a formal power that has increased the governor's influence is in the area of crisis management. The General Assembly grants the chief executive broad powers to deal with crises such as natural disasters and riots. When Hurricane Hugo threatened the state in 1989, Governor Carroll Campbell ordered evacuation of the coastal areas. He ordered law



Above: Republican Nikki Haley was elected South Carolina's first female governor in 2010. At 40 years of age, she was also the youngest governor in the country.

DID YOU KNOW?

The department heads elected in statewide elections include the adjutant general, attorney general, commissioner of agriculture, comptroller general, secretary of state, state treasurer, and superintendent of education.



Above: President Pro Tempore of the South Carolina Senate Glenn McConnell became lieutenant governor in 2012 following the resignation of the elected lieutenant governor, Ken Ard, who was indicted on charges of misusing campaign contributions.

enforcement agencies to respond to the crisis, called out the National Guard, and served as the unifying figure. His response enhanced the prestige of the office and established that the governor was the crisis manager in chief.

Finally, the governor has the formal power of veto over acts passed by the General Assembly. Remember that bill that was passed by both houses of the legislature? If the governor disagrees with it, he or she can veto it. Then two-thirds of both houses have to vote to override the veto; otherwise the bill is lost. In 2014, the legislature finally agreed to allow the governor more authority over the administration of the executive branch.

Informal Powers

Though the formal powers of the governor have improved, governors are still very dependent on informal powers of the office to get much of their work done. The informal powers were increased once governors were allowed to serve two four-year terms. Since then, three of five governors have won two consecutive terms. Some of the informal powers depend very much on the personality and political skills of the individual governor. Governors must be persuasive, energetic, and skillful in bargaining with legislators. Governors must know how to use **patronage** (the power to distribute offices and favors in ways that promote the important programs on a government official's agenda). Governors must use their political parties effectively to magnify the reach of their influence and use the mass media to persuade the public that their programs are valuable.

Since the 1960s, large streams of federal funds have flowed into the state, making up about one-third of the state's budget. These funds go primarily for health measures for children and the elderly, education, transportation, and aid to the unemployed. Governors have great influence over how some of this money is spent, contributing to an increase in the power of the office.

The Judicial Branch: The Courts

Probably the least well known of the three "equal" branches of our state government is the judicial branch. It quietly goes about its business of trying cases in court, rendering judgments, and dispensing justice. The court system absorbs less than 1 percent of our state's budget. During most of our state's history, the judicial system was a *hodgepodge* (confused mixture) of courts created by the General Assembly to meet special needs or to satisfy a particular county. In the past forty years, however, a unified court system has been developed. The new system is administered by the chief justice of the South Carolina Supreme Court, making our justice system much more uniform all over the state.

The Lower Tier of Courts

Most court activity is in the lowest courts, the Magistrate, Municipal, and Probate Courts. The **Magistrate Courts** (the lowest level of county courts) handle over half of all the cases in the state. Approximately 319 magistrates



are theoretically appointed for four-year terms by the governor, with the advice and consent of the Senate. In reality, the senator selects the magistrates within his or her district and the governor then appoints those persons. Magistrates do not have to be lawyers, and few are; but they must have a college degree and go through special training. Most of the cases concern traffic violations, but the magistrates can try minor criminal and civil cases. An example of a civil case would be this: a dog tore up a neighbor's flower bed and the neighbor wanted \$200 to repair the damage.

Magistrates perform another important task in the criminal justice system. A person accused of a serious crime will be brought before a magistrate for a preliminary hearing. The magistrate will decide whether there is **probable cause** (a reasonable expectation that evidence will be found) to justify sending the accused before a grand jury, which will determine whether the person should go to trial. If so, the magistrate will set the amount of **bail** (money deposited with the court by the accused to guarantee his or her appearance in court) required. Police also go to magistrates for search warrants and arrest warrants, authorizing them to arrest someone not caught in the act of a crime.

