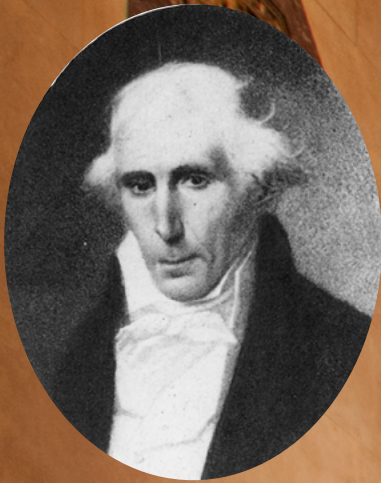


Louisiana's Government



Julien Poydras was born in France in 1740. As a youth, he served in the French navy. He was captured and jailed by the British, but escaped and fled to the French colony of Saint-Domingue. In 1768, Poydras migrated to Louisiana and settled for good. Over the next few decades, he became one of the wealthiest and most respected men in the colony.

In the winter of 1811, he was elected president of the group empowered to write Louisiana's first constitution. The **constitution** of a government is a document that explains its purpose, describes its organization, and states its powers. Louisiana's constitution was required to conform to the **United States Constitution** (the document, written in 1787 and ratified in 1788, that set up our nation's current framework for government). In order to achieve this, most of Louisiana's document was modeled on the state of Kentucky's 1799 Constitution. When this process was finished in early 1812, the constitution was submitted to the U.S. Congress as part of the approval process for statehood.

Chapter Preview

People

Julien Poydras, Napoleon Bonaparte, governor, lieutenant governor, attorney general, secretary of state, treasurer

Terms

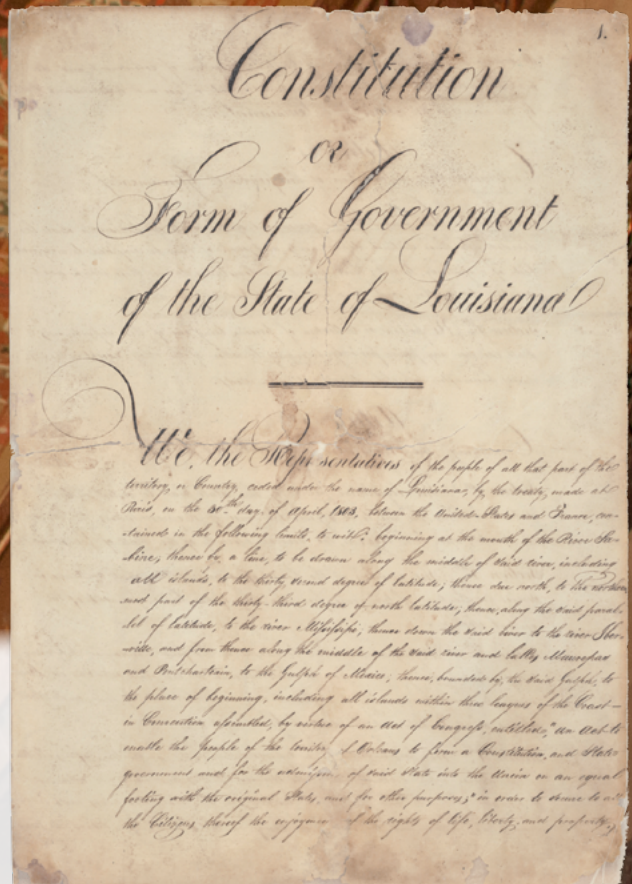
constitution, United States Constitution, government, Napoleonic Code, common law, federalism, Bill of Rights, checks and balances, special session, reapportionment, conference committee, felony, misdemeanor, appeal, jury, grand jury, taxes, severance tax, gaming, parish, police jury, home rule, municipality, open primary system, political party, lobby, propaganda



Internet Activity



Vocabulary Crossword



The constitution had been written in French, but Congress required that it be submitted for approval in English. Translations were made and sent to Congress, but the original and only version signed by all the delegates was composed and handwritten in French.

Like Poydras, more than half of the forty-three men involved in drafting Louisiana's first constitution preferred to speak, write, and read French. Some did not understand English at all.

The 1812 Louisiana Constitution required all of the state's new laws to be submitted and circulated in English. Despite this requirement, many of the state's governmental functions were conducted in French, and new laws were printed in newspapers in both French and English. Courts also routinely conducted trials in French. In fact, an early state Supreme Court justice who spoke only English resigned because he could not understand the oral arguments conducted in French.

The U.S. Congress confirmed Louisiana as the eighteenth state to enter the Union on April 30, 1812. That was nine years after the U.S. Senate had approved the treaty that made the Louisiana Territory part of the United States.

By the 1860s, Louisiana had become much more American and English-speaking, but that process was a slow one. The Louisiana colony had no history of democratic governance. Democracy was a tradition that had to be learned.

In this chapter, we will trace Louisiana's journey from a colony to an American state. We will explore the similarities and differences between the United States Constitution and the Louisiana Constitution, be introduced to the structure and operation of state and local government, and learn about the responsibilities and privileges of citizenship.

Background: Visitors first enter the Louisiana State Capitol through its grand Memorial Hall. **Above Right:** A copy of the Louisiana Constitution of 1812. **Opposite Page:** Julien Poydras.

Signs of the Times



Population

According to the 2010 U.S. Census, the population of Louisiana was 4,533,372. The 5 most populous of our 64 parishes were (1) East Baton Rouge, (2) Jefferson, (3) Orleans, (4) Caddo, and (5) St. Tammany. The 5 least populous parishes were (60) Caldwell, (61) Red River, (62) East Carroll, (63) Cameron, and (64) Tensas.

Diversity

The population of Louisiana in 2010 was 51.1 percent female and 48.9 percent male. It was 63.8 percent white, 32.4 percent black, 4.4 percent Hispanic or Latino, 1.6 percent Asian, and 0.7 percent American Indian and Alaska Native. The percentage of foreign-born residents was 3.7 percent.

State Capitol

The Louisiana State Capitol has 34 floors and is the tallest state capitol in the nation. Where its square tower is cut away to an octagon at the 22nd floor, four winged figures representing Law, Science, Philosophy, and Art guard the corners. The grand staircase at its entrance has one step for each of the 48 states in the Union in 1932, listed in the order they were admitted to the Union. The top step now has the names of Alaska and Hawaii, as well as the words *E Pluribus Unum* (“One out of Many”) from the Great Seal of the United States.

Louisiana Supreme Court

The Louisiana Supreme Court was created by the Constitution of 1812. For most of its existence, its justices were men. In recent decades, the court’s membership has become more diverse. In 2009, the state Supreme Court inaugurated its first female chief justice, Catherine D. Kimball. When she retired in 2013, she was replaced by Bernette J. Johnson, the state’s first African American female chief justice.

National Park Service Sites

The National Park Service recognizes many natural and historic sites in Louisiana, including the Cane River National Heritage Area, Cane River Creole National Historical Park, El Camino Real de los Tejas National Historic Trail, Jean Lafitte National Historical Park and Preserve, New Orleans Jazz National Historical Park, and Poverty Point National Monument.

State Parks

The Louisiana Office of State Parks oversees 22 state parks, 18 state historic sites, and 1 state preservation area (the Louisiana State Arboretum State Preservation Area). These sites provide opportunities for learning about our state’s history at museums or historic buildings and for enjoying the outdoors while camping, boating, fishing, or walking the beach or a nature trail.



State Capitol Building



State Capitol Building

Section 1

From Colony to Democracy

As you read, look for

- ▶ Louisiana's transition from monarchical to democratic government;
- ▶ the different origins of Louisiana's civil and criminal codes;
- ▶ similarities and differences between the U.S. and state constitutions;
- ▶ terms: **government, Napoleonic Code, common law, federalism, Bill of Rights.**

a-z

GLOSSARY

Government is the system through which a community is organized. A government is empowered to make, enforce, and carry out laws and procedures. The type of government a place has is often made clear by an additional word that defines the specific kind of government. For example, throughout all of its colonial history, Louisiana had a monarchical government, ruled by a king. After 1803, Louisiana slowly developed a democratic government.

In a democracy, the power of the government resides within the people as a whole. In a very small community, democracy could be conducted through the direct participation of all the citizens. In a much larger community like a state or a nation, citizens exercise their power by voting for officers whom they elect to represent their views.

Democracies are generally defined by a greater state of equality among citizens than in less representative forms of government. In a democratic system, all citizens should have equal rights, without arbitrary differences that give some people more power than others.



What Does Democracy Mean?



State of Louisiana

Left: French King Louis XIV was the head of the monarchical government that ruled Louisiana when it became a colony of France. **Below:** Governor Bobby Jindal is the head of today's democratic government in Louisiana.



The History of Louisiana Government

Even after it became part of the United States, Louisiana's government continued to be shaped by its experiences as a French and Spanish colony. This influence can be seen in the legal system. Louisiana civil laws are based on French and Spanish civil codes. Civil laws set the ground rules for how individuals interact with each other. Around 1800, Napoleon Bonaparte, the emperor of France, established a commission to write a complete collection of civil laws for France. This project, called the **Napoleonic Code**, influenced Louisiana's first civil code adopted in 1808.

The British common law system, which was used in other states, was introduced in Louisiana after 1803. **Common law** uses earlier decisions—called precedents—as guidelines. The common law system shaped the criminal laws adopted in Louisiana.

Because the colony of Louisiana had been run entirely by officials appointed by a king, the concept of self-government—the idea that citizens should actively participate in government—was new to Louisiana's residents. People coming to Louisiana from other parts of the United States, who had participated in democratic systems before, had an advantage over the Louisiana residents and expected to have a strong influence on government.



Foundations of Government

A constitution is the first and most important statement of any government. Any specific law made later must be in agreement with the ideas expressed in a constitution.

