

State and Local Government

Why Study Civics?

The Powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

—Tenth Amendment to the United States Constitution

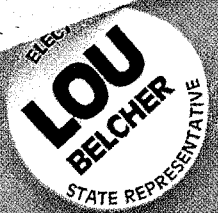
The three branches of the federal government make and carry out many of the policies that affect you as a citizen. However, the federal government is only one level of government that responds to the needs of Americans. On another level, each of the 50 states has its own government. The states have also set up over 83,000 local governments. All three levels of government—federal, state, and local—share the costs and responsibilities for the many programs and services they provide for their citizens.

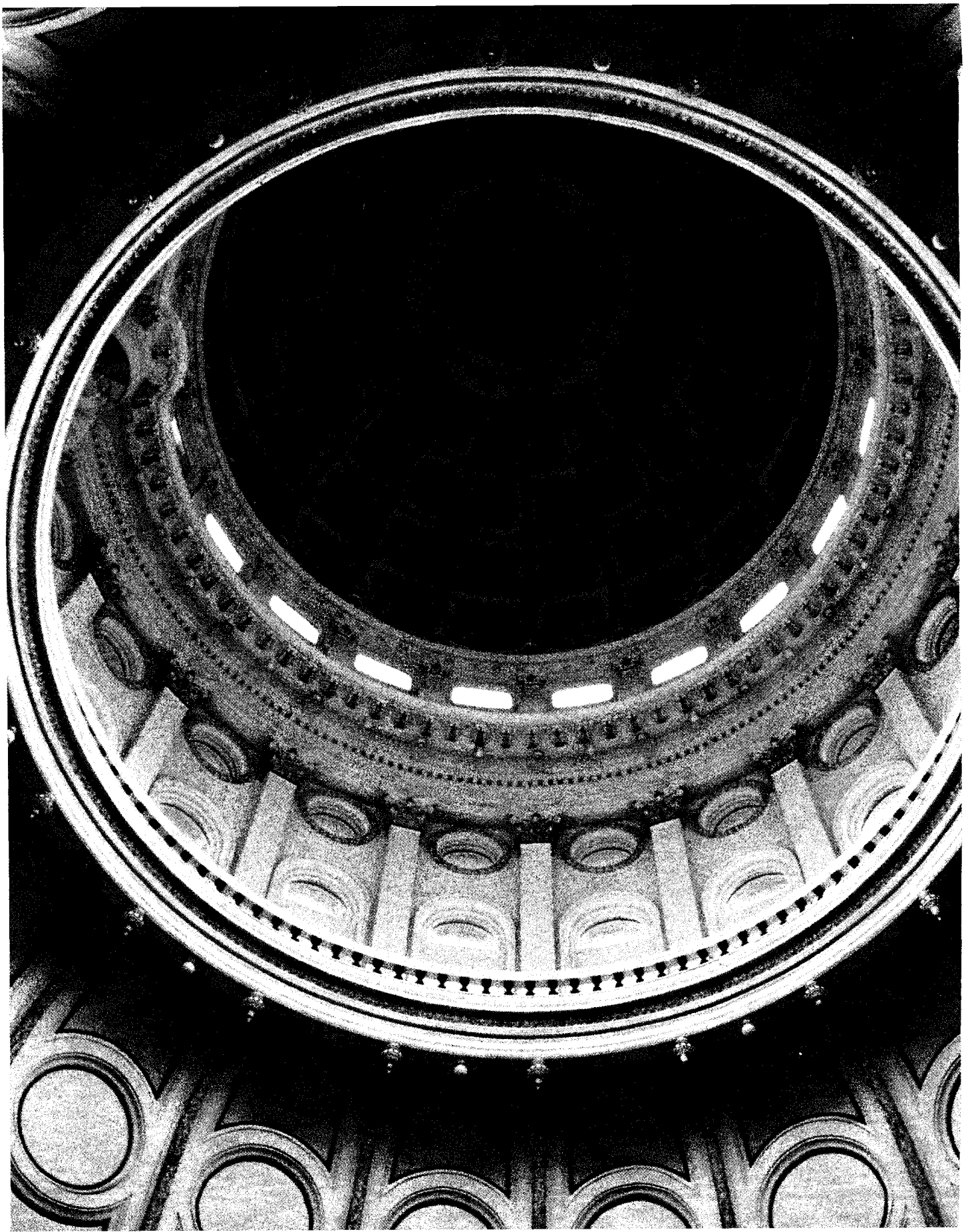
What's Ahead in Unit 4

In Unit 4 you will learn about how state and local governments are organized and what powers they have. You will also see that they offer you many opportunities to participate directly in the process of government.

Chapter 11 State Government

Chapter 12 Local Government





CHAPTER 11

State Government

Citizenship and You

New Jersey is the most densely populated state in the nation. Each year, thousands of acres of the state's farmland and forests are replaced with development and suburban sprawl. Determined to preserve a significant amount of their state's remaining natural areas, environmental groups, farmers, local politicians, and students joined together in an effort to convince the state government to protect New Jersey's land.

The government responded. In July 1998, the New Jersey Legislature agreed to place an ambitious conservation plan on the ballot. In the next election, voters would be given the chance to approve the plan, which would use state money to buy and preserve up to 1 million acres of undeveloped land across the state. In November 1998, New Jersey voters approved the preservation plan by a 2 to 1 margin.

"This is really a legacy for the people of New Jersey," said New Jersey Governor Christine Todd Whitman. "Next time you fish or play baseball or pick pumpkins, pat yourselves on the back and say, this is the importance of voting."

What's Ahead in Chapter 11

In this chapter you will learn about state governments, their powers, and how they are organized. You will discover that you can make a difference in the politics that affect your every day life.

- Section 1** Federalism: One Nation and Fifty States
- Section 2** State Legislatures
- Section 3** The State Executive Branch
- Section 4** State Courts



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Citizen's Journal

Think about the effort made by people in New Jersey to preserve their state's undeveloped land. Write a paragraph describing an action that you believe should be taken in your own state. Explain how you think this action would improve life in your state.

SECTION 1

Federalism: One Nation and Fifty States

SECTION PREVIEW

Objectives

- Summarize the powers of the states.
- Compare state constitutions to the federal Constitution.
- Analyze the need for balance between national and state government.

