

Chapter 13

Federal and State Government

Chapter Preview

PEOPLE

vice president, president, chief justice, associate justices, lieutenant governor, governor, district attorney

PLACES

Philadelphia, Pennsylvania

TERMS

Articles of Confederation, United States Constitution, federalism, sovereign, eminent domain, Bill of Rights, elastic clause, bicameral, enumerated powers, implied powers, ratify, Electoral College, original jurisdiction, appellate jurisdiction, judicial review, bankruptcy, indirect initiative, committee, conference committee, veto, reprieve, pardon, jury, verdict, progressive tax

Above: The magnificent rotunda of the Mississippi State Capitol has impressed visitors to Jackson since 1903.



After the thirteen American colonies won their independence from Great Britain, they adopted the **Articles of Confederation**, a constitution that established a weak national government. Under the Articles of Confederation, each of the thirteen states was virtually independent. They were loosely joined together, but there was no central authority that governed the thirteen states. That system of government is represented at the top of Figure 36 on page 348.

American statesmen soon realized that a loosely constructed government could not promote the general welfare of the young nation. In 1787, a convention of delegates from the various states met in Philadelphia, Pennsylvania, to establish a new system of government. Some delegates favored the establishment of a unitary or central government. Their plan did not subdivide the country into states and is represented in the center of Figure 36 on page 348.

The convention rejected the unitary system, but most delegates agreed that some form of central authority was necessary. After much discussion and compromise, the delegates to the Philadelphia convention, known as the “Founding Fathers,” drafted the **United States Constitution**, which created a federal system of government. **Federalism** is a system of government in which the national and state governments share powers. The U.S. Constitution divided the power to govern among the federal, state, and local governments. New states would be admitted to statehood as equal members of the United States of America. This unique system was called the “Grand Experiment” when it was adopted, and is represented at the bottom of Figure 36 on page 348.

In this chapter, we will study federal and state government. In the next chapter, we will study local government and the rights and responsibilities of citizenship.

Section 1

Basic Principles of American Government

Figure 36
Three Forms of Government



Unitary System



As you read, look for

- the basic principles of our American government;
- reasons for the adoption of the Bill of Rights;
- terms: **sovereign**, **eminent domain**, **Bill of Rights**.

The genius of American government is the separation of powers

into the legislative, executive, and judicial branches and the division of powers into the federal, state, and local levels. Underlying American government in all branches and at all levels are certain basic principles. In this section, we will examine the most significant of those basic principles.

Rule of Law

The United States Constitution is the supreme law of the land. All laws, policies, and procedures of federal, state, and local government must be consistent with that fundamental law. American government is based on the rule of law and not of men.

Popular Sovereignty and the Consent of the Governed

In the United States, the people are **sovereign** (possessing supreme power) and are the source of power and authority. The people elect officials to specific terms in office, and those officials govern only by the consent of the governed.

Checks and Balances and Limited Government

To set up a system of checks and balances and to limit the power of government, the Founding Fathers established three separate branches and various levels of government. Each branch and each level is limited in its power and authority.

Figure 37 Checks and Balances



Representative Government

The American people at all levels of government elect public officials to specific terms in office. Public officials represent the people. At the end of their terms, the people may return them to office or replace them.

Eminent Domain

In order to promote the general welfare, the Constitution gave the government the authority to take private property from citizens for public use. This is called **eminent domain**. The property owner must be given a fair market value for the property. Sometimes government will take private property for use by private corporations, which government officials say will promote the general welfare. In the 2011 general election, Mississippians voted overwhelmingly to amend the state constitution to protect private property from eminent domain on behalf of private corporations.



Something Extra!

In 2009, the U.S. Patent and Trademark Office (above) received over 485,000 patent applications and over 350,000 trademark registration filings. That's a patent application every minute and a trademark registration every two minutes!

Patents and Copyrights

In Chapters 15 and 16, we will study some of Mississippi's famous writers and artists. One of the basic principles of American government is that writers, artists, and inventors should have "for limited Times . . . the exclusive Right to their respective Writings and Discoveries." Patents and copyrights prohibit people from selling and profiting from someone else's writings, paintings, and inventions.

"Full Faith and Credit" Clause

Article IV of the U.S. Constitution provides that "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State." It also says that "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States." This means that, if a married couple adopts a child in one state, all other states will recognize the legal status of the child and the parents. This is a complicated clause, and it does not mean that a person licensed to practice law or medicine in one state can practice in all other states. Individual states can require that you pass that state's bar exam or medical exam in order to practice in that state.

The Bill of Rights

When the Founding Fathers completed the Constitution in 1787, some delegates to the convention complained that the document did not *enumerate* (list) the specific rights of American citizens. All the delegates agreed that a series of amendments listing those rights should be added to the Constitution. In 1791, the first ten amendments were adopted. Known as the **Bill of Rights**, these amendments enumerate the rights of American citizenship. We will study the Bill of Rights in the next chapter.

Reviewing the Section

1. Define in sentence form: sovereign, eminent domain, Bill of Rights.
2. Why did the Founding Fathers set up three branches of government?
3. Why does our government allow patents and copyrights?

