

# Chapter 14

## Local Government and Citizenship

### Chapter Preview

#### PEOPLE

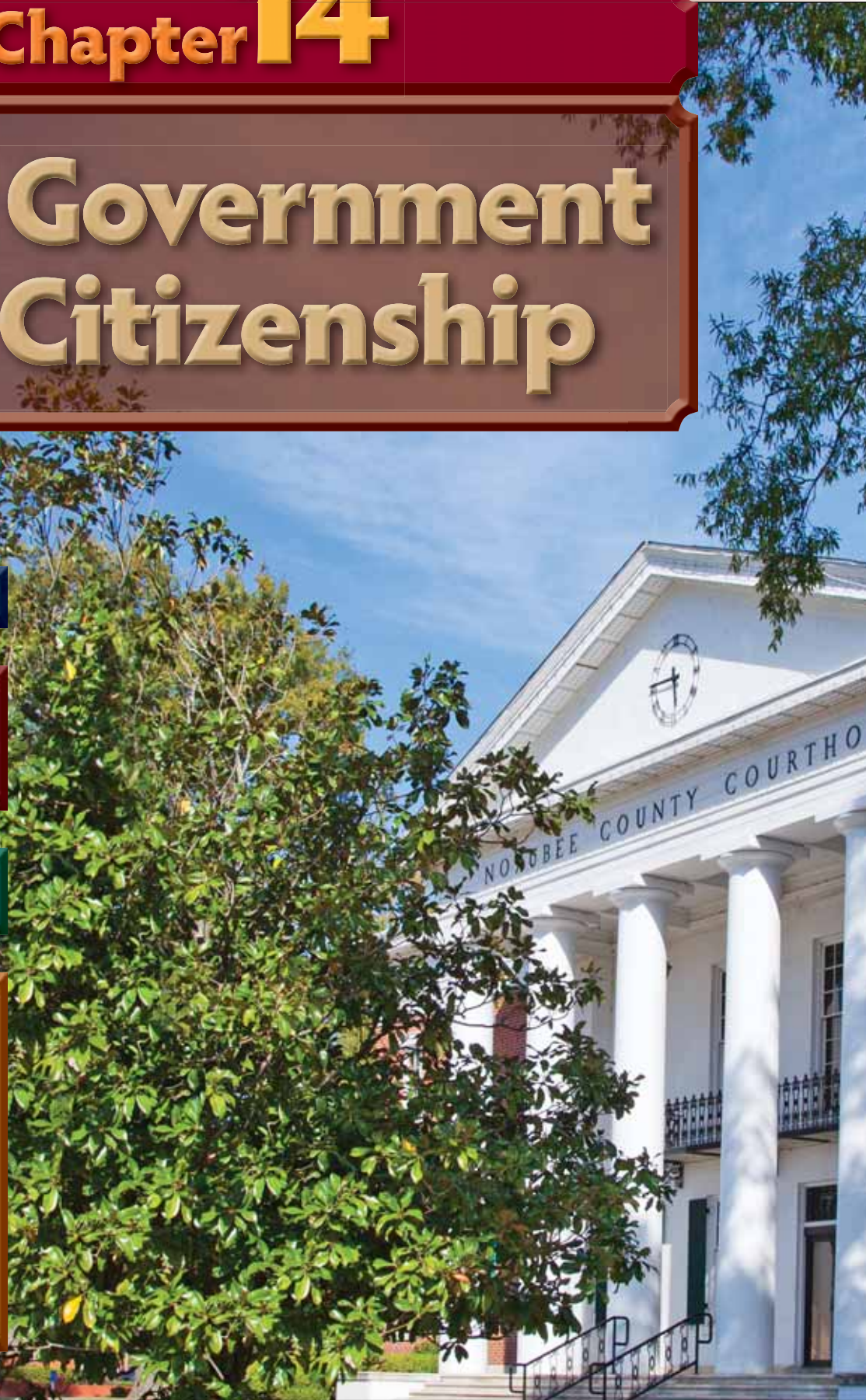
sheriff, chancery clerk, circuit clerk, election commissioners, county attorney

#### PLACES

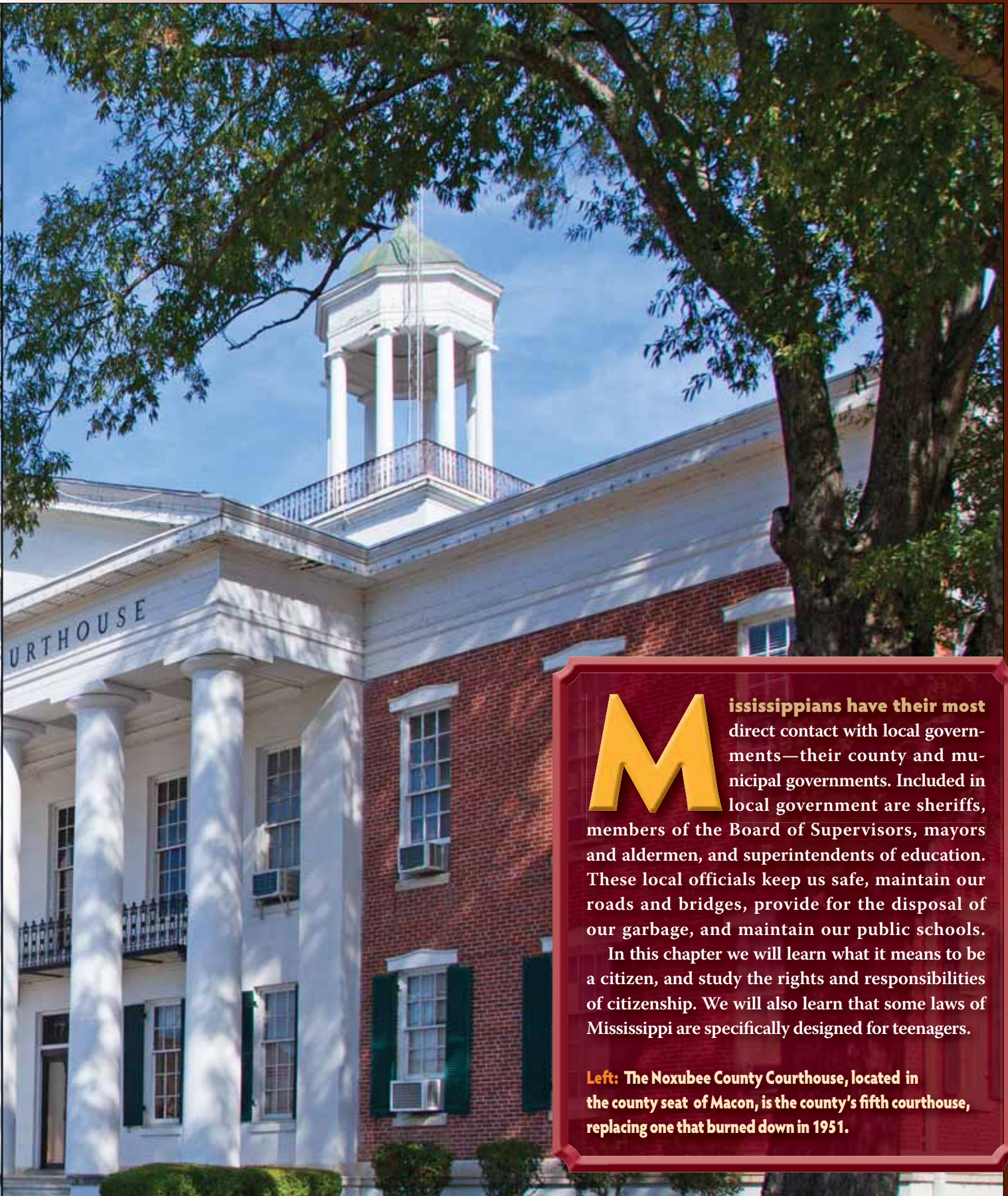
Pearl

#### TERMS

county seat, beat, beat system, county unit system, felony, incorporate, ward, misdemeanor, ad valorem tax, homestead exemption, naturalization, slander, libel, probable cause, search warrant, writ of habeas corpus, due process, grand jury, indictment, peers, bail, self-incrimination, acquittal, voting precinct, lobbyist, delinquent act, implied consent law