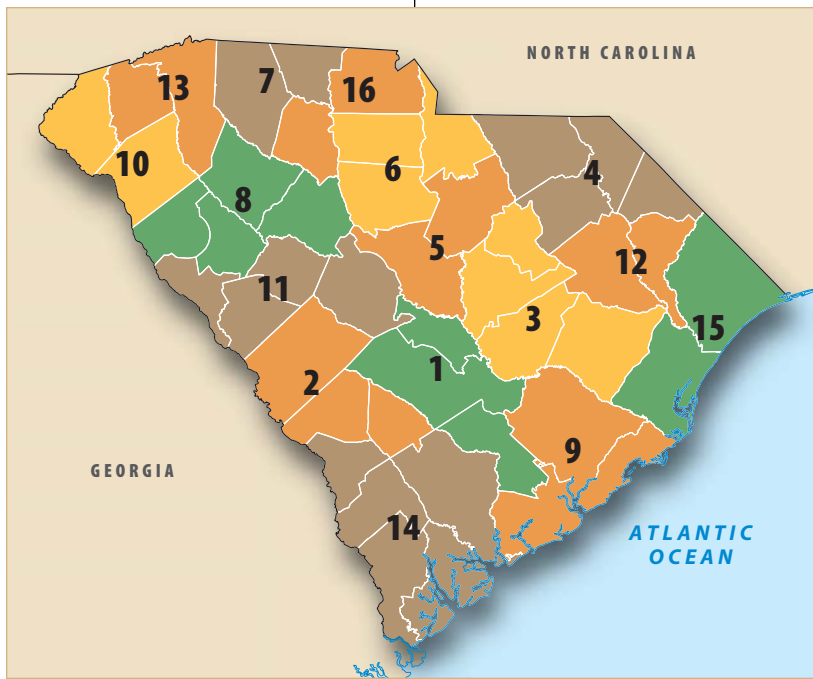
Municipal Courts are courts established by towns and cities. Municipal judges, elected by city councils, deal with cases similar to the Magistrate Courts, except they do not try civil cases. Like magistrates, these judges do not have to be lawyers.

Probate Courts are courts that deal primarily with wills and estates. Each county has a Probate Court, and the judge is elected by the people in the

Above: Lower-tier courts are often housed in the county courthouse. The Charleston County Courthouse is the oldest in the state. It was designed by James Hoban, who later designed the White House in Washington, DC.

DID YOU KNOW?

Probate judges are the only judges in South Carolina who are selected by popular election.



DID YOU KNOW?

The civil division of the Circuit Court is called the Court of Common Pleas. The criminal division is called the Court of General Sessions.

county for a four-year term. They do not have to be lawyers, but most are. Probate Courts see that the wills of deceased persons are carried out. They also act as guardians for persons incapable of handling their own affairs: the mentally incompetent, the chemically dependent, and

minors. Probate judges determine whether a person must be involuntarily committed to treatment for mental illness or substance addiction. Finally, they have the happier duty of issuing marriage licenses.

MAP 11

South Carolina's Sixteen Judicial Circuits

Map Skill: In which judicial circuit district are you located?

The Second Tier of Courts

Family Courts deal with divorce, child custody, visitation rights, alimony, property settlements, and termination of parental rights. They also have jurisdiction over juveniles accused of most crimes. There are over fifty Family Court judges elected by the General Assembly for six-year terms. They must be lawyers.

The **Circuit Court** is the court of general jurisdiction. It has charge of all cases except minor ones handled by the Magistrate and Municipal Courts and special-subject cases handled by Family and Probate Courts. The Circuit Court hears both criminal and civil cases.

Although it is primarily a trial court, the Circuit Court also hears appeals from the Magistrate, Municipal, and Probate Courts. The state is divided into sixteen circuits. Each circuit must have at least one resident judge, but the judges rotate around the circuits on a schedule arranged by the Office of Court Administration. The circuit judges are elected by the General Assembly for six-year terms. They must be lawyers.