The delegates who wrote the first Louisiana constitution in 1812 had to recognize and agree to the purposes and powers spelled out by the United States Constitution. Each level of government—national, state, and local—has specific powers and responsibilities outlined in the U.S. Constitution and in the Louisiana Constitution. The documents must work in harmony with each other, but there are similarities and differences between the two.

Above: Napoleon Bonaparte.
Bottom: U.S. Constitution.

The United States Constitution

The Preamble of the United States Constitution begins with the phrase “We the People.” These words make clear that the government was formed and is granted its power by the people. The location of the government’s power and authority in the people as a whole is what makes the United States government a democratic one.

The U.S. Constitution identifies powers given only to the United States (federal) government, powers shared by the states and the federal government, and specific state powers. For example, only the federal government can declare war, regulate international trade, and make treaties with other nations. Both the federal government and state governments can collect taxes. State governments can establish their own schools and conduct elections. This division of power between the federal and state governments is called **federalism**. Article IV of the U.S. Constitution discusses the relationship between the federal and state governments. The U.S. Constitution also guarantees citizens the right to elect people to represent them in a state government.

The Tenth Amendment of the **Bill of Rights** (the first ten amendments to the U.S. Constitution) states that all powers not given to the federal government or prohibited to the states in the Constitution belong to the states. This is called the reserved powers doctrine.

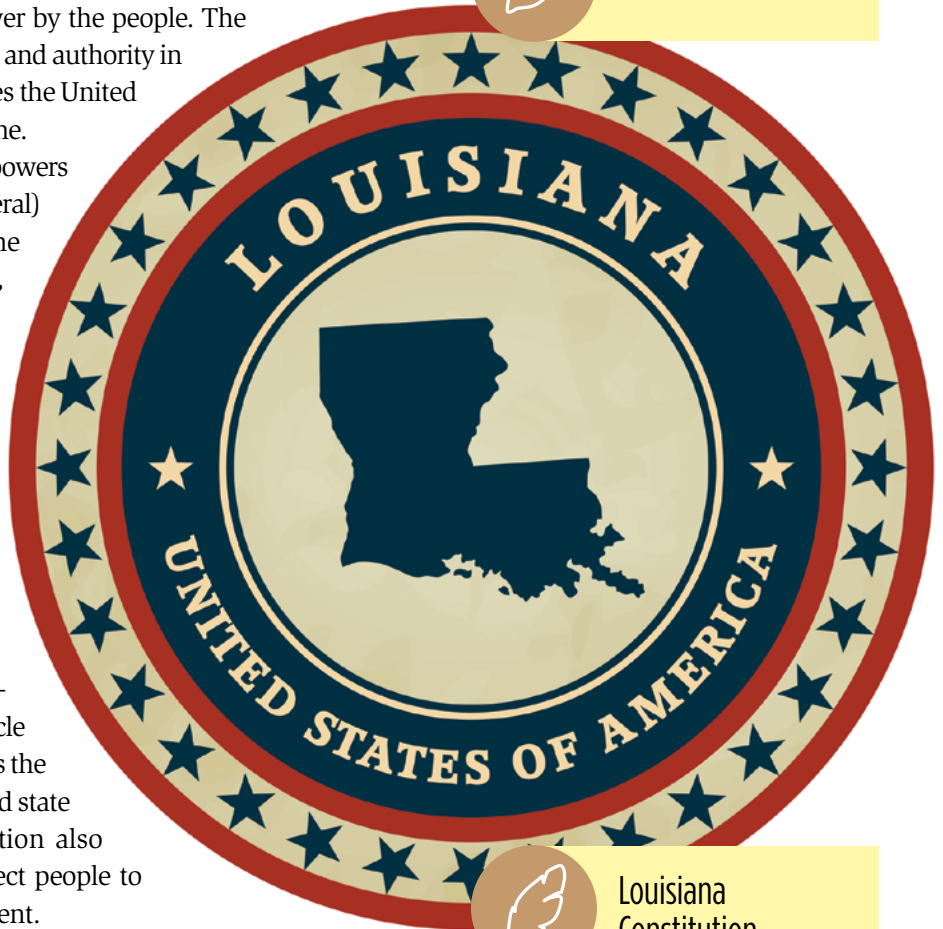
The State Constitution

The powers of the state government come from the U.S. Constitution and the citizens of the state. The constitution of each state provides the framework for how its government is formed and how it functions. The government’s purpose is to act in the best interests of the people of the state. To achieve this, the constitution also provides limits designed to protect the rights of citizens.

The present Louisiana Constitution follows the U.S. Constitution more closely than any of our earlier state constitutions. Like the U.S. Constitution, it contains a Bill of Rights that guarantees citizens self-determination, equal treatment under the law, and freedom from discrimination.



US Constitution



Louisiana Constitution



Above: The U.S. Constitution guarantees that citizens can elect people to represent them in a state government. Voting is both a right and a responsibility for Louisiana citizens.

Figure 4.1**Preambles to the U.S. Constitution and the 1974 Louisiana Constitution**

Which phrases in the Preamble to the U.S. Constitution are repeated in the 1974 Louisiana Constitution?

Preamble to the United States Constitution

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

**Preamble to the 1974 Louisiana Constitution**

We, the people of Louisiana, grateful to Almighty God for the civil, political, economic, and religious liberties we enjoy, and desiring to protect individual rights to life, liberty, and property; afford opportunity for the fullest development of the individual; assure equality of rights; promote the health, safety, education, and welfare of the people; maintain a representative and orderly government; ensure domestic tranquility; provide for the common defense; and secure the blessings of freedom and justice to ourselves and our posterity, do ordain and establish this constitution.

**Preamble Comparisons**

Louisiana's present constitution is more like a general framework for government than earlier versions. Despite this, it is still more specific than some critics think it should be. They believe the constitution should provide only a very general structure for government and that laws should provide the specific details.

Louisiana has had ten constitutions in its history. The number of previous constitutions reflects struggles for power that have taken place over two centuries of history. In earlier times, as political power shifted, the new group in control often wrote a constitution to establish and protect its ideas about how the state ought to be organized and how it ought to function.

The state's present constitution went into effect in 1974. More than one hundred delegates, most of them elected by the state's voters, worked for over a year to develop the 1974 Louisiana Constitution before it went to the voters for approval.

Reviewing the Section

1. Define in sentence form: Napoleonic Code, federalism, Bill of Rights.
2. Which system of laws shaped the criminal laws adopted in the new state of Louisiana? What does that system of laws use as guidelines for its decisions?
3. What are some characteristics of a democracy?

Section 2

Structure of State Government

As you read, look for

- ▶ the composition and duties of the executive branch of state government;
- ▶ the makeup and lawmaking process of the legislative branch;
- ▶ the different levels of the judicial branch;
- ▶ how state government is funded;
- ▶ terms: **checks and balances, special session, reapportionment, conference committee, felony, misdemeanor, appeal, jury, grand jury, taxes, severance tax, gaming.**

a-z

GLOSSARY

The Louisiana Constitution follows the pattern of the U.S. Constitution, with three branches of government and separation of powers among these branches. In both federal and state government, power is shared among the executive, legislative, and judicial branches.

This division of powers creates a system of **checks and balances**. Each branch has *checks* (controls) to keep the other two branches from misusing their powers. Each branch has the primary responsibility for certain functions of government. All the branches share power, and none is authorized to function without the other two.

The governor's veto power provides an example of how the system of checks and balances works. When the governor *veto*es (refuses to approve) a proposed law, it cannot go into effect or be enforced. But if legislators strongly support a law the governor vetoes, they can respond by *overriding* (canceling) his veto. This is difficult to do because two-thirds of the members of both houses of the legislature must support the override.

The governor also has the power to veto any item in the state budget passed by the legislature. This power is called a line-item veto. The one kind of legislation that the governor cannot veto is a proposed amendment to the state constitution. Proposed amendments must be decided by a vote of the people.

The judicial branch also helps to balance power through its ability to decide whether or not laws brought before it are constitutional. This check is called judicial review.



Above: The Senate Chamber in the Louisiana State Capitol.



Requirements of State Office



Lagniappe

Unlike the governor, the lieutenant governor can succeed himself or herself for an unlimited number of terms.



List of Governors

Below: Hodges Gardens State Park. The lieutenant governor oversees the state's Department of Culture, Recreation and Tourism.

Executive Branch

The executive branch is empowered to *implement* (enforce) the laws passed by the legislature. The governor heads the executive branch. Six other executive branch officials are also elected by statewide vote. They are lieutenant governor, attorney general, secretary of state, treasurer, commissioner of agriculture and forestry, and commissioner of insurance.

Governor

The governor of Louisiana must be at least twenty-five years old, a citizen of the United States, and a citizen of Louisiana for at least five years. The governor is elected to a four-year term and can serve two back-to-back terms.

One of the governor's duties is to prepare and submit a budget to the legislature. This plan sets out how the state's money should be spent.

The governor is not a member of the legislative branch, but he or she can influence the legislative process by authoring potential laws called administration bills. A legislator who supports the governor's bill can introduce it to the legislature.

The governor can also call the state legislature into **special session** (a legislative session called to discuss specific subjects). Extreme problems with the state budget or other issues that cannot wait until the next regular session might lead a governor to call a special session.

Lieutenant Governor

Being the lieutenant governor of Louisiana is somewhat like being the vice president of the United States. According to the state constitution, if the governor is out of the state, the lieutenant governor can act as governor temporarily. If the governor leaves office permanently or is unable to act, the lieutenant governor assumes the governor's position.

On a day-to-day basis, the lieutenant governor oversees numerous state functions. Chief among them is the direction of the state's Department of Culture, Recreation and Tourism. Because tourism is such an important part of the state's economy, this is an important responsibility.

Attorney General

The attorney general is the state's head legal official and runs the state's Department of Justice. The attorney general's office provides legal advice and representation to the state's departments, agencies, boards, and commissions, and to statewide elected officials.