**M**ississippians have their most direct contact with local governments—their county and municipal governments. Included in local government are sheriffs, members of the Board of Supervisors, mayors and aldermen, and superintendents of education. These local officials keep us safe, maintain our roads and bridges, provide for the disposal of our garbage, and maintain our public schools.

In this chapter we will learn what it means to be a citizen, and study the rights and responsibilities of citizenship. We will also learn that some laws of Mississippi are specifically designed for teenagers.

**Left:** The Noxubee County Courthouse, located in the county seat of Macon, is the county's fifth courthouse, replacing one that burned down in 1951.



# Section 1

## County Government

### Something Extra!

The Amite County Courthouse, built in 1840 to replace an 1812 log structure on the site, is said to be the oldest courthouse in continuous use in the state of Mississippi.

### As you read, look for

- the differences between the beat system and the county unit system;
- the functions of the different elected and appointed county officials;
- the jurisdiction of the County, Youth, Drug, and Justice Courts;
- terms: **county seat, beat, beat system, county unit system, felony.**

**Right: Port Gibson is the county seat of Claiborne County. The county courthouse was built in 1903. Claiborne is one of the oldest counties in the state, founded in 1802, when Mississippi was still a territory.**

**There are eighty-two counties in Mississippi. Each county has a county seat,** where the courthouse is located and where county officials maintain their offices. There are ten counties in Mississippi that have two county seats and two courthouses. If the county you live in is one of those ten, ask your county officials why there are two county seats and two courthouses in your county.

### Board of Supervisors

The legislative branch of county government is the Board of Supervisors. Each county is divided into five districts, called **beats**, and one supervisor is elected from each beat. Supervisors are elected to four-year terms, are not term limited, and must reside in the counties and the districts from which they are elected. Supervisors are authorized by state law to levy county taxes, issue bonds, maintain roads and bridges, maintain the courthouse and county jail, employ and compensate county workers, maintain public libraries, and purchase supplies and equipment for the county.

Before 1988, all Mississippi counties operated under the beat system. Under the **beat system**, each supervisor has complete control over the roads in his or her district, maintains an equipment barn for

## Something Extra!

Yazoo County, with an area of 920 square miles, is Mississippi's largest county. Alcorn is the smallest, with an area of 400 square miles.

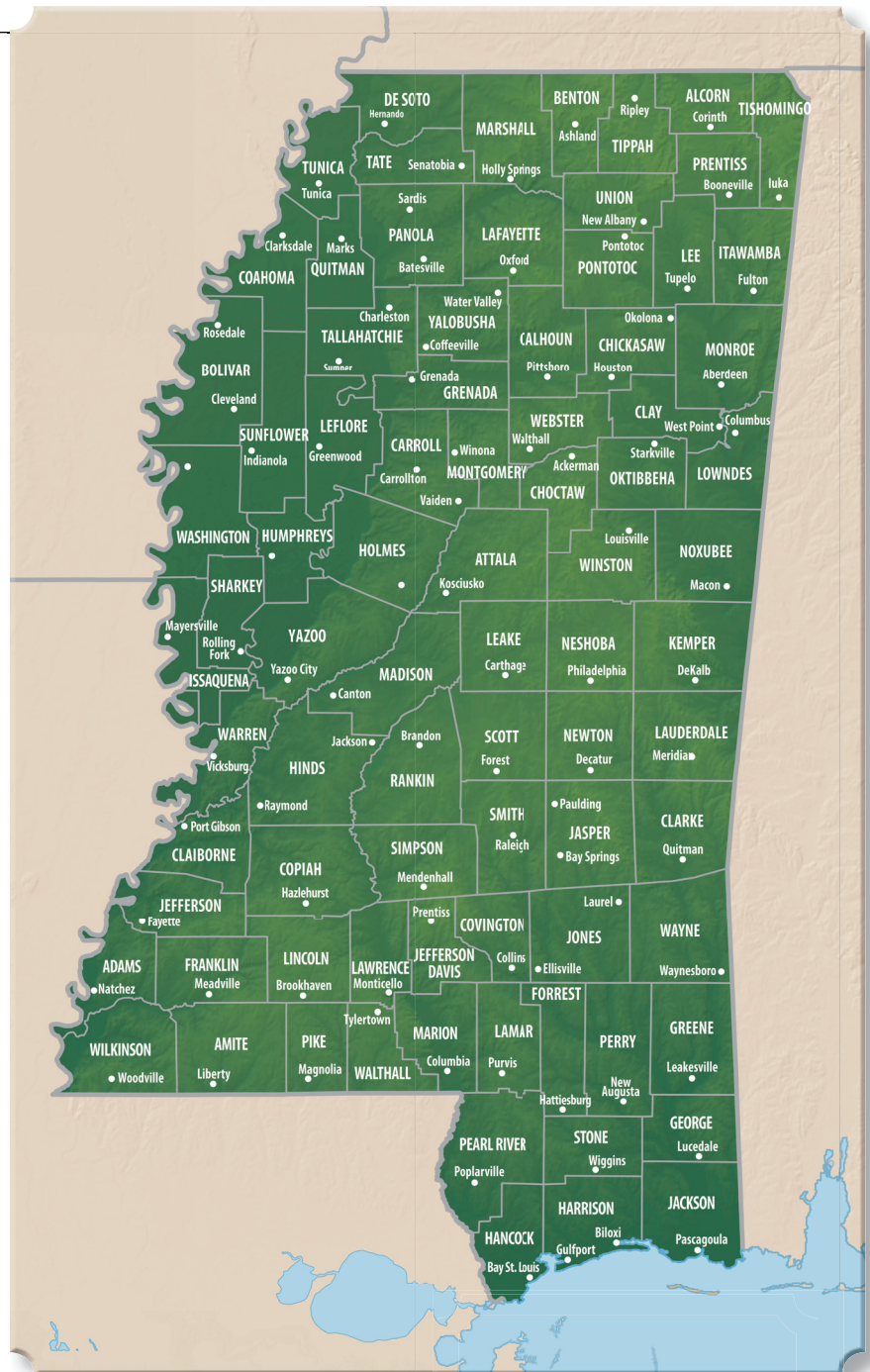
that district's road crew, and drafts a budget without the assistance of the other supervisors. In 1988, the state legislature allowed voters in each county to decide whether to maintain the beat system or adopt a more centralized system called the county unit system. Under the **county unit system**, the supervisors set policies and hire county employees, such as a county administrator, to handle the day-to-day functions of county government. Equipment is stored in a central county barn, and all purchasing is handled by purchasing, receiving, and inventory clerks. More than half of Mississippi counties operate under the county unit system. The Board of Supervisors in each county appoints an attorney to serve as the legal counsel to the board.

