

UNIT 1

What Is Civics?

Civics addresses both citizenship and **government** (the organization that has the authority to make and enforce laws). The study of civics is intended to prepare students to become informed, active, and effective citizens who understand their rights and actively participate in government and society.

To this end, students must be able to research issues, form reasoned opinions, support their positions, and engage in the political process. Students must also exercise tolerance and empathy, respect the rights of others, and share a concern for the common good while acting responsibly with the interests of the larger community in mind.

While studying Unit 1, you will

- learn and practice skills to enable you to become an involved citizen.
- develop a global awareness and examine the principles and structure of various world governments.
- examine the principles and structure of representative democracy, including separation of powers and rule of law.
- examine the principles of our country's foundational documents, including the U.S. Constitution.
- explain the origin, function, and structure of government with reference to the U.S. Constitution.
- recognize the need for authority, government, and the rights and responsibilities of citizens.

As you study the two chapters in this unit, more specific objectives will provide you with opportunities to develop and practice these civics concepts.





The word *democracy* comes from the Greek words *demos* (people) and *kratein* (to rule). Many of the ideas found in the Constitution of the United States came from the ancient democratic governments of Greece and Rome. The government of the United States is actually a **representative democracy**, where individual citizens elect people to serve, vote, and make decisions for them.

CO
Declaration of the thirteen united States of America

JULY 4, 1776

...necessary for one people to dissolve the political bands which have con-
...with them, a decent respect to the opi-
...usual.

PEOPLE of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do hereby adopt this Constitution for the United States of America.

...which shall consist of a Senate and House
...by the People of the several States, and the Electors
...and been seven Years a Citizen of the United States,
...ad within this Union, according to her restriction

Section 1. In
Years, and together
Each St
and P

Top: Aerial view of Pennsylvania Avenue with federal buildings including the U.S. Archives Building, Department of Justice, and U.S. Capitol. **Background:** The U.S. Constitution with the Bill of Rights and Declaration of Independence on an American flag.



SIGNS of the TIMES

GEOGRAPHY

Before 1791, the federal government met in eight different cities, including Philadelphia, Baltimore, Lancaster, York, Princeton, Annapolis, Trenton, and New York City. Although the federal government had no permanent home, the Residence Act of 1790 provided that a seat of government, not to exceed 10 square miles, be created from land donated by the states. Maryland and Virginia both donated land for this purpose. George Washington then selected land donated by Maryland to create the District of Columbia.

ECONOMICS

The salary of the president in 2018 was \$400,000. The salary of the vice president was \$243,500. The salary of a member of Congress was \$174,000. The federal budget proposed by President Donald Trump for Fiscal Year (FY) 2018 was \$4.1 trillion, and the proposed budget for FY 2019 is \$4.4 trillion.

CITIZENSHIP/GOVERNMENT

Inventors may register their inventions with the U.S. Patent and Trademark Office. A patent gives its holder “the right to exclude others from making, using, offering for sale, or selling” the invention in the United States or “importing” the invention into the United States.

HISTORY

The United States Capitol, built between 1793 and 1830, is a neoclassical style that resembles the Roman Pantheon with a circular domed rotunda. Alexander Hamilton, James Madison, and John Jay wrote a series of articles in New York newspapers to convince New York voters to ratify the U.S. Constitution. Those articles were called the Federalist Papers.



Analyzing Photographs

DEFINING THE SKILL

Have you ever heard the expression, “A picture is worth a thousand words”? Pictures can add meaning to written text. Pictures help poorer readers with comprehension while they serve to enrich the meaning of printed words for good readers. Yet, some students look at pictures in textbooks passively, if at all. The following suggestions will help you examine photographs effectively.

When you look at a photograph, answer the following questions.

1. Who or what is depicted in the photo?
2. When was the photo taken?
3. Where was the photo taken?
4. Is the photo a candid shot or was it staged?
5. Why do you think the photographer emphasized certain features?
6. What might have happened right before or right after the photo was taken?

PRACTICING THE SKILL

Look at the photograph on page 25. Answer the questions that follow on a separate sheet of paper.

1. Who or what is depicted in the photo?
2. What period of time is represented in the photo?
3. What location might the photo represent?
4. What features did the photographer emphasize?



SECTION 1

Government and the People

As you read, look for

- five principles of government;
- the type of government found in the United States;
- the difference between natural and naturalized citizens;
- rights guaranteed to citizens in the United States Constitution;
- the responsibilities of citizenship;
- terms: **sovereignty, republic, constitution, separation of powers, checks and balances, federalism, citizen, naturalization, Bill of Rights, due process, jury, special interest group, political action committee, lobbyist.**

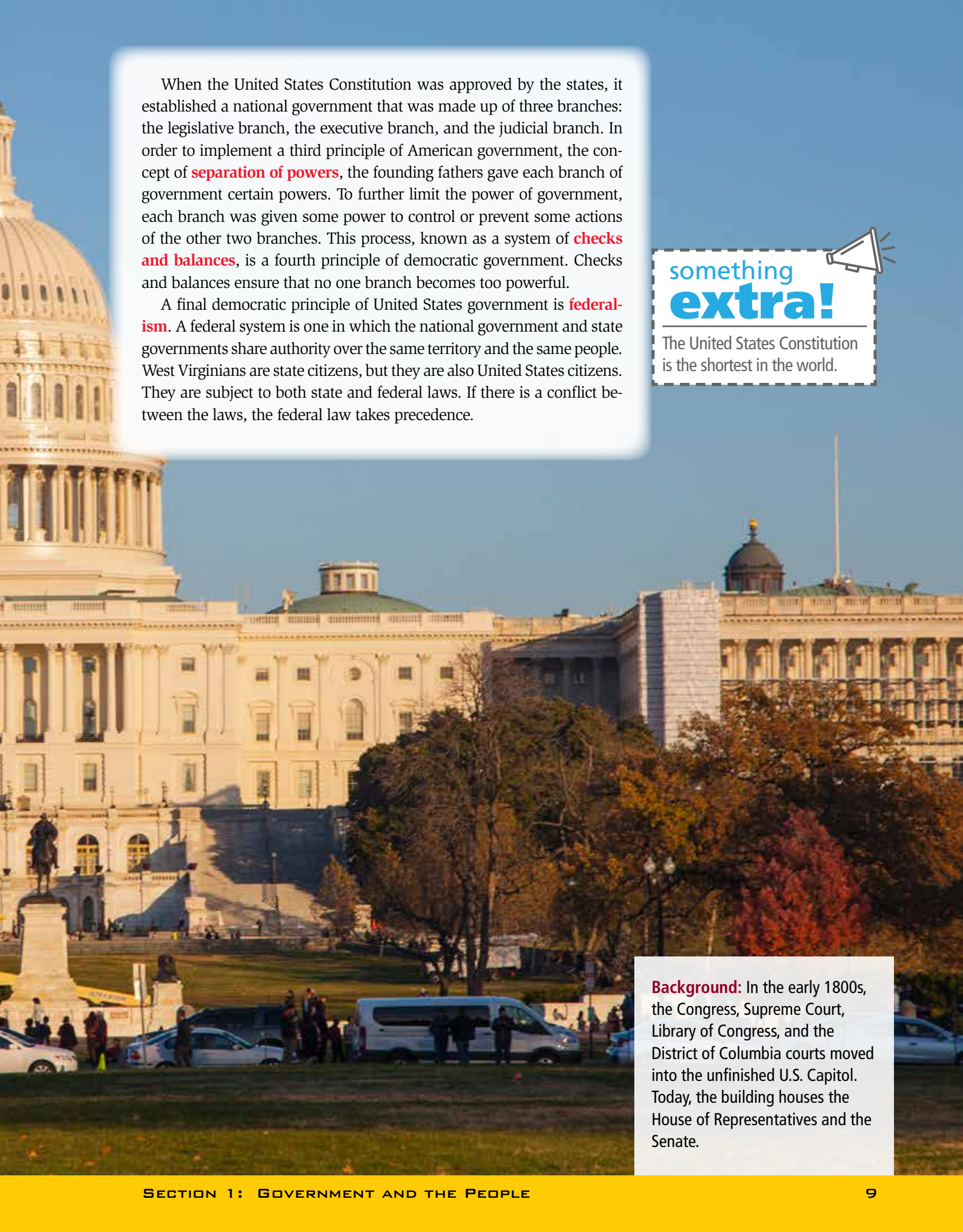
In the Gettysburg Address, President Abraham Lincoln referred to our “government of the people, by the people, for the people.” But what does that mean?

Principles of Democratic Government

The government of the United States is based on five principles. One principle, **sovereignty**, focuses on the idea of supreme power or source of authority. In our government, power rests with the citizens. The people of the United States are sovereign, and the power to govern comes from the people. This type of government is known as a **republic**.

In a direct democracy, each individual is directly involved in making decisions about what the government should and should not do. That idea, taken from ancient civilizations, seemed impractical to our founding fathers, so they made our government a representative democracy in which the citizens elect or appoint others to represent them in making decisions about what the government should do. The electorate (voters) choose the individuals who will serve in the government and represent the people.

A second basic principle of American government is limited government. The representatives selected by the voters cannot just make up laws or rules as they see fit. They are bound by the federal and state **constitutions**, which describe the rights of the people and the framework of the government.



When the United States Constitution was approved by the states, it established a national government that was made up of three branches: the legislative branch, the executive branch, and the judicial branch. In order to implement a third principle of American government, the concept of **separation of powers**, the founding fathers gave each branch of government certain powers. To further limit the power of government, each branch was given some power to control or prevent some actions of the other two branches. This process, known as a system of **checks and balances**, is a fourth principle of democratic government. Checks and balances ensure that no one branch becomes too powerful.

A final democratic principle of United States government is **federalism**. A federal system is one in which the national government and state governments share authority over the same territory and the same people. West Virginians are state citizens, but they are also United States citizens. They are subject to both state and federal laws. If there is a conflict between the laws, the federal law takes precedence.



something
extra!

The United States Constitution is the shortest in the world.

Background: In the early 1800s, the Congress, Supreme Court, Library of Congress, and the District of Columbia courts moved into the unfinished U.S. Capitol. Today, the building houses the House of Representatives and the Senate.

something extra!



In September 1789, Congress submitted to the states twelve proposed amendments to the new U.S. Constitution. The states did not adopt the first two amendments, but amendments 3-12 were accepted. These first ten amendments are known as the Bill of Rights.

Citizenship

Citizens, both those born in the United States (natural) and those who have come from a foreign country and gone through a legal process (naturalized), owe allegiance to their government and are entitled to its protection. A child born in the United States or born to U.S. citizens who are living in another country is automatically a United States citizen. For example, a child born to parents serving in the military in Germany is a United States citizen.


Persons from other countries (called *aliens*) can become U.S. citizens through a process called **naturalization**. To become a naturalized citizen, a person must renounce allegiance (loyalty) to her or his home country, pledge allegiance to the United States, learn to speak English, reside in this country for five years, and pass an examination. A naturalized citizen has the same rights and privileges of any American citizen. Any person who is a citizen of the United States is also a citizen of the state in which he or she lives.