The twenty-one **masters-in-equity** in the state serve as an extension of the Circuit Court. They are appointed by the governor with the advice and consent of the General Assembly for four-year terms. The cases referred by the Circuit Court to the masters usually involve property. The master tries to determine what is equitable or fair for all sides in a property dispute. Masters also conduct sales of land on which the owners have failed to pay taxes.



The Third Tier of Courts: The Court of Appeals

Until the 1980s, the only appeals court in the state was the South Carolina Supreme Court. At that time, a new intermediate appeals court was established to relieve the Supreme Court of some of its caseload. The South Carolina **Court of Appeals** does not try cases but hears appeals from the decisions of the Circuit and Family Courts. If one side in a case thinks it was not treated fairly in the lower court, it can **appeal** the case (take it to a higher court for rehearing) to the Court of Appeals. This court has nine judges elected by the General Assembly for six-year terms.

The Top Tier of Courts: The Supreme Court

The **Supreme Court** is the highest appeals court in the state. Almost certainly its word is final on a legal issue. Despite the Court of Appeals taking much of its workload, the high court still hears many complex cases. It also supervises the admission of new attorneys to the practice of law, sets standards of ethical conduct for the profession, and disciplines lawyers and judges who engage in unethical behavior.

The Supreme Court is composed of a chief justice and four associate justices. They are elected for ten-year terms by the General Assembly and are

Above: The South Carolina Court of Appeals is housed in the John C. Calhoun State Office Building adjacent to the State House.



DID YOU KNOW?

Until 1971, the South Carolina Supreme Court operated in a portion of the State House. In that year, the old Columbia Post Office, which had been purchased by the state in 1966, was re-opened as the Supreme Court Building (above).

eligible for reelection an unlimited number of times. In practice, reelection is highly likely and justices usually serve until they choose to retire.

Judicial Independence

Although the Supreme Court is appointed and funded by the General Assembly, it has a fair degree of independence. Before the 1970s, the independence of courts in South Carolina was questionable, with judges being so closely tied to the legislature. Almost all judges were elected directly *from* the General Assembly *by* the General Assembly. After the constitutional reforms of the 1970s, candidates for a judgeship must be investigated by the Judicial Merit Screening Commission to determine whether they would be good judges. The General Assembly almost always elects a judge from the Screening Commission's three top candidates. This is a vast improvement in the selection process and contributes to a growing independence of the judiciary.

DO YOU REMEMBER?

1. Define in sentence form: conference committee, patronage, probable cause.
2. Generally speaking, what is the role of the governor in South Carolina?
3. What are the duties of the South Carolina Supreme Court?



Where Does the Authority to Govern Come From?

Have you ever thought much about where the authority to rule comes from? How do some people get the privilege to govern other people—to make laws everyone must obey or risk punishment? How are some people authorized to collect taxes from all the people to pay for law enforcement, for schools, and for roads?

Possible Sources of Authority

At about the time Europeans were beginning to settle South Carolina in the 1670s, some thoughtful Europeans were considering those questions very seriously. Some students of *politics* (the art of government) decided that the authority to rule came from God and was given to kings. Others argued that authority simply came from power. Whoever was the strongest and most ruthless could rule. A few thinkers were beginning to claim that the authority to govern comes from the people themselves. The people, they argued, must give the government the authority and power to govern. Without the consent of the people, the government has no legitimate authority. In trying to understand how our state government works today, it is helpful to take a look at the concept of democracy.

The Concept of Democracy

The idea that the power to govern comes from the people was not exactly new when English colonists in America were trying to make it a reality. The ancient Greeks had experimented with the idea briefly about 2,000 years earlier and called it *democracy*, which means

rule by the people, either by voting directly on issues, or voting indirectly through elected representatives. Democratic government is not easily described and takes many forms. It typically evolves over a long period of time and varies with each country or region where it is tried. Democratic governments share certain ideals, which include

- freedom for individuals to speak, publish, worship, and organize groups to promote their interests;
- respect for rights of others who have equal freedom (your freedom has limits because of the freedom of others);
- equality before the law (no person or group has special rights because of birth or wealth);
- trial by jury;
- majority rule with protection of minority rights, usually with a written constitution;
- elections to decide issues or to elect representatives who decide issues and govern;
- the right of adult citizens to vote; and
- the responsibility of all citizens to participate and help democracy work.