Building Civics Vocabulary

- State governments may provide **public assistance**, or programs that give help to people in need.
- **Constitutional initiative** is a process by which citizens in some states can propose a constitutional amendment.



Focus

The national government is only one level of our government. Each of the 50 states also has its own government. If your public school system had problems, would you write a letter to the President? Probably not, because most of the laws and policies that affect the public schools are made by state and local governments, not by the government in Washington, D.C.

In fact, our state governments carry out much of the work of meeting the needs of citizens. These governments have major responsibility for public education, transportation, and health and safety. How do you know which tasks and services belong to the national government and which belong to the states? The answer to this question will give you a better picture of the role of state governments.

Powers of the States

Some delegates at the Constitutional Convention of 1787 argued that only a strong national government could handle the problems facing the country. Other delegates wanted the states to keep most of the power.

In trying to bring together these points of view and “to form a more perfect union,” the framers settled on the system of federalism. Federalism divides some powers between the national and state governments while allowing them to share other powers. The Constitution lists what the powers of the national government are. They include the power to declare war, make treaties with other countries, and coin money.

The Constitution does not specifically list the powers of the states. Instead, the Tenth Amendment gives to the states or to the people all powers not given to the national government or denied to the states. Powers that the states alone hold include the power to set up local governments, conduct elections, set up public school systems, and oversee businesses. The states also make laws pro-

Facts & Quotes

State Mottoes

Every state has a motto. Here are a few examples.

Alaska: North to the Future
Florida: In God We Trust
Kentucky: United We Stand,
Divided We Fall
New Hampshire: Live Free or Die
Texas: Friendship
West Virginia: Montani Semper Liberi
(Mountaineers Are Always Free)
Wyoming: Equal Rights

protecting the health and safety of their residents, such as traffic laws.

The national government and state governments also share many powers. They both collect taxes, borrow money, set up courts, enforce laws, and punish lawbreakers. Both levels of government may also provide public assistance, government programs that give help to people in need. Often called welfare, this help can include money for people below a certain income level, food for the hungry, and services such as health care.

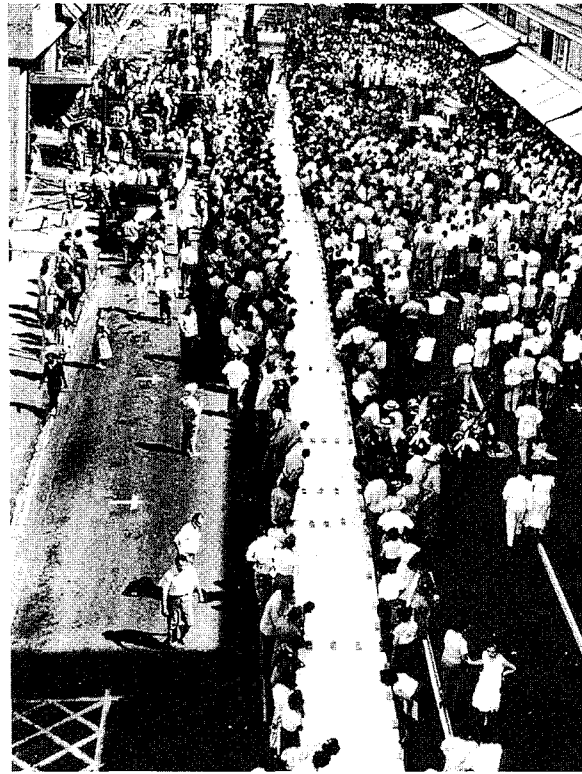
State Constitutions

Before the United States Constitution was written, each state already had its own constitution. In fact, those early constitutions became models for our national Constitution.

New states joined the union under rules stated in the Northwest Ordinance of 1787. Under those rules, when a territory wants to become a state, it must prepare a constitution, setting up its own plan of government. The constitution then has to be approved by the people of the territory and by Congress. Finally, Congress votes on whether to admit the state.

Content and Structure The federal Constitution contains about 3,500 words. The constitution of the state of Alabama has about 220,000 words. Why this great difference? One reason is that state constitutions are more detailed. For example, the federal Constitution simply states that the legislative branch of government has the power to levy and collect taxes. In contrast, many state constitutions list what kinds of taxes may be levied and how they may be collected.

Although different in length, most state constitutions are similar in form to the United States Constitution. All state constitutions begin with a preamble, describing the purposes of the state government. Each state constitution also includes a bill of rights,



In 1954, citizens of Hawaii showed their desire for statehood by signing this long petition, which they rolled up and sent to Washington.

similar to the federal Bill of Rights, listing the freedoms guaranteed to all the state's citizens. However, some state constitutions offer fuller protection for individual rights and freedoms. The Illinois constitution, for example, guarantees equal rights for women.

Like our federal Constitution, all state constitutions establish legislative, executive, and judicial branches of government. The powers of these state branches are much the same as those of the national government. However, state constitutions describe these powers in great detail.

Changes Because state constitutions are so detailed, they are often less flexible than the federal Constitution. Therefore, they are

more likely to be changed as conditions and needs change. The most common way to change a state constitution is by amendment, usually proposed by the state legislature.

In 18 states, citizens may initiate, or begin, change by constitutional initiative, a process in which citizens propose an amendment by gathering a required number of signatures on a petition. When enough people have signed the petition, the amendment goes to the legislature for consideration or to the voters for approval.