Guaranteed Civil Rights

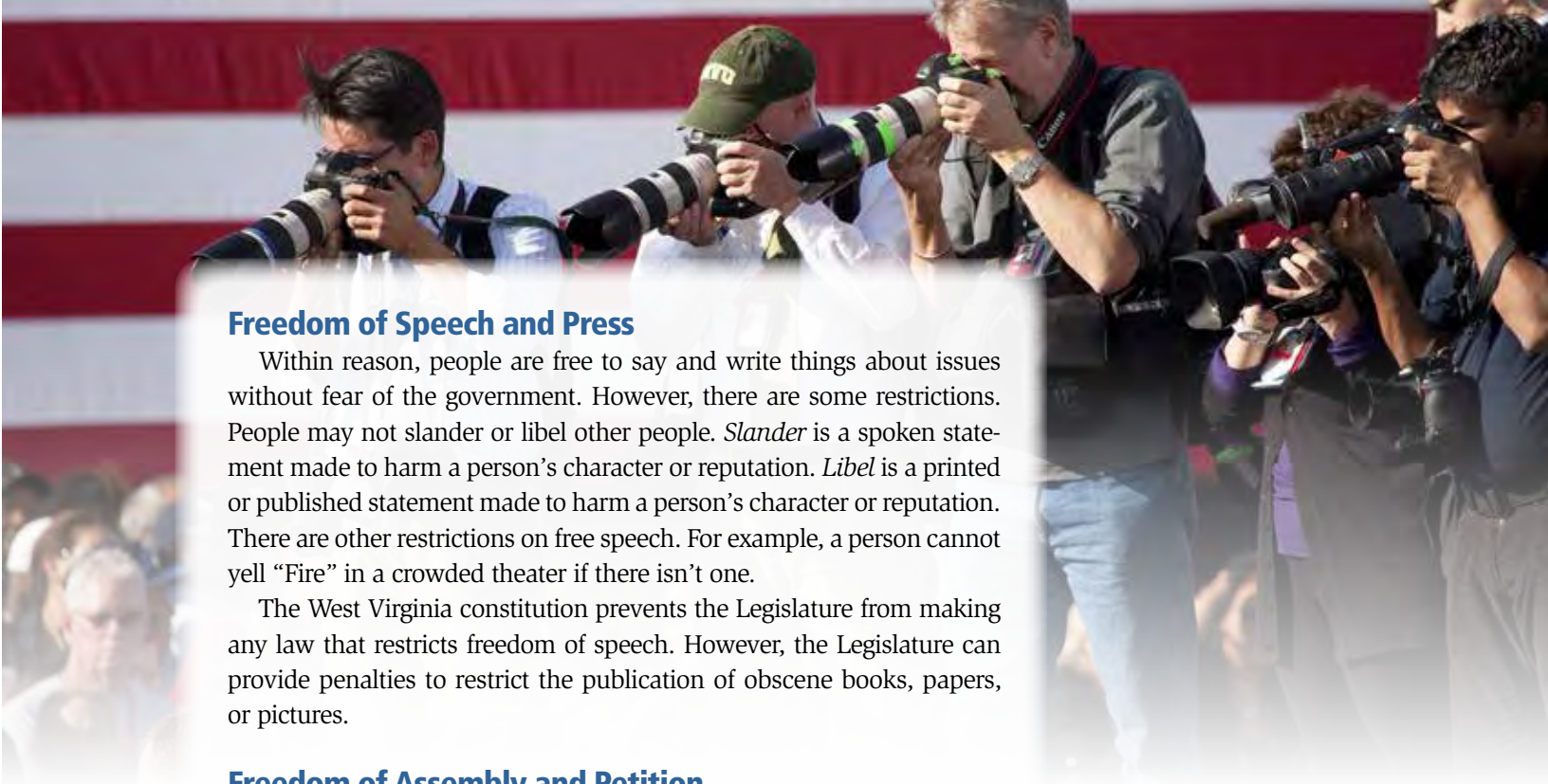
Citizens have a number of rights and privileges that are guaranteed through the U.S. Constitution and through each state constitution. Many of these rights are described in the **Bill of Rights** (the first ten amendments to the U.S. Constitution) and in Article III of the West Virginia constitution.

Freedom of Religion

In the United States, church (religion) and state (government) are separated. Neither the state nor the federal government can set up a church, aid one religion over another, or impose a tax to support a religion. The West Virginia constitution prohibits the Legislature from giving preference to any members of a particular religious group. Lawmakers cannot set aside tax money to build or repair any facility used for worship. A person may believe as he or she chooses in matters of religion as long as no law is violated.



Bottom: Large groups have the right to gather peacefully to voice their opinions.



Freedom of Speech and Press

Within reason, people are free to say and write things about issues without fear of the government. However, there are some restrictions. People may not slander or libel other people. *Slander* is a spoken statement made to harm a person's character or reputation. *Libel* is a printed or published statement made to harm a person's character or reputation. There are other restrictions on free speech. For example, a person cannot yell "Fire" in a crowded theater if there isn't one.

The West Virginia constitution prevents the Legislature from making any law that restricts freedom of speech. However, the Legislature can provide penalties to restrict the publication of obscene books, papers, or pictures.

Freedom of Assembly and Petition

Individuals have the right to gather (assemble) peacefully to discuss issues, to express their opinions, to march or demonstrate, and to petition (request in writing) that officials do (or not do) certain things. To ensure this takes place in an orderly fashion, many public demonstrations and marches can be held only if law enforcement officials issue a permit. Private property owners can allow peaceful activities on their property without a permit. Article III, Section 16, of the West Virginia constitution gives the people the right "to assemble in a peaceable manner, to consult for the common good, to instruct their representatives, or to apply for redress of grievances."



Top: The press documents events with photos as well as print.

The Right to Bear Arms

The U.S. Constitution protects the rights of the states to maintain and equip a militia. That does not mean that individuals are free to keep any kind of weapon they wish. Federal law does place restrictions on the sale and shipment of firearms.

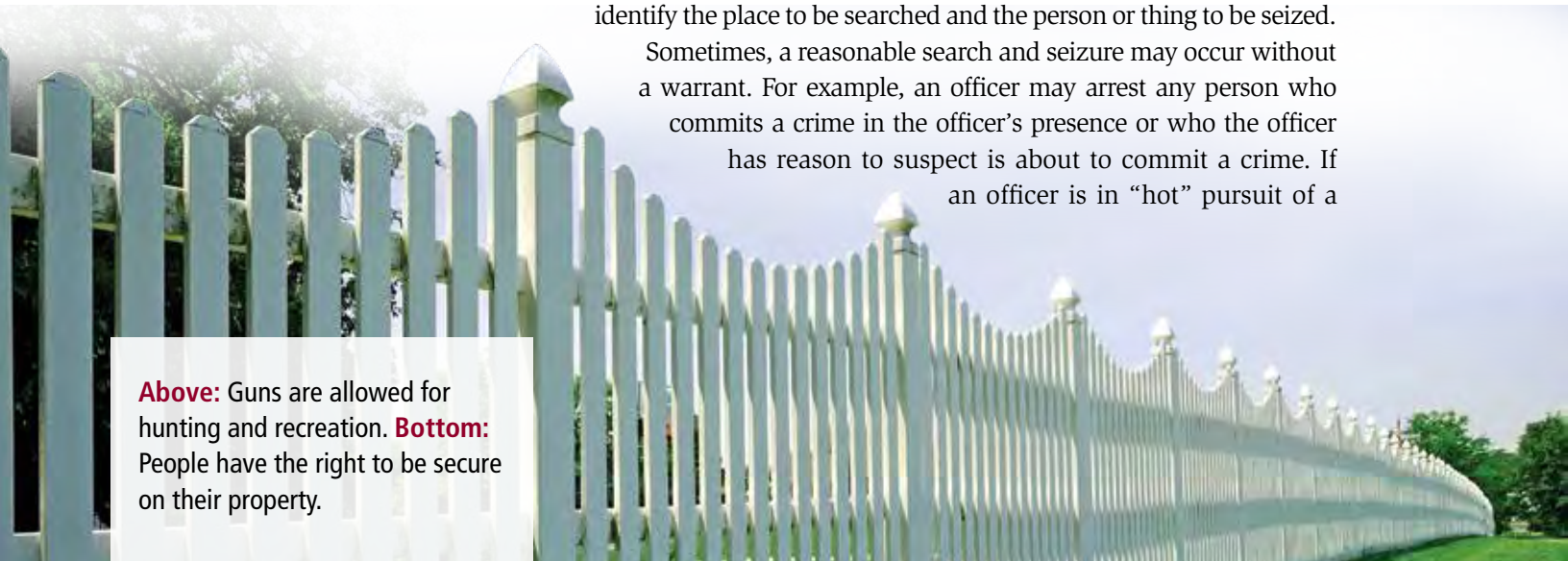


The state government also can and does regulate the use of firearms. For example, Article III, Section 22, of the West Virginia constitution states, “A person has the right to keep and bear arms for the defense of self, family, home, and state, and for lawful hunting and recreation use.” But in an effort to prevent guns from being brought into schools, the Legislature passed the Safe Schools Law in 1995. Under the terms of this act, anyone other than those in an official capacity who possesses a firearm on school grounds will be expelled. In addition, county school systems have a no-tolerance policy for bringing weapons to school.

Property Rights

People have the right to be secure in their homes. The government cannot search or seize a person’s home, person, papers, or goods without probable cause (good reason). If probable cause does exist, the law enforcement officer must first obtain a *search warrant*. A search warrant is a document that must be presented by a law enforcement officer before the officer can legally enter the premises. A search warrant must identify the place to be searched and the person or thing to be seized.

Sometimes, a reasonable search and seizure may occur without a warrant. For example, an officer may arrest any person who commits a crime in the officer’s presence or who the officer has reason to suspect is about to commit a crime. If an officer is in “hot” pursuit of a



Above: Guns are allowed for hunting and recreation. **Bottom:** People have the right to be secure on their property.



criminal in a vehicle, no search warrant is needed. There are times when private property can be taken by the government for public use. (This is called the power of *eminent domain*.) For example, the government may take property to build a new road or a school. But the government must pay for the property. Federal and state law requires that citizens receive a fair price for any property that is taken. If a fair price cannot be agreed upon, the issue may be settled in court.

Article III, Section 9, of the West Virginia constitution is like the provision in the Bill of Rights. More specifically, it states, “Private property shall not be taken or damaged for public use, without just compensation; nor shall the same be taken by any company, incorporated for the purposes of internal improvement, until just compensation shall have been paid, or secured to be paid, to the owner; and when private property shall be taken, or damaged for public use, or for the use of such corporation, the compensation to the owner shall be ascertained in such manner as may be prescribed by general law: Provided, That when required by either of the parties, such compensation shall be ascertained by an impartial jury of twelve freeholders.”

Rights of the Accused

The federal and state constitutions guarantee several rights for persons accused of crimes. According to law, a person is considered innocent until proven guilty.