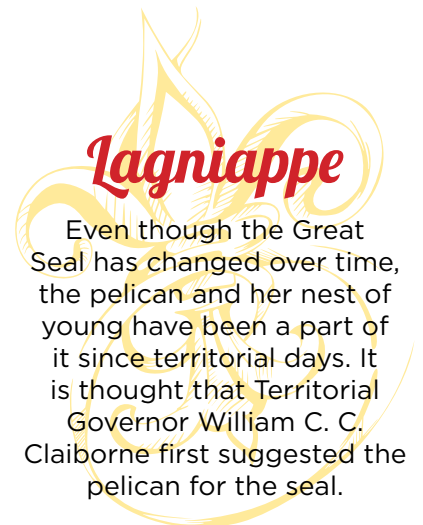
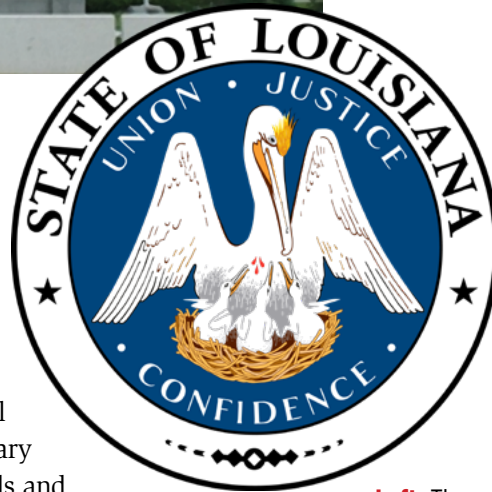
The attorney general can also bring legal action on behalf of the state. In 2012, for example, the attorney general of Louisiana joined with other states to test the constitutionality of a new national health care law called the Affordable Care Act. The United States Supreme Court decided that the law was constitutional and could stand.

The attorney general also defends Louisiana laws if they are challenged in the federal courts. This can happen if the legislature passes a law that citizens think is in violation of the U.S. Constitution. For example, in a 1975 case called *Taylor v. Louisiana*, the U.S. Supreme Court ruled that state laws governing how people were called for jury duty had to treat men and women in the same way. Before this ruling, Louisiana laws allowed for the selection of juries made up mostly or entirely of men.



Secretary of State

The secretary of state is the chief election officer for Louisiana, and leads the Department of State. The department administers the election laws passed by the legislature. The secretary of state is the keeper of the Great Seal of the State of Louisiana. The seal is used to give official approval to state documents. The secretary of state also keeps the state's official records and publishes the acts and journals of the legislature. These records are kept in the State Archives Building in Baton Rouge.



Left: The secretary of state oversees the Louisiana State Archives, which are housed in this building in Baton Rouge, and is the keeper of the Great Seal of the State of Louisiana.

Special FEATURE

Louisiana: The Pelican State

The United States uses the impressive Bald Eagle as a symbol for the country, but Louisiana chooses to use the Brown Pelican as a symbol of the state. Have you ever wondered why Louisiana is known as the Pelican State, or why the Brown Pelican appears on the state's seal and flag and is the official state bird?

Louisiana has been known as the Pelican State since it became part of the Union in 1812.

When the first Europeans arrived along Louisiana's coast, there were many, many Brown Pelicans to be found. After observing the Brown Pelicans, the Europeans were impressed with how nurturing, loving, and generous the Brown Pelicans were to their offspring. This is actually represented on the state seal, which illustrates a Brown Pelican tearing off a piece of its flesh to feed to its young. In reality, Brown Pelicans do not act in this way.

Brown Pelicans disappeared from Louisiana in the 1960s. The state known for this large, wonderful bird now had none of them. Some people suggested that tropical storms had damaged the nesting sites while others believed that humans were to blame for the birds' disappearance. Could there have been a virus that affected the birds? Or could pollution from the oil industry have played a role? In the end, scientists determined that the chemical DDT, used as a pesticide throughout the region, was harming the Brown Pelicans. The chemical was causing problems for pelican reproduction, including eggshells that were weak and easily broken by nesting parents.

Efforts to repopulate the coast began in 1968 and were intensified after the Brown Pelican was added to the federal Endangered Species List in 1970. Fortunately, by 1995, the Brown Pelicans were once again thriving along the Louisiana coast and were declared "recovered" by the federal government. What might have happened if the pelican had not been saved?



Coastal Wetlands



Treasurer

The state treasurer is the head of the Department of Treasury. This department is in charge of the state's money and keeps records of the state's income and expenses. The state treasurer is required to prepare and present a yearly financial report to the governor and the legislature one month before each regular session of the legislature begins.

Other Elected Officials

Louisiana voters elect two additional members of the executive branch. The commissioner of agriculture's office promotes the state's agricultural crops, oversees forests, and monitors soil and water quality. The commissioner of insurance enforces the insurance laws passed by the legislature and monitors the companies that sell insurance to people in the state.

The members of two other boards also are elected. The five members of the Public Service Commission regulate public utilities such as telephone, electric, natural gas, and water companies. The purpose of the commission is to ensure that consumers receive adequate service and are charged fair rates.

The state's Board of Elementary and Secondary Education (BESE) supervises education in Louisiana. Its members also appoint the state superintendent of education. The governor appoints three members of this board. The other seven are elected from districts around the state.

Legislative Branch

The legislative branch makes laws for the state. Like the United States Congress, Louisiana's legislature is divided into two parts. This legislative model is called *bicameral* ("two chambers"). The purpose of this arrangement is to balance the power of each chamber. If one chamber proposes a bill, the other chamber must also consider and approve it before it can become a law.

Top Right: The commissioner of agriculture promotes Louisiana's agriculture, including the state's important cotton crop.

Middle: The state's Board of Elementary and Secondary Education supervises public education. **Bottom:** The commissioner of agriculture also oversees the state's forests.





Top Right: The Ouachita Parish Courthouse in Monroe. **Above:** Every ten years, the federal government conducts the U.S. Census. After the census, the state's legislative districts are reviewed to see if the population in each district is still equal.

Legislative Membership

The 1974 Louisiana Constitution specifies that the legislature have 144 members. There are 39 senators and 105 representatives. Each is elected from a geographic district based on population. One member is elected from each district.

Every ten years, the federal government conducts the U.S. Census, an official count of each state's population. After these numbers come out, legislative districts must be reviewed to see if there are equal numbers of people in each district.

Revising the legislative district boundaries based on population numbers is called **reapportionment**. If population numbers have changed, district boundaries must shift to reflect those changes, but the total number of legislators remains the same.

Before the 1960s, legislative districts in most states had been based on land area. In Louisiana, they were based on parish divisions. This created a situation in which legislators from rural areas represented fewer people than legislators from parishes that had larger populations. Some people thought this was unfair. In 1962, the U.S. Supreme Court, in a case called *Baker v. Carr*, ruled that voting districts had to be based on population, not just land area. That decision became known as the "one-man, one-vote ruling."

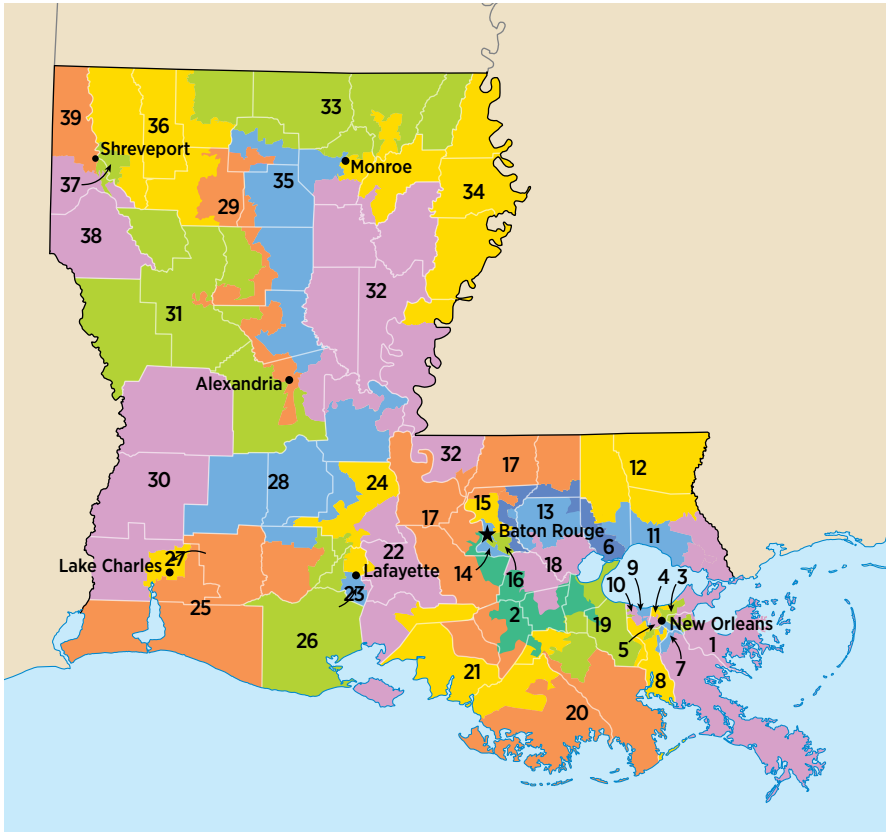


Louisiana Legislature

State Legislators

Anyone old enough to vote can run for a seat in the Louisiana legislature. The candidate must be eighteen years old, be registered to vote, and have been a resident of the state for at least two years and a resident of the district for at least one year. Legislators are elected to four-year terms.