Democracy as practiced in South Carolina is not perfect. It is not perfect anywhere it has been tried. Winston Churchill, prime minister of Britain during World War II, is quoted as saying: “It has been said that democracy is the worst form of government—except for all the others that have been tried from time to time.” One of the best things about a democracy is that we are free to express whether we think the government is working well for us. If it is not, we try to change it. That is what democracy is all about!

Local Government and You, the Citizen

Below: The Williamsburg County Courthouse in Kingstree was designed by South Carolina's most famous architect, Robert Mills. Kingstree got its name from a tall, straight pine tree near the Scots-Irish settlers' first dwellings. Such trees were marked as "king's trees," to be saved for use as ship masts by the royal navy.

AS YOU READ, LOOK FOR

- the divisions of local governments;
- the roles of political parties, special interest groups, and lobbyists;
- your rights and responsibilities as a citizen;
- terms: **incorporated, municipality, political party, special interest group, lobbyist, United States Constitution, Bill of Rights.**



Probably the level of government that affects people most in their daily lives is local government. Local governments provide police and fire protection, schools, libraries, parks, a pure water supply, sewer services, and garbage and trash collection. They also provide many roads and they issue licenses for businesses. They plan for community growth and set up zoning regulations to keep growth from being too haphazard. They provide building inspection to ensure that houses, offices, stores, and schools are safely constructed.

Types of Local Government

There are over 800 local governments in South Carolina. These include 46 counties, 269 towns and cities, 85 school districts, and 498 special purpose districts. These forms of local government have overlapping authority, of course. Almost everyone lives within at least three or four of these governments: a county, a school district, perhaps a town or city, and a special purpose district that provides things like water, sewer, or fire protection.

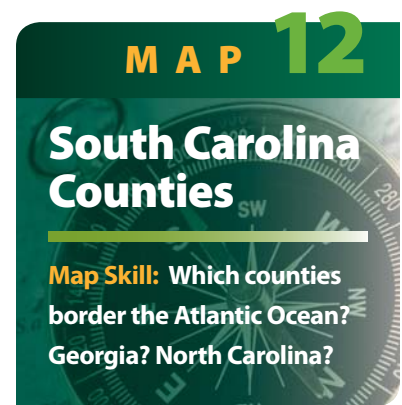


Counties

The state government created counties in 1868 as arms of the state. Counties assist in keeping records (births, marriages, deaths, property deeds, etc.); maintaining roads; enforcing the law; and operating courts. For over a century, the General Assembly firmly controlled the counties. In the 1970s, the General Assembly allowed more home rule, giving the counties more authority. Today, all forty-six counties elect county councils, which govern within limits set by the state legislature. Councils in larger counties tend to appoint professional administrators or managers to take care of the day-to-day running of county affairs.

Municipalities

Our 269 towns and cities in South Carolina were **incorporated** (recognized by the state as a legal governing body) to provide services more adequately for the residents of that area. The state government granted





Above: The city of Newberry, the county seat of Newberry County, was founded in 1789. Newberry has a city manager-council form of government.

incorporation at the request of the citizens. Most of these **municipalities** (cities, towns, and villages) are governed by councils with a mayor. The power of the mayor varies from town to town. Many larger cities have city managers, appointed by the council, to run the city on a full-time basis.

School Districts

School districts provide administrative support for schools in the area. Typically, districts will have an elected school board, which hires the superintendent. The superintendent will oversee the building and maintenance of schools, select principals and staff, and recommend budget and instructional priorities to the board. School districts are good examples of overlap and shared responsibility among the various levels of government. The state government has a great responsibility in this area as well; it spends nearly half its yearly budget on education. In recent decades, the federal government has become increasingly active in providing funds to assist with education at the local level.