Top: The government has the right to take property to build roads, but it must compensate for the property.



Writ of Habeas Corpus

A person cannot be held in custody indefinitely without being charged with a crime. A *writ of habeas corpus* is a court order requiring that a person being held be brought before the court to determine if he or she is being held lawfully. Habeas corpus cannot be suspended unless, during a rebellion or invasion, the public safety requires it.

Article III, Section 4, of the West Virginia constitution states that the writ of habeas corpus cannot be suspended at all. No person can be held for any crime unless he or she is indicted. An indictment is a listing of the formal charges against the accused person.

Right to a Fair Trial

No person can be deprived of life, liberty, or property without due process of law. **Due process** refers to the rules established by courts to protect a person's rights. Individuals accused of crimes have a right to be informed of the charges against them, a right to an attorney, a right to confront their accusers, and a right to a speedy and public trial by an impartial jury.

If an indictment has been issued, the accused will appear in court before a jury.

A **jury** is a group of citizens chosen to hear evidence in a legal case and to make a decision based on the evidence presented. Until the court date, a person can be released on bail (an amount of money deposited with the court to guarantee that the accused will appear in court). Federal and state laws require that bail be reasonable.



Top: Individuals accused of crimes have the right to a fair trial.

State and federal laws also protect the accused from self-incrimination. In other words, individuals being prosecuted cannot be forced to testify against themselves. The government cannot legally force or trick a confession out of a person and then use that confession as evidence in a court of law. If an accused person is found not guilty, the accused cannot be tried again for the same crime (called *double jeopardy*). If a jury cannot reach a decision (called a *hung jury*), another trial may be held.

Once a person is convicted, the punishment must fit the crime. Both the U.S. Constitution and the West Virginia constitution forbid excessive fines and “cruel and unusual punishment.” West Virginia does not permit the death penalty.

Responsibilities of Citizenship

Being a citizen of the United States and of the state of West Virginia carries with it certain responsibilities. Good citizens must vote, obey laws, serve on juries, pay taxes, stay informed, and get involved.

Voting

The men who wrote the United States Constitution were concerned about who should be allowed to have a voice in forming and maintaining the new government. As a result, they allowed only elite male landowners who were twenty-one years of age or older to vote and hold office. Through the years, however, more people have been given the privilege of actively participating in their government. The Fourteenth Amendment to the U.S. Constitution declares that “No state shall . . . deny to any person within its jurisdiction the equal protection of the laws.” At the time the amendment was passed, right after the Civil War, it was intended to prevent states from applying the law differently simply because of a person’s race.

The Twenty-sixth Amendment to the U.S. Constitution gives eighteen-year-old citizens the right to vote. A West Virginian, Senator Jennings Randolph, played an important part in passing that amendment. Randolph first introduced legislation in the U.S. House of Representatives to lower the voting age in 1942. On August 12, 1969, he introduced a proposed constitutional amendment in the U.S. Senate to change the voting age. At last the time was right. The Twenty-sixth Amendment was approved in 1971. Because of his untiring efforts, Randolph is called the “Father of the Twenty-sixth Amendment.”

something
extra!



The process of registering to vote provides election officials with a list or record of those persons who are legally entitled to vote in federal, state, county, and city elections.



Above: A West Virginian, Senator Jennings Randolph, helped pass the amendment that lowered the voting age to eighteen.

Registering to Vote

West Virginia law requires that a person register to vote. Citizens must register at least four weeks before an election in order to vote in that election.

There are a number of places to register. Citizens may register to vote in the office of the county clerk in the county courthouse. They may also register by mail. Legislation, referred to as the “motor voter law,” also allows citizens to register at a center that issues driver’s licenses. Voters may register at public assistance agencies, military recruiting offices, and agencies that serve people with disabilities. In an effort to register younger voters, representatives from the county clerk’s office often go into high schools to give students who are of age the opportunity to register.

Figure 1.1

Requirements for Voting in West Virginia

- United States citizen
- Resident of West Virginia and of the county and city or town in which the person is voting
- At least eighteen years of age or will be eighteen years of age before the next general election



Above: Citizens must register at least four weeks before an election in order to vote in that election.

- You will be out of your county during the two weeks before or on election day, or are away at college.
- Your work hours and distance restrict you from voting.
- You are too ill or disabled, confined to your home, hospital, nursing home, or other facility for medical reasons.
- You are living overseas, perhaps as a member of the military or a military dependent.
- You are in jail but have not been convicted of a felony, treason, or bribery.
- You maintain your voting residence in West Virginia but live elsewhere part of the year.

Figure 1.2

Requirements for an Absentee Ballot

Registered voters are assigned to certain *voting precincts*, which are subdivisions of a county or city set up for election purposes. Voters go to a designated polling place in the precinct to cast their ballots. If voters are unable to vote at their assigned precincts on election day, they may, under certain circumstances, vote by absentee ballot. Absentee ballots are mailed before the election to those requesting them. In 2002, the West Virginia Legislature made it easier for persons to vote by passing what is known as “No Excuse Absentee” voting. Under this law, citizens may vote at their county courthouse beginning thirteen days before the election and running up to three days before the election simply by going in and telling the clerk that they would like to vote on that day. In 2009, the Legislature passed legislation that allows early voting in locations other than the county courthouse. Beginning on January 1, 2018, West Virginia voters must show a form of identification to vote in person during the early voting period or on election day in any election. Any ID shown for voting purposes must be valid and not expired.

Types of Elections

West Virginia voters normally cast their ballots in two types of elections: primary and general. The *primary election*, held several months before the general election, is a nomination election handled by each political party. Primary elections in West Virginia are held on the second Tuesday in May in years during which there is a general election. For each office, the candidate who wins a majority of the votes cast in the primary wins the party nomination and becomes the party’s nominee for that office in the general election. In 2018, four political parties—Democratic, Libertarian, Mountain, and Republican—allowed any voter who was not registered with an official party to vote in one of their primaries. For example, a citizen who is a registered independent could choose to vote using any one of the official parties’ ballots.



WEST VIRGINIA IDs FOR VOTING

Show one ID at the polls. Must be valid and unexpired:

Non-Photo ID:

- Voter registration card
- Medicare card or Social Security card
- Birth certificate
- WV hunting or fishing license
- WV SNAP ID card
- WV TANF program ID card
- WV Medicaid ID card
- Bank or debit card
- Utility bill or bank statement (w/in 6 mos. of election date)
- Health insurance card issued to voter

Photo ID:

- WV driver's license or other OMV-issued WV ID
- Driver's license issued by another state
- U.S. passport or card
- U.S. Military card
- US or WV Government employee ID card
- Student ID card
- Concealed carry permit

844-338-8743
INFO@VOTERIDERS.ORG

Above: Under certain circumstances, voters can request an absentee ballot and return their ballot by mail.

The *general election* is held to determine who will hold a particular office. The names of all candidates nominated in the primary—as well as any other independent candidates who qualify—appear on the ballot. Citizens vote for the candidate of their choice regardless of their political party. The candidate for a particular office who receives the greatest number of votes wins. Some elections, like school board elections, are *nonpartisan*. This means that the candidates do not have to identify themselves with any political party.

Special elections are sometimes held to replace elected officials who have died or resigned from office or to settle a controversial issue. For example, a special election might be held to consider a constitutional amendment. Occasionally, levy elections are held to ask taxpayers to support special funding (levies) for such services as schools, ambulances, or public transportation. Those who vote in favor of levies agree to pay more taxes to support these services. Levy elections may be held at a different time from the primary or general election, or they may be held at the same time.

Citizens who do not vote are ignoring one of their constitutional rights. Those who do not participate in the election process strengthen the value of someone else's vote. Occasionally, an election has been decided by one vote.



Above: If you choose to cast your ballot on Election Day, you must go to your home precinct's polling place to do so.

Obeying Laws

Laws are rules created by federal, state, and local governments to provide order to our society. Without laws, there would be chaos and anarchy (mob rule). All citizens are called upon to obey the law for the good of the whole. Consequences that could lead to imprisonment exist for those persons who choose not to obey the law. Violation of the law can lead to the loss of many rights and privileges.

Serving on Juries

A citizen's major responsibility is serving on a jury when called. Citizens who are selected for jury duty are called *jurors*. In West Virginia, jurors are randomly selected from a list of registered voters. A person cannot be excluded from jury duty because of race, color, religion, sex, national origin, or economic status. Individuals who do not respond to a jury duty call may be fined or imprisoned. Nevertheless, a juror may be excused if he or she has an interest in the case, has a serious illness in the family, may suffer financial hardship as a result of serving, or has some emergency. In addition, attorneys may dismiss potential jurors.

Citizens may be asked to serve on either a trial jury or grand jury. In West Virginia, a trial jury has six or twelve jurors. In criminal cases, a unanimous decision is necessary to return a verdict. A grand jury consists of sixteen citizens. Twelve of the sixteen must vote in favor of holding the accused over to trial.



Paying Taxes

The money to fund governments generally comes from taxes. Citizens have an obligation to pay their fair share of taxes. The average West Virginia family pays federal income tax, state income tax, social security and Medicare taxes, local property tax, and other state and local taxes.

As long as citizens demand services, there will be taxes. By staying informed and getting involved, citizens can monitor how government spends their money. This will ensure that their tax dollars are used wisely.



something extra!

One of the earliest taxes imposed by the state constitution of 1863 was to provide funds for free schools.

Above: Mercer County circuit courtroom. **Left:** Tax money is used to fund public schooling.

2018 Teacher Strike: A Living Civics Lesson

In 2018, West Virginia students had an opportunity to witness first-hand the power of an organized protest as a method to bring political change. Students, in fact, had an opportunity to not only witness but also participate in the second teacher strike in West Virginia history. Although strikes and work stoppages by public employees are not legal in West Virginia, three organizations—the West Virginia Education Association, the American Federation of Teachers-West Virginia, and the West Virginia School Service Personnel Association—joined together to demand higher pay and substantial change in the Public Employees Insurance Agency (PEIA).