Section 2

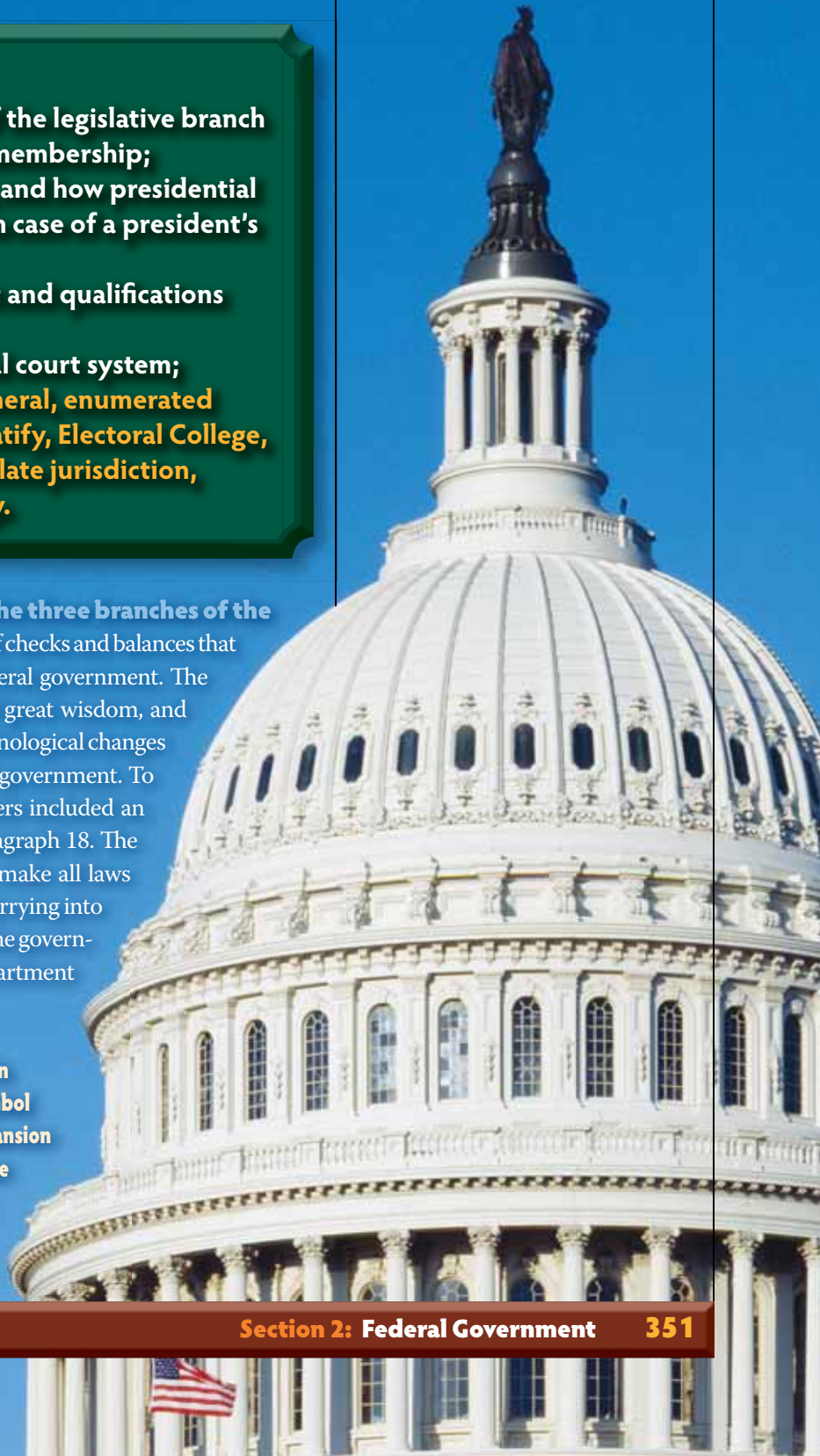
Federal Government

As you read, look for

- the makeup and powers of the legislative branch and the qualifications for membership;
- how a president is chosen, and how presidential succession is determined in case of a president's death;
- the duties of the president and qualifications for office;
- the structure of our federal court system;
- terms: **elastic clause, bicameral, enumerated powers, implied powers, ratify, Electoral College, original jurisdiction, appellate jurisdiction, judicial review, bankruptcy.**

The U.S. Constitution established the three branches of the federal government and created a system of checks and balances that limits the power and authority of the federal government. The framers of the Constitution were men of great wisdom, and they anticipated that future social and technological changes would place new demands on the federal government. To meet those demands, the Founding Fathers included an “elastic clause” in Article I, Section 8, paragraph 18. The **elastic clause** empowers Congress “To make all laws which shall be necessary and proper for carrying into Execution . . . all other powers vested . . . in the government of the United States, or in any Department or Officer thereof.”

Right: The dome of the United States Capitol in Washington, DC, is the most recognizable symbol of the federal government. After a major expansion of the Capitol in 1850, it was decided to replace the original wood-framed dome with a much larger one, designed by Thomas U. Walter. The statue, *Freedom*, was added in 1863.





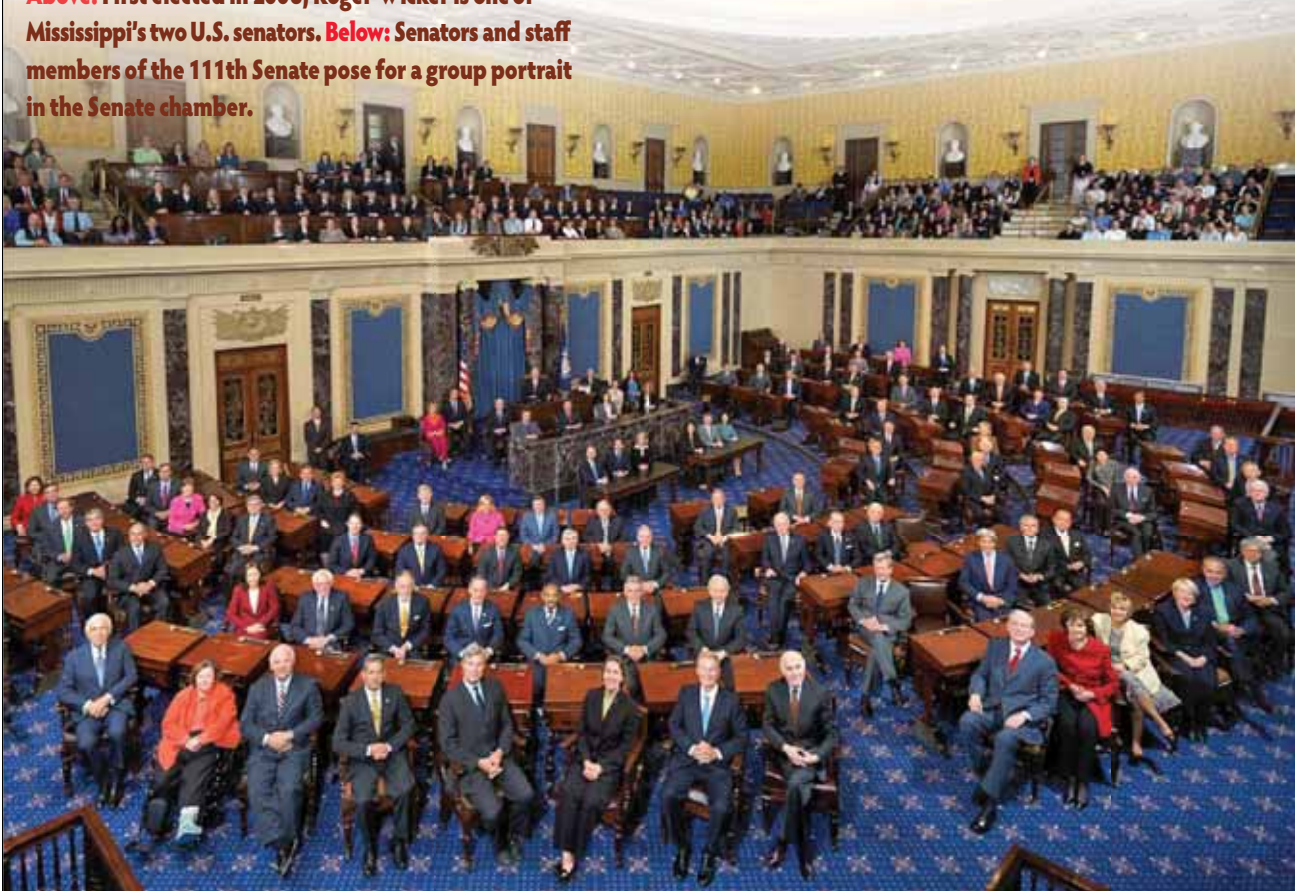
Legislative Branch

Article I of the U.S. Constitution created a **bicameral** (two-house) legislature that includes the United States Senate and House of Representatives. The article also established the qualifications for election to the two houses and enumerated the powers and authority of the United States Congress.