### Chancery Clerk

A chancery clerk is elected in each county to a four-year term and is not term limited. The chancery clerk serves as the clerk for the Board of Supervisors and the Chancery Court. The chancery clerk's primary duty is to maintain the records and proceedings of the Board of Supervisors and the Chancery Court.

### Circuit Clerk

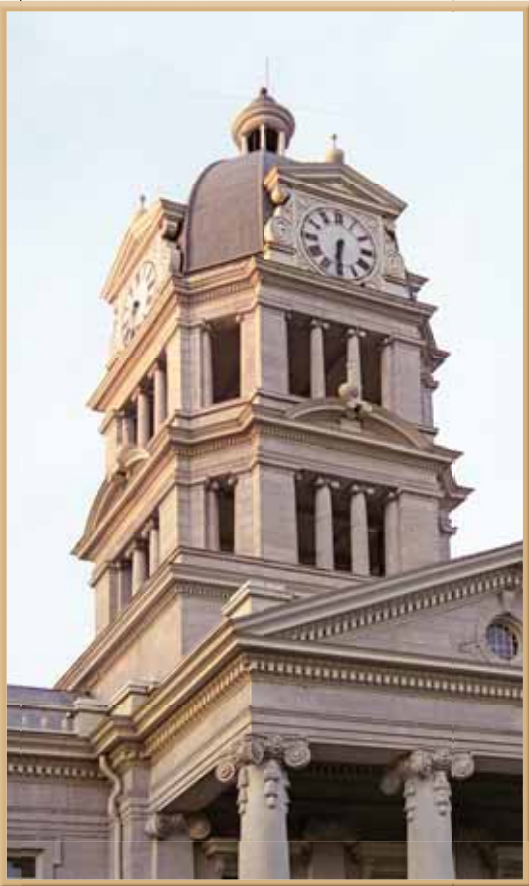
The voters in each county elect a circuit clerk to a four-year term with no term limits. The circuit clerk is the chief officer of the Circuit Court and



## Map 46 Mississippi Counties and County Seats

Map Skill: Does your county have one county seat or two?





is the chief elections officer of the county. In addition to keeping the records of the Circuit Court, a circuit clerk maintains the voter rolls and assists the county election commissioners in conducting primary and general elections.

### **Election Commissioners**

Each county elects five election commissioners, one for each district or beat. The duties and responsibilities of the election commissioners are to maintain voting rolls, to conduct and supervise elections, and to certify election results.

### **Tax Assessor and/or Collector**

In some counties, one person may hold both positions—tax assessor and tax collector—and is elected to a four-year term and may succeed himself or herself. In other counties, a tax collector and a tax assessor are elected separately. Tax assessors/tax collectors maintain the personal and property tax rolls for each county and keep the records of tax payments.

### **Coroner**

The coroner is elected to a four-year term and is not term limited. The coroner is the chief county medical examiner and is responsible for issuing death certificates. The coroner also performs and publishes the results of autopsies in cases requiring such action.





## County Attorney

The county attorney is the prosecuting attorney who represents the state in cases brought before the County Court and the Justice Court. The county attorney also represents the state in criminal cases appealed to the Circuit Court from the County Court. The county attorney is elected to a four-year term and is not term limited.

## County Surveyor

The county surveyor is a registered land surveyor and is elected to a four-year term and is not term limited. The county surveyor executes all surveys requested by local courts and landowners in the county.

## Sheriff

The sheriff is the chief law enforcement officer in the county and is elected to a four-year term and is not term limited. County sheriffs are the enforcement officers for the Chancery and Circuit Courts and may employ as many deputies as necessary to maintain law and order.

## Constable

A constable is elected from each supervisor's district, or beat, for a four-year term and is not term limited. Constables are law enforcement officials who enforce the orders and judgments issued by the Justice Court in their district.

**Above:** Not all law enforcement is on land. The location of Adams County on the Mississippi River means that sometimes the sheriff's department has to make use of boats. **Opposite page, above:** In many county seats in Mississippi, the county courthouse, which houses the offices of many county officials, is the largest and most ornate building in town. The Leflore County Courthouse in Greenwood was built in 1879 at a cost of \$7,317.50. **Opposite page, below:** One of the most important functions of the tax assessor is to calculate the value of taxable property, like houses, in the county. Property taxes are an important revenue source for counties and municipalities. This house, the Sanders Place in Aberdeen, was built in 1898 for Houston Gillylen, the chancery clerk of Monroe County.



## Something Extra!

The three line consolidated school districts in Mississippi are the Lumberton Line, Nettleton Line, and Western Line Districts.

### County Superintendent of Education

There are three types of county schools in Mississippi: consolidated school districts, line consolidated districts (which are located along a county line and include parts of two counties), and county school districts. Superintendents of education in consolidated school districts and line consolidated districts are elected for four-year terms. Superintendents of county school districts are appointed by the County Board of Education. A superintendent must have a Class AA Administrator's Certificate issued by the State Department of Education and a minimum of four years of classroom or administrative experience. Members of the County Boards of Education are elected to six-year terms and may succeed themselves.

### County Courts

Twenty of Mississippi's eighty-two counties have established County Courts. County Court judges are elected in nonpartisan elections for four-year terms and may succeed themselves. A County Court judge must be twenty-six years old, a resident of the county for two years, a resident of the state for five years, and a practicing attorney for five years. County Courts have jurisdiction over matters involving eminent domain, unlawful entry and *detainer* (the wrongful holding of a person, or a person's property), and juvenile cases. They may also hear cases of law and equity up to \$200,000, and noncapital felony cases assigned to them by Circuit Courts.

### Youth Courts

In the twenty counties that have a County Court, those judges also serve as Youth Court judges. In counties that do not have a County

Court, the chancery judge may hear Youth Court matters, or the chancery judge may appoint a lawyer to act in a judicial capacity as Youth Court referee. The city of Pearl has a municipal Youth Court.

### Drug Courts

Drug Courts are special courts that address crimes committed by persons addicted to drugs or alcohol. Drug Courts seek to rehabilitate drug-using offenders through drug treatment and supervision with drug testing and frequent court appearances. Drug Courts provide offenders an incentive to stay off drugs and to stay out of jail. Defendants who fail to remain drug free, and fail to comply with all program requirements, may be incarcerated. As of January 2008, twenty-three Drug Courts were in operation in Mississippi.



**Above:** Many county courthouses provide courtrooms for County and Circuit Courts. This courtroom is in the Hinds County Courthouse in Jackson.



## Justice Courts

The number of Justice Courts in each county is determined by the county's population. Justice Court judges are elected to four-year terms and may succeed themselves. They must reside in the county and have a high school diploma or General Equivalency Diploma (GED), and they must have completed the training course required of Justice Court judges. Justice Courts have jurisdiction in civil cases involving less than \$3,500. They may also try criminal cases where the punishment does not exceed one year in the county jail, and they can conduct preliminary hearings in felony cases. A **felony** is a serious crime (such as murder or burglary) punishable by time in prison. The Justice Court clerk is appointed by the County Board of Supervisors. The Justice Court clerk keeps a record of all Justice Court proceedings and collects the fines levied by the Justice Court.