West Virginia teachers had participated in quite a different strike in 1990. The 1990 strike came about because of low wages, resulting in a state ranking of forty-eighth in the nation. To convince

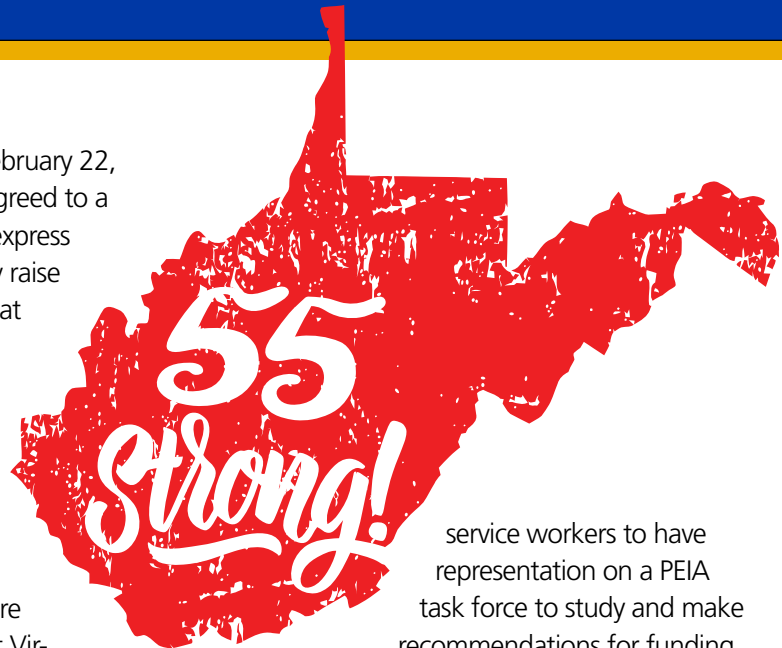
the teachers to return to their classrooms, the state attorney general threatened striking teachers with a one-year suspension, loss of jobs, or even criminal misdemeanor charges. After eleven days, the strike ended with the teacher unions, the legislature, and Governor Gaston Caperton agreeing to a 4 percent pay increase, full state funding for health insurance benefits, and an additional \$109 million for the state's retirement system.

In the nearly thirty years between 1990 and 2018, teachers have been given less money for their classrooms, fewer services for their students, and less say in what and how they teach. Also, more and more national and state requirements have taken away the control teachers had over their own classrooms, resulting in a loss of purpose and dignity. In 2018, pending legislation to increase the number of charter schools, the elimination of seniority as a criterion for firing and maintaining a job, low salaries, and unpopular changes to health insurance resulted first in teacher discussions on Facebook and ultimately in a strike that would give students a real-life civics lesson. This strike would ultimately energize and activate teacher groups in states throughout the nation.



The 2018 teacher strike began on February 22, when West Virginia school personnel agreed to a two-day work stoppage specifically to express their lack of support for a 2 percent pay raise for school personnel and state police that was signed by Governor Jim Justice on February 21. At the end of the two days, however, it became evident that more time was needed to effect change. Unlike the strike in 1990, which was supported by 47 of the state's 55 counties, the strike of 2018 was "55 Strong" and impacted the more than 227,000 students enrolled in West Virginia's 680 public schools.

On February 27, after being out of school for four days, a 5 percent salary increase was worked out between the unions and Governor Justice. The governor suggested teachers take the next day, February 28, as a cooling-off period and return to the classrooms on March 1. It appeared the strike was over, but that was not to be. Because of negative comments from many state senators, the teachers decided they would not return to work until the legislature passed and the governor signed the deal that was worked out with the governor. The House of Delegates approved the bill, but on Saturday, March 3, the Senate rejected the House bill. This resulted in the strike continuing into another week. When the Senate eventually agreed to the House bill on March 6, all West Virginia school personnel returned to their schools on March 7. Besides the salary increase, the bill called for educators and school



service workers to have representation on a PEIA task force to study and make recommendations for funding the state's health care system. The bills to eliminate seniority as a criterion for job selection and to expand charter schools were withdrawn.


During the strike, thousands of teachers came to the state Capitol. Others gathered in their home communities with signs of support along highways and in public places. Whether in or outside Charleston, students and community supporters were active participants in the peaceful protest. Students saw how getting involved can bring about change! The nation saw as well, as teachers in Oklahoma, Arizona, Colorado, and Kentucky organized their own protests, based on the success of West Virginia's "55 Strong."



Staying Informed

For a democratic government to function properly, its citizens must stay informed. Citizens can do that by reading newspapers, watching television, attending or following the proceedings of government meetings, and talking with other informed citizens. Staying informed helps each citizen form opinions about government actions.

Special interest groups (groups of individuals who are interested in one particular issue) often influence public opinion. These groups help officials understand how laws and regulations affect their membership. Special interest groups include education groups, like the West Virginia Education Association and the West Virginia Federation of Teachers; economic groups, like the United Mine Workers, the West Virginia Division of Tourism, and the West Virginia Chamber of Commerce; and other groups like those who support legalized gambling. Almost all special interest groups raise money to allow them to buy ads in the mass media (television, radio, and newspapers). Special interest groups cannot give money directly to candidates or political parties. They can, however, form **political action committees** (PACs), private organizations whose members share similar views and who try to influence legislators to favor the group's position. Because political action committees can donate money directly to candidates, they have a great deal of influence.

A photograph showing a man in a dark suit and striped tie on the left, gesturing with his hands as if explaining something. On the right, a woman with long dark hair, wearing a purple top and a light-colored jacket, holds a clipboard and looks towards the man. They are standing outdoors with a blurred background of a large white building, likely a government capitol building.

Above: Two of the many special interest groups in West Virginia are the West Virginia Federation of Teachers and West Virginia Education Association.

Some special interest groups employ **lobbyists** who present the views of their organizations to legislators. Lobbyists also provide information about bills to policymakers who do not have time to thoroughly research every potential law. Lobbyists sometimes even write legislation that reflects their goals. Lobbyists have been criticized for inviting public officials to dinners, receptions, ball games, golf outings, and other social events, which may give the impression they are “buying” the votes of policymakers.

The federal government and most states have laws to regulate special interest groups. Lobbyists must register and state which groups they represent. Candidates for political office must list all sources of money contributed to election campaigns. The amount of money a business, special interest group, or individual may contribute is limited by law.

Getting Involved

Good citizens care about the welfare of their town or community. Democratic government works best when its citizens are involved. Citizens can get involved by helping candidates run for public office, running for public office themselves, taking part in community service-learning activities, serving in the military, debating public issues, and volunteering their time to civic groups. Writing elected officials, attending public hearings, and taking part in peaceful demonstrations are also ways citizens can be involved. Staying informed and participating actively in government enables constitutional governments to flourish.



something extra!

Lobbyists received their name because they often meet lawmakers in the lobbies of capitol buildings and city halls.



Reviewing the Section

Reviewing the Content

1. Make a T-chart listing each of the five basic principles of democratic government. In one column, list the term. In the other column, write a definition for the term.
2. Who is often called the “Father of the 26th Amendment”?
3. What is the difference between a primary and a general election?

Using the Content

1. How can you personally get involved in your government?
2. Write a bill of rights for your classroom.

Extending the Literacy Skill

Explain the role of citizens, politicians, protesters, and media in the teacher strike. Find specific photos of the involvement of each group, cite where you found the information, and write a sentence explaining what each group is doing.



Top and Above: Students perform community service by cleaning up public areas.

Shaping American Government

As you read, look for

- reasons for writing the United States Constitution;
- a description of the men who wrote the United States Constitution;
- the compromises that were made at the Constitutional Convention;
- the process of ratifying the United States Constitution;
- terms: **unicameral, infrastructure, proportional representation, bicameral, Electoral College, ratify, amend.**

After the American Revolution, our founders wanted to make sure that the new government would be very different from the government of Great Britain.

Our First Constitution

The Articles of Confederation, adopted in 1781, intentionally established a weak national government. The new United States government consisted of a **unicameral** (one-house) legislature in which each state had one vote. There was no chief executive or national court system. Congress (the lawmaking body) did not have the power to raise money by taxation. It could only ask the states to provide money; they did not have to. To pass a law, nine of the thirteen states had to approve it.

The weaknesses in the Articles of Confederation caused major problems for the new country. Under the Articles, the Confederation Congress that could not pay the colonial soldiers during the Revolutionary War found that it also could not pay them after the war. As a result, some soldiers threatened to revolt. Hoping to find an answer to the problem, the Confederation Congress asked the states for help, but many states simply rejected or ignored the request.

Above: In 1781, the Continental Congress adopted the country's first constitution, the Articles of Confederation.

The new government did not have the power to regulate trade between the states or between the United States and foreign countries. Each state had its own money system, which also created problems with trade. The British reoccupied some of the forts in the Northwest Territory (the area north of the Ohio River), and the Articles government was powerless to do anything to stop them. As a result, foreign countries had little respect for the new country.

George Washington and others were alarmed at what they saw happening to the states under the Articles of Confederation. Some openly called for a change; others boldly called for a return to a monarchy. To address the growing concerns, a movement began to examine and revise the Articles of Confederation.

In 1786, Virginia asked for a meeting in Annapolis, Maryland, to discuss the continuing trade problems among the states. Nine of the thirteen states agreed to send delegates to the meeting, but representatives from only four states were present when the meeting began. Because of the low attendance, nothing was accomplished. The delegates at Annapolis did ask that a second convention meet in Philadelphia the next year. Instead of focusing only on trade problems, the delegates asked to discuss all the problems of the Articles of Confederation. They hoped that some changes could be made to make the national government stronger.

something extra!

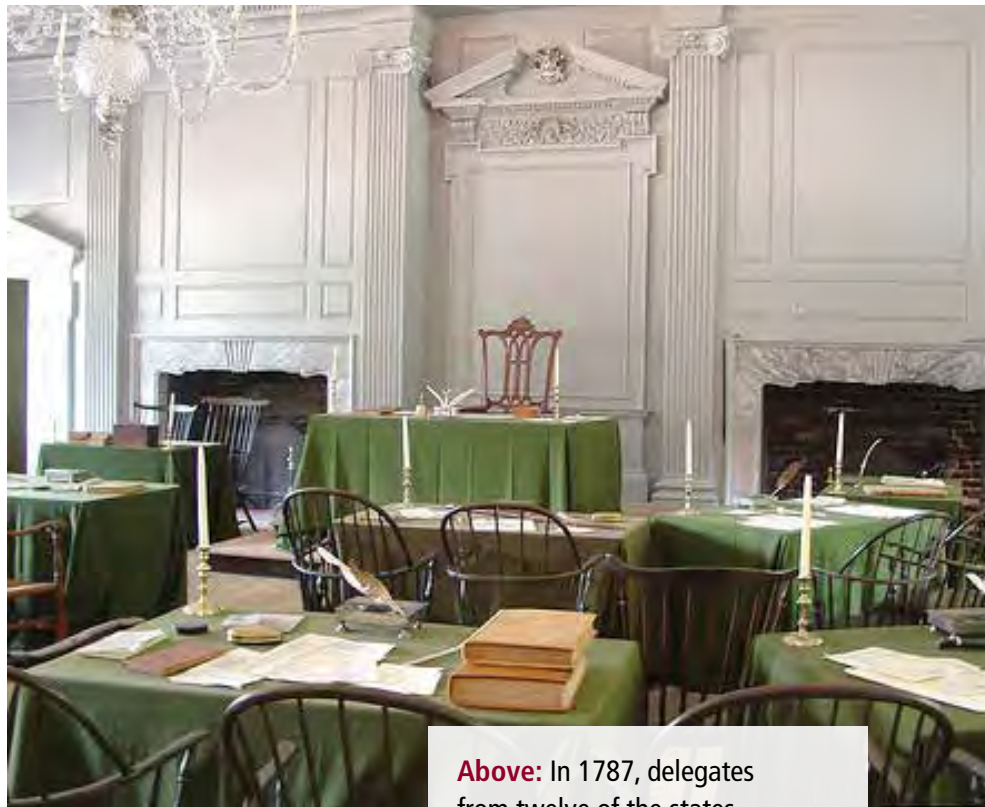


Government leaders feared that the people might panic and chaos erupt if they heard that the government was going to be changed. Therefore, the leaders decided that any change must take place quietly—without fanfare.