U.S. Senate

Every state has two members in the U.S. Senate, which is called the Upper House. Because there are fifty states, the U.S. Senate is composed of one hundred senators. A member of the Senate 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. Senators serve six-year terms and were originally appointed by their state legislatures. In 1913, the Seventeenth Amendment to the U.S. Constitution provided that senators be elected by popular vote. Senate terms are staggered so only one-third of the whole Senate is elected in a single election year. The vice president is the presiding officer of the Senate but can only vote in case of a tie vote.

Above: First elected in 2008, Roger Wicker is one of Mississippi's two U.S. senators. **Below:** Senators and staff members of the 111th Senate pose for a group portrait in the Senate chamber.



Below: On special occasions, the president addresses a joint session of Congress in the chamber of the House of Representatives. Here, President Obama is giving a speech promoting health care reform in 2009.



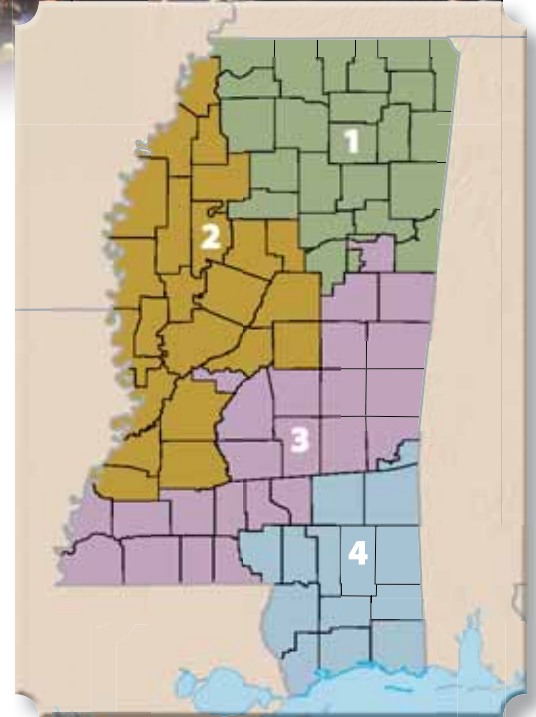
U.S. House of Representatives

There are 435 members in the House of Representatives. Each state's membership in the House, which is called the Lower House, is based on its population. A member of the House must be at least twenty-five years old, a citizen of the United States for at least seven years, and a resident of the state he or she represents. Representatives are elected to two-year terms from congressional districts in each state and are chosen in November of even-numbered years. Because membership is based on population, states with more people have more representatives. Membership in the House is determined every ten years following the *decennial* (every ten years) U.S. Census. After the 2000 U.S. Census, Mississippi's membership in the House was reduced from five to four members. In the 2010 census, Mississippi retained its four House members.

Legislative Powers

The Constitution grants certain powers to Congress, which has both enumerated powers and implied powers. **Enumerated powers** are those powers specifically given to Congress in the Constitution. **Implied powers** are those given to Congress in the elastic clause.

The Constitution gives each house different powers. The House of Representatives has the power to *impeach* (bring charges against a public official while that person is still in office). All revenue bills—proposals for laws to establish or raise taxes—must originate in the House of Representatives. The Senate confirms presidential appointments to the U.S. Supreme Court, the cabinet, and other judicial and executive positions; **ratifies** (approves) treaties; and serves as a court in impeachment proceedings.



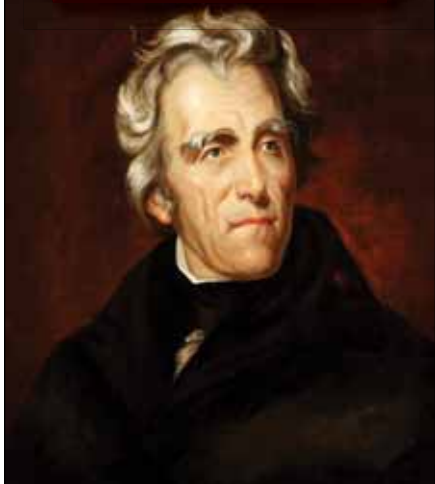
Map 43 Mississippi's Congressional Districts

Map Skill: In which U.S.
House district do you live?



Something Extra!

Only two presidential elections have been decided in the House of Representatives. In 1800, Thomas Jefferson (above) and Aaron Burr received the same number of electoral votes, and the House chose Jefferson. In 1824, none of three candidates received a majority. Andrew Jackson (below) had won the popular vote, but the House chose John Quincy Adams.



Executive Branch

In Article II of the U.S. Constitution, the Founding Fathers created the office of president and established a complicated process for choosing the chief executive of the young republic. They did not allow the president to be elected by popular vote because they did not believe that people in the remote and distant parts of the country would know enough about the presidential candidates to make wise decisions.

The Electoral College

After much discussion, the Founding Fathers established the **Electoral College** and gave it the power to choose the president. Members of the Electoral College (presidential electors) are chosen from each state. The number of electors from each state equals the number of senators and representatives it has in Congress. Originally, each presidential elector voted for two people. The person who received the most votes became president, and the person who received the next highest number of votes became vice president. If no one received a majority of electoral votes, the election was determined by the House of Representatives, with each state having one vote. The candidate who received a majority in the House was elected.

Today, the presidential candidate who wins the popular vote in each state wins that state's electoral votes. There are 538 presidential electors: 100 for the total number of U.S. senators, 435 for the members in the U.S. House of Representatives, and 3 electors who represent the District of Columbia. Mississippi has six presidential electors. In the 2008 presidential election, Republican candidate John McCain won the presidential election in Mississippi with 724,597 votes (56.2 percent). Democrat Barack Obama received 554,662 votes (43.0 percent).

The President, Vice President, and Cabinet

The Constitution gives the executive branch of the federal government the power to carry out the laws enacted by Congress. The executive branch includes the president, the vice president, and fifteen cabinet members.





Among the major cabinet members are the attorney general and the secretaries of state, defense, homeland security, treasury, energy, and education. There are also numerous agencies and bureaus in the executive branch.

The president and the vice president must be at least thirty-five years old, natural-born (not naturalized) citizens, and residents of the United States for at least fourteen years prior to their election. They are elected to four-year terms. The president may serve only two terms in succession. The Constitution does not expressly limit the vice president to two terms.

The vice president assumes the presidency if the president dies in office, resigns, or is removed by impeachment. 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. The line of succession then follows 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 too ill to perform his or her duties. The Twenty-Fifth Amendment to the Constitution establishes a process for choosing a new vice president if the sitting vice president becomes president.

Above: The office of the president in the White House is called the Oval Office. It is redecorated for each new president, and has come to symbolize the presidency. Here, President Obama edits a speech announcing the death of Osama bin Laden, the mastermind behind the 9/11 terrorist attacks.

Opposite page, below right: About a month after the 9/11 attacks, President George W. Bush (on the right, gesturing) met with members of his cabinet and representatives of the insurance and airline industries to discuss ramifications of the attacks.

Something Extra!