Special Purpose Districts

The 498 special purpose governments were set up by the legislature to meet specific needs in local communities. School districts are actually one form of special purpose government, but they are unique because every citizen in the state is included in a school district. Other special purpose

districts provide services that counties were not authorized to provide in the past. These services usually include one, or possibly two, of the following: sanitation, fire protection, conservation, water, natural gas, airports, or emergency services. Boards or commissioners for each of the districts are appointed, not elected, and have a great deal of independence.

This tangle of overlapping levels of government might not be as efficient or as easy to understand as we would wish. However, these governments represent the efforts of citizens to provide services that would be difficult or impossible for each individual to provide. Imagine citizens trying to provide for themselves roads, schools, parks, and playgrounds; police and fire protection; defense against foreign invasion; and regulation of pollution. It would be impossible. Government is the human invention to meet those needs for all.



Above: Large cities usually have their own fire departments. The Charleston Fire Department consists of nineteen companies.

Left: The sheriff's department provides law enforcement for a county. These patrol cars are parked in front of the Barnwell County Courthouse in Barnwell.



Politics and Political Parties

The structure of governments in South Carolina is like the structure of a building. The structure does no work. It is the *people*—the political party members and the elected or appointed politicians—who do the work. These people and organizations are the human factor. No matter how close to perfection a government structure might be, it will be run by imperfect human beings. Some politicians will be able, conscientious, and hard working. Some will be less competent and less diligent. Some will be committed to serving the public interest; some will seek to serve their own interests. It is the responsibility of citizens to select the good and reject the bad.

Political Parties in South Carolina

A **political party** is a group of people with similar ideas on how government should be run and which services it should provide. Being organized helps parties gain power by winning elections. For about a hundred years after the end of Reconstruction in 1877, South Carolina, like most southern states, was a one-party state—a Democratic state. The Republican Party was unpopular in the South—being labeled as a northern party, the party of Abraham Lincoln. That one-party status began to change in the 1960s as the national Democratic Party adopted the cause of civil rights for African American citizens. Also, many white South Carolinians began to adopt the property-rights and business-oriented ideas of the Republican Party.



In the 1980s and 1990s, the parties were fairly balanced in South Carolina, with two Democratic governors, two Republican governors, and the legislature increasingly Republican. In the twenty-first century, the balance has swung toward the Republican Party. It controls both the General Assembly and the governor's office. Many observers believe we have become a one-party state again, this time Republican.

Special Interest Groups and Lobbyists

Elected government officials are supposed to represent the interest of all the people of the state—the public interest. Determining exactly what is in the best interest of the public is not always easy. Many special interest groups have arisen that try to convince legislators that what is good for their group is good for all the people. A **special interest group** is a group concerned with one particular set of issues. These organizations are usually formed by economic interests, such as the South Carolina Education Association (representing teachers) and the South Carolina Manufacturers Alliance. Other associations might represent the interests of electric utilities, insurance, or waste management.

These special interest organizations hire **lobbyists** (people whose job is to try to influence legislators to vote for bills that would benefit the organizations they represent and to vote against bills that might harm them). Lobbyists try to develop friendly and trusting relationships with officials, and they provide information that supports their arguments. In the past, lobbyists went much further than mere persuasion; they showered officials with gifts, expensive meals, vacations, and campaign contributions. In effect, they tried to buy the officials' votes. Such corruption was largely eliminated by ethics legislation adopted in 1991, after a scandal rocked the political landscape of the state.

There are also nonbusiness lobbying groups that try to influence legislators to vote in what they consider the broader public good. A few of these are the League of Women Voters; the National Association for the Advancement of Colored People (NAACP); the AARP, formerly known as the American Association of Retired People; and S. C. Citizens for Life. These groups are not usually as well funded or as influential as the economic interest lobbyists. They depend much more on citizen participation—sometimes organizing marches and rallies to support their cause. They are examples of citizen involvement in public affairs.

DID YOU KNOW?

Lobbyists get their name from their habit of waiting in the lobby of a capitol building to talk with legislators.