The Constitutional Convention

In May 1787, delegates began to arrive at Philadelphia's present-day Independence Hall. Seventy delegates had been named by their state legislatures, but only fifty-five actually attended. Rhode Island, which opposed a stronger national government, did not send any delegates.

George Washington, who attended as one of Virginia's representatives, was elected to preside over the meeting. A number of well-known figures from the American Revolution, including Thomas Jefferson, Thomas Paine, John Adams, John Hancock, and Patrick Henry, did not attend the convention. Only eight people who had signed the Declaration of Independence served as delegates. By the time the convention ended, only thirty-nine delegates were still there to sign the document that became the United States Constitution.



Above: In 1787, delegates from twelve of the states arrived at Independence Hall in Philadelphia to revise the Articles of Confederation.



Above: This statue of George Washington stands in front of Independence Hall.

The delegates had experienced firsthand the problems of the weak national government under the Articles of Confederation. No one state was strong enough to fend for itself against a foreign foe. Nor could a single state build the **infrastructure** (roads, bridges, ports) to increase travel and trade throughout the nation. However, a group of united states working together could accomplish these goals. Whatever their own agendas, the delegates put personal feelings aside and worked together to create an enduring form of government for all people—a government that has guided the United States for over two hundred years.

Organizing the Government

When the convention began, the delegates discussed their ideas on how the government should be organized. They wanted to make it strong enough to handle the nation's needs, but they also wanted to be certain it did not abuse its power. There were two plans submitted to the delegates for their consideration.

The *Virginia Plan* called for a strong national government. Under this plan, drafted by James Madison, the national government would have the power to collect taxes, make laws, and enforce the laws in its own courts. The legislative branch would have the power

to make laws, strike down state laws that violated national laws, mobilize the armed forces, and elect people to serve in the executive and judicial branches. The plan also called for representation in Congress based on population, an idea known as **proportional representation**. This idea would give the larger states a bigger voice in the government.

The smaller states objected. William Paterson, a delegate from New Jersey, proposed the *New Jersey Plan* to protect the interests of the small states. It called for each state to have the same number of representatives in Congress. The smaller states feared that, if the larger states had more votes, they would control the national government and thus be able to pass laws for their own special interests. The New Jersey Plan, although it contained suggestions for solving some weaknesses, would have continued the government as it had been under the Articles of Confederation.

The Great Compromise

The Convention seemed deadlocked. The small states continued to support equal representation, while the large states supported proportional representation. The delegates established a committee, made up of one representative from each state, to work out a compromise. The result was the Great Compromise or, as it is sometimes called, the Connecticut Compromise.

The compromise called for a **bicameral** (two-house) Congress. One house—the House of Representatives—would be based on proportional representation; the second house—the Senate—would have equal representation. It also provided that all taxation and government spending bills would originate in the House, but those bills would have to be approved by the Senate. After a bitter debate, the delegates passed the Connecticut Compromise by a single vote.

Compromise on Slavery

Slaves were a large percentage of the populations of the southern states. As a result, there was considerable debate over whether to include

slaves in a state's population to determine representation in the House of Representatives. Many northern states did not want to count slaves at all because that would give the southern states control of the House of Representatives.

Delegate James Wilson from Pennsylvania proposed the Three-Fifths Compromise. This proposal stated that the total number of free persons would be counted, but only three-fifths of “all other persons” (slaves) would be counted for purposes of determining representation in the House of Representatives. After considerable debate, the compromise was approved.



something
extra!



The Electoral College was modeled on the Connecticut Compromise; the president would be elected by a combination of people and states.

Compromise on the Presidency

The last major compromise of the Constitutional Convention involved the issue of who should elect the president—the citizens or the Congress. The solution was the creation of an **Electoral College**. Each state's legislature was allowed to select as many “electors” as it had members of Congress (House and Senate). These electors would be allowed to vote for two people. The person who received the highest number of votes (provided it was a majority of the votes cast) would be named president. The person who received the second-highest number of votes would be named vice president. If no one received a majority of electoral votes, the House of Representatives selected the president. In the House, each state had one vote, and a candidate had to receive a majority of those votes to win.

Above Left: James Wilson from Pennsylvania proposed the Three-Fifths Compromise regarding slavery.

Ratification

The new United States Constitution was approved by the delegates at the convention on September 17, 1787. Then, on September 28, 1787, the new Constitution was sent to the states to be **ratified** (approved). Ratification was not an easy task. People who supported the strong national government established in the new Constitution called themselves *Federalists*; those who opposed a strong central government were called *Antifederalists*.

The Antifederalists believed that the national government should not have too much power. They wanted the major powers left to state governments. They also insisted that citizens' individual rights be specifically protected in the new Constitution. To gain their support, the first ten amendments to the Constitution were proposed in 1789 and approved in 1791. These amendments are called the Bill of Rights.

Nine states had to ratify the document before it could become the official Constitution. Delaware was the first state to ratify the Constitution on December 7, 1787. On June 21, 1788, New Hampshire became the ninth state to approve it. Four days after New Hampshire's ratification—on June 25, 1788—Virginia became the tenth state to ratify the document by a vote of 89 to 79. It took two and one-half years for all thirteen states to ratify the document.

Figure 1.3

Ratification of the U.S. Constitution

	DATE	STATE	VOTES	
			Yes	No
1	December 7, 1787	Delaware	30	0
2	December 12, 1787	Pennsylvania	46	23
3	December 18, 1787	New Jersey	38	0
4	January 2, 1788	Georgia	26	0
5	January 9, 1788	Connecticut	128	40
6	February 6, 1788	Massachusetts	187	168
7	April 28, 1788	Maryland	63	11
8	May 23, 1788	South Carolina	149	73
9	June 21, 1788	New Hampshire	57	47
10	June 25, 1788	Virginia	89	79
11	July 26, 1788	New York	30	27
12	November 21, 1789	North Carolina	194	77
13	May 29, 1790	Rhode Island	34	32

Above: The Bill of Rights was written to gain the support of the Antifederalists.

Amending the Constitution

The United States Constitution is a very brief document. It contains about 1,800 words, and it has been **amended** (changed or added to) only twenty-seven times since it was first adopted over two hundred years ago. The Constitution has endured for a number of reasons.

First and foremost, our forefathers wrote in a very brief and general style. Had they tried to be too specific, the document would have been much longer and could not have withstood the changes our nation has undergone since the late 1700s. Because it is so general, future generations of Americans were able to interpret this document.

Secondly, our forefathers planned for a way to amend the Constitution. An amendment may be proposed by a two-thirds vote in both houses of Congress or by a national constitutional convention called for by two-thirds of the state legislatures. Once an amendment is proposed, it is sent to the states to be ratified. A proposed amendment must be approved by three-fourths (currently 38) of the state legislatures.

All of the amendments to our Constitution except one have originated in Congress and have been approved by three-fourths of the states. That one amendment that did not originate in Congress was the Twenty-first Amendment, which repealed the Eighteenth Amendment on prohibition.



Reviewing the Section

Reviewing the Content

1. What weaknesses of the Articles of Confederation were changed in the U.S. Constitution?
2. Who were the Federalists and the Antifederalists?
3. What were the major debates that resulted in compromises at the Constitutional Convention?

Using the Content

1. Pretend you were a delegate to the Constitutional Convention in Philadelphia. Write a speech that you might have given in support of the Virginia Plan or the New Jersey Plan.
2. Write a letter to one of the delegates to the Constitutional Convention in Philadelphia. Discuss a modern issue that the founding fathers might have addressed when writing our Constitution.

Extending the Literacy Skill

Look at the photograph on page 26 and answer the following questions.

1. What is depicted in the photo?
2. Where was the photo taken?
3. What is the focal point of the photo?
4. Why is there a statue of George Washington in front of the building?

Above: The Twenty-first Amendment repealing prohibition is the only amendment to our Constitution that did not originate in Congress.

West Virginia's Immigrants

When people describe the demographics of West Virginia, they often say the state lacks cultural diversity. Census data seems to support that assessment. According to estimated 2017 data, West Virginia is 93 percent white, 3 percent black, 1 percent Hispanic, and less than 1 percent Native American, Asian, and Native Hawaiian Pacific Islander. The problem with this assessment, however, is that the data is based on race, not culture.

To clarify, the words *race* and *culture* are sometimes used incorrectly. Race is based on acquired genes and physical characteristics. Culture, on the other hand, is based on beliefs, values, traditions, and customs. A person cannot change his race, but he can change his culture.

West Virginia is actually culturally diverse. Unless your ancestors were Native American, your family came here from someplace else. West Virginia's immigration history begins with the earliest explorers from England and France. While these explorers did not settle in the area, they did make maps and claimed land where those who came later would settle.

Nearly 100 years after the first explorers came to western Virginia, a group of Germans settled in the Shenandoah Valley. Settlers from Germany named their first settlement in western Virginia Mecklenburg after their region in Germany. Today Mecklenburg is Shepherdstown. Germans came in large numbers before the American Revolution and again in the mid-1800s. So many Germans lived in the Greenbrier and Ohio Valleys that sermons were delivered in both English and German. Two newspapers in Wheeling were printed in German. Many people of German descent were found in Marshall, Lewis, Ohio, and Wood Counties.



Above: Early settlers entered western Virginia through the Shenandoah Valley.

The Germans were followed by the Scots-Irish who went farther west, into the Greenbrier Valley. The Scots-Irish were really Scots who had lived in an area of Northern Ireland for nearly 100 years. They left Northern Ireland to avoid the religious wars between Catholics and Protestants.

After the Civil War, a number of blacks came to West Virginia. Then, the early 1900s saw very different groups of immigrants come to West Virginia to work in the coal, timber, and glass industries. Workers came from Poland, Italy, Serbia, Turkey, Hungary, and Russia. Many of the Poles settled in Marion and Fayette Counties.

Eventually, elements of these foreign cultures (e.g., language, religion, music, celebrations, food) became mixed with cultural elements of their adopted homeland. Today, various fairs and festivals keep the culture of our forefathers alive while others celebrate the blended cultures that were created.



Above: As part of Clarksburg's bicentennial celebration in 1985, the city erected a statue to honor the many groups of immigrants who have made Harrison County their home. The statue is located outside the county's courthouse.

The Federal Government

something extra!



Robert C. Byrd is the longest-serving senator in U.S. history. He first took the oath of office as a senator on January 3, 1959, and served until June 28, 2010. In 2008, Senator Byrd was the president pro tempore of the Senate, making him third in line of secession to the presidency—behind the vice president and the Speaker of the House of Representatives.