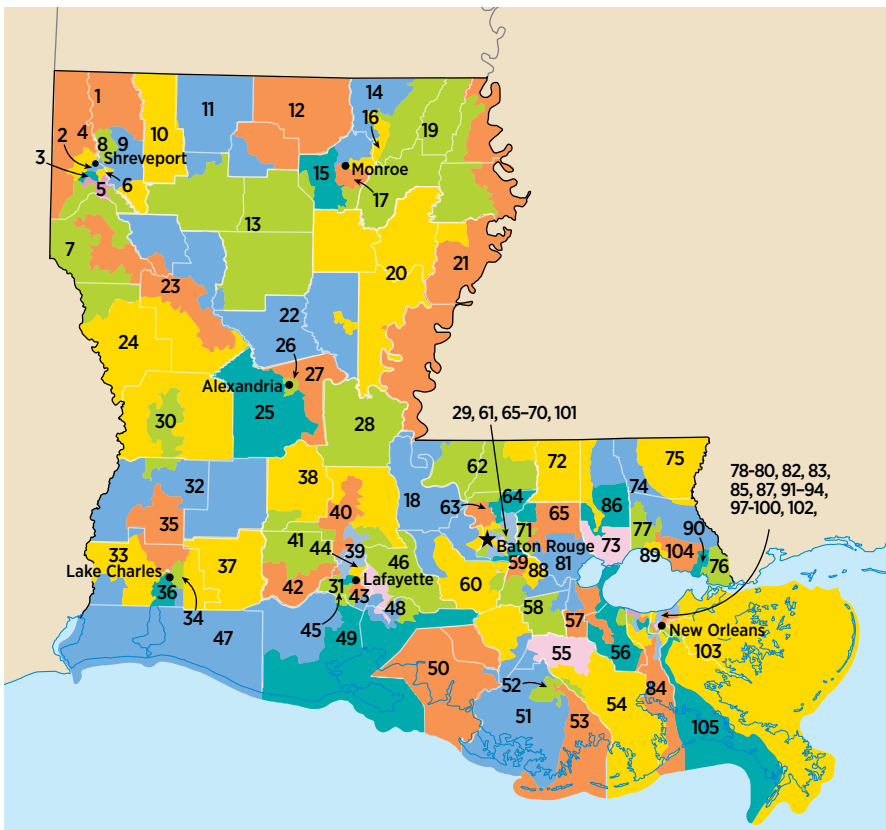
In 1995, Louisiana voters approved a term limit amendment to the state constitution. Under this amendment, legislators can serve three back-to-back terms in the same position. After that, they must wait at least one term to run again for the same seat. Supporters of term limits believe this keeps legislators from becoming professional politicians. Opponents of term limits believe this amendment restricts the choices voters can make.



MAP 4.1

Louisiana Senate Districts

Map Skill: In which Senate district do you live?



MAP 4.2

Louisiana House Districts

Map Skill: In which House district do you live?

Legislative Sessions

The legislature meets every year. In odd-numbered years, the legislature meets for forty-five days during a sixty-day period. Tax bills can only be passed in odd-numbered years. In even-numbered years, the legislature meets for sixty days over an eighty-five-day period. The requirement for a longer meeting period than needed allows legislators to consider bills, and then take a break to go to their districts and hear the views of their *constituents* (the people they represent). When they return after the break, they finish the number of days required in the session and vote on the bills that were previously introduced.

Members of each chamber elect officers to preside over the sessions. The House of Representatives elects a speaker of the House. In the state Senate, the elected leader is called the president of the Senate.

Right: The House of Representatives Chamber in the Louisiana State Capitol.



Making Laws

Legislators introduce, consider, and approve laws. Proposed laws are called bills and may be introduced by members of both chambers. A bill becomes law only after it is approved by both the House and the Senate and is signed by the governor. Once a bill becomes law, it becomes a numbered act of the legislature.

Legislative committees study and debate proposed laws. Some committees are permanent. These *standing committees* include areas such as education, finance, health and welfare, natural resources, environment, insurance, and transportation. Other committees are appointed for a special purpose and are temporary. Committees and committee chairpersons are appointed by the speaker of the House and the president of the Senate. Each legislator serves on at least one committee.

Once a bill is introduced in either chamber, it is assigned to a committee for discussion and debate. The committee may hold hearings so that interested persons can *testify* (speak) about the bill. After the hearings, committee members vote to (1) approve the bill and send it on to the full chamber for consideration; (2) amend the original bill; or (3) kill it, which ends its existence for that session. If the bill is approved by one chamber, it is then sent on to the other chamber where the entire process is repeated. If either chamber votes no, the bill is also killed for the session.

Lagniappe

In many states, the lieutenant governor is *ex officio* (because of the office) president of the state Senate, just as the vice president is *ex officio* president of the U.S. Senate. Under the current Louisiana Constitution, the lieutenant governor no longer holds that position. The change was designed to better separate the legislative and executive branches.



Lagniappe

About 2,500 bills are introduced in each session of the legislature. Only about one-third of those become laws.

A bill must pass both chambers in exactly the same form to become law. If the House and Senate versions differ, the two versions are sent to a conference committee. The **conference committee** includes members from both the Senate and the House, who try to work out the differences so they can return the bill to both chambers for another vote.

A bill passed by the legislature must be delivered to the governor within three days. The governor has ten days (or twenty if the session is within ten days of ending) to either (1) sign the bill into law, (2) veto it, or (3) allow it to become law without signing it. The decision not to sign a bill can be an expression of opposition to the new law.

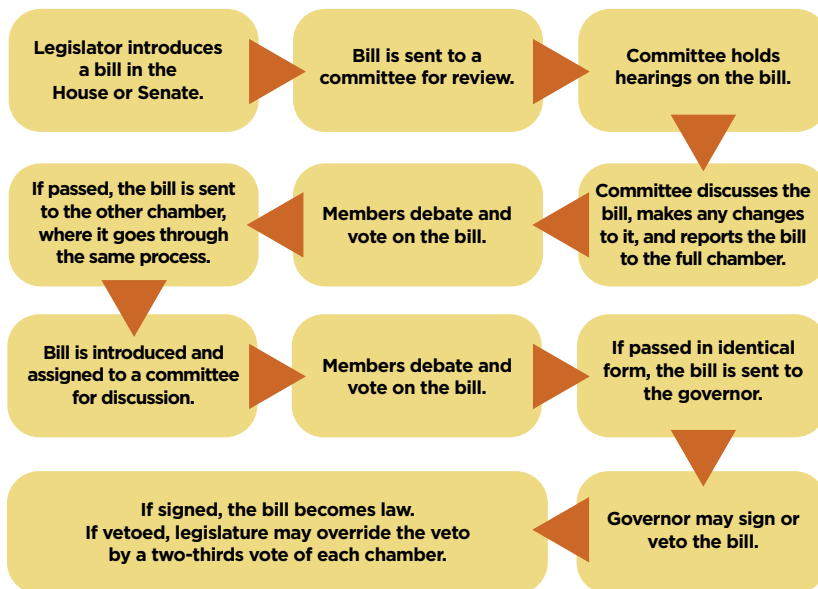


Figure 4.2

How a Bill Becomes Law

If a bill is passed in the chamber where it was introduced, what must happen next?

Below: State troopers keep us safer by patrolling the state's highways in white units like this one. Their motto is "Courtesy, Loyalty, Service."



Judicial Branch

The judicial branch of government interprets and applies the constitution and laws of the state. The judicial branch also protects the rights of citizens. The U.S. Constitution states that no one shall be deprived of life, liberty, or property except by due process of law, which refers to the rules established by courts to protect a citizen's rights.

Civil and Criminal Law

The laws of the state are divided into two categories. *Civil laws* deal with the relationships between and among individuals. A civil lawsuit asks the court to settle a dispute between two people or between an individual and a business or government. A civic legal issue is personal, not one that affects all members of society. Civil law covers issues related to citizenship, property rights, contracts, marriage, divorce, child custody, and inheritance.

Criminal laws protect society from the wrongdoing of an individual. The state brings criminal charges against an individual on behalf of society and individual victims. A trial determines guilt or innocence.

Serious crimes, like murder and armed robbery, are called **felonies**. Less serious crimes, like speeding, are called **misdemeanors**. Crimes can be punished by fines, imprisonment, or even by the death penalty. The penalty is based on the seriousness of the crime.

The judicial branch has many elected and appointed officials. Laws are enforced by sheriffs, police, and city marshals. District attorneys and clerks of court also have important roles. A district attorney prosecutes criminal cases in court. A clerk of court keeps the official records for a parish much like the secretary of state does for the state.



Supreme Court

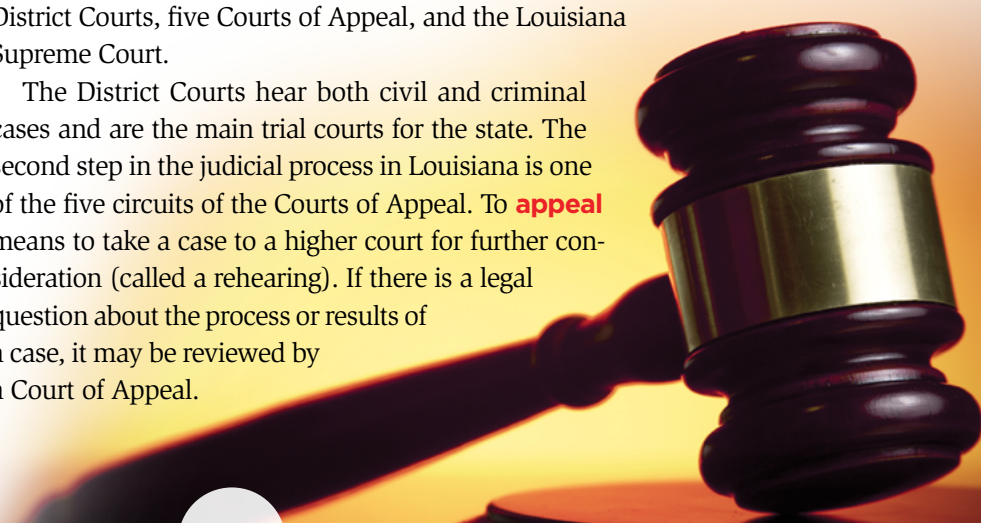
Lagniappe

In addition to the Supreme Court, Courts of Appeal, and District Courts, Louisiana has five Family or Juvenile Courts, forty-nine City Courts, and three Parish Courts.