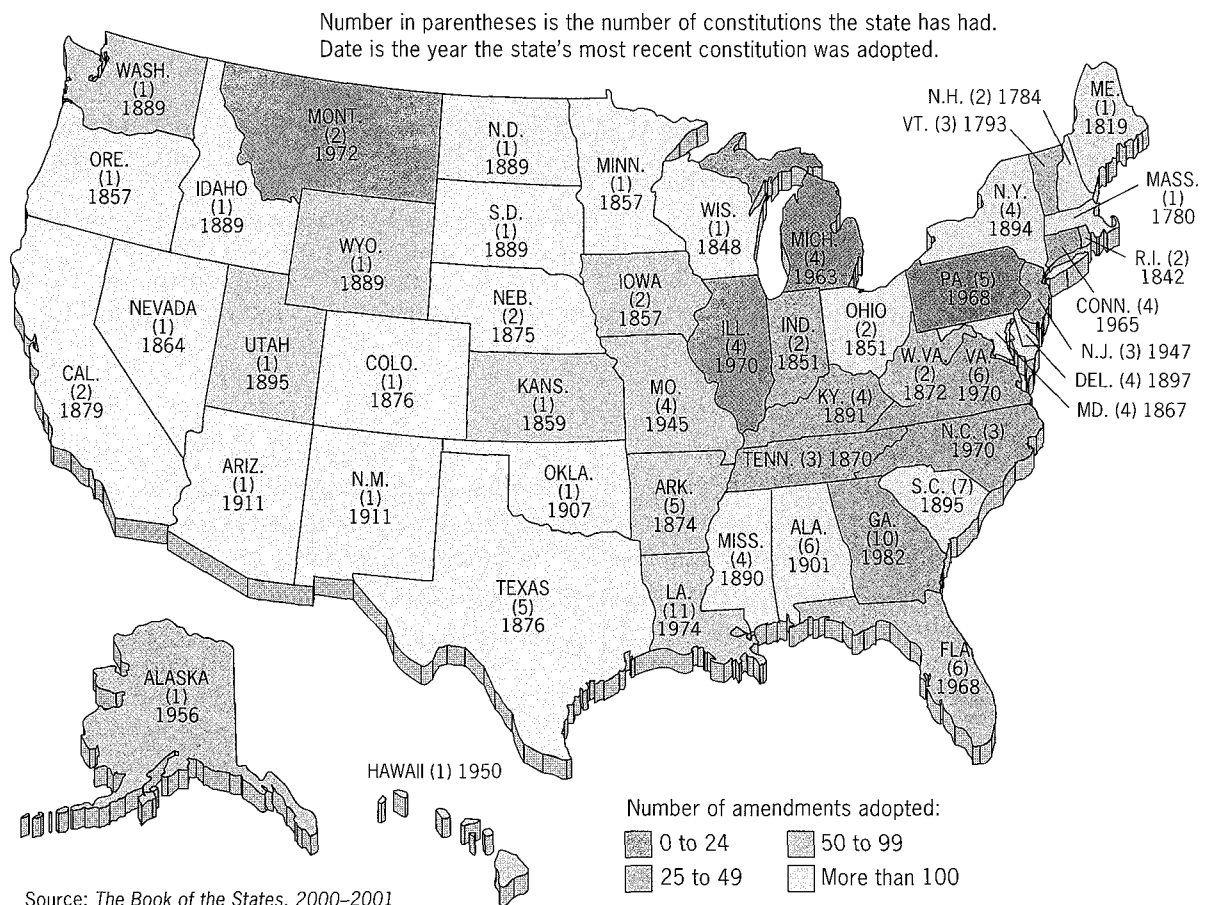
A state can also rewrite its constitution. Rewriting a constitution most often requires a constitutional convention, which must first be approved by the voters in some states, or by

the legislature in other states. The rewritten constitution must also go to the people for a vote. Of more than 230 state constitutional conventions in our nation's history, a little more than half have resulted in new constitutions.

Federalism in Action

Some people think of federalism as being like a layer cake. In this view, "layers" of government—national and state—are seen as separate, with different powers. In action, however, federalism is more like a marble cake, with the powers mixed and overlapping.

The way the powers of national government and state governments mix and overlap is not set, but continues to change. Some



STATE CONSTITUTIONS Unlike the United States Constitution, the constitutions of most states have been changed several times. **Regions Of the thirteen original states, which one has had only one state constitution?**



This photograph shows an example of federalism in action. When a tanker spilled millions of gallons of oil off the coast of Alaska in 1989, the state asked the federal government to help with the clean up.

people press to keep the national government out of what they see as the states' business. Others think that the national government should have greater power over the states in certain matters.

Power to the States Those in favor of states' rights point out that the states differ greatly, and therefore state governments can serve their people better than the national government can. State governments, they argue, should be allowed to fit laws and programs to the particular needs of their states. For example, states with large cities need more low-cost housing, health care, and public transportation than do states with mostly farmland.

People who favor states' rights also point out that citizens often feel closer to their state governments than to the federal government. James Madison recognized this point of view when he wrote that "the first and most natural attachment of the people will be to the governments of their respective States."

Dividing power can also make it easier for each level of government to do its job. When states take responsibility for local issues such as education, job training, and transportation, the national government can then focus its attention on its major responsibilities.

Finally, state governments can experiment with new programs which may later be adopted by other states or even by the national government. Oregon Senator Gordon Smith was asked why he felt the effort to clean up the Columbia River should be left to the state government. "Oregonians have long prided themselves on finding innovative solutions to local problems," he said. "Increasing the role of the federal government can only upset the progress being made at the local level."

Power to the National Government

Those who favor a strong role for the national government point out that state laws and services vary widely. As a result, the opportunities in different states are not always equal. In the past, as you read in Chapter 7, some states denied African Americans the right to vote and to attend school with whites.

Today some states might spend more money per student on education or offer more special programs, such as computer education, than other states. Thus, critics of states' rights argue, the national government needs to play a stronger role to ensure equal opportunity for people in all the states.

In addition, many citizens see that some problems are too big for individual states

to solve. Following the terrorist attacks on the World Trade Center in New York and the Pentagon, near Washington, D.C., on September 11, 2001, everyone felt the need for better airport security. Congress debated whether the federal government should step in to take over the job of security at airports throughout the nation. Doing so represented a huge increase in the role of the federal government, which up to this point had simply set rules for private companies performing the work.

Whether it be providing airport security or building a dam to control floods, some tasks cost more than a state can afford. The state needs the help of the federal government to meet its citizens' needs. Sometimes, too, a problem involves several states. One example is in environmental issues. If one state's factories are causing pollution in another state, the national government might have to step in.

Seeking a Balance In general, the power of the national government has expanded as our nation has grown. As we begin the twenty-first century, citizens will have to continue seeking the most effective balance between national and state government. Do the problems facing our nation require the national government to take on added responsibilities? Or are there certain problems that are best handled by the states? If so, which ones? These are questions that you will have to help answer.