### Reviewing the Section

1. Define in sentence form: county seat, beat, county unit system.
2. What are the functions of the chancery clerk and circuit clerk?
3. What are the three types of county schools in our state?

**Above: County detention facilities provide space for people who have been arrested but not tried, and people convicted of relatively minor crimes. This is the Lafayette County Detention Center in Oxford.**

## Something Extra!

Local incarceration facilities, or jails, are designed to hold people awaiting trial or serving short sentences. Prisons, operated by state or federal governments, are designed to hold people convicted of crimes.



## Section 2

# Municipal Government

### As you read, look for

- how a municipality is formed through incorporation and expanded through annexation;
- the functions of the three forms of municipal government;
- the jurisdiction of municipal courts;
- how local government is financed;
- terms: **incorporate, ward, misdemeanor, ad valorem tax, homestead exemption.**

**Below:** A statue of Andrew Jackson, the namesake of our capital city, stands silhouetted in front of Jackson City Hall, built in 1848. The city of Jackson was burned by General Sherman during the Civil War, but he spared City Hall.

**According to the U.S. Census Bureau, Mississippi is considered a** rural state because more than half of its population (51.2 percent) lives in rural places or in municipalities with a population of less than 2,500. Municipalities, which are political subdivisions that provide local government to specific geographic areas, are classified according to population. As we learned in Chapter 12, there are three classes of municipalities: cities, towns, and villages.



## Incorporation

A group of citizens living in an area may **incorporate** (become a city, town, or village) by presenting to the Chancery Court a petition signed by two-thirds of the qualified voters who reside in the area to be incorporated. The petition must describe the boundaries of the municipality, designate a name, and identify the number of inhabitants. It must also calculate the assessed value of real property, state the reasons for incorporation, identify the services to be offered, and identify a list of *interim* (temporary) city officials. Once the Chancery Court approves the incorporation, the secretary of state issues a charter for the new municipality. The charter is the municipality's basic law or constitution. It names the municipality, describes its boundaries, outlines its form of government, and makes the incorporated area a *municipal corporation* (legal entity). As a corporation, the municipality can sue or be sued, make contracts, and buy and sell property.

## Functions of Municipal Government

The major function of municipal government is to provide services for its citizens. Some of those services include streets and bridges, police and fire protection, libraries, recreational facilities, and health and sanitation services. A municipality can provide only those services that its citizens are willing to pay for through taxes.

## Forms of Municipal Government

The various forms of municipal government in Mississippi include a mayor-council system, a commission system, and a council-manager system. The system of municipal government is a local issue that is determined by the voters of each municipality.

### Mayor-Council

In the mayor-council form of municipal government, the voters elect a mayor and a city council. In Mississippi, the city council is usually referred to as the Board of Aldermen. The number of aldermen varies from five to seven depending on the population of the municipality. Aldermen are elected from districts called **wards**.

Mayor-council governments are described as either a *weak mayor type* or a *strong mayor type*, depending on the powers granted the mayor. The weak mayor-council form of government (sometimes called mayor-alderman) is the most widely used form of municipal government in Mississippi. Under this form, the voters elect the mayor and the aldermen, who together decide whether other officials, such as the clerk or tax collector, are elected or appointed. The mayor shares many administrative powers with the aldermen and other municipal officials. Budget preparation is a joint effort between the mayor and the board. In the strong mayor-council form of government, the



**Above: Municipalities offer a variety of services, from police protection to public libraries. Among the most important is fire protection. This fire station is in Vicksburg.**

## Something Extra!

Natchez was incorporated on March 10, 1803, and is Mississippi's oldest municipality. Byram was incorporated on June 15, 2009, and is the state's newest municipality.





**Above:** Vicksburg is one of only two Mississippi cities governed by a mayor and two commissioners. Vicksburg's beautiful city hall was built in 1903.

## Something Extra!

Learned, with a population of ninety-four in the 2010 census, is Mississippi's smallest municipality.

mayor has the power to hire and fire city employees and has a stronger role in preparing the budget. Under both mayor-council forms, the mayor presides over the council meetings and has veto power, which the council may override.

### Commission

In a commission form of municipal government, voters elect a mayor and at least two commissioners. The mayor presides over commission meetings but has no veto power. The mayor is the official representative of the city and generally administers the police and fire departments, while the commissioners oversee specific departments of city government. For example, one commissioner might administer finance, purchasing, and personnel, while the other commissioner administers streets, parks, and sanitation. The commissioners are elected from different wards and the mayor is elected *at-large* (from the whole city).

### Council-Manager

Under the council-manager form of government, the voters elect a mayor and council, which employs a city manager. The mayor presides over council meetings and represents the city at most functions. The council is the policy-making body for the city. The manager handles the day-to-day operations, hires and fires city employees, prepares the budget, and attends council meetings but cannot vote.

### Annexation

Mississippi municipalities are authorized by state law to expand their boundaries by annexation—by adding adjacent land. In Mississippi, a town or city wanting to annex additional land passes an *ordinance* (law) that describes the boundaries of the new area, identifies the services that will be provided, and sets out the timetable for implementing those services. Citizens living in the area to be annexed have no vote on the issue but can file a lawsuit to block the city's action. Most municipalities are successful in their annexation attempts because they have greater resources (tax dollars) to pay the legal costs of an annexation lawsuit.

### Municipal Courts

There are 226 Municipal Courts in Mississippi. These courts have jurisdiction over municipal ordinances, city traffic violations, and misdemeanor crimes. (A **misdemeanor** is a less serious crime, one punishable by less than a year in jail, a fine, or both.) Municipal judges are normally appointed by the governing bodies of the municipality, and their terms of office vary. Most mu-

municipalities have one judge, although some large municipalities have several judges. In small towns and cities, the mayor may serve as municipal judge.

## Financing Local Government

The major source of revenue for county governments is the **ad valorem tax**, which is a tax that is levied on the value of real and personal property. *Real property* includes land and buildings. *Personal property* includes things like automobiles. Ad valorem taxes are also a major source of revenue for cities, but municipalities have other sources of income that are not available to counties. Towns and cities also receive a portion of the state's general sales tax. Some cities also levy a tax on certain types of businesses. For example, Starkville, Hattiesburg, and Oxford tax hotel and motel room rentals.

Other sources of revenue for local governments include federal grants; fees and fines; funds from other state taxes, such as gasoline taxes and road and bridge privilege taxes; and homestead exemption reimbursements. State law gives homeowners a **homestead exemption** (a reduction in the taxable value of property that is their primary residence). The state reimburses local governments for this tax loss.

## Other Forms of Local Government

Other forms of local government in Mississippi include Mississippi Planning and Development Districts (PDDs). These districts were created to help cities and counties with economic development. Soil and Water Conservation Districts were established to prevent erosion, control floods, and preserve wildlife in the state. Mississippi also has Levee Districts, Drainage Districts, Port Commissions, and other special districts.

## Something Extra!

**Ad valorem** is a Latin phrase meaning "according to the value."



**Above: Columbus, the county seat of Lowndes County, has a mayor-council form of government. The cities of Columbus, Starkville, and West Point are known as the "Golden Triangle."**

## Reviewing the Section

1. Define in sentence form: ward, misdemeanor, ad valorem tax.
2. Why is Mississippi considered a rural state?
3. What are the three forms of municipal government in Mississippi?