Louisiana's Court System

The state court system has three levels. There are forty-three District Courts, five Courts of Appeal, and the Louisiana Supreme Court.

The District Courts hear both civil and criminal cases and are the main trial courts for the state. The second step in the judicial process in Louisiana is one of the five circuits of the Courts of Appeal. To **appeal** means to take a case to a higher court for further consideration (called a rehearing). If there is a legal question about the process or results of a case, it may be reviewed by a Court of Appeal.



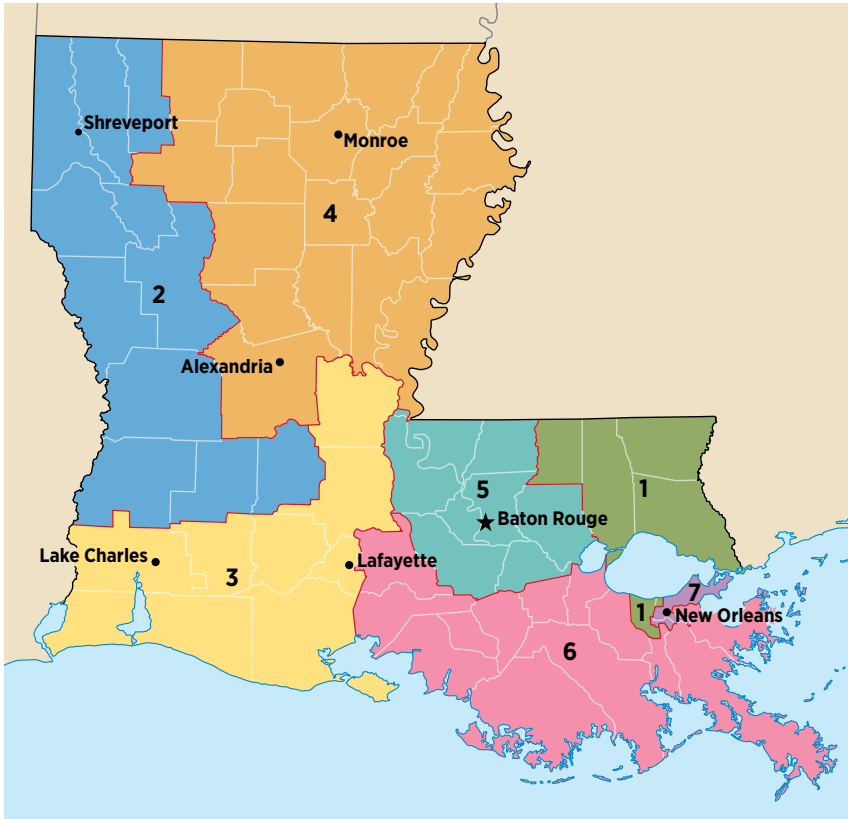


Some cases advance from a Court of Appeal to the Louisiana Supreme Court, the highest court in the state. This court hears appeals from lower-level courts. If a lower court has ruled a law unconstitutional, the Supreme Court must evaluate that decision. The Supreme Court is also required to review criminal cases in which a defendant has been found guilty and sentenced to death.

Left: The Louisiana Supreme Court Building in New Orleans was completed in 1910.

Lagniappe

The Louisiana Supreme Court is composed of seven justices, who are elected from districts throughout Louisiana for ten-year terms. The senior justice in years of service is the chief justice. The court meets in New Orleans rather than in our capital city of Baton Rouge.



MAP 4.3

Louisiana Supreme Court Districts

Map Skill: Why is District 7 so small in land area?

Juries

A person accused of a crime has the right to be tried before a jury of *peers* (persons of equal standing in society). A **jury** is a group of citizens who hear evidence on a legal case and make a decision based on the evidence. Serving on a jury when called is an important civic duty.

Citizens may also be called to serve on a **grand jury**. A grand jury is made up of twelve citizens who serve for six months. These citizens are involved in the first step of a legal action against an accused criminal. After listening to the district attorney, the grand jury must decide if there is enough evidence to *indict* (formally charge) a person for a crime. If the grand jury decides to indict, a case moves forward and a regular jury trial is scheduled.

Lagniappe

The word indict is pronounced “in-DITE.”



Lagniappe

Louisiana's budget is prepared for a *fiscal* (financial) year that runs from July 1 to June 30.

Funding State Government

Governments must have money to function. All governments get their money (called revenue) in a variety of ways. Knowing how much money is needed starts with a detailed plan.

The State Budget

The detailed plan for acquiring and spending money is called a budget. Each year the state government estimates how much revenue it will collect for the year. Then the governor and legislature must decide how to distribute the revenue to meet the needs of the state.

The governor prepares the budget and presents it to the legislature. The Louisiana Constitution requires a balanced budget. This means the state cannot spend more money than it takes in, so expenditures cannot exceed revenue.

Figure 4.3

State and Local Revenue - Year 2012

Which categories contribute over 20 percent of the state's revenue?

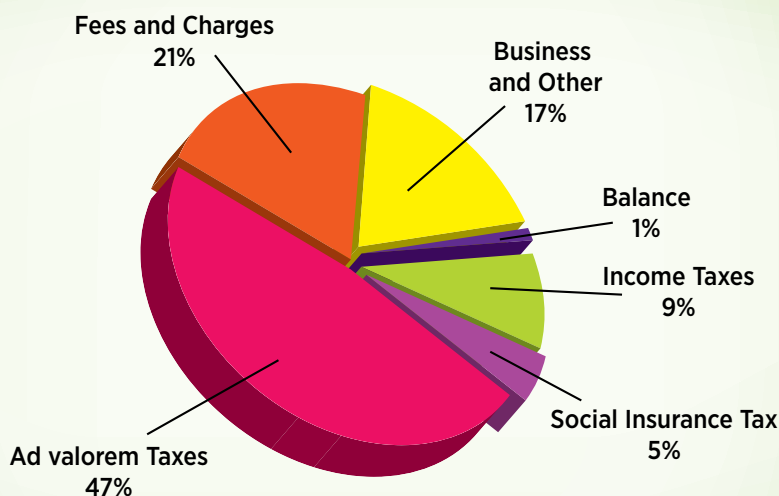
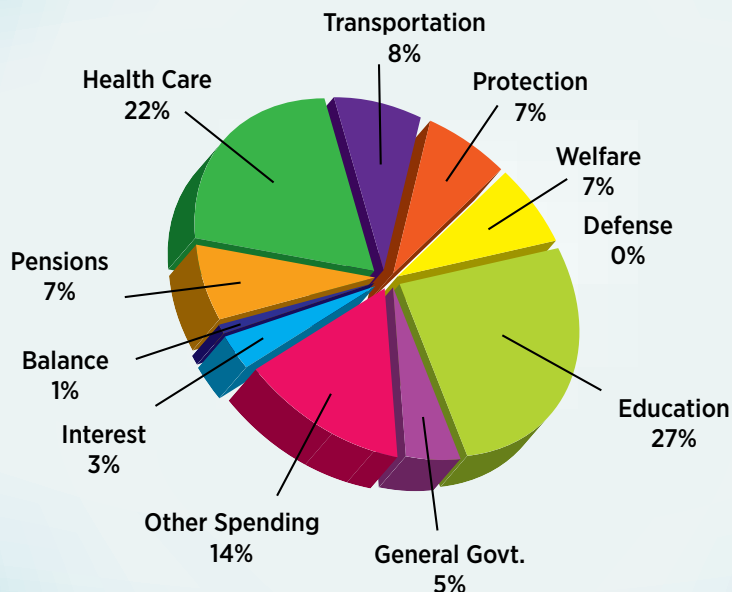


Figure 4.4

State and Local Spending - Year 2012

Which category of spending received the largest percentage of the state's budget?



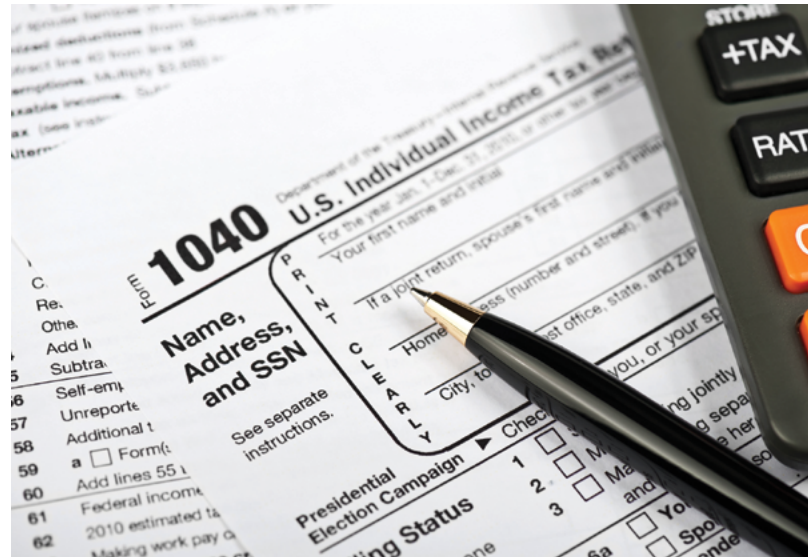
Taxes

Much of the state's revenue comes from taxes. **Taxes** are amounts paid by citizens to their governments (federal, state, and local) to support governments and the services they provide. A *sales tax* is collected on items as they are purchased. In Louisiana, the sales tax is the largest single source of revenue. An *excise tax* is imposed on specific products. Louisiana collects excise taxes on the purchase of alcohol, cigarettes, and gasoline.