1. **Define public assistance, constitutional initiative**
2. Which powers do the states alone hold?
3. What current issues are examples of the "tug-of-war" for a stronger role between the national and state governments?
4. **Synthesize** Define federalism and explain why the Framers settled on this system of government for our nation.

SECTION 2

State Legislatures

SECTION PREVIEW

Objectives

- Explain how the role of state legislatures has changed during our nation's history.
- Describe how state legislatures are organized.
- Summarize the powers of state legislatures.
- Identify ways in which citizens can influence state government.
- Explain how state governments are financed.

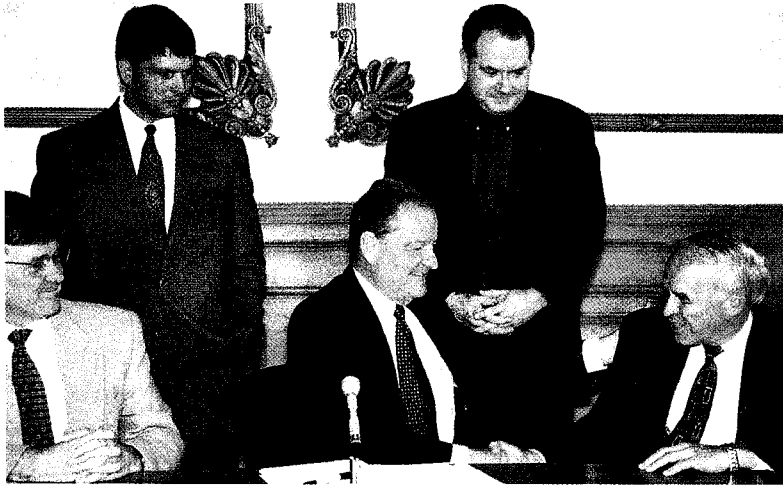
Building Civics Vocabulary

- Seats in state legislatures are **apportioned**, or divided among districts that are roughly equal in population.
- An **initiative** is a process by which citizens can propose laws.
- A **referendum** gives voters the chance to approve or reject a law.
- **Recall** is a process for removing elected officials from office.
- **Revenue** is income to government from taxes.
- Charges made on purchases of goods and services are **sales taxes**.
- An **excise tax** is a charge on certain goods, such as alcoholic beverages or tobacco.
- A tax on what individuals and businesses earn is an **income tax**.
- States can borrow money by selling **bonds**, which are loans. They are paid back, with interest, after a set period of time.



Focus

Because your state legislators usually get less news coverage than members of Congress do, you might be less aware of the activities of lawmakers in your state. However, state legislators make most of the laws that affect your day-to-day life.



Indiana Governor Frank O'Bannon (seated, center) meets with Indiana state legislators at a bill signing. Serving in a state legislature can be a full-time job.

Who Are State Legislators?

For much of the first 100 years of our nation's history, the states were mostly rural, with small populations. The demands on state governments were not great. Legislators were citizens who would leave their jobs for a few weeks each year to go to legislative sessions. Most of these citizen legislators had jobs as farmers, lawyers, or business people.

Over time, however, the job of a state legislator grew more complex. The rapid growth of industries and cities led to new responsibilities for state government. As legislatures met more often and for longer sessions, citizen legislators found it difficult to balance their government duties with the demands of their jobs.

Today, many state legislators are full-time lawmakers. The typical legislator has studied political science, law, or public administration and has spent time in government service before running for office. Often state legislators plan on a life-long career in politics.

Qualifications and Terms Whether they serve full-time or part-time, state legislators have to meet certain qualifications. In most states, legislators must be United States citizens and live in the state and district they represent. Most states set the minimum age

for representatives at 21, and for senators at 25. Some states have lowered these ages to 18 and 21. In most states, senators serve four-year terms while representatives serve two-year terms.

Organization of State Legislatures

All states except Nebraska have a bicameral, or two-house, legislature with the upper house called the senate. The lower house is usually known as the house of representatives, although in some states the lower house is called the assembly, general assembly, or house of delegates.

As with Congress, the upper house of state legislatures is smaller than the lower house. However, in the lower house, the proportion of representatives to the state's population varies widely. For example, the lower house in New Hampshire has 400 members to serve a population of about 1.2 million, while California has 80 members to represent more than 33 million people.

Sessions State governments, like the national government, divide legislative terms into sessions. Most states hold annual sessions, while a few meet every other year. The majority of states limit the length of

these sessions—anything from 20 days to 6 months. However, the governor may call special sessions to handle urgent business.

Representation Seats in state legislatures are **apportioned**, or divided among districts, on the basis of equal representation. That is, state legislators represent districts that are roughly equal in population.

Apportionment was not always determined according to equal representation. Seats in upper houses used to be apportioned on a geographical basis, like the United States Senate. Apportionment of many lower houses was also geographical. As a result, one legislator might have represented a rural district with a few hundred people, while another represented all the people in a large city.

The United States Supreme Court set up the present system of apportionment in the case of *Reynolds v. Sims* (1964). Pointing out that legislators should “represent people, not trees or acres,” the Court ruled that the apportionment of both houses of state legislatures must be based on population. Today, most states reapportion seats in their legislatures every ten years, based on the results of the United States census.

Making Laws

The major job of a state legislature is to make laws. By and large, the process is the same as in Congress. Bills are introduced, discussed in committees, and debated on the floor. Both houses must agree on the final bill, which the governor must then approve.

Powers of the People A major difference between lawmaking in Congress and in state legislatures is that in some states citizens have a greater voice in the laws that are made. At the turn of the century, reformers known as “progressives” saw that powerful interest groups were having too much influence over state legislatures. The progressives wanted to “return the government to the people.”

One of the progressives’ ideas for giving lawmaking power to citizens is called the **initiative**, the process by which citizens can propose laws. In this process, which is similar to the constitutional initiative, citizens gather signatures on a petition. When enough people have signed the petition (usually 5 to 10 percent of the registered voters), the proposed law is put to a vote in a statewide election. If a majority of the voters approve the proposal, it becomes state law. The initiative is now permitted in 24 states.