## Section 3

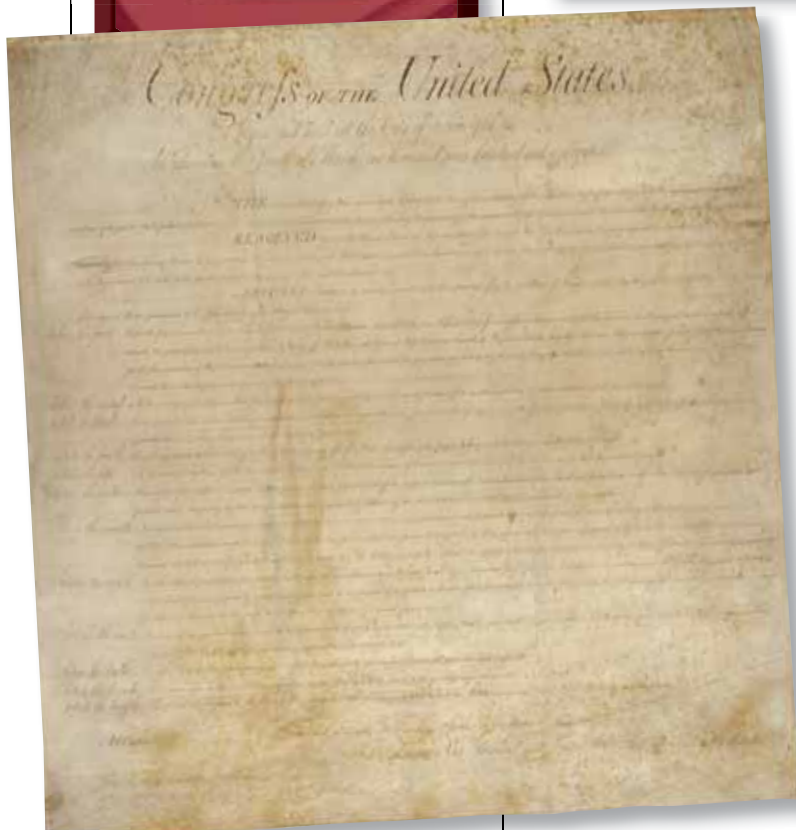
# Citizenship

### Something Extra!

December 15 is celebrated as Bill of Rights Day because that was the day in 1791 when the Bill of Rights (below) was ratified by the states.

### As you read, look for

- the rights granted to citizens under the U.S. Constitution and our state's constitution;
- the responsibilities of citizenship;
- the particular laws that apply to minors;
- terms: **naturalization, slander, libel, probable cause, search warrant, writ of habeas corpus, due process, grand jury, indictment, peers, bail, self-incrimination, acquittal, voting precinct, lobbyist, delinquent act, implied consent law.**



**Citizens of the United States are also citizens** of the state in which they live. People who are born in the United States are natural-born citizens. Children of American citizens born outside the United States are also natural-born citizens. Persons from other countries (called aliens) can become American citizens through a process called **naturalization**. To become a naturalized citizen, a person must renounce allegiance to his or her native country, pledge allegiance to the United States, learn to speak English, reside in this country for five years, and pass an examination on American history and civics. A naturalized citizen has the same rights and privileges of a natural-born citizen.

### Constitutional Rights

American citizens are granted certain rights by the U.S. Constitution and each state constitution. Most of these rights are described in the Bill of Rights, which, as we learned in Chapter 13, is the name given to the first ten amendments to the U.S. Constitution. These rights are also described in Article 3 of the Mississippi Constitution of 1890.



### Freedom of Religion

Citizens have a right to worship without government interference. Neither the state nor the federal government can establish a church, aid one religion over another, or levy a tax to support a religion. A person may believe as he or she chooses in matters of religion as long as no law is violated. For example, in 1993, members of the Branch Davidian sect in Waco, Texas, had the constitutional right to worship as they pleased. But once federal investigators discovered that federal firearms laws were being violated, the Davidians could no longer use freedom of religion as a defense for their actions. Article 3, Section 18, of the Mississippi Constitution states that a religious test cannot be required as a qualification for public office.

### Freedom of Speech and Press

American citizens are free to say and write things about issues without interference by the government. However, there are some restrictions. People may not slander or libel others.

**Slander** is a spoken statement made with the purpose of harming a person's character or reputation. **Libel** is a printed or published statement *maliciously* (with intent to harm) made to injure a person's character or reputation. Restrictions are imposed on speech and writing that would affect public morals (obscenity), public safety (yelling "Fire!" in a crowded theater), and national security (trying to overthrow the government).



**Top:** A patriotic quilt, handcrafted in Mississippi. **Above:** Freedom of religion means that people are free to worship as they wish. This is the Bay Street Presbyterian Church in Hattiesburg.





**Above:** One of the most important rights in a democratic society is the right to assemble. Nonviolent demonstration was the primary strategy of the civil rights movement and the movement to end the Vietnam War.

## Something Extra!

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."

### Freedom of Assembly and Petition

Individuals have the right to express their opinions, march, or demonstrate, and to request in writing that public officials do or not do certain things. These rights must be exercised in a peaceful manner, and most public demonstrations and marches can be held only after a permit is obtained from law enforcement officials. Property owners can allow peaceful activities on their property without a permit.

### The Right to Bear Arms

The U.S. Constitution allows the states to maintain and equip a militia (a civilian army) and allows the people to keep and bear arms. This does not mean that individuals are free to keep any kind of gun they want. Federal law places certain restrictions on the sale and shipment of firearms. The state government can also regulate the use of firearms. It is unlawful in Mississippi for a person to sell, give, or lend to a *minor* (a person under 21 years of age) a deadly weapon that could be carried as a concealed weapon. Deadly weapons include knives, brass knuckles, blackjacks, slingshots, pistols, revolvers, certain types of rifles and shotguns, and machine guns. Students who take concealed weapons on a school campus or within two miles of a campus may be fined up to \$300 and jailed up to three months.

### Property Rights

American citizens have the right to be secure in their homes, and the government is prohibited from searching or seizing a person's home, papers, or goods without **probable cause** (a reasonable expectation that evidence

will be found). If probable cause does exist, a law enforcement officer must obtain a search warrant. A **search warrant** is a document that must be presented by a law enforcement officer before the officer can legally enter the premises. Search warrants must state the place to be searched and the person or thing to be seized.

There are times, however, when a reasonable search and seizure may occur without a warrant. An officer may arrest any person who commits a crime in the officer's presence or who the officer has reason to suspect is about to commit a crime. If an officer is in "hot" pursuit of a criminal in a vehicle, no search warrant is needed.

## Rights of the Accused

Both the federal and state constitutions guarantee several rights for persons accused of crimes. That persons are considered innocent until proven guilty is a fundamental principle of American law.

### Writ of Habeas Corpus

A person cannot be held in custody indefinitely without being charged with a crime. A **writ of habeas corpus** is a court order requiring that a person being held be brought before the court to determine if that person is being held lawfully. The writ of habeas corpus can be suspended during riots and other times of public unrest. In Mississippi, the suspension requires the approval of the legislature.

### Right to a Fair Trial

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

A **grand jury** is a group of citizens appointed by the court to determine if enough evidence exists to issue an **indictment** (formal charges) against an accused person. If an indictment is issued, the accused will appear in court before a jury of his or her peers. In legal terms, **peers** are people who are racially, economically, and socially similar to the person being tried.