Louisiana also collects severance taxes. A **severance tax** is an amount charged for *severing* (removing) natural resources—such as timber, oil, and gas—from the state. The severance tax is based on the idea that, once natural resources are removed, they will not be available for future generations.

Individual citizens pay a state *income tax* each year. Businesses also pay income tax to the state.

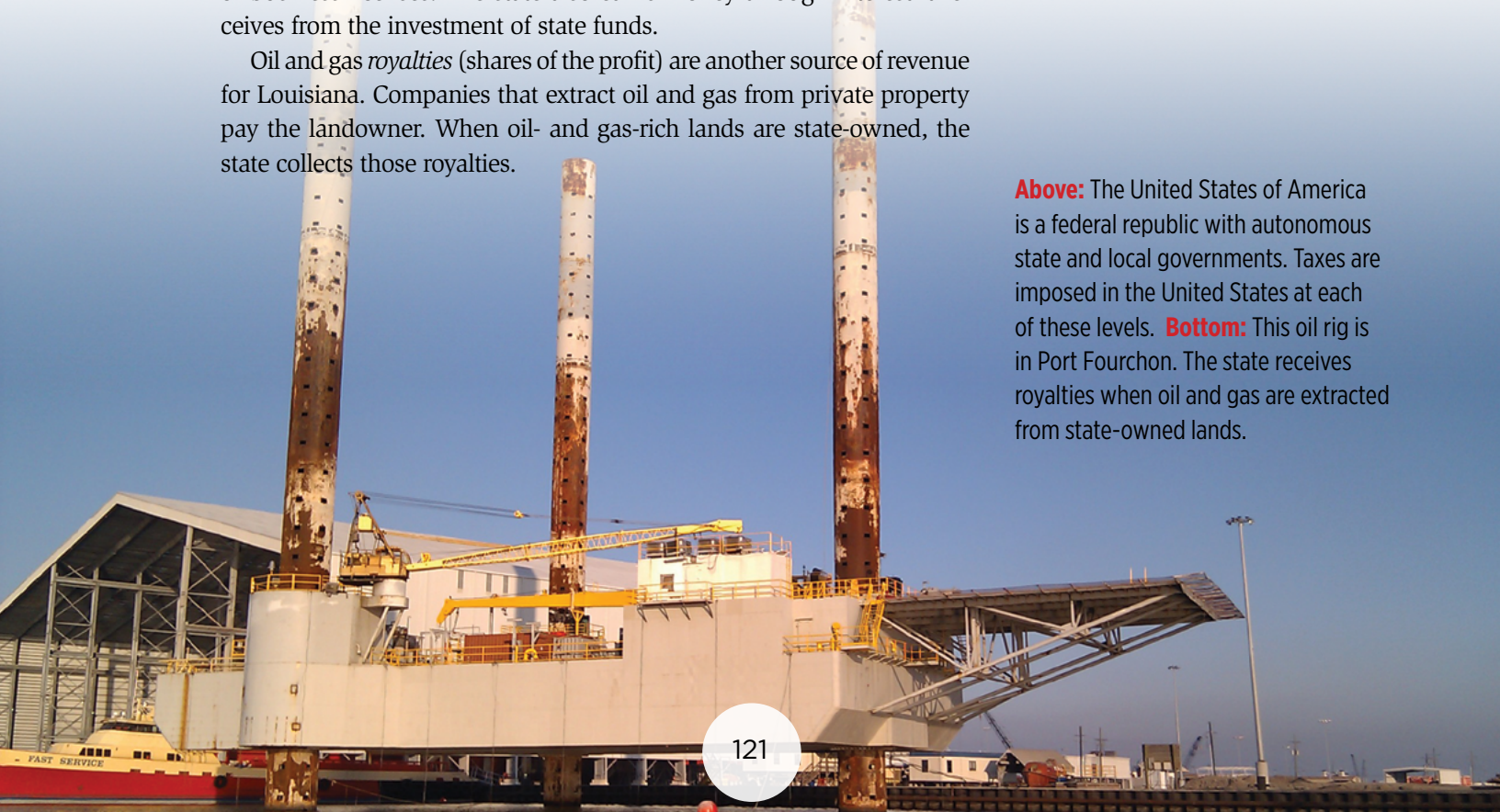
Property taxes are paid on homes and lands. Louisiana has lower property taxes than many other states. One reason is the homestead exemption, which excuses part of the value of a primary residence from the property tax. The standard homestead exemption is \$75,000. If a person's home is valued at \$200,000, the owner is only required to pay taxes on \$125,000 of that amount.



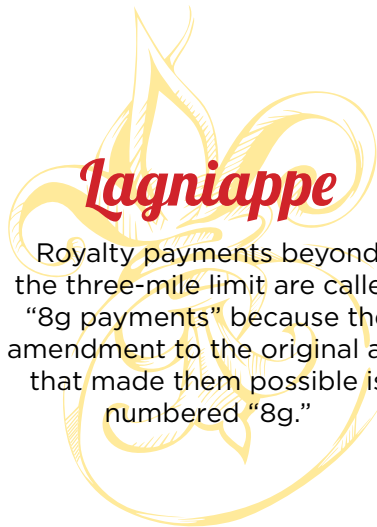
Other Sources of Revenue

In addition to taxes, the state receives revenue from a variety of fees charged for certain kinds of government-issued items like drivers' licenses or business licenses. The state also earns money through interest it receives from the investment of state funds.

Oil and gas *royalties* (shares of the profit) are another source of revenue for Louisiana. Companies that extract oil and gas from private property pay the landowner. When oil- and gas-rich lands are state-owned, the state collects those royalties.



Above: The United States of America is a federal republic with autonomous state and local governments. Taxes are imposed in the United States at each of these levels. **Bottom:** This oil rig is in Port Fourchon. The state receives royalties when oil and gas are extracted from state-owned lands.



Royalty payments beyond the three-mile limit are called “8g payments” because the amendment to the original act that made them possible is numbered “8g.”

The share the state receives from offshore oil and gas drilling was disputed for many years. In the 1950s, the United States government decided that states owned and could collect royalties from offshore drilling that took place within three miles of their coastline. Beyond that limit, the United States claimed the right to royalties. Many states, including Louisiana, engaged in a decades-long legal battle with the federal government because they believed the three-mile limit was unfair.

Congress settled this dispute in 1986. It guaranteed states would receive a “fair and equitable” share of the money made from offshore drilling. Louisiana’s share was determined to be 27 percent of the money made beyond its three-mile limit. Payments from the federal government have totaled nearly \$800 million since they began. Louisiana’s citizens voted to dedicate the money to the Louisiana Education Quality Trust Fund, which supports education in the state.

Another source of revenue came from the settlement of a lawsuit filed by states against the tobacco industry. The states won. Louisiana’s share of the settlement is invested in the Millennium Trust Fund, which is used to support education and health care needs.

The federal government is an important source of state revenue. As much as one-third of the state’s annual budget comes from federal sources.

Parts of the funds are used to pay for programs the federal government requires the state to provide. In some cases, the federal government also requires Louisiana to pay for a share of those federally funded programs.

If the state wants to undertake a project but does not have the funds on hand, it can borrow the money by selling bonds to investors. This allows the state to begin the projects right away and pay back their bond investors over time with interest.

Gaming (the legal name for gambling) is also an important revenue source for the state. Land- and water-based casinos pay special taxes and fees. The state also sponsors a lottery that generates substantial revenue. The state now relies on the revenue from gaming. Critics of gaming argue this is not a good way for the state to earn income.



Above: The land-based casino known as Harrah’s New Orleans opened in 1999.

Reviewing the Section

1. Define in sentence form: reapportionment, felony, grand jury.
2. Name the elected members of Louisiana’s executive branch.
3. How many members are in each chamber of the state legislature?

Section 3

Local Governments

As you read, look for

- ▶ the forms of government for Louisiana's sixty-four parishes;
- ▶ three types of municipalities, based on population;
- ▶ why the school board is a unique form of local government;
- ▶ terms: **parish, police jury, home rule, municipality.**

a-z
GLOSSARY

Citizens are most likely to interact with government at the local level. In Louisiana, the units of local government are parishes, municipalities, and special districts.

Parish Government

The **parish** is the primary local government division. Louisiana has had its present number of sixty-four parishes since 1912. The parish government and courthouse are located in the town or city known as the parish seat. Louisiana is the only state in the nation with parishes and parish seats rather than counties and county seats. This difference comes from the Spanish colonial period when government divisions were based on the administrative divisions created by the Catholic Church. The first United States officials in Louisiana attempted to change the term to county. Over time, however, tradition prevailed and Louisiana continued to use the term parish to describe divisions used for local government.

Bottom Left: Iberia Parish Courthouse.
Bottom Right: Natchitoches Parish Courthouse.



Parish Seats



How the Parishes Got Their Names





MAP 4.4

Louisiana Parishes and Parish Seats

Map Skill: Which parishes border more than one state?

Police Jury

The **police jury** (the governing body for most parishes) dates back to the territorial period. Louisiana’s territorial government created the police jury as the form of local government in 1807. At first, jury members were appointed to administer and oversee (police) each parish. In 1813, parishes were divided into wards, and the police jury members were then elected by the voters from each ward. Forty-one parishes still use the term “police jury” to describe their local form of government. Depending on the parish population, police juries can have as few as three and as many as fifteen members.

The police jury passes local laws for the parish. It is also in charge of building and maintaining parish roads and public buildings like the jail and the courthouse. The police jury appoints the parish registrar of voters and the treasurer. It is also empowered to raise money for parish expenses.

Police juries sometimes create special districts to perform specific services for a local area. The most common special districts include school, fire protection, levee, and water districts.

Some other elected members of parish government do not report to the police jury directly. The sheriff is elected to be the chief law enforcement officer and tax collector in a parish. The district attorney is the chief prosecutor who represents the parish and its people in criminal cases. The clerk of court is elected to maintain court records and other official records like marriage licenses and sales of property.