Another way that citizens in some states participate in lawmaking is the **referendum**, the process by which a law proposed or passed by the state legislature is referred to the voters to approve or reject. Almost every state requires a referendum on constitutional amendments proposed by the legislature.

Both the initiative and referendum are ways that citizens can take lawmaking into their own hands. If enough people believe that a certain law is needed, or that a bad law should be removed, they can use the initiative or referendum.

Citizens in a number of states also have the power of **recall**, a process for removing elected officials from office. A recall effort is usually begun by a group of citizens who believe that an official is not doing a good job. They may think the official is dishonest, or they may simply disagree with his or her policies.

Citizens begin a recall by gathering voters’ signatures on a petition. If, in the recall election that follows, a majority of voters agree with the recall, the official must leave office. The recall, like the initiative and the referendum, is an important way that citizens can directly influence state governments.

Checking the Other Branches In keeping with the principle of checks and balances, state legislatures have the power to oversee, or to check, the activities of the executive and the judicial branches. In many states, the legislature must approve officials and judges

who are appointed by the chief executive, the governor.

State legislatures also must approve the governor's budget. In this process, the legislature examines how well executive agencies—the departments, committees, boards, and offices that carry out the work of the executive branch—are doing their jobs. State legislators also review how federal funds are spent in their state.

Legislatures in most states have the power to impeach, or bring charges against, executive and judicial officers and to determine their guilt or innocence. By and large, the impeachment process in the states is much the same as the process that is followed in Congress.

Financing State Government

State governments need money to meet the needs of citizens for such services as education, highways, health care, and environmental protection. Where does the money come from?

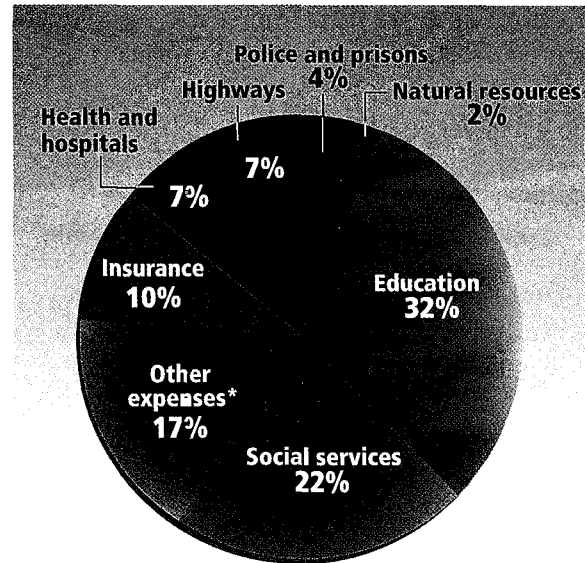
Taxes States raise more than 50 percent of their **revenue**, or income, from taxes. Most of state tax revenue comes from two sources: sales taxes and income taxes.

Most states have two kinds of **sales taxes**, or charges made on purchases of goods and services. The general sales tax places a charge on almost all goods sold in a state. This charge usually is a percentage of the price of a product. For example, if you buy a \$15 book in a state with a 6 percent sales tax, you will have to pay a tax of 6 percent of \$15, or 90 cents. Therefore, you will pay a total of \$15.90.

A second kind of sales tax is the **excise tax**, a charge on certain goods, such as alcoholic beverages, gasoline, and tobacco. Most states also have an **income tax**, a tax on what individuals and businesses earn.



HOW THE STATES SPEND THEIR MONEY, 1999



*Includes administration

Note: Percentages may not add up to 100 due to rounding.

Source: U.S. Census Bureau



State spending supports a variety of important programs. **Economics To** what service is the largest portion of state money dedicated?

The income tax is a percentage of the money a person or business makes.

Other types of taxes also help states raise the money they need. For example, lumber and mining companies often must pay what is known as a severance tax on the timber, coal, gas, and oil they take from the land. All states also levy one or more of the taxes known as user fees. Charges for drivers' licenses and fees for fishing and hunting permits are examples of such fees.

States choose which taxes they wish to use. Montana, for example, has no sales tax, while Texas has no state income tax. Alaska,

a state rich in natural resources, relies heavily on severance taxes.

Federal Funds Over time, state and local governments have increasingly turned to Congress for money. Federal money comes to the states in several forms. Two of the most widely used forms are categorical grants and block grants.

Categorical grants are given for specific purposes, such as a job training program or highway construction. These grants come with “strings attached”—certain conditions that must be met before the state may use the funds. In 1999, for example, many members of Congress wanted all 50 states to set a tough national standard for determining when a driver is legally drunk. To pressure the states into going along with their plan, supporters introduced bills in the House and Senate that would withhold millions of dollars of federal highway funds from states that did not adopt the tough new standard.

Block grants, on the other hand, are given for more general purposes. While a categorical grant might be for a special program such as health care for the homeless, a block grant might cover a broad area such as health care in general. The state can then decide which programs to use the block grant funds for. Many advocates of states’ rights support block grants because they give governors and state legislatures more control over how money is spent in their state.

In 1996, Congress passed major welfare reform legislation, which was signed into law by President Clinton. One of the main provisions of this law was to convert the federal money sent to states for welfare programs from categorical grants to block grants. These block grants gave states more freedom to design their own welfare programs.

Other Sources of Revenue Sometimes states borrow money by selling bonds, certificates that people buy from the

government. The government agrees to pay back the cost of the bond, plus interest, after a set period of time. States often use this method of raising revenue for such projects as building a school or convention center.

Some states also raise money through lotteries. About 60 percent of the money from lottery ticket sales goes toward prizes. The remaining 40 percent goes to the state, often to help pay for educational programs.

States with lotteries hope that the income they produce will fill the gap between tax revenues and the cost of state programs. However, even though you may hear about people winning multi-million-dollar prizes, lotteries have not fulfilled the states’ dreams. Most states receive no more than 5 percent of their total revenue from a lottery. Further, some critics complain that any form of gambling is wrong, and the state should not encourage it. Others argue that the majority of lottery players are the people who can least afford to gamble—the poor.

Section 2 Assessment

1. Define **apportioned, initiative, referendum, recall, revenue, sales taxes, excise tax, income tax, bonds**
2. Why have citizen legislators been replaced by professional legislators in most states?
3. On what basis are seats in state legislatures apportioned?
4. Explain how the initiative and referendum allow citizens to participate in the lawmaking process.
5. Name two major sources of state revenue.
6. **Analyze** In what ways are state legislatures more directly responsive to citizens than is Congress?