Nine vice presidents have become chief executive upon the death or resignation of the president. None of the other officers in line of succession has ever succeeded the president.

Something Extra!

The first Washington, DC, home of the Supreme Court was a small basement room in the U.S. Capitol. The court remained in the Capitol, moving into larger and larger quarters, until 1935, when it moved to a new Supreme Court building (right), where it resides today.



Judicial Branch

Article III of the U.S. Constitution gives the judicial branch of the federal government the power to interpret the Constitution and laws passed by Congress. Article III states, “The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.” In the early years of American history, the federal judicial system was small and not very complicated. As the nation expanded westward and admitted new states to the Union, the economy became increasingly complicated and Congress created several additional and special courts.

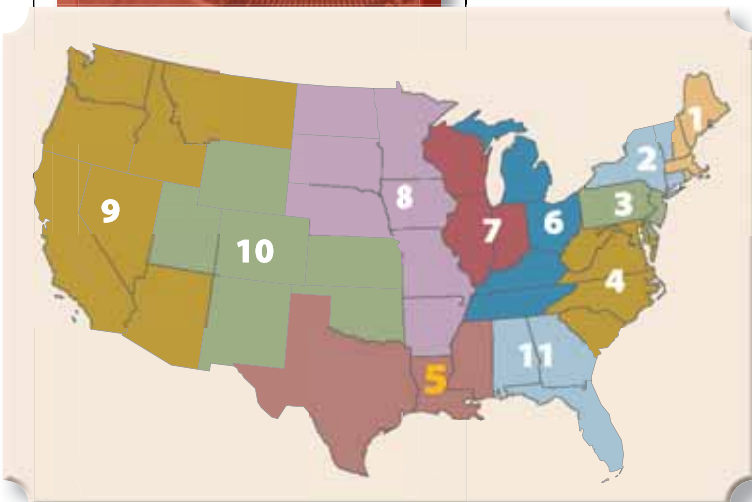
The Supreme Court

The United States Supreme Court (the highest court in the land) includes a chief justice and eight associate justices. The president, with the consent of the U.S. Senate, appoints members of the Supreme Court to lifetime appointments. Article III does not establish any specific qualifications for Supreme Court justices.

The Supreme Court has both original and appellate *jurisdiction* (area of authority). **Original jurisdiction** is the authority to hear a case for the first time. **Appellate jurisdiction** is the authority to review a case that has already been tried and decided in a lower court. The Supreme Court has original jurisdiction in cases involving a foreign country or disputes between a state and the federal government. It has appellate jurisdiction over the decisions of

Map 44 U.S. Federal Circuit Court Districts

Map Skill: Why do you think some circuits contain more states than others?



lower federal courts and state courts. When the Supreme Court decides a case on constitutional grounds, that decision becomes the guideline for all lower courts to follow and for laws that deal with similar issues.

The Supreme Court's most significant power is **judicial review**, which is the authority to determine the constitutionality of laws passed by Congress and state legislatures, and any actions taken by the executive branch. The court can also prevent executive action through injunctions that forbid the action. The Supreme Court decides which cases it will hear. This authority enables the court to keep its caseload manageable.

Lower Federal Courts

Congress has divided the nation into eleven judicial circuits with appellate jurisdiction, plus the District of Columbia Court of Appeals. Mississippi, Louisiana, and Texas are in the Fifth Circuit Court of Appeals. These United States Courts of Appeals review the decisions of lower courts and the judgments rendered by administrative agencies. There are no juries or witnesses in appellate courts. Attorneys for the *appellants* (those making an appeal) present their arguments to the appellate judges on behalf of their clients. Below the Courts of Appeals are ninety-four United States District Courts, which have original jurisdiction. District Courts are the federal trial courts, and are the only federal courts that include juries and witnesses during trials. Mississippi is divided into a Northern District and a Southern District. District Courts hear cases of both civil and criminal matters. There is also a U.S. Bankruptcy Court in each of Mississippi's two federal districts. **Bankruptcy** is a legal issue involving a person's or an organization's inability to pay its debts.

Special Courts

Included in the federal judicial system are several courts created by Congress to deal with special kinds of cases. The U.S. Tax Court hears disputes between citizens and the Internal Revenue Service, and the Court of Military Appeals reviews military courts-martial. The Court of International Trade decides civil suits against the United States involving trade with other countries, and the U.S. Claims Court handles a wide variety of suits against the United States government.

Reviewing the Section

1. Define in sentence form: elastic clause, impeach, judicial review.
2. Why did the Founding Fathers not want to allow the people to vote directly for the president?
3. Which states are in the U.S. Fifth Circuit Court of Appeals?



Map 45

U.S. District Courts in Mississippi

Map Skill: Do you live in the Northern District or the Southern District?

Something Extra!

Federal courts have exclusive jurisdiction over bankruptcy cases. This means that a bankruptcy case cannot be filed in a state court.

Section 3

State Government

As you read, look for

- the adoption, basic principles, and amendment process of the Mississippi Constitution of 1890;
- the structure, powers, and leadership of our state legislature;
- how laws are made;
- the makeup of the state executive branch, including elected and appointed officials;
- the courts that make up our state judicial system;
- how state government is financed;
- terms: **indirect initiative, committee, conference committee, veto, reprieve, pardon, jury, verdict, progressive tax.**

The constitution under which Mississippi is governed was drafted in 1890. That document established a system of government similar to the federal system. There are three distinct and separate branches of state government, each operating within a checks-and-balances system that is designed to limit the power exercised by the other branches. The powers of government are also divided into state, county, and municipal levels. We will study county and municipal government in the next chapter.

Left: Like many state capitols, the Mississippi State Capitol in Jackson is modeled after the U.S. Capitol.

The eight-foot-tall eagle atop the dome has a fifteen-foot wingspan and is made of solid copper, gilded with gold leaf.



The Mississippi Constitution of 1890

Each of the fifty states has a written constitution. As you have learned, Mississippi has operated under four constitutions: the Constitutions of 1817, 1832, 1868, and 1890. The Mississippi Constitution of 1890 was drafted by 134 delegates who met in Jackson on August 12, 1890. The delegates were mostly white male Democrats who were lawyers, farmers, and planters. The constitution went into effect when the convention adjourned on November 1, 1890. The Mississippi Constitution of 1890, which was not submitted to the people for their approval, is much longer than the U.S. Constitution and describes the powers and procedures of state government in great detail. The 1890 Constitution includes fifteen articles and is eighty-two typewritten pages.

Basic Principles of the Mississippi Constitution

Like the U.S. Constitution, the Mississippi Constitution of 1890 is based on the principles of the rule of law, popular sovereignty, limited government, separation of powers, and checks and balances. Although Mississippi has experienced sweeping social, racial, economic, and cultural changes since the adoption of the 1890 Constitution, public opinion has been sharply divided over the need to draft a new state constitution. Rather than drafting a new document, most Mississippians have preferred to amend the 1890 document.

Amending the Mississippi Constitution

An important part of all constitutions is the amendment process. During its more than 220-year history, the U.S. Constitution has been amended only 27 times. The Mississippi Constitution of 1890 has been amended more than

Above: The 1890 Constitutional Convention took place in the chamber of the Mississippi House of Representatives in the Old Capitol.