Other Types of Parish Government

Before 1974, the state legislature had a great deal of control over how local governments operated. The Louisiana Constitution of 1974 gave more authority to local governments. The power given to political subdivisions to govern their own affairs is known as **home rule**. This arrangement allows parishes and municipalities to manage their own operations, unless something is specifically prohibited by the state constitution or state law.

Parishes with a home rule charter are allowed to organize in a form other than the police jury. These other forms of government include having an elected parish council and a parish president, or an elected parish council that is empowered to select a parish administrator (manager). Some of the state's largest urban areas, including Baton Rouge and Lafayette, have a *consolidated government* (a single, combined government) that oversees both the city and the parish.



Just as Louisiana is the only state to use the terms “parish” and “parish seat,” it is also the only state to use “police jury” as the name of a local governing body.



Background: The sheriff is elected to be the chief law enforcement officer and tax collector in a parish.

Figure 4.5**Louisiana's Ten Largest Cities, 2010**

How many Louisiana cities have a population over 100,000?

City	Population
1. New Orleans	343,829
2. Baton Rouge	229,493
3. Shreveport	199,311
4. Lafayette	120,623
5. Lake Charles	71,993
6. Kenner	66,702
7. Bossier City	61,315
8. Monroe	48,815
9. Alexandria	47,723
10. Houma	33,727

Municipalities

Each parish has **municipalities** (cities, towns, and villages) of different sizes. Some people who live in a parish also live in a municipality. People who live in a rural area outside a city or town have no municipal government.

The smallest municipal division is called a *village*. It has a population between 150 and 999. A village becomes a *town* when its population reaches 1,000. If the population rises to 5,000 people, it becomes a *city*. A municipality elects a mayor and a council or a group of commissioners.

**School Boards**

Most local school systems have the same boundaries as the parish in which they exist. School board members are elected from a district based on population in the parish. Members serve four-year terms that run concurrently. This means that all members of the board are elected at the same time and their terms all end at the same time.

School boards are special forms of local government that are not part of parish government. School boards are, however, more closely regulated by the state than other forms of local government. One reason is that school boards receive money from the state to provide education to the young people in their district. A local school board can collect additional funds through bonds and local taxes. Each board appoints a superintendent to oversee the operations of the school system.

Top Left: Breau Bridge is a city in St. Martin Parish. Its population was 8,139 in the 2010 U.S. Census. **Top Right:** KIPP McDonogh 15 School for the Creative Arts, in the New Orleans French Quarter, opened in 2006 as part of the Department of Education's Recovery School District.

Reviewing the Section

1. Define in sentence form: parish, home rule, municipality.
2. What are the specific duties of the police jury?
3. Why is the school board a special form of local government?

Section 4

Citizens and Government

Below: Madison Parish Courthouse in Tallulah.

As you read, look for

- ▶ the rights and responsibilities of citizens;
- ▶ the qualifications for voting in Louisiana;
- ▶ how political campaigns and elections are run in our state;
- ▶ attempts to influence lawmakers through organizing and lobbying, and sometimes by the use of propaganda;
- ▶ terms: **open primary system, political party, lobby, propaganda.**

a-z
GLOSSARY

Democratic government has been described as government “of the people, by the people, and for the people.” In a democratic system, all citizens have both rights and responsibilities.

Citizens’ rights are spelled out in both the U.S. Constitution and the state constitution. Your rights include freedom of speech, freedom of religion, and the right to vote once you meet the qualifications for doing so.

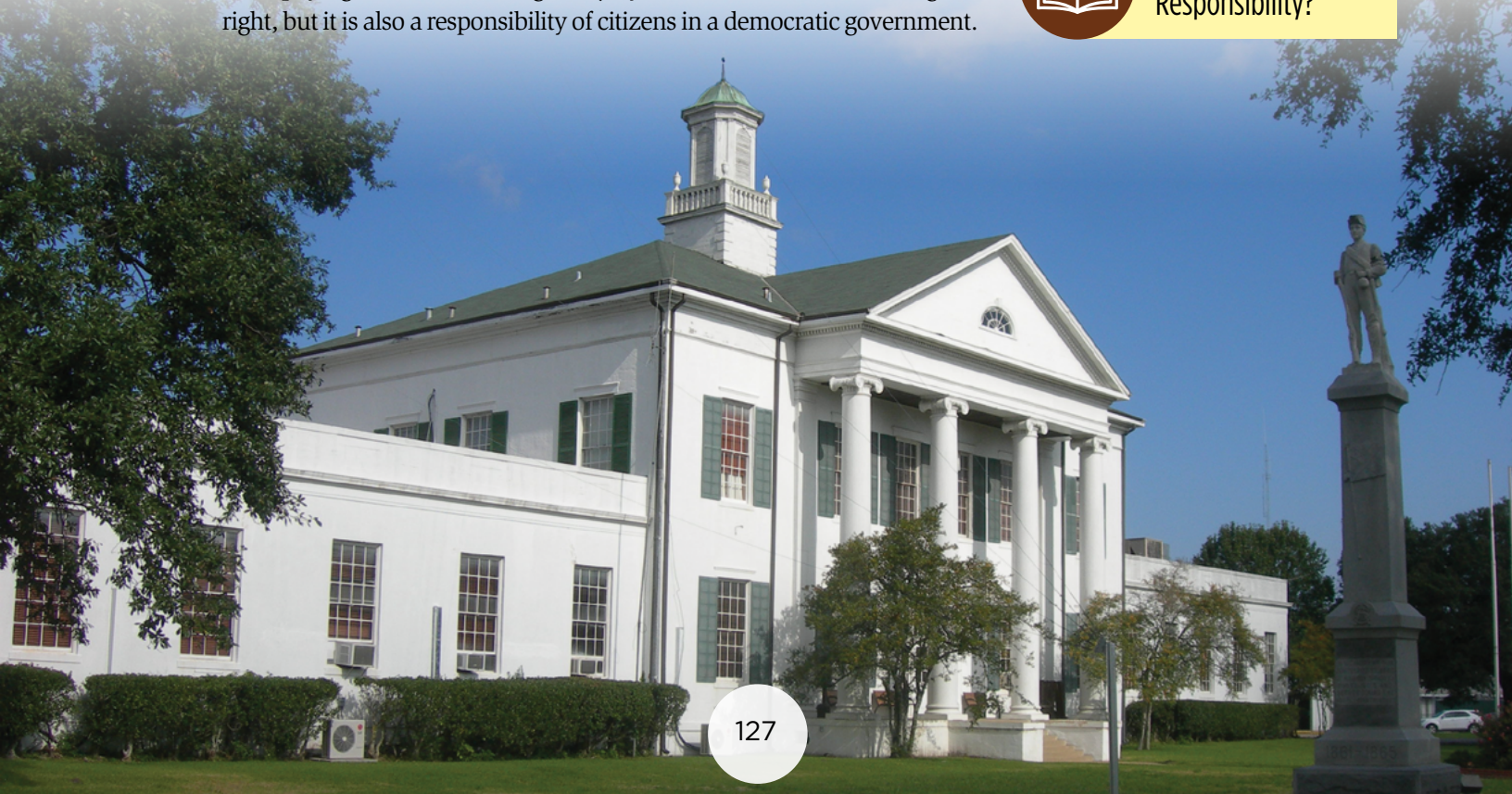
Citizens are also expected to take responsibility for personal actions and to respect the rights of others. Civic responsibilities include obeying laws, paying taxes, and serving on a jury when called to do so. Voting is a right, but it is also a responsibility of citizens in a democratic government.

Lagniappe

The important freedoms of religion, speech, the press, assembly, and petition are all guaranteed within the forty-five words of the First Amendment to the U.S. Constitution. They are often referred to as “First Amendment Rights.”



Right or Responsibility?



Voting and Elections

In 1971, the Twenty-sixth Amendment to the U.S. Constitution lowered the voting age from twenty-one to eighteen. Louisiana voters must live in the parish where they register to vote. Voters may register in a variety of ways. These include going to the Registrar of Voters Office or registering to vote at a division of the Office of Motor Vehicles.

Statewide elections in Louisiana are held in two stages. The first stage is called an open primary. In an **open primary system**, all of the candidates, no matter what political party they represent, compete in the first (or primary) election. Voters can vote for any candidate they choose. A registered Republican who wants to vote for a Democratic candidate can do so. The reverse is also true.

The two candidates who receive the most votes in the primary election advance to a runoff election. Whoever finishes the runoff with the most votes wins the election. The two candidates in a runoff can be from the same political party or from different political parties.

Figure 4.6

Louisiana Voter Qualifications

Which amendment to the U.S. Constitution allowed eighteen-year-olds to vote?

To register to vote in Louisiana, a citizen must be

- a U.S. citizen,
- at least eighteen years old prior to the next election,
- not in prison or a convicted felon,
- not judged mentally incompetent, and
- a resident of Louisiana and the parish in which the person seeks to vote.





Political Parties

Political parties are organizations of people who come together because they have similar ideas about how government should operate. For most of its history, the United States has had a political system dominated by two parties at a time. The major parties today are the Democratic and Republican Parties. More people in Louisiana are registered as Democrats than as Republicans. In recent decades, the number of voters who register as Republicans has grown tremendously. In addition, many voters who are registered Democrats vote for Republican candidates.

Historically, people in Louisiana have often voted on the basis of local issues or identities rather than on the basis of party affiliation. Thus, a person's religious beliefs or location in the state might affect voting decisions as much as what party one supports.