SECTION 3

The State Executive Branch

SECTION PREVIEW

Objectives

- Describe the powers of the governor.
- Compare state executive officials to the President's Cabinet.
- Explain the role of state executive agencies.

Building Civics Vocabulary

- The **item veto** gives governors the power to reject particular items, or parts, of a bill.



Focus

The executive branch of state government is led by a governor and a group of executive officials. These officials help run the many agencies that enforce the laws and carry out the state's programs. Early state constitutions greatly limited the power of the governor. Over the years, however, many state constitutions have been changed in order to give the governor more power to take on the growing responsibilities of state government.

The Roles of the Governor

If the state and federal executive branches are similar, would it be correct to describe the governor as the "president of the state"? Presidents and governors do play similar roles. However, there are differences between the two offices, as well.

Chief Executive The governor's role of chief executive is similar to that of the President. He or she oversees the executive branch and makes sure laws are enforced. The governor is commander-in-chief of the



Jeanne Shaheen of New Hampshire is one of a number of women who have been elected to serve as the governors of states.

state militia, or National Guard, and can call on it in the event of a riot or disaster.

As chief executive, the governor has the power to appoint hundreds of officials to carry out the state's day-to-day work. However, as you will see, limits on governors' powers of appointment can greatly affect their ability to achieve their goals.

Perhaps the greatest source of executive power is the governor's budget-making role. Of course, the legislature must approve the governor's budget, and no state money may be spent without the legislature's approval. However, because the governor usually writes the budget, he or she still has a good deal of control over how much money various agencies get.

Legislative Leader Like the President, the governor also has legislative powers. To begin with, the governor may propose legislation in the form of a bill, a budget, or a speech to the state legislature. The governor can also influence lawmaking by talks with legislators or by whipping up public support, thus making clear what programs he or she wants lawmakers to set up and provide funds for.

Another legislative power of the governor is the veto. Further, in 43 states governors have the item veto, the power to reject particular parts, or items, of a bill. Presidents do not have this power. Congress passed the Line Item Veto Act in 1996, giving the President the item veto. Two years later, however, the Supreme Court ruled the Act unconstitutional.

A state legislature may override the governor's veto. However, the veto, or even the threat of a veto, gives the governor a good deal of power over the legislature because it usually takes more than 50 percent of the legislature to override it.

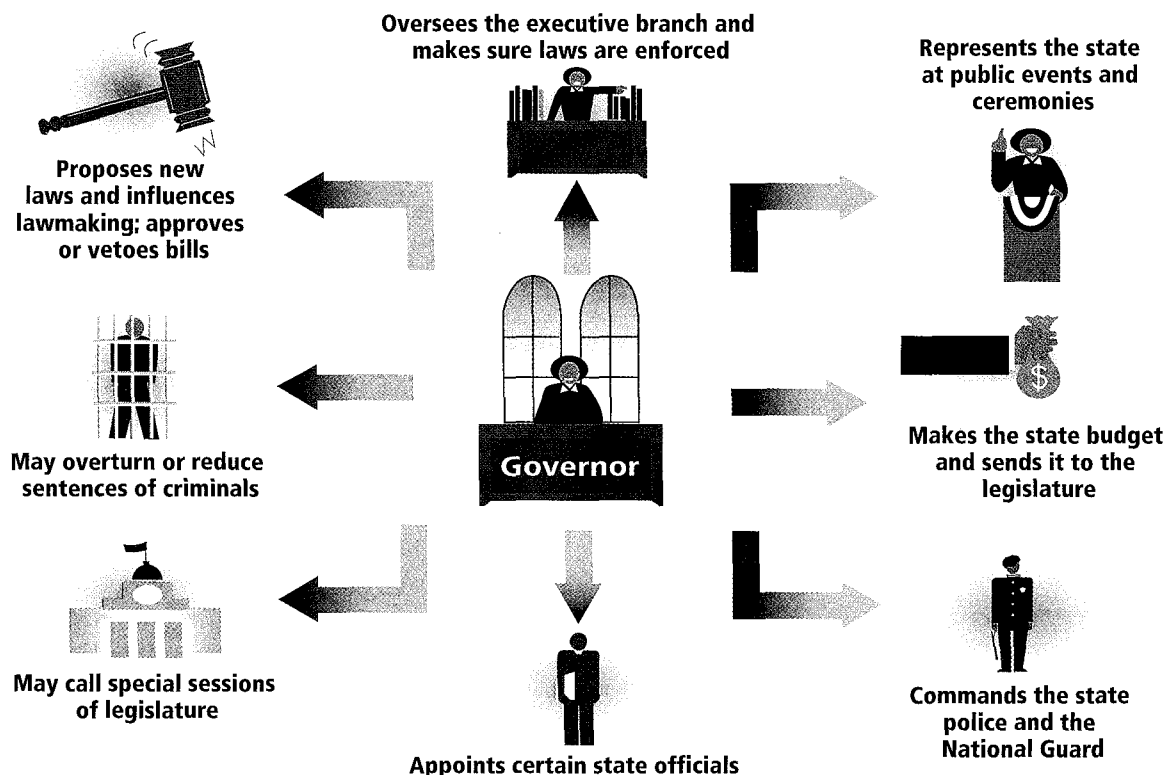
Judicial Role Like the President, a governor has certain judicial powers. For example, some state governors appoint certain state judges. The governor can also reduce or overturn the sentences of people convicted of crimes.

Qualifications and Terms In most states, a governor must be at least 25 or 30 years old, an American citizen, and a resident of the state. Terms of office are usually four years, and about half the states limit the number of terms a governor may serve in a row.



THE DUTIES AND POWERS OF THE GOVERNOR

The governor's role of chief executive is similar to that of the President. **Government** What are two ways the governor can influence the state legislature?



This chart is based on the duties and powers of the governor of Texas. Other states' governors have similar duties and powers.

Tony Garza

Before you become involved in any kind of public service, you should figure out what your personal priorities are and what is going to give you a sense of purpose in the political arena.” So says Tony Garza, who has followed this advice himself during his career in local and state government.