As you read, look for

- the three branches of the United States government and their responsibilities;
- the system of checks and balances;
- West Virginia's representatives in Congress;
- terms: **reapportion, expressed powers, implied powers, impeach, committee, bill, veto, judicial review.**

When the United States Constitution was ratified by the states, it established a national government with three branches—the legislative branch, the executive branch, and the judicial branch.

The Legislative Branch

The first article of the United States Constitution established the legislative branch of the federal government. It sets the requirements for and responsibilities of those who serve in Congress. Congress is the lawmaking branch of the federal government.

The Members of Congress

The Constitution established a bicameral legislature composed of the Senate and the House of Representatives.

The Senate

The Senate is made up of two representatives from each state, for a total of 100 members. A senator must be at least thirty years old, a citizen of the United States for at least nine years, and a resident of the state he or she represents. Originally, senators were chosen by their state legislatures to serve a six-year term. In 1913, the Seventeenth Amendment provided that the members of the Senate be elected by the people. Senate terms are now staggered so that only one-third of the entire Senate is elected in any one election year.

Background: The White House in Washington, DC, is the official home and workplace of the president of the United States.

Shelley Moore Capito

Shelley Moore Capito was born on November 26, 1953, in Glen Dale, West Virginia, to Shelley (Riley) and Arch Alfred Moore Jr. Shelley became immersed in politics at an early age. Her father was a member of the West Virginia House of Delegates when she was born, and she was two years old when he was elected to the U.S. House of Representatives. She was a high school sophomore when the Moore family moved into the West Virginia Governor's Mansion.

Shelley's political career has somewhat mirrored her father's, as her first elected political office, like his years earlier, was to the West Virginia House of Delegates in 1996. She served two terms as a delegate before deciding to run for a national office in 2000. In that election she narrowly defeated her Democratic opponent to become the first Republican to represent West Virginia in the United States Congress since 1983. When she handily defeated her opponent in her reelection campaign in 2002, she became the first Republican to win reelection since her father did so when he represented West Virginia's First Congressional District from 1957 to 1969. Although Shelley and her father represented the First Congressional District, they did not represent the same counties due to a law that requires a redistricting of boundaries after each Census.

In 2006, Shelley won reelection for a fourth term, this time from the Second Congressional District because another redistricting had occurred. In 2010, she was mentioned as a possible candidate for the U.S. Senate seat of Robert C. Byrd, who died on June 28, 2010. She chose, however, to run for and win a sixth term in the House of Representatives. In this election, she won all eighteen counties in her district.

After another redistricting, Shelley was challenged for the first time in her career in the 2012 primary election. After struggling in the primary, she won a seventh term handily in what would be her final term in the House of Representatives.

On November 26, 2012, Shelley announced she would run for the 2014 U.S. Senate seat of Jay Rockefeller. After deciding to retire, Rockefeller dropped out of the race in January 2013. Shelley won the vacant Senate seat by the largest margin for a Republican in a statewide race in West Virginia history. This achievement also gave her the distinction of being West Virginia's first female U.S. senator.

Shelley has a degree in biology from Duke University and a master's in education from the University of Virginia. She also worked as a college counselor at West Virginia State College, now West Virginia State University.

She is married to Charles L. Capito, a Charleston banker. They have three adult children, two sons and one daughter. One of their sons, Moore Capito, who seems to be following in the footsteps of his grandfather and mother, was elected to the West Virginia House of Delegates in 2016.



The vice president of the United States serves as the president of the Senate and presides over sessions. The vice president does not vote on any issues that are before the Senate unless there is a tie vote. The *president pro tempore* of the Senate (the senior member of the majority party) presides over the Senate when the vice president is absent. There are also majority and minority leaders in the Senate. These individuals are the political leaders of the country's two dominant political parties—the Democratic and the Republican Parties. These leaders work to promote and control legislation supported by their parties.

Figure 1.4

West Virginia's Congressional Delegation

SENATE

Joe Manchin III
Shelley Moore Capito

HOUSE OF REPRESENTATIVES

District 1 David McKinley
District 2 Alex Mooney
District 3 Carol Miller

The House of Representatives

A member of the House of Representatives must be at least twenty-five years of age, a citizen of the United States for at least seven years, and a resident of the state he or she represents. Each state's representatives are elected to two-year terms, and they are chosen in the general elections of even-numbered years.

Each state's population determines the number of representatives it has in the House of Representatives. The Reapportionment Act of 1929 set a limit of 435 members in the U.S. House of Representatives. Puerto Rico and the Virgin Islands each have a nonvoting representative; one representative from the District of Columbia may vote only in committee. Every ten years, the 435 seats are **reapportioned** (divided according to a plan) among the states according to federal census figures. Based on the 2010 Census, West Virginia will continue to have three representatives. There will be another reapportionment after the 2020 Census.

something extra!

When the House of Representatives was first created, there was one representative for every 30,000 persons in a state. If that proportion were still being used, the House would have more than 8,000 members today!

Right: The earliest photo of the interior of the Capitol, taken around 1861, shows the House of Representatives.



The political party that holds a majority of seats in the House (218 or more) is said to “control the House.” The *Speaker of the House* is the leader of the House and is always a member of the majority party. The Speaker is responsible for the day-to-day functions of the House. At the beginning of each session of Congress, the two political parties select their leaders. The controlling party also selects the *majority leader*, who controls the legislative agenda.

The Powers of Congress

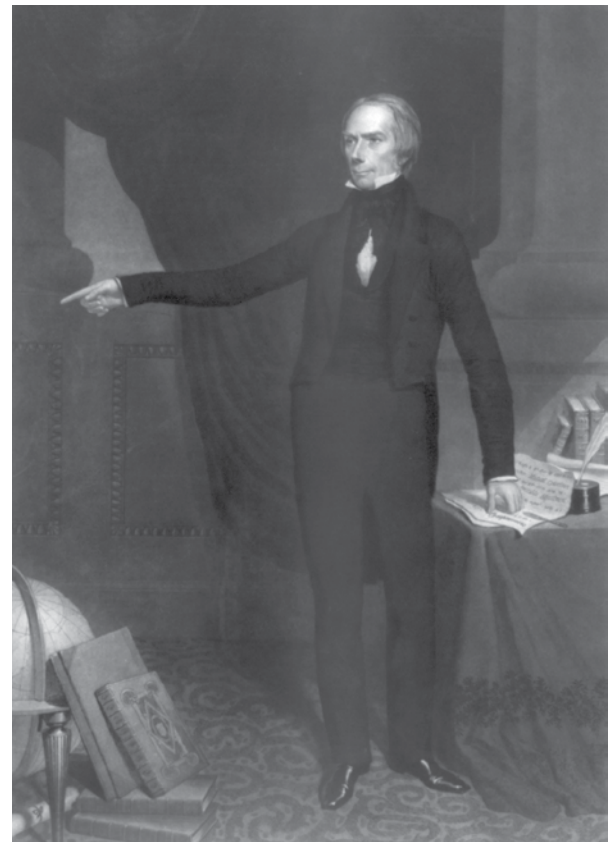
The U.S. Constitution gives certain powers to Congress. These powers are both expressed and implied. **Expressed powers** are those powers specifically given to Congress in the United States Constitution. **Implied powers** are not specifically stated in the Constitution but come from Congress’s right to make all laws “necessary” to carry out its expressed powers. This statement, which comes at the end of Article I, Section 8, of the Constitution, is known as the elastic clause because it “stretches” the powers of Congress.

The Constitution gives each house of Congress some powers not given to the other. The House of Representatives has the power to **impeach** (to bring charges against an elected official while that official is still in office). The power to try that impeached official rests with the Senate. All bills to raise revenue must originate in the House of Representatives. The Senate has the sole power to ratify treaties and to confirm the president’s selection of individuals to serve as Cabinet members or in other high-ranking government positions.

How Congress Operates

The legislative work of Congress is accomplished mainly through **committees**. All members of Congress sit on several different committees. Their committee appointments are determined by their party’s leadership and power, their personal interests, and the special needs and interests of their constituents (the voters they represent). Committees accomplish their work through two main activities—hearings and investigations. These activities are a part of Congress’s “oversight power,” meaning that Congress uses hearings and investigations to oversee the activities of the executive branch of government and the federal bureaucracy. There are four basic types of committees: standing committees, select committees, conference committees, and joint committees.

Standing committees monitor the work of federal agencies and departments that fall under their areas. For example, the Department of Agriculture falls under the Agriculture Committee. Committees also control the progress of **bills** (proposed legislation). Committees can send legislation under their jurisdiction to the full House or Senate, or they can kill the legislation. The House of Representatives has twenty-two standing committees and the Senate has sixteen standing committees.



Top: In 2007, Nancy Pelosi became the first woman Speaker of the House. When Democrats regained control of the House in the 2018 general election, she was again selected as Speaker in 2019. **Above:** In the 1800s, Henry Clay used his influence as Speaker to ensure the passage of measures he favored.



Above: President Donald Trump addressing a joint session of Congress.

At any time, Congress can form *select committees* to deal with specific issues, such as the Select Committee on Aging or the Select Committee on Narcotics Abuse and Control. Select committees usually have a limited life.

A *conference committee* works out a compromise when the House and the Senate have approved different versions of a bill. The committee contains members of both houses. If both bodies of Congress adopt the compromise version, it is sent to the president to be approved or vetoed. (To **veto** is to refuse to sign a bill.)

The fourth type of committee is the joint committee. *Joint committees* have members from both the House and the Senate and focus on issues of national concern. However, they do not propose legislation.

In addition to these four committees, much of the work of Congress is accomplished by *subcommittees*, which are smaller groups that examine issues, draft bills, and hold hearings to gather evidence for and against a bill.

How Laws Are Made

Bills can be introduced in either the House or the Senate; sometimes bills are introduced at the same time in both bodies. A bill must be introduced or sponsored by a member of the House or the Senate, and it may have more than one sponsor.

Bills are then sent to committees for consideration. The Speaker of the House or the presiding officer of the Senate decides which committees will receive which bills. Typically, bills are then referred to subcommittees, which report back to the full committees, either recommending action on the bill or offering a revised version of the bill. At that point, the committees can either support the bill or allow it to “die in committee.”

Bills that reach the floor of the House or the Senate are debated and discussed. If a bill is passed by one house of Congress, it is then sent to the other house, where it goes through the same process. If different versions of a bill are approved, a conference committee works out a compromise. The compromise bill must be voted on by both houses. A bill must be passed in the same form by the House and the Senate.



something
extra!

A bill is given a number and a prefix—HR in the House and S in the Senate.



Bottom: Congress meets in the U.S. Capitol to introduce, debate, and vote on bills. For a bill to become a law, the House and Senate must approve it in the same form.



If the president vetoes a bill, the bill is returned to Congress, along with the reasons for vetoing it. A two-thirds vote by both houses of Congress is required to override a presidential veto. If the president does not sign a bill into law within ten days and if Congress is still in session, the bill becomes law without the president's signature. However, if Congress adjourns during this ten-day period, the bill does not become a law and is dead. This type of inaction is often called a *pocket veto*.