Above: Among the most powerful nonbusiness lobbying groups is the AARP, which represents the interests of people over fifty. One of the AARP's core issues is healthcare for the elderly.

Opposite page: The donkey symbol for the Democratic Party (above) and the elephant symbol for the Republican Party (below) originated in the political cartoons of Thomas Nast (top) in the late nineteenth century. Nast is also credited with the popular image of Santa Claus.

FIGURE 4

South Carolina Voter Qualifications

South Carolina state law requires that a person register in order to vote. Every person who meets the following qualifications can register to vote.

1. A person must be a citizen of the United States.
2. A person must be at least eighteen years old on or before the next election.
3. A person must be a resident of South Carolina and of a county and voting precinct.
4. A person must not be mentally incompetent or have been convicted of a felony.



Above: Voting is one of the most important rights and responsibilities for citizens in a democracy.

You as a Citizen

Because you were born human, you automatically possess certain rights. This belief is fundamental within American political philosophy. “Among these [rights],” says Thomas Jefferson in the Declaration of Independence, “are life, liberty, and the pursuit of happiness.” The **United States Constitution** (the plan of government for the United States, written in 1787) established a government that would defend those rights while maintaining law and order and the defense of the nation. Notice that the Constitution did not *give* the rights to you; you were *born* with them.

Though you are young, you are a citizen of South Carolina and the United States, if you were born in this country. That means you already have many rights guaranteed to you as a citizen. These rights include freedom of speech and assembly, freedom of religion (or freedom from religion), freedom from unreasonable search and seizure of possessions, and the right to privacy. Some rights (like voting and making binding contracts) are reserved for those who are considered by law to be adults.

Rights and freedoms are not absolute. Freedom of speech doesn’t allow a person to shout down the preacher in a church or drown out the teacher in the classroom. The fact that other people have rights equal to yours places some limits on your rights. You have the right to liberty, but those who commit criminal acts can lose that liberty. Rights are precious and they are guaranteed, but only to those who play by the rules.

Many of the *rights* we enjoy are listed in the U.S. Constitution, particularly in the first ten amendments, called the **Bill of Rights**. There is no similar list of *responsibilities* in the Constitution; but citizens have many implied responsibilities. We must obey the law and be loyal to the United States. We have the responsibility, when adults, to vote, to serve on juries, and to

serve in the armed services or an acceptable alternative service if called upon. We must tell the truth under oath and comply with contracts we sign. We also have the responsibility to pay taxes for the services government provides. Taxes are unpopular with many people. On the other hand, some citizens like paying taxes. Justice Oliver Wendell Holmes Jr. once said, “Taxes are the price we pay for a civilized society.”

Even at your age, there are ways to exercise responsibility as a citizen. You cannot vote but you can encourage others to vote. You can work in the campaign of a candidate you like, or join others in a “clean-up-the-neighborhood” crusade or a community recycling effort.

School is a good place to learn citizenship skills. Run for a class office or help someone else run. Think of ways the school might be improved; then work with students and teachers to make change happen. One of the things Americans are noted for is the ability to see a problem and form a volunteer group to find and implement a solution.

We can easily be proud of our state and our country. It might be a bit harder to accept responsibility for them. During the shadows of World War II, Woody Guthrie wrote a song that expressed both that pride and a sense of ownership and responsibility. You probably know the song:

*This land is your land, this land is my land
From California to the New York Island
From the Redwood Forest to the Gulf Stream waters
This land was made for you and me.*

DO YOU REMEMBER?

1. Define in sentence form: municipality, political party, Bill of Rights.
2. What are some of the functions of counties in South Carolina?
3. What responsibilities do we have as U.S. citizens?



Above: The rights of assembly and free speech are critical in a democratic society. Here, members of the “Occupy” movement, which arose in 2011 to protest income inequality, rally in front of the State House in Columbia.

DID YOU KNOW?

Woody Guthrie’s “This Land Is Your Land” has been adapted for use in many other countries, including Canada, the United Kingdom (Britain), Ireland, Belgium, and Israel.