In 1998, Garza was elected to the Railroad Commission of Texas, a state regulatory agency that oversees oil and gas, two of the state’s most important natural resources. Prior to winning this election, Garza became the first Hispanic Republican to hold a statewide office in Texas when he joined then Governor George W. Bush’s administration as Secretary of State in 1994. Before moving to the state capital, Garza served as a county judge and was an active

volunteer in the Brownsville community where he grew up.

“Being involved in one’s community,” says Garza, “is very important because government is supposed to be an extension of the community. Democracy works best when people feel a sense of community and want to participate through public service. Having a number of experiences as a volunteer on such issues as health care for the poor gave me a perspective that



is healthy to have in government. To represent people in government, it is important to have spent some time if not in their shoes then near their shoes, getting a sense of what their daily challenges are.”

For students who want a career in public life, Garza has this advice. “First, get the tools. The most important tool is a good education. Second, find out what issues—environment, health care, economic development—are so important to you that you are willing to volunteer your time freely. This will give you a sense of self and help you know what is important to you.”

Recognizing Viewpoints

According to Tony Garza, how can community volunteer work help prepare you for a career in government?

Other Executive Officials

A team of executive officials assists the governor. These officials include the lieutenant governor, who performs a role similar to that of the Vice President; the secretary of state, who has charge of official records and documents and supervises elections; the

attorney general, the state’s chief legal officer; and the state treasurer, who oversees the state’s financial affairs.

Some people have compared state executive officials to the President’s Cabinet. However, Presidents can select their own Cabinet members, while many state executive officers are elected by the voters. Therefore,

the governor may have to work with executive officials who do not share the same goals and may belong to a different political party.

State Executive Agencies

State executive agencies carry out the day-to-day work of the executive branch.

Departments of health, revenue, and natural resources are examples of executive agencies.

To better understand what executive agencies do, take a look at one of the largest in every state—the agency in charge of education. This agency’s major responsibility is to make sure that the state’s education laws are carried out. One such law sets the number of school days in a year. Laws also set the subjects you have to study and how many classes you must take to graduate.

The state education agency works with local school districts to make sure that they meet these requirements. It also sets standards for teachers. The education agency makes sure that funds are being spent as the law requires.

As you have seen, keeping our states running takes many people, whether they be elected, appointed, or hired. In fact, our states employ millions of people.

Section 3 Assessment

1. **Define item veto**
2. In what ways are the roles of governor like those of President?
3. In what ways is the governor’s team of executive officials unlike the President’s Cabinet?
4. What is the purpose of the state executive agencies?
5. **Evaluate** Do you think governors should be allowed to appoint all other state executive officers? Why or why not?

SECTION 4

State Courts

SECTION PREVIEW

Objectives

- Describe the functions of the state court system.
- Compare the different methods of selecting state judges.
- Explore Supreme Court rulings on the balance between state and federal powers.



Focus

We are all subject to two levels of law: state law and federal law. Just as federal courts interpret the United States Constitution and apply federal laws, state court systems interpret state constitutions and laws. State courts handle cases that are close to people’s everyday lives, such as divorces, wills, drunk driving, robberies, and murders.

The organization of courts, and even their names, varies from state to state. The way judges are selected and the terms they serve vary, too. As you read about the state courts, keep in mind that this is a general description. As a citizen, you will want to know more about the special features of the court system in your own state.

What State Courts Do

Most state judicial systems have three levels. On the first level, the state’s trial courts hear both civil cases and criminal cases. On the second level, state appeals courts review cases appealed from the trial courts. Cases that go beyond the first appeals court are heard in the state’s supreme court, the highest court in the state system.

Like the federal judiciary, state courts act as a check on the two other branches of state government. For example, state courts

may decide that a law passed by the state legislature violates the state constitution. Also like the federal judiciary, state courts have the duty of protecting the rights and freedoms guaranteed to each citizen by the state constitution.

Perhaps the best known tasks of the state courts involve hearing civil and criminal cases. State courts hear more than ten million cases each year. You will learn more about our civil and criminal courts in Unit 6.

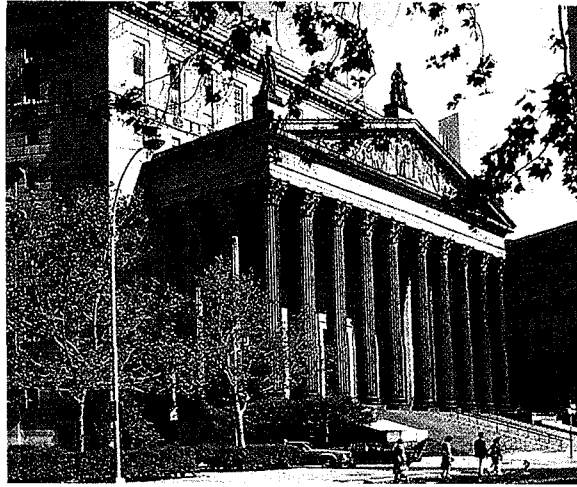
Judges in State Courts

Judges are the foundation of the state court system. State court judges perform many of the same duties as federal judges. However, the way judges are selected and the lengths of their terms vary, depending on the state and on the level of court. The main differences, and the major debates, center on whether judges are elected or appointed, and whether they serve for life or for a fixed term.

Selection of Judges There are several advantages of having judges run for election. First, an elected judge is responsible to the public, whose lives and property may be directly affected by the judge's decisions. Second, election checks the power of a governor, who might want to appoint friends and supporters even if they are not well qualified to be judges.

Opponents of electing judges paint a different picture. They say that a judge must make decisions based on the law and the facts of the case, not on what might please the voters during an election campaign. Many people who hold this view believe that judges should be chosen on merit, or ability, alone, and should not have to face election.

Some states have adopted a method of choosing judges known as the Missouri Plan. Under this plan, the governor appoints a judge from a list prepared by a commission of judges, lawyers, and ordinary citizens. Then, in the next election, voters cast a



The state court systems handle heavy loads of civil and criminal cases. They also hear appeals and rule on the constitutionality of laws.

“yes” or “no” vote on whether they want the judge to stay in office.