The Executive Branch

The executive branch makes sure that the laws passed by the legislative branch are obeyed. Our founding fathers wanted to give the executive branch of government enough power to carry out its duties, but not so much power that it might become abusive. They decided upon a single chief executive, a president.

Next, the framers of our Constitution had to decide how the president should be elected. As you learned earlier, they decided that the president should be selected by a special committee known as the Electoral College.

The Electoral College

The number of electors from any given state equals the number of its representatives in the Senate (always 2) and in the House of Representatives. West Virginia has 5 votes of the total of 538 votes in the Electoral College. (There are 538 votes in the Electoral College because there are 100 United States senators, 435 members of the House of Representatives, and 3 electors from the District of Columbia.) It takes 270 votes in the Electoral College (a majority) to be elected.

During a presidential election, the people in each state vote for the candidates of their choice for president and vice president. In reality, a vote for a candidate is actually a vote for the candidate's electors. The candidate who wins the popular vote in a state usually wins all of that state's electoral votes. Although this is historically what happens, the electors are not legally bound to vote for the candidate who wins the popular vote in their state. In fact, in the 1988 election, a Democratic elector from Cabell County cast a ballot for vice presidential candidate Lloyd Bentsen instead of presidential candidate Michael Dukakis.

something extra!



The number of members each state has in the House of Representatives may change after the 2020 Census. The first election to be affected by these changes will be held in 2022.

Above: George Washington is known as the "Father of Our Country." **Right:** Donald Trump won the presidential election in 2016 with an electoral vote of 304 to 227 for Hillary Clinton. Five other persons won a total of 7 votes.



Each state’s electors meet in their state capital in the middle of December and cast their electoral votes—one for president and one for vice president. The electoral votes are then sent to the president of the U.S. Senate, who opens and reads them before both houses of Congress on January 6. The candidate with the majority of votes is declared the winner for the presidential and vice presidential races. These two individuals are sworn into office at noon on January 20 (Inauguration Day). In the 2016 election, Donald Trump won the electoral vote while Hillary Clinton won the popular vote.

Divisions of the Executive Branch

The executive branch of government consists of far more than just the offices of president and vice president, but a discussion of the executive branch most often starts with those two officials. Qualifications for the president and vice president are the same. Both the president and vice president must be at least thirty-five years of age, native-born (not naturalized) citizens, and residents of the United States for at least fourteen years. They are elected to serve a four-year term of office. The Twenty-second Amendment (ratified in 1951) limited the president to two terms.

The vice president assumes the presidency if the president dies in office, resigns, or is removed by the impeachment process. If the vice president cannot assume those duties, the line of succession falls to the Speaker of the House of Representatives, followed by the president pro tempore of the Senate, and then following through the Cabinet officers, beginning with the secretary of state and continuing in the order each Cabinet position was created. The vice president can also become “acting” president for a period of time if the president becomes

something extra!



In the election of 1796, the United States ended up with a president from one political party (John Adams) and a vice president from another political party (Thomas Jefferson).



Above Right: John Adams.
Above Left: Thomas Jefferson.
Left: The 44th President Barack Obama (left) and the 45th President Donald Trump (right) meet in the Oval Office.

Figure 1.5

Presidential Line of Succession



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

too ill to perform his or her duties. The Twenty-fifth Amendment to the Constitution sets the guidelines for a new vice president to be named if the regular vice president becomes president.

The Constitution gives the president a number of powers. These powers include (1) appointing and dismissing thousands of federal employees such as ambassadors, federal judges, justices of the Supreme Court, ministers and consuls, Cabinet officers and those who serve under them; (2) acting as commander in chief of the nation's armed forces; (3) recommending legislation; (4) vetoing bills or signing legislation into law; (5) receiving diplomatic representatives; (6) pardoning offenders against the United States; (7) entering into treaties or compacts with foreign nations; and (8) issuing proclamations.

Many of the powers given to the executive branch are shared with Congress. For example, the executive branch has the power to make treaties with foreign nations, but all treaties must be approved by the Senate. Major presidential appointments must also be approved by the Senate. The chief executive can veto a bill, but Congress can override the veto by a two-thirds vote in each house.

Of course, the job of administering the federal government in a nation as large and complex as the United States requires more than just the two officials elected as president and vice president. The administrative groups that make up the executive branch of our government are generally known as the *executive bureaucracy*. It can be divided into five main groups: the Executive Office of the President, the Cabinet, independent agencies, regulatory commissions, and government corporations.

The Executive Office of the President

The Executive Office of the President includes major offices or agencies whose directors are appointed by the president with the consent of the Senate. These government leaders serve at the will and pleasure of the president and can be fired or asked to resign by the president at any time. Agencies in the Executive Office of the President include the Office of Management and Budget, the National Security Council, and the Council of Economic Advisers.



The Cabinet

Members of the Cabinet serve as official advisers to the president and as the heads of executive departments. The Cabinet members are appointed by the president, but they must be confirmed by the Senate. There are currently fifteen Cabinet members.

Independent Agencies

Congress has created a number of independent agencies to serve the public interest and keep the government and economy working smoothly. The nature and purpose of independent agencies vary widely. For example, the Environmental Protection Agency (EPA) supervises national laws and programs involving clean air and water, waste disposal, radiation, and toxic substances. Another independent agency, the General Services Administration, oversees spending by all other government agencies. The heads of independent agencies are appointed by the president with the consent of the Senate.

Above: President Trump holds a Cabinet meeting in the West Wing of the White House.

something extra!



George Washington appointed the greatest number of U.S. Supreme Court justices (11).

The Judicial Branch

The duties of the judicial branch of the federal government include deciding on the meaning or interpretation of the Constitution and laws. The Supreme Court and all lower federal courts make up the judicial branch. The judicial branch protects individual citizens from mistreatment by other branches of government.

The Supreme Court

The Constitution established the Supreme Court as the highest court in the land. Currently, the Court has a chief justice and eight associate justices. The president, with the consent of the Senate, appoints these men and women. There are no set qualifications for Supreme Court justices, and they usually serve for life or until they choose to retire.

The Supreme Court has both original and appellate jurisdiction. The Court has *original* jurisdiction in cases involving a foreign country or in disputes between states and the federal government. It has *appellate* jurisdiction when reviewing decisions of lower-ranking federal courts and the decisions of the highest-ranking state courts. When the Supreme Court decides a case on constitutional grounds, that decision becomes the *precedent* (guideline), both for all lower courts to follow and for laws that deal with similar issues.



Above: The U.S. Supreme Court Building in Washington, DC.

Focus on Technology

LEARNING SKILL: COLLABORATION

Demonstrate ethical behavior and work responsibly and collaboratively with others to accomplish both individual and team goals related to an academic presentation.

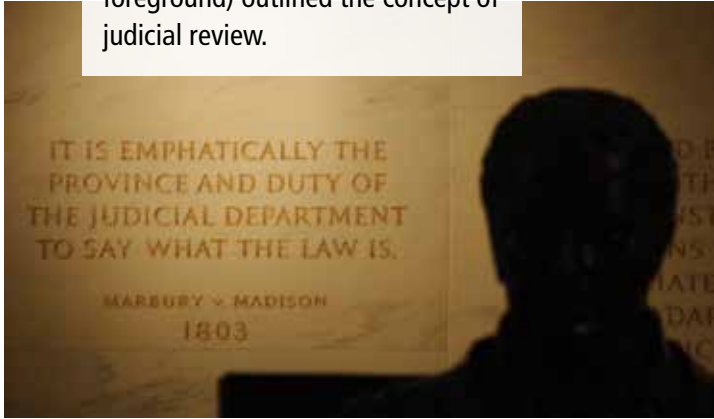
TECHNOLOGY TOOL: POWERPOINT

Use advanced features and utilize presentation software—e.g., design templates, design layouts (fonts/colors/backgrounds), animation, graphics, and inserting pictures (objects, movies, sound, charts, hyperlinks and/or graphs)—to create an original product.

Form a group of three to five students. Each student should use a search engine to find information on one of West Virginia's congressional representatives. (Each student should choose a different delegate to research.) After researching the delegates, meet as a group to discuss your findings. Then, as a group, plan a PowerPoint presentation that focuses on the life and accomplishments of one of the state's representatives. Your presentation should include at least four slides and should include text and pictures. Use different design templates, fonts, colors, and animation when creating the slides.



Below: Inscription on the wall of the Supreme Court Building from *Marbury v. Madison*, in which Chief Justice John Marshall (statue, foreground) outlined the concept of judicial review.



The greatest power of the Supreme Court is that of **judicial review**, or the ability to set aside the actions of the legislative or executive branches or any government agency. By its decision in *Marbury v. Madison*, the Court established the principle that it could declare laws or presidential acts unconstitutional. The Court can also prevent executive action through injunctions (court orders) that forbid the action. In addition, the Court's chief justice presides over impeachment proceedings against a president.

The Supreme Court decides which cases it will hear. This authority allows the Court to keep its caseload manageable and set its own constitutional priorities.

Other Federal Courts

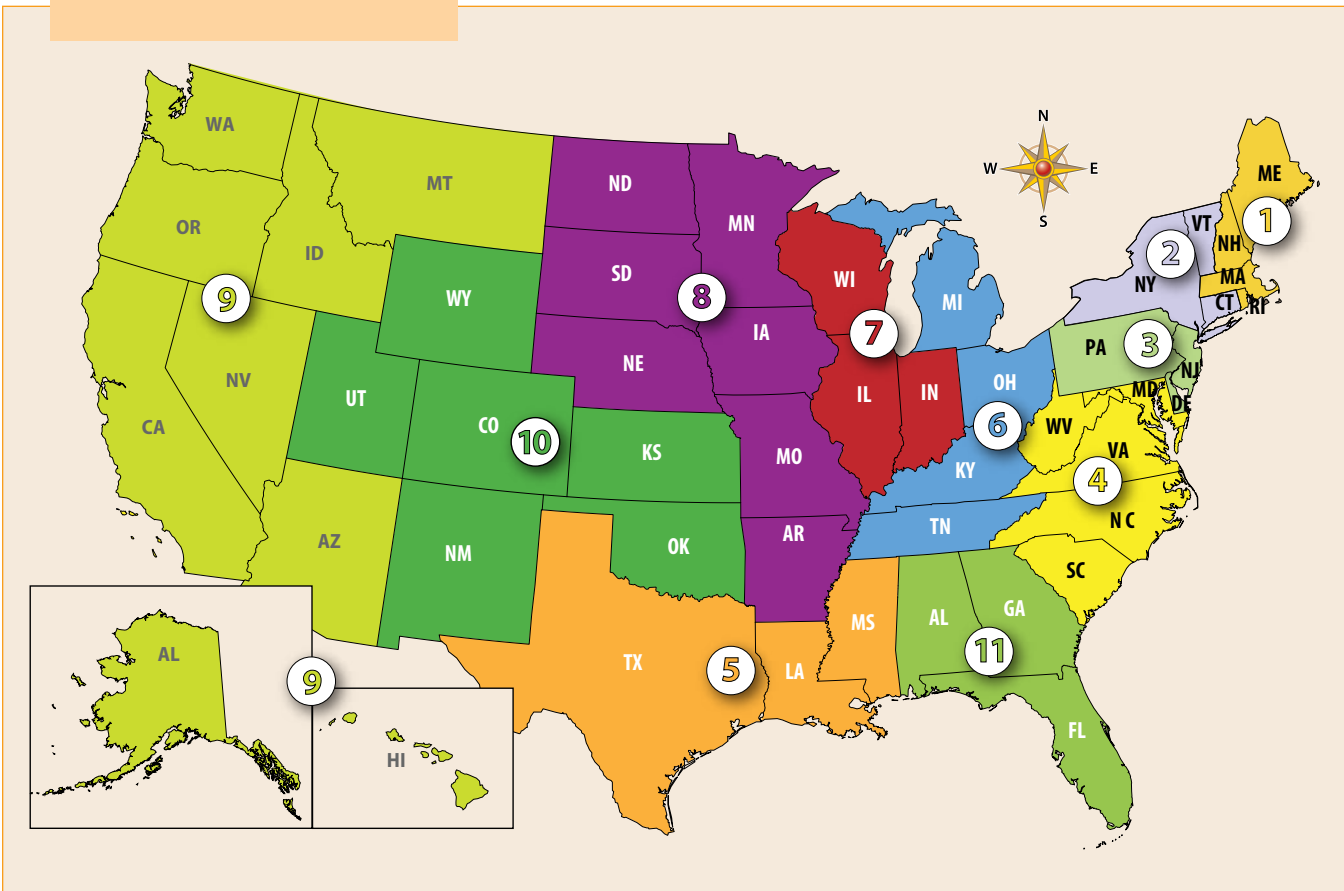
The Constitution gave Congress the power to establish courts lower than the Supreme Court. In the Judiciary Act of 1789, Congress established circuit courts of appeals and district courts. Over time, other courts have been added.