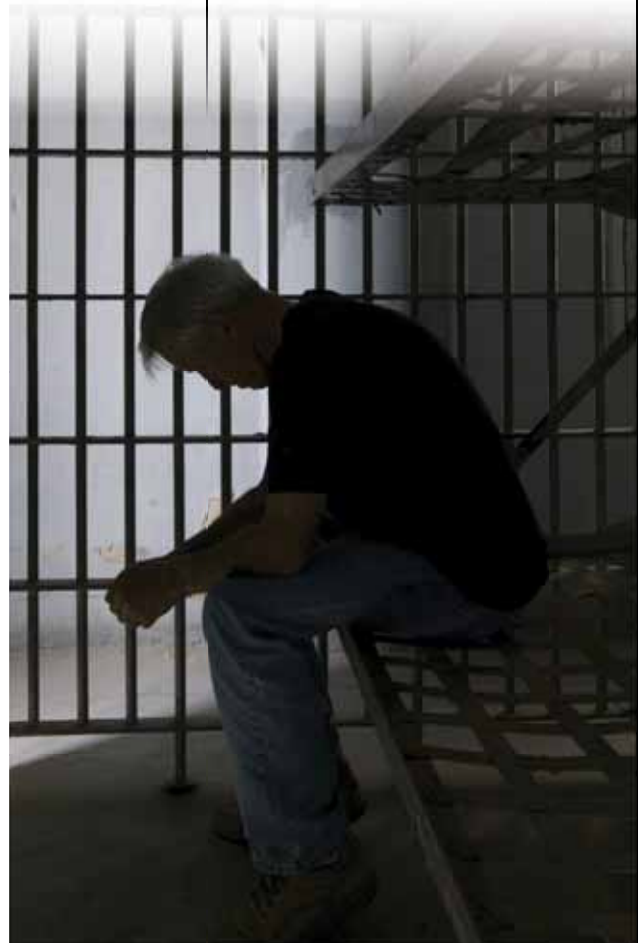
Until the court date, a person may be released on bail. **Bail** is a specified amount of money deposited with the court by the accused to guarantee that he or she will appear in court. Federal and state laws require that bail be reasonable. In Mississippi, the accused may be released by depositing 10 percent of the bail set by the court.

State and federal law also protects an accused individual from **self-incrimination**, which means that

## Something Extra!

The reference to a writ of habeas corpus is found in the body of the U.S. Constitution—in Article I, Section 9. *Habeas corpus* is a Latin phrase that means "you should have the body."

**Below:** A basic principle of our system of justice is that people accused of a crime are presumed innocent until proven guilty. What are often called the "rights of criminals" are really the rights of those accused of crimes.





## Something Extra!

As of 2011, thirty-four of the fifty states allowed the death penalty.

**Below:** Voting is the basic responsibility of all citizens in a democracy. **Bottom:** Registered voters are assigned a specific place in their neighborhood to vote in all elections. Voters who will be away from home on election day can request an absentee ballot.



individuals being prosecuted cannot be forced to testify against themselves. The government cannot legally force or trick a confession out of a person and then use that confession as evidence in a court of law. An accused cannot be tried twice for the same crime (double jeopardy). This provision only applies after an actual **acquittal** (a not-guilty verdict). If there is a hung jury—one that cannot reach a decision—another trial can be held.

Once a person is convicted, the punishment must fit the crime. Both the Eighth Amendment to the U.S. Constitution and Article 3, Section 28, of our state's constitution prohibit excessive fines and cruel and unusual punishment. However, the death penalty (by lethal injection) is allowed in Mississippi.

### Equal Protection under the Law

The Fourteenth Amendment to the U.S. Constitution declares that “No state shall . . . deny to any person within its jurisdiction the equal protection of the laws.” This means that no state can apply the law differently simply because of a person's race or sex. All voting laws must be applied equally to all Mississippians. Poll taxes, which once existed in Mississippi as a means to deprive blacks of the right to vote, were declared unconstitutional by federal courts because they violated the Fourteenth Amendment.

### Responsibilities of Citizenship

The blessings of liberty are not free, and American citizens have both the rights and responsibilities of citizenship. Good citizens obey the laws, serve on juries, pay taxes, stay informed, get involved, and vote.

#### Voting

One of the most important responsibilities of citizenship is voting. When you reach the age of eighteen, you should register, inform yourself about the issues in your community, and exercise the privilege that generations before you have protected and sustained for you. The registration process provides election officials with a record of citizens who are legally entitled

to vote. Mississippi has permanent voter registration, which means that a person remains registered until he or she moves. To vote in federal, state, and county elections, citizens must register at least thirty days before an election in the circuit clerk's office. To vote in municipal elections, citizens must register thirty days before the election at the city clerk's office. Mississippians can also register by mail. Mail-in registrations must be witnessed and signed by a resident of the same county.

Each **voting precinct**, which is a subdivision of the county or city for election purposes, has a designated polling place where voters cast their ballots. After being checked off the poll books, voters cast a secret ballot. The polls are open from 7:00 a.m. to 7:00 p.m. If a person will be out of town on election day, he or she can request an absentee ballot, an official document listing all the candidates, which must be returned by noon on the Saturday before election day.

Mississippians vote in both *primary elections* and *general elections*. The primary election is a nominating process conducted by the Democratic and Republican Parties. Mississippians do not register by party, so voters can participate in either party's primary. In the first primary election, there are two or more candidates running for the same office. A runoff election is held if no candidate receives a majority vote in the first primary. The candidate who receives a majority of votes in the second primary wins the party's nomination and is placed on the ballot in the general election. The candidate who receives the highest number of votes in the general election is elected to the office. The only exception to this rule is the election of the governor. If no candidate for governor receives a majority of votes in the general election, the Mississippi legislature will elect a governor from the two candidates who received the highest number of votes.

Special elections are sometimes held to replace elected officials who have died or resigned from office or to settle a controversial issue. A special election might be called to determine if alcoholic beverages can be sold in a municipality or county.

In the 2011 Mississippi general election, a constitutional amendment requiring a photo ID to vote was passed. That requirement has been challenged and will probably be decided in the near future by the U.S. Supreme Court.

## Obeying Laws

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

## Serving on Juries

Another major responsibility of citizenship is to serve on a jury when called. Citizens selected for jury duty are called *jurors*. In Mississippi, jurors are randomly selected from a list of registered voters. A person cannot be excluded from jury duty because of race, color, religion, sex, national origin, or economic status. Individuals who fail to appear for a call to jury duty may be fined or imprisoned.

Even though it is a citizen's responsibility to serve on a jury, individuals may request to be excused. A juror may be excused if he or

## Something Extra!

Today, the only adult Mississippians ineligible to vote are those judicially declared mentally incompetent and those who have been convicted of any of the serious crimes listed in Section 241 of the state constitution.



**Above: One of the legal obligations of citizenship is to serve on a jury. Citizens may be summoned to serve on a trial jury or a grand jury. A trial jury can hear both civil and criminal cases. Grand juries decide if there is enough evidence for a trial.**





**Above:** As members of the “baby boom” generation have grown older and started to retire, they have become a powerful special interest group. The most influential organization that lobbies on behalf of older Americans is the AARP, with over 40 million members.