Something Extra!

In contrast to the Mississippi Constitution of 1890, the U.S. Constitution includes seven articles and is only four handwritten pages long. Each page is large though—approximately 24" x 29!"

Figure 38 Mississippi's Four Constitutions

1817 Constitution

Reason: Formation of the new state of Mississippi

Length: 6 articles; 8,978 words

Principal Features: Only white male citizens 21 years of age who owned property or were members of the state militia eligible to vote; slavery maintained as a legal institution; members of state Senate required to own 300 acres of land or other property valued at \$1,000; members of state House required to own 150 acres or property valued at \$500; governor required to own 600 acres or \$2,000 of personal property; most judicial officials appointed

1832 Constitution

Reason: Constitution of 1817 unpopular and outdated because of establishment of new counties in north Mississippi and need for more judicial districts; people wanted to abolish property requirements for office and voting and wanted the right to elect judges

Length: 7 articles; 8,189 words

Principal Features: Only white males eligible to vote, but no property requirements for voting or elective office; judges elected; term limits for elective offices; dueling outlawed; legislature prohibited from passing law to free slaves; slave owners permitted to bring slaves into state, but slave traders prohibited from operating in state

1868 Constitution

Reason: State required by Reconstruction Acts to adopt a new state constitution that gave blacks civil rights and equal protection under the law

Length: 13 articles; 9,645 words

Principal Features: Voting rights extended to black males, as required by Congress; provided for a comprehensive system of public schools; protection of property rights for married women; governor's term extended to 4 years; judges above rank of justice of the peace appointed by governor; future apportionment of legislature to be based on number of qualified voters rather than population

1890 Constitution

Reason: To keep power in the hands of the Bourbons through the disfranchisement of black and poor white citizens

Length: 15 articles; 25,423 words

Principal Features: Voting requirements included a literacy test and a \$2 poll tax to make it difficult for blacks and poor whites to register; public school system with 4-month compulsory school term continued; 4-year term of the governor continued, but governor not allowed to succeed himself; other state officials, including treasurer, auditor, and county sheriffs, also prohibited from serving 2 terms in succession; state judges appointed by the governor

120 times. In 1990, 7 amendments were ratified; in 1992, 8 additional amendments were adopted. The federal constitution has not been amended very often because it enumerated broad and general principles of government. The state constitution, however, included many specific and particular details of government. Those had to be changed as Mississippi's population increased, as it became more urbanized, as its economy expanded, and as its racial and social system was modernized.

The process of amending the state constitution normally originates in the legislature, where two-thirds of the members of both houses may propose an amendment. The proposed amendment is then submitted to a popular vote in the next general election. A majority vote is necessary to ratify the amendment. If ratified, the amendment immediately becomes a part of the constitution.

Mississippians may also propose constitutional amendments through a procedure called indirect initiative. In an **indirect initiative**, citizens may submit amendments to the legislature. If the number of citizens requesting the amendment is at least 12 percent of the total number of votes cast in the previous general election, the amendment will be submitted to a popular vote. All signatures on petitions in support of an amendment must be certified as registered voters by county circuit clerks. If the legislature does not submit the amendment to a popular vote, it automatically appears on the ballot in the next general election.

State Legislative Branch

The legislative branch of state government was established in Article 4 of the 1890 Constitution. The bicameral legislature includes the Senate and the House of Representatives. There are 52 state senators and 122 representatives, who are elected from districts throughout the state. The legislature redraws Senate and House districts after each decennial census, and those districts are subject to the "one-man-one-vote" principle. In 1964, the U.S. Supreme Court ruled that state legislatures must be apportioned so the voting power of each voter in each district will be as equal as possible to every other voter. The legislature also redraws United States congressional districts after each census. When the Mississippi legislature convened in January 2012, it had not been reapportioned in accordance with the 2010 census. The 2012-2016 Mississippi *Blue Book* includes the latest data on legislative elections and maps of the new districts after the reapportionment was made.



Above: The chamber of the Mississippi House of Representatives is located in the New Capitol in Jackson. There are 122 representatives.



Top: The chamber of the state Senate.
Above: The lieutenant governor's principal duty is to preside over the state Senate. Republican Tate Reeves was elected to his first term as lieutenant governor in 2011, having previously served as state treasurer.

Legislators

Members of the Mississippi legislature are elected to four-year terms, and are not term limited. A state senator must be at least twenty-five years old, a registered voter for four years, and a resident of the district from which he or she is elected for two years prior to the election. A member of the House must be at least twenty-one years old, a state resident for four years, and a resident of the district from which he or she is elected for two years before the election. A person who has been convicted of a serious crime, such as bribery or fraud, is ineligible to hold public office in Mississippi.

Organization of the Legislature

The presiding officer of the Senate is the lieutenant governor, who is elected by the people. The Senate also chooses a president pro tempore, who acts as the presiding officer when the lieutenant governor is absent. The president pro tempore of the Senate also serves as chairperson of the influential Rules Committee.

The presiding officer of the House of Representatives is the speaker of the House, who is chosen by the members of the House. In addition to presiding over the legislative sessions, the lieutenant governor and the speaker of the House enforce and interpret the rules, make committee assignments, and refer bills to committees.

Most of the work in the state legislature is done through committees. A **committee** of the legislature is a small group of representatives or senators

who study bills on a particular subject and make recommendations to the full membership of each house. For example, a bill that affects education would be sent to the Education Committee of the House or the Senate. The fate of a bill is generally determined by a committee, which can change, approve, or kill a bill. The chairpersons of committees are the most influential members of the legislature because they determine which bills are discussed in their committees. Many bills die because they are never brought up for discussion by the chairperson.

Legislative Sessions

The legislature meets in regular sessions every year in Jackson on the Tuesday following the first Monday in January. The first session after a new governor is elected lasts 125 days. Other sessions are scheduled for 90 days. The governor may call a special session at any time to address a specific issue.