Of SPECIAL INTEREST

Women Trailblazers in South Carolina Government by Meribeth Walton Moore

Nikki Haley, the state's first female governor, was elected in 2010 after serving four years in the state House of Representatives. She stands on the strong shoulders of many women, both white and black, who were pioneers in their roles in elected state government. As you will learn in upcoming chapters, white males ran the state's government until Reconstruction. The years 1865-1877 offered many opportunities in state government for African American men. Let's see how long it took before women were elected to higher political offices.

In 1918, women were permitted to practice law in South Carolina. The state's first female lawyer was James (yes, that is right) M. "Miss Jim" Perry.

In 1922, forty-five years after Reconstruction, Kate Vixon Wofford was the first woman elected to office in South Carolina. Ms. Wofford was elected superintendent of education in Laurens County.

Six years later in 1928, fifty years after Reconstruction, Mary Gordon Ellis was the first woman to be elected a state senator. Senator Ellis had been superintendent of the Jasper County Schools and represented the county for six years in the South Carolina Senate. The legislation she supported helped improve the lives of women and



Above: This portrait of Mary Gordon Ellis, South Carolina's first female state senator, hangs in the South Carolina Senate chamber. **Opposite page, above:** Jean Hoefer Toal was the first women elected to the South Carolina Supreme Court. She became chief justice in 2000. **Opposite page, below:** Margaret B. Seymour is chief judge of the U.S. District Court of South Carolina.

African Americans. A portrait of Ms. Ellis hangs in the Senate chamber of the South Carolina State House.

Ten years later, in 1938, Elizabeth Gasque Van Exem became the first South Carolina woman in the U.S. Congress when she was elected to fill the unexpired term of her deceased husband in South Carolina's Sixth Congressional District. She had received 5,200 votes to her opponent's 225 votes in a special election.

Nearly seventy-five years after Reconstruction, Martha Thomas Fitzgerald, a Cherokee County native, became the first woman elected in a general election to the South Carolina House of Representatives in 1950. Representative Fitzgerald was a strong advocate for a woman's right to serve on juries. That right, however, was not granted until 1967.

Juanita Willmon Goggins, a native of Pendleton and elected from York County, was the first African American woman to be elected to the South Carolina House of Representatives. Goggins, the daughter of a sharecropper, had been educated in a segregated wooden schoolhouse in Anderson County and earned her master's degree from South Carolina State College.

It was 101 years after Reconstruction that the first woman won a statewide office. Nancy Stevenson was elected in 1978 as lieutenant governor of South Carolina and served until 1983. From 1975 until 1978, Representative Stevenson had served in the South Carolina House representing Charleston. She also wrote three novels with Patricia Robinson under the pen name Margaret Duval.



In 1983, Judy C. Bridges McMahon, a former Municipal Court judge in Charleston, became the first woman elected to a state judgeship by the South Carolina General Assembly. Her territory was the Ninth Judicial Circuit in South Carolina.

Though not born in the state, Margaret B. Seymour served as assistant U.S. attorney for the District of South Carolina and was the first African American female appointed to the U.S. District Court of South Carolina (1998), where she is now chief judge.

Jean Hoefer Toal was born in Columbia in 1943 and studied law at the University of South Carolina. In 1988, after serving thirteen years in the South Carolina House of Representatives, she became the first woman elected to the South Carolina Supreme Court. Twelve years later, Justice Toal became its chief justice. In 2004, Justice Toal was reelected to a second term.

The South Carolina women who now serve in government have learned a great deal from the women who were elected before them. In 2012, 21 women were elected to the state House and 1 to the state Senate. There are a total of 170 seats in the Gen-

eral Assembly, and the 22 women represented less than 13 percent of our elected lawmakers. (Females made up 51.4 percent of the state's population.) Only one state has a smaller percentage of women serving in the legislature than South Carolina. The state would benefit by using more fully the talents of all segments of our population.