Congress divided the nation into eleven judicial areas called *circuits* plus the District of Columbia. Each circuit has between one and twenty-four judges depending on its workload. West Virginia has two judges who serve on the 4th Circuit Court of Appeals. These courts have appellate

Map 1.1

U.S. Federal Circuits

Map Skill: What other states are part of the 4th Circuit?



jurisdiction, reviewing the decisions in cases tried in lower courts or the judgments of administrative agencies. There are no juries or witnesses in appellate courts; only the opposing lawyers appear to explain their positions.

Under the courts of appeals are ninety-four district courts, which are the federal trial courts. District courts have original jurisdiction and hear cases of civil and criminal violations of federal laws. District courts are the only federal courts that use juries and witnesses in trials. West Virginia is divided into a Northern and a Southern District. Four judges serve the Northern District, and seven judges serve the Southern District.

In each district court region, there is also a United States Bankruptcy Court. Bankruptcy is a legal judgment that a person or an organization cannot pay its debts; the property of the bankrupted entity is administered to pay off creditors.

Special Courts

The final part of the federal judicial system is a series of courts created by Congress to deal with special kinds of cases. The United States Tax Court, for example, hears disputes between citizens and the Internal Revenue Service. The United States Court of Military Appeals reviews military court-martial convictions. The United States Court of International Trade decides civil lawsuits against the United States involving trade with other nations. The United States Court of Federal Claims handles cases against the United States because of acts of Congress or contracts with the government.



Above: The United States Court of International Trade, located in New York City, is a special court that hears cases involving disputes over customs and international trade.

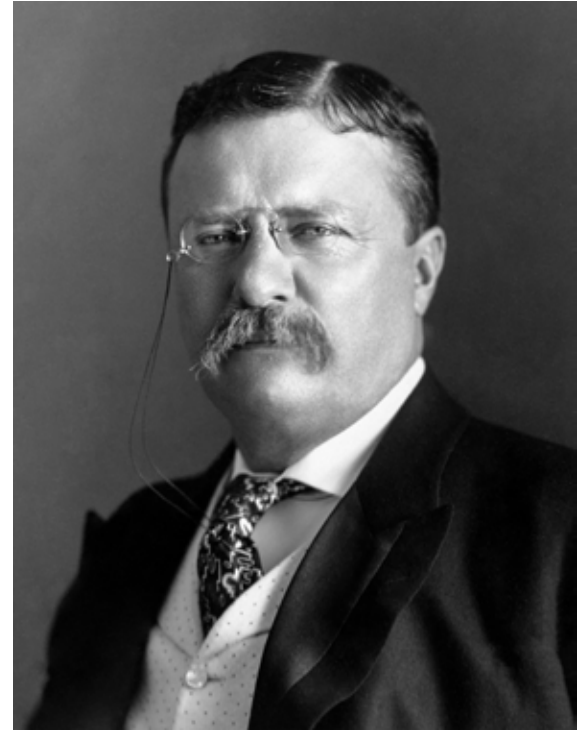
Figure 1.6 Checks and Balances



Checks and Balances

The men who wrote our Constitution provided for a system of checks and balances to keep the branches of equal importance. For example, the power to pass a bill was given to the legislative branch, but the executive branch must either sign the bill into law or veto it so it does not become law. The judicial branch cannot write bills or sign them into law, but it can declare a law unconstitutional. In this way, each branch of government has a check on the power of the other two.

Checks and balances are meant to keep branches of government equal, but sometimes people find ways around them. For example, it is said that President Theodore Roosevelt wanted to send the United States Navy around the world so that the sailors would gain experience and other nations would see the strength of our naval forces. Congress did not like Roosevelt's plan and refused to provide the money. Roosevelt is said to have replied, "Very well, the existing appropriation will carry the navy halfway around the world and if Congress chooses to leave it on the other side, all right."



Reviewing the Section

Reviewing the Content

1. What are the basic requirements a person must meet to be elected to Congress?
2. How many Congressional districts does West Virginia have?
3. What are the requirements to be elected president of the United States?

Using the Content

1. Develop a campaign slogan for a candidate for president of the United States.
2. Write a persuasive essay in support of the election of the president of the United States by the Electoral College or by popular vote.

Extending the Literacy Skill

Look at the photograph at the bottom of page 39 and answer the questions on a separate sheet of paper.

1. Where was the photograph taken?
2. Who are the two men in the picture?
3. What might the two men have been discussing?
4. What is the mood of the two men?

Above: Theodore Roosevelt had served as assistant secretary of the Navy and as governor of New York before being elected vice president in 1900. When President William McKinley was assassinated, Roosevelt, at age 42, became the youngest person ever to serve as president.

Chapter Summary

Section 1: Government and the People

- The government of the United States is a representative democracy.
- The five basic principles of democratic government are sovereignty, limited government, separation of powers, checks and balances, and federalism.
- A citizen is one who owes allegiance to his or her country and who is entitled to its protection. A citizen can be native-born or naturalized.
- Citizens are guaranteed certain rights under the United States Constitution as well as protection under state and federal law. Many of the rights guaranteed to U.S. citizens are found in the Bill of Rights of the United States Constitution and in Article III of the West Virginia constitution.
- Basic rights of United States citizens include freedom of religion, speech, press, assembly, and petition; the right to bear arms; the right to be secure in their homes; protection from illegal search and seizure of their property; the right to a fair trial before a jury of their peers; and the right of due process of law.
- U.S. citizens also have certain responsibilities; they include voting, obeying laws, serving on juries, paying taxes, staying informed, and getting involved.
- In order to vote, a person must be a United States citizen and be at least eighteen years of age. In West Virginia, the person must also be a resident of the state and of the county and city or town in which he or she is voting.
- Citizens may vote in a variety of elections, including primary elections, general elections, special elections, levy elections, and nonpartisan elections.
- Citizens can stay informed about their government by reading newspapers, watching television, using the Internet, attending meetings, and talking with others.
- Special interest groups, including lobbyists and political action committees, try to influence legislators to favor a certain position.

Section 2: Shaping American Government

- The first government of the United States was set out in the Articles of Confederation.
- The United States Constitution was written to address the weaknesses of the Articles of Confederation.
- Fifty-five delegates from twelve states attended the Constitutional Convention in Philadelphia in 1787. Thirty-nine of those delegates actually signed the U.S. Constitution.
- Nine states had to ratify the Constitution before it could become the “law of the land.” On June 21, 1788, New Hampshire became the ninth state to ratify the document.
- The U.S. Constitution can be changed by an amendment that must be ratified by three-fourths of the states.

Section 3: The Federal Government

- The U.S. Constitution established three branches of government: legislative, executive, and judicial.
- Congress is a bicameral legislature. It operates through a system of standing committees and select committees.
- West Virginia has two senators and three representatives in Congress.
- Representation in the United States House of Representatives is based on population. Representation is recalculated every ten years after the federal census has been taken.
- Congress has both expressed and implied powers.
- The executive branch, headed by the president, also includes the vice president, executive departments, the Cabinet, independent agencies, federal regulatory commissions, and government corporations.
- The judicial branch includes the United States Supreme Court, circuit courts, district courts, bankruptcy courts, and special courts.
- A system of checks and balances ensures that no one branch of government becomes more powerful than the other branches.

American Government and Citizenship

Recalling the Facts



1. What is a naturalized citizen?
2. What are some responsibilities of citizenship?
3. What are the basic rights given to all citizens in the Bill of Rights?
4. Why is the writ of habeas corpus important?
5. What is the difference between a trial jury and a grand jury?
6. What were some compromises made by the delegates at the Constitutional Convention?
7. Who were West Virginia's two United States senators in 2018?
8. What is the Electoral College?

Learning Skill



1. Which basic principle of democratic government do you think is most important? Give reasons for your answer.
2. What right, not given in the Bill of Rights, do you think citizens should have?
3. How can citizens help preserve our democratic government?
4. Why do you think so few citizens vote? What can be done to encourage more citizens to vote?
5. How did the Great Compromise solve the issue of representation in the United States Congress?
6. Why do you think the men who drafted the U.S. Constitution set the particular age requirements for senators, representatives, presidents, and vice presidents that they did? Do you think these qualifications should be changed? Give reasons for your answer.

Chapter Review

Community Connection



1. Interview a law enforcement officer to determine how the Bill of Rights affects the way the officer performs his or her job.
2. Good citizens should volunteer their services for the good of the community. Choose a local organization, such as an animal shelter, and volunteer your services. Keep a journal of your experience.

Literacy Skill



1. Develop a campaign slogan for one of West Virginia's congressional representatives.
2. Write letters to your congressional representative and your senators. Find out how they maintain contact with the voters in your community. Find out where their local offices are located and how those offices are staffed. Find out what to do if you have a problem and need assistance from them.

Technology Tool



1. Use a search engine to research one of the fifty-five delegates to the Constitutional Convention. Prepare a poster illustrating your findings.
2. Use a search engine to locate a copy of the West Virginia constitution. Make a chart comparing the Bill of Rights in the United States Constitution with Article III (Bill of Rights) in the West Virginia constitution.