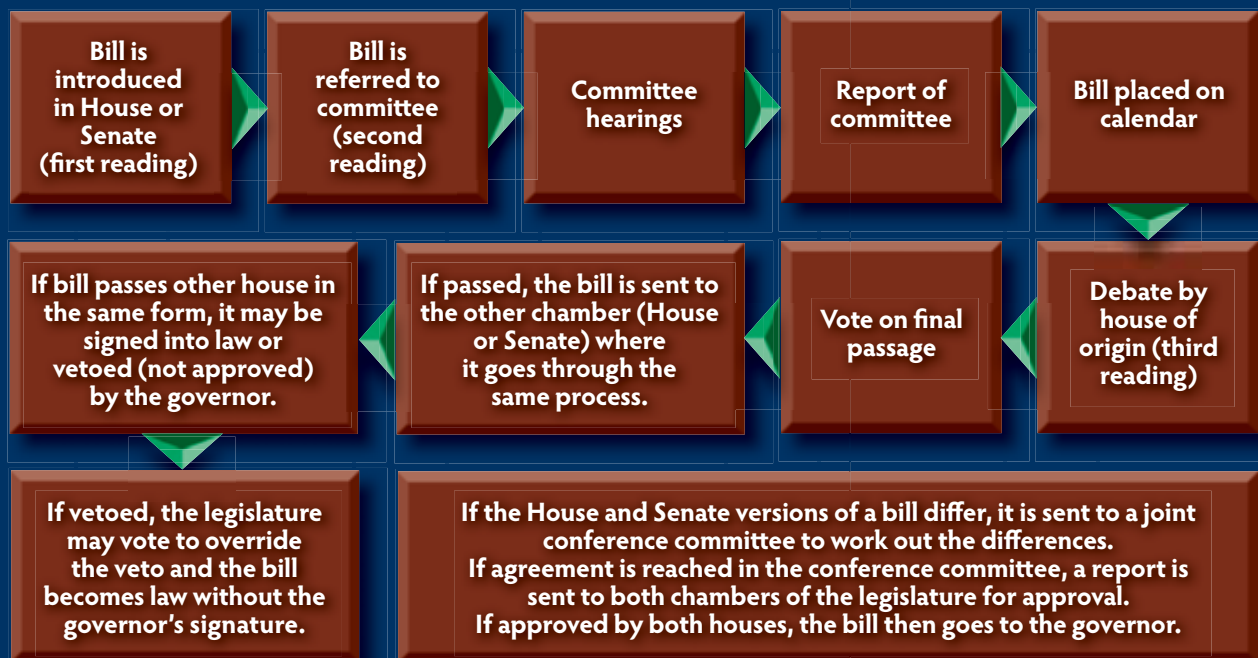
Powers of the Legislature

In addition to its authority to make laws, the Mississippi legislature also has broad investigative powers. If no candidate for governor receives a majority in the general election, the House of Representatives will elect the governor. The House also has the power to impeach or file charges against the governor and other public officials. The Senate would try, or hear, the case against a public official and would determine if the official would be removed from office.



Above: As a result of the 2011 state House elections, Republicans gained control of both chambers of the state legislature for the first time since Reconstruction. They elected Representative Philip Gunn of the 56th District as speaker of the House.

Figure 39 How a Bill Becomes Law in Mississippi



How Laws Are Made

Bills may be introduced by any member of the legislature at any time except during the last three days of a session. The usual journey of a bill begins with its introduction in one house. It is assigned to a committee for discussion and debate. If the bill is voted out of committee, it is placed on a calendar for discussion by the entire house. If the bill is approved, it is sent to the other house for consideration. The same process is followed there. A “no” vote by either house kills the bill.

If the bill is amended by either house, a joint **conference committee** is usually appointed to work out the differences. The committee is made up of an equal number of members from each house. If an agreement is reached, a report is sent to both houses for final approval. Once a bill passes both houses, it is sent to the governor, who may sign or **veto** (reject, refuse to sign) the bill. If the governor does not sign or veto the bill in five days, it automatically becomes law. If the governor vetoes a bill, a two-thirds majority of each house of the legislature can pass the bill over the governor’s veto.



Above: Phil Bryant from Moorhead was elected the sixty-fourth governor of Mississippi in 2011. He had previously served as lieutenant governor and state auditor. His wife, Deborah, becomes the first lady of Mississippi.

State Executive Branch

The executive branch of state government was established in Article 5 of the 1890 Constitution and differs from the federal executive branch in one significant detail. Executive officials at the state level are elected by the people rather than appointed by the governor. The secretary of state, attorney general, and other executive officials are entirely independent of the state’s chief executive. In some cases, they may even belong to a different political party.

Governor

The primary function of Mississippi’s governor is to enforce and administer the laws of the state. The governor must be at least thirty years old, a citizen of the United States for twenty years, and a resident of the state for at least the five years immediately before the election. The governor is elected for a four-year term and may serve two terms in succession.

The governor serves as commander in chief of the Mississippi National Guard, except when it is called up for service by the federal government. The governor appoints the adjutant general to head the National Guard. The governor may call a special session of the legislature, may adjourn the legislature when it cannot agree on a time of adjournment, may veto bills passed by the legislature, and is responsible for seeing that the laws of the state are carried out. The governor may appoint officials in the executive branch in addition to those who are elected. The governor can grant reprieves and pardons to persons convicted of violating state laws. A **reprieve** is a postponement of a sentence. A **pardon** is a legal forgiveness of the crime.

Lieutenant Governor

The lieutenant governor is elected at the same time and for the same term as the governor and assumes the governor's duties if that office becomes vacant. The lieutenant governor must meet the same qualifications as the governor and may serve two terms in succession.

The lieutenant governor serves as president of the Senate and has powers similar to those of the speaker of the House. As chairperson of the Senate, the lieutenant governor can influence legislation in that body. Unlike the speaker of the House, however, the lieutenant governor cannot vote on legislation except in cases of tie votes.

Secretary of State

The secretary of state oversees and maintains Mississippi's official public records. These records include the proceedings of executive departments and laws passed by the legislature. The secretary of state also administers the laws governing elections, corporations, and public lands and is responsible for publishing state documents. The secretary of state must be at least twenty-five years old and a citizen of the state for the five years before the election. The secretary of state is elected to a four-year term and is not term limited.

Attorney General

The attorney general is the chief legal officer for the state, is elected for a four-year term, and is not term limited. The attorney general must be at least twenty-six years old, a practicing attorney for at least five years, and a citizen of the state for five years. The attorney general represents the state concerning legal issues, assists various state and local agencies, and provides opinions on questions of law to all state agencies and other public bodies. The attorney general does not directly prosecute violators of criminal law.

State Auditor and State Treasurer

The state auditor is responsible for *auditing* (examining) all state agencies, local governments, and public schools. The auditor has the authority to determine if public funds are being spent properly.

The state treasurer is the chief financial officer of the state. The treasurer manages the state's money and maintains the financial records for all state transactions. Both the auditor and the treasurer are elected for four-year terms and must meet the same qualifications as the secretary of state.

Other Elected Executive Officials

Other elected executive officials include the commissioner of agriculture and commerce; commissioner of insurance; public service commissioners (one each from Northern, Central, and Southern Districts); and transportation commissioners (one each from Northern, Central, and Southern Districts). These officials are responsible for monitoring and supervising the development of areas designated in their titles.



Top: Jim Hood of Houston was elected to his third term as attorney general in 2011. **Above:** Lynn Fitch was elected state treasurer in 2011. Previously, she had been executive director of the Mississippi State Personnel Board.



Above: Cindy Hyde-Smith was elected commissioner of agriculture and commerce in 2011. **Below:** The Mississippi Supreme Court holds its hearings in this courtroom in the Carroll Gartin Justice Building. **Opposite page, above:** This hearing of the Supreme Court is being conducted before all nine justices. More often, cases are heard by three-judge panels. **Opposite page, below:** The Supreme Court is the highest court in Mississippi. Each of the justices serves an eight-year term.