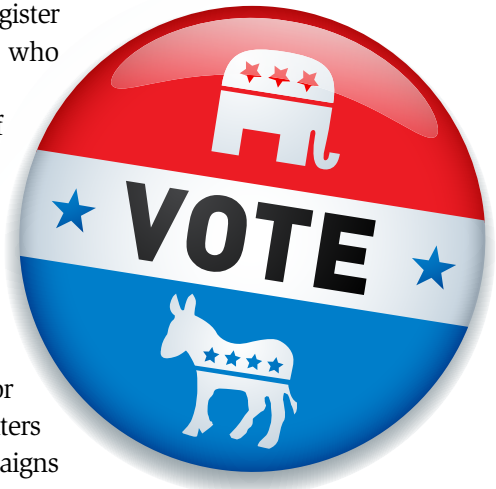
Campaigns

Candidates for office organize a campaign to attract voters. In the past, a candidate would go to each town personally and might go door to door, or give a speech in the town square. Shifts in population centers and advances in technology have changed the way modern campaigns are run. Today, most voters gain knowledge about candidates through television or other media sources like radio, newspapers, and the Internet.

Running political campaigns has become very expensive because buying time for advertisements on television is quite costly. Fund-raising is an important part of the modern campaign process. Critics worry that this emphasis on fund-raising discourages candidates with fewer resources.

Lobbying and Organizing

All citizens have the right to contact their elected representatives to let them know how they feel about a specific issue. In this sense, every citizen has the potential to **lobby** (attempt to influence legislators about issues). Some regular citizens work as volunteers on issues they care about and lobby legislators to vote in the way they think best.





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



Simulated Voter Registration

Bottom: These volunteers are planting marsh grasses in the Bayou Sauvage National Wildlife Refuge.

Professional lobbyists are paid to represent a particular point of view to legislators and other government officials. Professional lobbyists must register with the state and are required to follow the laws related to how they conduct their lobbying efforts. Buying influence is illegal. This is important because many lobbying organizations have access to large sums of money. Some citizens believe that paid, professional lobbyists make it more difficult for individual citizens or organized volunteer groups to have their points of view considered.

People who disagree about issues sometimes accuse their opponents of creating **propaganda** (information spread widely in order to promote or discourage a particular proposal or political point of view). It can be difficult to distinguish between a legitimate political message and propaganda.

One way citizens can recognize propaganda is by exposing themselves to a variety of media sources. Newspapers, television, and online news sources make it possible for citizens to monitor government closely. Checking many sources and thinking critically helps a citizen assess the reliability of the information any single source offers.

Large numbers of like-minded citizens can communicate and organize quickly through the use of social media. A group dedicated to a cause may not have as much money as a professional lobbying group, but by combining their voices, they can use the power of numbers to increase their influence.

Even citizens too young to vote can participate in the political process or organize for a cause they care about. Young people around Louisiana have organized to make their communities better by picking up litter, helping to rebuild schools and communities after recent hurricanes, and helping in environmental conservation efforts. Some young citizens have even led efforts to overturn legislation they think is wrong.

Citizens can and do gather in groups large and small to talk about politics and proposed solutions for making Louisiana a better place to live, work, and play. Although more than two hundred years have passed, citizens concerned about the state's governance share goals with Julien Poydras and the forty-two other men who gathered in the winter of 1811 to draft Louisiana's first constitution.

Reviewing the Section

1. Define in sentence form: open primary system, lobby, propaganda.
2. What are some of the rights and responsibilities of citizens?
3. Why has fund-raising become such an important part of today's political campaigns? What problem does this present?

Special FEATURE

Songs of Louisiana

Did you know that Louisiana has four official state songs? The first song to be adopted as a state song was “Louisiana My Home Sweet Home” written by Sammie McKenzie, Lou Lavoy, and Castro Carazo. “Louisiana My Home Sweet Home” was made the official march song of Louisiana in 1952. The words of the song are about the beautiful geography of Louisiana.

“Give Me Louisiana” was adopted as an official state song in 1970. Doralice Fontane wrote the words and music, and Dr. John Croom was the arranger.

In 1977, Louisiana adopted another state song, “You Are My Sunshine.” Written by former Louisiana governor Jimmie Davis and Charles Mitchell, “You Are My Sunshine” was a popular song before becoming officially adopted. The last two verses of the song focus on Louisiana’s food.

Three songs were not enough for music-minded Louisiana. In 1990, “The Gifts of Earth” was adopted as the official state environmental song. Written by Frances LeBeau, “The Gifts of Earth” is sung to the tune of “America the Beautiful.”

After Hurricane Katrina and Hurricane Rita devastated Louisiana, “Come Back to Louisiana,” with words and music by Jay Chevalier and Bobby Attwood, became the song of the recovery effort. “Come Back to Louisiana” has not been adopted as an official state song, however.

Study the lyrics of these songs for yourself. Which one do you think best represents our state?



Background: A street band in New Orleans. **Top Right:** Bronze sculptures of Louisiana musicians in New Orleans' Fulton Street Mall.

Chapter Review



Self Check Quiz

Chapter Summary

Section 1: From Colony to Democracy

- Governments make, enforce, and carry out laws.
- Throughout its colonial history, Louisiana had a monarchical government, ruled by a king.
- In a democratic government, power resides with the people. The two major types of democratic government are direct (participation) democracy and representative democracy.
- Louisiana's civil law is based on Spanish and French civil law, particularly the Napoleonic Code.
- A constitution is a plan for government. The United States Constitution is the highest law in the land. Louisiana has a state constitution. These two documents organize and specify the powers of national, state, and local governments.
- The Tenth Amendment to the U.S. Constitution states that all governmental powers not given to the national government or prohibited to the states belong to the state.
- Louisiana has had ten constitutions. The present constitution went into effect in 1974.

Section 2: Structure of State Government

- The Louisiana Constitution divides power among three branches of government: executive, judicial, and legislative.
- The state's executive branch administers and enforces the laws. An elected governor heads this branch. Six other executive branch officials are also elected by statewide vote: lieutenant governor, attorney general, secretary of state, treasurer, commissioner of agriculture and forestry, and commissioner of insurance.
- The state's legislative branch makes the laws. Louisiana's state legislature has two chambers: the Senate (39 members) and the House of Representatives (105 members). Legislators introduce, consider, and approve proposals for laws called bills.
- The state's judicial branch interprets the state's constitution and laws. It has three levels: District Courts, Courts of Appeal, and Louisiana Supreme Court.

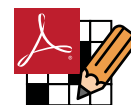
- The state's laws are divided into two categories. Civil laws deal with the relationships between and among individuals. Criminal laws protect society from the wrongdoing of an individual.
- A budget is the detailed plan for collecting and spending money. The Louisiana Constitution requires a balanced budget. State revenue comes mostly from taxes, which is money citizens are required to pay to finance their government and its services.

Section 3: Local Governments

- The parish is the primary local government division. There are 64 parishes in Louisiana, and the parish government and courthouse are located in the parish seat. Louisiana is the only state with parishes rather than counties.
- The police jury is the governing body for most parishes. It passes local laws for the parish and is in charge of building and maintaining parish roads and public buildings.
- Each parish has municipalities (cities, towns, and villages) of different sizes. A municipality elects its own mayor and a council or a group of commissioners. Municipalities with a population of 5,000 are considered cities.
- Most local school systems have the same boundaries as their parish. School boards are special forms of local government, not part of parish government. Board members serve four-year terms.

Section 4: Citizens and Government

- In a democratic form of government, all citizens have both rights and responsibilities. Citizens' rights are spelled out in both the U.S. and state constitutions. These include freedom of speech and religion and the right to vote. A citizen is also expected to take responsibility for personal actions and to respect the rights of others.
- The 26th amendment to the U.S. Constitution lowered the voting age to 18. Louisiana voters must live in the parish where they vote. Voters may register in several ways including going to the Registrar of Voters Office or to a division of the Office of Motor Vehicles.



- Statewide elections in Louisiana are held in two stages. In the first stage, an open primary, voters can vote for any candidate regardless of party affiliation. The two candidates who receive the most votes in the open primary advance to a runoff election. Whoever finishes with the most votes wins the election.
- For most of its history, the United States has had two major political parties. Presently, these are the Democratic and Republican Parties.

Activities for Learning

Understanding the Facts

1. In a democracy, where does the power reside?
2. Describe the Napoleonic Code.
3. Which government document (or statement) is of first importance?
4. What are the two levels of government in a federal system?
5. Which amendment to the U.S. Constitution reserves power for the states?
6. How many state constitutions has Louisiana had over its history? When was the most recent one adopted?
7. What are the three eligibility requirements for the governor of Louisiana?
8. Which executive branch official directs the state's Department of Culture, Recreation and Tourism?
9. Which term refers to two chambers?
10. How many state legislators does the Louisiana Constitution specify?
11. How many bills are typically introduced in each session of the state legislature?
12. What terms refer to a serious crime and a less serious crime?
13. Where does the Louisiana Supreme Court meet?
14. In Louisiana, which tax is the largest single source of revenue?
15. What term, used exclusively in Louisiana, refers to the local division of government?
16. In a parish, who serves as the chief law enforcement officer and tax collector?
17. List three responsibilities of citizenship.
18. What term refers to an organization of people who come together because they have similar ideas about how government should operate?

Developing Critical Thinking

1. In what ways is power divided in our federal system of government?
2. Create a flow chart for how a bill becomes law in the state legislature.

Writing across the Curriculum

Research an issue or problem in your district that should be addressed by the state government. Then write a letter to your state representative expressing your thoughts on this issue or your solution to this problem. Make sure your letter is polite, brief (one page or less), and focused on one issue or problem. Present your position or solution respectfully and support it with specific evidence. Finally, edit your letter so that it is addressed correctly and free of misspellings and mechanical errors.

Exploring Louisiana on the Internet

1. Go to www.netstate.com/states/quiz/la_quiz.htm and take the Louisiana quiz.
2. Go to www.legis.la.gov/legis/FindMyLegislators.aspx. Search for your House representative by entering your home address. Once you've identified your representative, read the representative's web page and answer the following questions:
 - What is your representative's name?
 - What is your representative's address?
 - How many years has your representative served in the House?
 - On what legislative committees does your representative serve?



Chapter Review