## Something Extra!

Lobbyists get their name from their habit of meeting lawmakers in the lobbies of capitol buildings and city halls.

she has an interest in the case, has a serious illness in the family, may suffer financial hardship as a result of serving, is sixty-five years of age or older, or has some emergency. Attorneys who are trying a case may dismiss potential jurors for a wide variety of reasons.

Citizens may be asked to serve on either a trial jury or a grand jury. In Mississippi, a trial jury has twelve jurors who determine the guilt or innocence of the *defendant* (the person being tried). In criminal cases, a unanimous decision is necessary to return a verdict. In civil cases, nine of the twelve jurors must agree on a verdict. A grand jury consists of fifteen to twenty citizens who determine if there is enough evidence against an accused person to issue an indictment. Grand juries in Mississippi also have broad investigative powers and can inspect jails, schools, and other public buildings.

### Staying Informed

An informed citizenry is essential to the success of a democratic society. Citizens can stay informed by reading newspapers, watching television, attending meetings of local officials, and talking to other informed citizens. Staying informed allows citizens to make intelligent decisions in the voting booth and not be swayed by campaign rhetoric. There are many political action committees (PACs) that try to keep the public informed and try to influence legislators to favor the group’s position. Many of these PACs donate money to candidates’ campaigns.

### Lobbyists

Some special interest groups employ **lobbyists** (persons who are paid to represent an interest group and present the views of their organization to lawmakers). Lobbyists spend thousands of dollars a year promoting their causes and often invite public officials to dinners, receptions, ball games, golf outings, and other social events. Some critics of lobbying say these favors amount to a form of legal bribery. Special interest groups are often controversial. Some critics believe they do more harm than good. Others think lobbyists play an important role in the political process. Both the federal and state government have laws that regulate special interest groups. Lobbyists must register and specifically identify the groups they represent.

## Getting Involved

Citizens in a democratic society have an obligation to participate in public affairs. Citizens can get involved by helping candidates run for public office; running for public office; participating in community service activities; serving in the military; debating public issues, such as the environment; and volunteering their time to civic groups. Other ways citizens can be involved include writing to elected officials, attending public hearings, and participating in peaceful demonstrations.

## Mississippi Teenagers and the Law

In Mississippi, teenagers' rights and responsibilities vary according to age and the matter in question. Persons are considered minors until the age of twenty-one; yet many exceptions are made for eighteen-year-old citizens.

## Legal Status of Minors

All eighteen-year-old citizens can enter into *contracts* (binding legal agreements) for personal property (such as a car). If married, they can make contracts for real property (such as the purchase of a home). Any married minor can sue or be sued for divorce, child custody, child support, or *alimony* (money paid by one ex-spouse to the other).

In Mississippi, an application for a marriage license must be filed before a couple can be legally married. If either party is younger than twenty-one, the parents or guardians must be notified. Marriage licenses cannot be issued to a male under seventeen or a female under fifteen unless a Chancery Court judge approves.

## Juvenile Justice System

The Mississippi Youth Courts have jurisdiction over delinquents (children in need of supervision) and neglected or abused children. A *delinquent child* is one between the ages of ten and eighteen who has committed a **delinquent act** (any act that if committed by an adult would be a crime). A *child in need of supervision* is between the ages of seven and eighteen and cannot be controlled by his or her parents, constantly violates school rules, or runs away without good cause. Youth Court proceedings are conducted by a judge and are not open to the public. Court records are confidential and may be sealed once a case is dismissed or until the youth reaches age twenty. A person under eighteen may be tried as an adult for certain serious crimes.

## Something Extra!

The first juvenile court in the United States was established in Chicago in 1899.

**Below:** Because young people who commit crimes are considered to be less responsible than adults, they are treated differently by the criminal justice system. Court proceedings are closed to the public, and court records are confidential or sealed.







**Above: The first major responsibility most teenagers assume is driving a car. Because of the high accident rate among younger drivers, Mississippi has zero tolerance for drivers under the age of twenty-one who drive under the influence of alcohol.**

### **Restrictions on Alcohol, Drugs, and Tobacco**

Alcohol is the most common drug used by teenagers. In Mississippi, it is unlawful for any person under age twenty-one to possess or to purchase alcoholic beverages. Any teenager convicted of possessing alcoholic beverages may be fined up to \$100. Using false identification to purchase alcoholic beverages is punishable by a fine of up to \$200 or by a jail term of five to thirty days.

Mississippi teenagers can get a driver's license at age sixteen. By getting a license, a person gives law enforcement officers permission to check for blood alcohol content levels if lawfully stopped while driving a vehicle (the **implied consent law**). Mississippi has a zero tolerance level for drivers under twenty-one years of age. A driver under twenty-one who registers a blood alcohol content level above .02 percent may be charged with driving under the influence of alcohol (DUI). In Mississippi, refusing to take a breath test is an admission of guilt and may lead to a ninety-day suspension of the driver's license plus a fine and a possible jail term.

Mississippi law puts drugs into five categories (schedules) based on their potential for abuse and medical use. Penalties for the possession, sale, and manufacture of controlled substances are based on the type and amount of a drug possessed and whether or not a conviction is a first, second, or third offense.

Under Mississippi law, it is unlawful for any person under eighteen to buy or be given tobacco products (cigars, cigarettes, snuff) without written authorization by a parent or guardian. A penalty of up to \$100 and three months in the county jail may be imposed on any person convicted of selling tobacco to anyone under age eighteen.

## Rights and Responsibilities in School

Students between the ages of six and twenty-one have a right to a free public education. Compulsory attendance laws require Mississippi students to attend school until the age of seventeen.

While in school, students still have the rights guaranteed under the federal and state constitutions, but certain responsibilities are associated with those rights. Students have the right to express their opinions in school as long as that expression does not disrupt the educational process. Students can dress and be groomed as they please as long as they conform to reasonable school dress codes. Students have the right to expect that their *transcripts* (academic and personal records) will be kept private. Students are protected from unreasonable searches unless a teacher or administrator has a reasonable suspicion that a school rule has been violated or a criminal act has been committed. Reasonable suspicion may be any information that points to illegal activity.

It is altogether fitting and proper that we conclude our study of Mississippi's history and government with this discussion of students and schools, of rights and responsibilities. A great philosopher once said that if we do not know our past, we are bound to repeat it. The knowledge and understanding of Mississippi history that you have gained in this course should enable you to appreciate your heritage and encourage you to help make Mississippi a better place.

In the next two chapters we will study Mississippi's literary tradition and its remarkable contributions to music, arts, entertainment, and the world of sports. What you will learn in the next two chapters will make you even more proud to be a Mississippian.



**Above: Students in school have the same constitutional rights as everyone else, subject to certain limitations.**

### Reviewing the Section

1. Define in sentence form: probable cause, due process, peers.
2. What is the difference between slander and libel?
3. What do Mississippi laws state regarding teenagers and alcohol?



# Of Special Interest

## Mississippi Department of Archives and History

**Almost anything you want to know about** Mississippi, its people, places, and things, you can find at the Mississippi Department of Archives and History, which is located in the William F. Winter Building in downtown Jackson. The Department of Archives and History is the official repository of documents, records, and papers of the state of Mississippi. The collection also includes the private papers of many of Mississippi's most important people and thousands of photographs, diaries, and memorabilia that tell the story of "A Place Called Mississippi." Historians from around the world come to the Department of Archives and History to conduct research on the state of Mississippi and its many famous people.