Chapter Summary

Like the government of the United States of America and other states, the government of South Carolina has three branches: legislative, executive, and judicial. The legislative branch, known as the General Assembly in South Carolina, is the lawmaking body of the state, while the executive branch carries out the laws passed by the General Assembly. The judicial branch, composed of a variety of courts, tries cases, renders judgments, and dispenses justice. It makes sure that the laws passed are legal and strikes them down when they are not.

There are a number of local forms of government in South Carolina, which can overlap each other. Just as the state government can raise revenue to operate the government, so can the local governments. Taxation is one of the powers that county governments have because that is the most common method of raising revenue for government operations. Voting is one of the most important responsibilities that a citizen has. Exercising the right to vote can make citizens “change agents” for their state.

Activities for Learning

Reviewing People, Places, and Things

Define each of the following in a complete sentence.

1. General Assembly
2. revenue
3. filibuster
4. president pro tempore
5. patronage
6. probable cause
7. bail

8. incorporated
9. special interest group
10. lobbyists

Understanding the Facts

1. How does the state of South Carolina raise revenue to operate the state’s government?
2. What age requirement does a person have to meet in order to be elected to the South Carolina House of Representatives?
3. How does appointment of legislative committee members differ in the House and the Senate in South Carolina?
4. Which senator has the most power in the South Carolina Senate?
5. Who serves as the presiding officer of the South Carolina Senate?
6. What is the purpose of the Legislative Audit Council in South Carolina?
7. Who is the head of the executive branch of government in South Carolina?
8. What are three formal powers of the governor of South Carolina?
9. Which of the lower-tier judges in South Carolina do not have to be lawyers?
10. What are the four forms of local government in South Carolina?

Developing Critical Thinking Skills

1. How do you, as a citizen of the United States and of South Carolina, know what your rights and responsibilities are?

2. How did the creation of the Judicial Merit Screening Commission contribute to growing independence of the judicial branch of South Carolina's government?
3. Why is voting not just a responsibility but also a privilege?

Writing across the Curriculum

1. You are a member of the General Assembly in South Carolina and want to get a law passed to bring in more revenue for the state. Tell who you are and explain the process your bill must go through in order to become law.
2. Decide which right you have as a citizen that you consider your most important right and explain why.

Exploring Technology

1. Go to the website www.scstatehouse.gov/howdoi.php and click the "Find Your Legislators" link to start the process of finding who represents you in the state and federal governments. From the information you find, list your two U.S. senators, your U.S. congressperson, your state senator, and your state representative.
2. Go to the website www.supremecourt.gov/about/members.aspx and list each of the current U.S. Supreme Court justices and which president appointed each one.

Applying Your Skills

1. Using the information you found for question #1 under Exploring Technology, write a letter to your state senator asking him or her to support a bill that you feel is important for protecting the forest lands of the state of South Carolina.
2. Chart the similarities between the Bill of Rights to the United States Constitution and Article 1 of the South Carolina Constitution.

Building Skills: Finding the Main Idea

Identifying the main idea of a paragraph is an important organizational tool you can use as you try to remember what you have read. Many times the main idea is stated in the first sentence of a paragraph, but it will also appear as the second or third sentence at times. The rest of the sentences in the paragraph provide supporting information or details about the main idea.

The main idea of the following paragraph is the first sentence. The remaining sentences provide supporting details for that sentence.

The long evolution over nearly three-and-a-half centuries that we will observe in the chapters to come has produced a government that has legitimacy in the eyes of its citizens. It is viewed as reasonably representative of the 4.6 million people it serves. The form of South Carolina's government shares a lot in common with that of other states and the nation. It has three main branches with some built-in checks and balances. Newcomers to South Carolina from other states will be familiar with most of the forms, procedures, and services of our government.

Now it's your time to find the main idea of a paragraph. Read the paragraph titled "The Concept of Democracy" under the special feature "Where Does the Authority to Govern Come From?" Answer the questions below.

1. What is the main idea of the paragraph?
2. Which sentence states the main idea in this paragraph?
3. Which sentences provide supporting details?