Appointed Officials

In addition to the elected executive officials, there are more than sixty agencies, boards, and commissions in the executive branch of state government. The members of these boards and commissions are appointed by the governor, lieutenant governor, and speaker of the House. The *Official and Statistical Register of Mississippi*, known unofficially as *The Blue Book*, includes the functions and members of all state boards and agencies.

Among the most important of these agencies are the Mississippi Development Authority, which promotes the growth and development of the state's economy; the Mississippi Authority for Educational Television (Mississippi Public Broadcasting); the twelve-member Board of Trustees of State Institutions of Higher Learning (College Board); and the nine-member state Board of Education. Five members of the Board of Education are appointed by the governor, two by the lieutenant governor, and two by the speaker of the House. The board must include at least one teacher and at least one school administrator. The Board of Education appoints the state superintendent of education and sets policies for the state's school districts.

State Judicial Branch

There are two separate court systems in the United States. Federal courts try cases involving federal law, and state courts try cases involving state law. In some instances, federal courts may review cases that are tried in state courts. The judicial system of Mississippi was established in Article 6 of the 1890 Constitution. Today, it includes the state Supreme Court, an intermediate Court of Appeals, Circuit Courts, and Chancery Courts. There is also a system of lower courts, which we will study in the next chapter.





Mississippi Supreme Court

The Mississippi Supreme Court is the highest court in the state and hears appeals from Circuit and Chancery Courts. The Supreme Court has nine justices who are elected for eight-year terms from Northern, Central, and Southern Districts. Their terms are staggered to provide continuity on the court. A justice must be thirty years old, a practicing attorney, and a citizen for five years immediately preceding the election. If a vacancy occurs on the Supreme Court, the governor can appoint someone to fill the unexpired term. The justices usually hear cases in three-member panels. Prior to 1994, the large number of cases that came before the Supreme Court caused extensive delays between the time of appeal and the Court's rendering a decision. To reduce those long delays, the legislature established an intermediate Court of Appeals in 1994.

Mississippi Court of Appeals

The Mississippi Court of Appeals has ten judges elected for staggered eight-year terms. Two judges are elected from each of the state's five Court of Appeals districts. The first appeals judges were elected in November 1994, and the court began hearing cases in January 1995.

An Appeals Court judge must be thirty years old, a practicing attorney, and a state citizen for five years immediately preceding the election. If a vacancy



**Something
Extra!**

**The Court of Appeals
has a 270-day deadline
for issuing decisions.**



Top: Mississippi Supreme Court Chief Justice William Waller Jr. swears in L. Joseph Lee as the chief judge of the Mississippi Court of Appeals. **Above:** The Mississippi Court of Appeals is composed of ten judges, each serving an eight-year term. Judge Ermea Russell (left, on second row) took the oath of office on May 20, 2011. She is the first African American woman to serve on a Mississippi appellate court.

occurs on the Court of Appeals, the governor can appoint someone to fill the vacancy. The jurisdiction of the Court of Appeals is limited to matters assigned to it by the Supreme Court. The Supreme Court will continue to hear cases imposing the death penalty and cases involving utility rates, annexations, bond issues, election contests, attorney discipline, judicial performance, and constitutional issues.

Trial Courts

Mississippi's trial court system consists primarily of the Chancery Courts and Circuit Courts. The 1890 Constitution authorizes the legislature to establish Chancery and Circuit Court districts based on population and caseload. In addition to these two courts, there are several local trial courts with limited jurisdiction.

Chancery Courts

Chancery Courts have jurisdiction over cases involving divorce and alimony, child custody and support, wills and estates, minors' affairs, and cases of insanity. Chancery Courts may also hear appeals from lower courts. Most Chancery Court cases are nonjury proceedings, but juries may be impaneled under certain conditions. In 2010, there were twenty Chancery Court districts with forty-seven chancellors, or judges, who are elected in

nonpartisan races to four-year terms and are not term limited. A chancellor must be twenty-six years old, a practicing attorney, and a citizen of the state for five years before the election.

Circuit Courts

Circuit Courts have original jurisdiction in serious crimes such as robbery or murder and in disputes between citizens involving amounts more than \$200. However, cases involving small amounts are normally filed in Justice Courts. Any civil matter involving \$3,500 or more cannot be filed in Justice Court and must be filed in Circuit Court. Decisions in the Circuit Court are usually made by juries. A **jury** is a group of citizens chosen from a list of registered voters to hear evidence in a trial and to determine the guilt or innocence of the person on trial. The decision of the jury is called a **verdict**. Circuit Courts also hear appeals from the Justice, County, and Municipal Courts. There are twenty-two Circuit Court districts with fifty-one judges who are elected in nonpartisan races to four-year terms and are not term limited.

District Attorneys

A district attorney is elected in each of Mississippi's twenty-two Circuit Court districts. District attorneys are prosecutors who represent the state in criminal cases brought before circuit judges. A district attorney is elected to a four-year term and must be a resident of the district and a practicing attorney for two years.

Financing State Government

The fundamental purpose of American government, as stated clearly and briefly in the Preamble to the U.S. Constitution, is to “establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.” To do all of that costs a lot of money, and the only way any government at any level can pay for the services it provides its citizens is to tax its people.

The major source of revenue for state government is the general sales tax. It is *levied* (charged) on most items and services purchased in Missis-



Above: The Chancery Court of Monroe County is housed in this 1888 building in Aberdeen. Below: Mississippi's principal source of revenue is the sales tax levied on most purchased items and services. The tax is 7 percent.





Above: Revenue raised from the tax on gasoline is reserved for highway maintenance and construction.

Something Extra!

Taxes on tobacco and alcoholic beverages are sometimes called "sin taxes."

Mississippi with some few exceptions. No sales tax is paid on prescription drugs, medical services, or utilities. The second-largest source of revenue is the individual income tax, which is levied on a person's annual income. The income tax is a **progressive tax**, which means that, the more a person earns, the larger percent of that income a person pays in income taxes. Mississippi also has taxes on tobacco and alcoholic beverages.

Most of the money from these taxes goes into the state's general fund, which is used to pay the state's general expenses. The largest general fund expenditure is for public education. Some taxes collected by the state are allocated to specific projects. Revenue generated by the tax on gasoline can only be used for highway construction and maintenance.

No one likes taxes, but without them we cannot have roads, bridges, schools, and schoolteachers. One of the responsibilities of citizenship is to pay our fair share of taxes. In the next chapter, we will study local government and our rights and responsibilities of citizenship.

Reviewing the Section

1. Define in sentence form: ratify, conference committee, jury.
2. What are three ways in which the Mississippi Constitution of 1890 differs from the U.S. Constitution?
3. What are the duties of Mississippi's secretary of state?