The Mississippi Department of Archives and History was established in 1902 and is the second-oldest department of archives and history in the United States. In addition to preserving official state records and private papers, the department also maintains several historic sites that are open to the public. Among those historic places are the Grand Village of the Natchez Indians, Historic Jefferson College, the Windsor Ruins, and the Winterville Mounds. As you are driving through Mississippi, you may see those green historic markers identifying sites that have

**Below:** The majestic Windsor Ruins, near Lorman, preserve the remains of Mississippi's largest antebellum mansion.

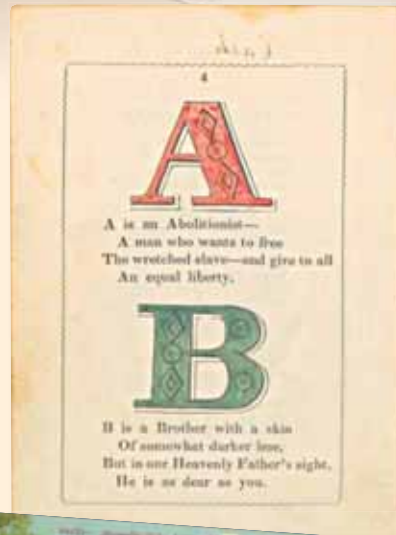




some historical significance. Those markers are placed at those sites by the Department of Archives.

Because Mississippi has such an interesting history, there are many museums in the state that display various aspects of the state's heritage. The Department of Archives administers four museums that include the Eudora Welty House, Manship House, Museum of Mississippi History, and Old Capitol Museum. These museums are located in Jackson.

Two of the many fascinating items in the Mississippi Department of Archives and History are *The Anti-Slavery Alphabet* and the Cooper Postcard Collection. *The Anti-Slavery Alphabet* is a pamphlet published in 1846 by the Philadelphia Female Anti-Slavery Society. The sixteen-page document, which was handcrafted and colored, was designed for young readers in the "hope of inspiring a new generation of abolitionists." Each



**Above:** The Archives building in Jackson is named for Governor William F. Winter. **Left:** *The Anti-Slavery Alphabet* (above) and the Cooper Postcard Collection (below) present us with an interesting view of the past.

letter was accompanied by an anti-slavery poem.

The Cooper Postcard Collection includes approximately 4,600 picture postcards dating from 1892 to the 1940s. The postcards provide unique images of people and places in 77 of Mississippi's 82 counties.

Many of the documents housed in the Department of Archives and History, including *The Anti-Slavery Alphabet* and the Cooper Postcard Collection, are available online. The Department of Archives and History is open from 8:00 a.m. to 5:00 pm Monday through Friday. Your class may want to visit this house of Mississippi history.



# Chapter Review

## Chapter Summary

### Section 1 County Government

- Mississippi has eighty-two counties. Each has a county seat, and ten have two.
- A county's legislative branch is the Board of Supervisors. Each county has five beats (districts) with one supervisor elected from each.
- Before 1988, all counties had the beat system. Since 1988, more than half the counties have chosen a county unit system.
- Mississippi has consolidated and line consolidated school districts and county school districts.
- Twenty counties have County Courts with jurisdiction over juvenile and minor cases.
- Drug Courts seek to rehabilitate drug-using offenders through treatment and supervision.
- Justice Courts have jurisdiction in small civil and criminal cases.

### Section 2 Municipal Government

- A group of citizens may incorporate by presenting to Chancery Court a petition signed by two-thirds of qualified resident voters.
- Municipal governments provide services like streets and bridges, police and fire protection, and libraries.
- The forms of municipal government in Mississippi are the mayor-council, commission, and council-manager systems.
- Mississippi municipalities can expand their boundaries by annexation.
- Mississippi has 226 Municipal Courts with jurisdiction over municipal ordinances, traffic violations, and misdemeanor crimes.
- A county's revenue sources include the ad valorem tax, part of the state's general sales tax, and other sources.
- Other forms of local government include a number of special districts.

### Section 3 Citizenship

- Citizens of the United States are citizens of the state where they live.
- Many citizens' rights are described in the U.S. Constitution's Bill of Rights and in Article 3 of Mississippi's 1890 Constitution.
- Accused persons have the right to a fair trial and the right not to be held in custody indefinitely without charge.
- A grand jury decides if there is enough evidence to indict a person.
- Federal and state law protects an accused person from self-incrimination, guards against double jeopardy, and prohibits excessive fines and cruel and unusual punishment.
- The Fourteenth Amendment to the U.S. Constitution provides equal protection of the laws.
- Citizenship responsibilities include voting, obeying laws, serving on juries, and staying informed.
- Mississippians can enter into contracts for personal property at age eighteen.
- Mississippi Youth Courts have jurisdiction over delinquents and neglected or abused children.
- No one under twenty-one can possess or purchase alcohol. Teenagers can obtain a driver's license at sixteen. There is a zero tolerance level of alcohol for drivers under twenty-one.
- Mississippi puts drugs into five categories based on their potential for abuse.
- Persons under eighteen cannot buy or be given tobacco products without written permission.
- Students must attend school until age seventeen. Students have rights and responsibilities.

## Activities for Learning

### Understanding the Facts

1. How many counties are in Mississippi?
2. What are the responsibilities of county supervisors in the beat system?
3. Who enforces the orders and judgments issued by the Justice Court?
4. Give three examples of services provided by municipal government.
5. How does a municipality expand its boundaries?
6. Over what types of cases does a Mississippi Municipal Court have jurisdiction?
7. What is the name of the process through which persons from other countries become American citizens?
8. What is the name given to the first ten amendments to the U.S. Constitution?
9. Summarize the due process rights.
10. At what age can you enter into a legally binding contract for personal property in Mississippi?

### Developing Critical Thinking

1. After carefully examining Map 45 (Mississippi Counties and County Seats) on page 377, why do you suppose some counties have more than one county seat?
2. How is the county unit system different from the beat system?

### Writing across the Curriculum

Research an issue “where there is a clear division of opinion” in your city or county by using the newspaper, the Internet, and other resources available at your local library. Write a position paper of two pages (containing an introduction, body, and conclusion) regarding this issue.

Your introduction should clearly state the issue and your position while also catching the reader's attention. The body should present background information on the issue. It should contain supporting evidence (statistics, dates, events, and/or statements from authorities) for the position. Also, briefly summarize the opposing viewpoint and refute it. In the conclusion, restate the main points of your position and suggest a course of action or possible solutions.

### Exploring Mississippi on the Internet

1. Go to <http://quizlet.com/1818802/county-seats-of-north-mississippi-flash-cards/> and <http://quizlet.com/2075399/county-seats-of-south-mississippi-flash-cards/>. Use the flash cards and activities to learn Mississippi's counties and county seats. What was your score on the county seat test?
2. Go to [www.texaslre.org/BOR/billofrights.html](http://www.texaslre.org/BOR/billofrights.html). Complete the “Bill of Rights Match” game. Which amendment addresses freedom of religion, speech, and the press?
3. Go to [www.brennancenter.org/student-voting](http://www.brennancenter.org/student-voting). Read the information about student voting rights and use the interactive map to compare Mississippi voter registration requirements with those of other states. What amendment gave eighteen-year-olds the right to vote? What was the previous age limit?