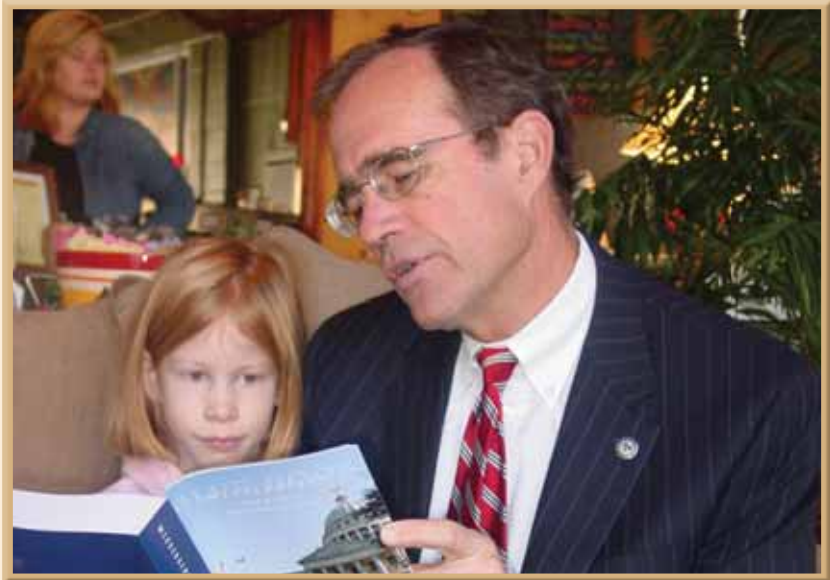
Of Special Interest

Mississippi Official and Statistical Register (The Blue Book)

The most complete and reliable source of information about Mississippi's federal, state, and local government is the *Mississippi Official and Statistical Register*, which is better known as *The Blue Book* because it is printed with a blue cover. *The Blue Book* is published every 4 years by the secretary of state and usually includes about 750 pages. *The Blue Book* is divided into sections that show the names, addresses, and pictures of the officials and the requirements for office in the executive, legislative, and judicial branches of state government. *The Blue Book* lists all of the state's governors, lieutenant governors, and other elected state officials who have served in those offices from the admission to statehood to the present.

The *Official and Statistical Register* also includes the names, addresses, and pictures of Mississippi's members of the U.S. House and Senate and the requirements for those offices. In addition, it includes the names, addresses, and requirements for office of all county officials in Mississippi's 82 counties and of all municipal officials in Mississippi. *The Blue Book* also explains the 4 types of municipal government in Mississippi. All of the state's agencies, boards, bureaus, and commissions—and their duties, responsibilities, and members—are listed in *The Blue Book*.

One of the most valuable sources of information in *The Blue Book* is the section on state elections.



Above: Mississippi Secretary of State Delbert Hosemann entertains a young friend with fascinating facts and figures from the 2008-2012 edition of *The Blue Book*.

Included in this section are the returns for all party primaries and general elections, and constitutional amendments and special elections, if there were any, during the 4 years covered by that edition of *The Blue Book*.

In addition to all of the electoral data, *The Blue Book* contains a large number of maps and has a section on general information. Listed in this section are the seasonal and annual temperatures and precipitation; the names and addresses of the state's television and radio stations, newspapers, magazines, and public libraries; the names and locations of public parks; and census and manufacturing figures.

Chapter Review

Chapter Summary

Section 1 Basic Principles of American Government

- The United States Constitution is the supreme law of the land.
- Some important concepts of the Constitution are the sovereignty of the people, checks and balances, representative government, the right of eminent domain, protection of patents and copyrights, and the “Full Faith and Credit” clause.

Section 2 Federal Government

- Article I of the Constitution created a bicameral legislature—a Senate (Upper House) and House of Representatives (Lower House).
- Every state has two U.S. senators who serve six-year terms. The House of Representatives has 435 members, who serve two-year terms. House membership is based on population.
- Congress has both enumerated powers and implied powers.
- Article II of the Constitution created the office of president, chosen by the Electoral College.
- The executive branch includes the president, vice president, fifteen cabinet members, and numerous agencies.
- The president and vice president are elected to four-year terms. The president can serve only two terms in succession; the vice president’s terms are not expressly limited.
- The line of presidential succession is as follows: vice president, speaker of the House, president pro tempore of the Senate, secretary of state, other cabinet members.
- Article III of the Constitution created the judicial branch with power to interpret the Constitution and laws.
- The U.S. Supreme Court has both original and

appellate jurisdiction. Its most significant power is judicial review.

- Lower U.S. courts include Courts of Appeals, District Courts, Bankruptcy Courts, and other special courts.

Section 3 State Government

- Mississippi has adopted four constitutions: in 1817, 1832, 1868, and 1890. The 1890 Constitution has been amended more than 120 times. Amendments can be introduced by the legislature or by citizens. They must be ratified by the voters.
- The state legislative branch includes a Senate and House of Representatives. Both have four-year terms with no term limits.
- The lieutenant governor is the Senate’s presiding officer, backed by a president pro tempore. The speaker is the House’s presiding officer. Most legislative work is done in committees.
- A bill is introduced in one house; assigned to, then voted out of a committee; then discussed and voted on by the full house. If approved, it is sent to the other house for the same procedures. A joint conference committee can work out differences between bills approved by different houses.
- The governor can either sign or veto an approved bill; if not signed or vetoed within five days, it becomes law. A veto can be overturned by a two-thirds majority of each house.
- The governor enforces and administers laws, serves as commander in chief of the Mississippi National Guard, calls for legislative special sessions, appoints some officials, and grants reprieves and pardons.
- The lieutenant governor assumes the governor’s duties if needed and acts as Senate president.
- Other elected officials include the secretary of state, attorney general, auditor, and treasurer.

- The state's judicial branch includes the Supreme Court, Court of Appeals, Circuit Courts, and Chancery Courts.
- The state's major revenue source is the general sales tax, followed by the income tax. The largest expenditure is for public education.

Activities for Learning

Understanding the Facts

1. What type of governmental system was created by the U.S. Constitution?
2. What is the supreme law of the land?
3. List two ways that Congress checks the power of the executive branch.
4. What term means "two-house"? What are the two houses in the U.S. Congress?
5. What are the three constitutional requirements to be eligible for the presidency?
6. What are the three levels of federal courts?
7. Under how many different constitutions has the state of Mississippi operated?
8. How many senators and representatives are in the Mississippi state legislature?
9. Who are the presiding officers of the Mississippi House of Representatives and Senate?
10. What is the primary function of the governor?
11. How many justices serve on the Mississippi Supreme Court? What is their term on the bench?
12. What is the major source of revenue for Mississippi's state government?

Developing Critical Thinking

1. Why was it necessary to amend the U.S. Constitution four years after it was written?
2. How do legislative committees affect legislation at the state level?

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 Mississippi on the Internet

1. Go to www.new.ms.gov/content/Pages/DidYouKnow.aspx. Read the facts about Mississippi? Which "Did you know...?" did you find most surprising?
2. Go to www.netstate.com/states/quiz/ms_quiz.htm and take the Mississippi quiz.
3. Go to www.sos.state.ms.us/ed_pubs/BlueBookLow/03%20-%20Legislative/pageflip.html. Look on the map and identify both the Mississippi House of Representatives district number in which you live and the representative for that district. Read the short biography about your representative in the pages that follow and answer the following questions:
 - a. What is your representative's address?
 - b. How many years has your representative served in the House?
 - c. On what legislative committees does your representative serve?