Although the Missouri Plan does not satisfy the people who want strict merit selection, many people feel that it combines the best qualities of appointment and election. The governor is able to appoint judges from the best-qualified people, while the yes-or-no election gives the voters a voice.

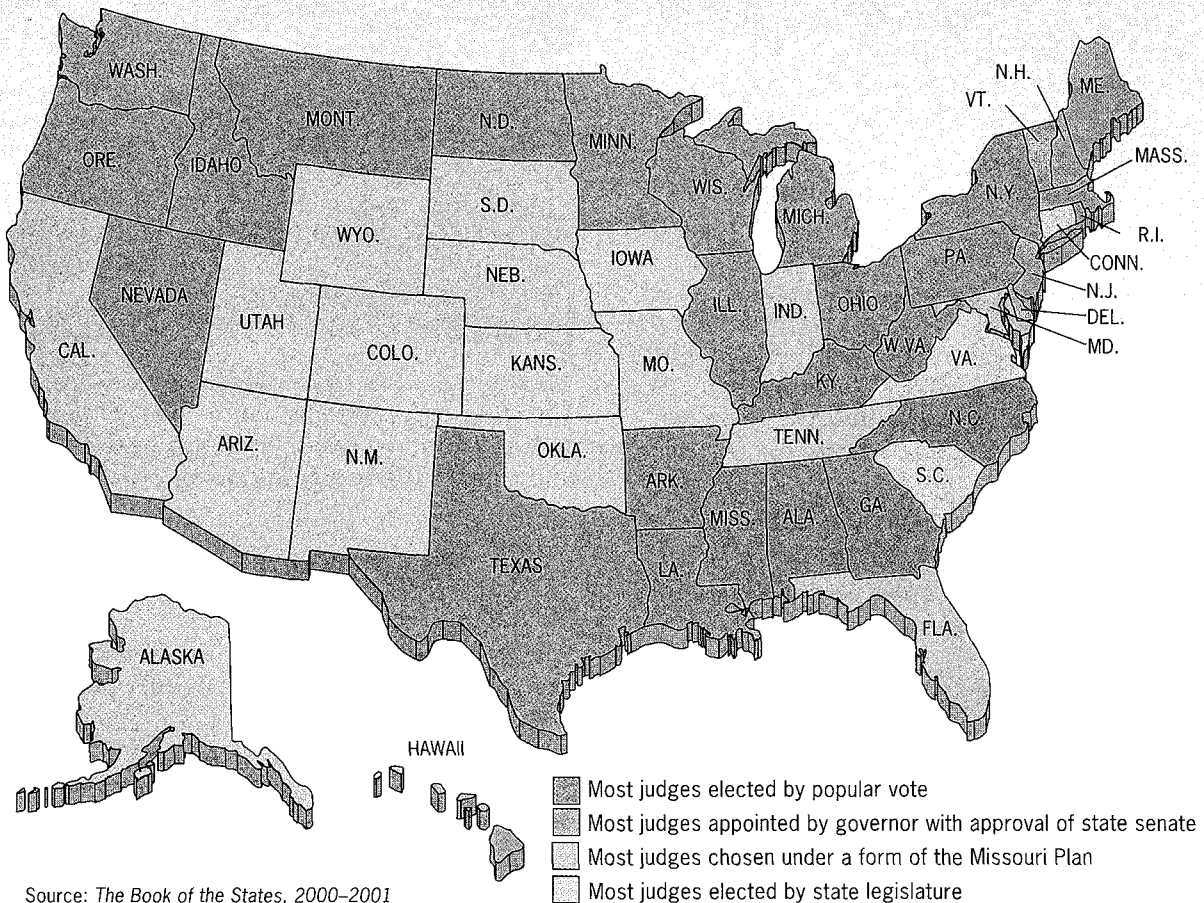
Terms of Service The length of time judges spend in office depends on the state and on the level of the court. Most terms run from 4 to 15 years. In Rhode Island, though, judges have life appointments, while in some states judges serve until age 70.

Most judges may be removed by the voters at the end of their terms. State constitutions in most states also allow for judges to be impeached, and four states allow for the recall of judges. These powers, however, have rarely been used.

Most states have judicial action commissions to handle situations in which a judge might not be doing his or her job well. Such a commission looks into complaints against



HOW STATES SELECT JUDGES The best way to select judges is a matter of disagreement among the states. **Place** In which states are judges elected by the state legislature?



the judge, holds hearings, reports on the judge's guilt or innocence, and decides penalties. Depending on how serious the act, a judge found guilty may face penalties ranging from a few days suspension to removal from the bench.

Case Study: Federalism and the Courts

As you may recall, some state constitutions offer greater rights and freedoms than the federal Constitution. This difference presents an interesting question about federalism. When an individual rights case comes up in

one of these states, which applies—the federal Constitution or the state constitution?

Two United States Supreme Court cases, one in Oregon and one in California, will help answer this question. In each case, the owners of a shopping mall took to court members of citizens' groups who had passed out leaflets and gathered signatures on petitions at the mall. The owners claimed that it was their right not to allow such political activity on their private property. In response, the citizens' groups stated that they were simply exercising their First Amendment rights to freedom of speech and to petition the government.

In its review of the Oregon case, the Supreme Court found that the owners of the shopping mall had a right to use their private property as they wanted. The Supreme Court, therefore, found in favor of the owners.

In the California case, *Pruneyard Shopping Center v. Robins*, on the other hand, the Supreme Court found for the citizens' groups. The Court pointed out that California's constitution offers greater protection of free speech than does the federal Constitution. Therefore, the decision in the Oregon case did not apply to California. Thus, the federal Constitution was applied in the Oregon case, while in California the state constitution, with its greater rights, was applied.

As you have seen in this chapter, the line between federal power and state power is not always an easy one to draw. These two

court cases demonstrate the important role the judicial branch plays in deciding questions of federalism.

Section 4 Assessment

1. What is the basic structure of state court systems?
2. What is the Missouri Plan? Why was it used?
3. Why did the Supreme Court find for the citizens' group rather than the mall owners in *Pruneyard Shopping Center v. Robins*?
4. **Evaluate** Judges are selected in many different ways. What method of selecting judges do you support? Why?

Extending the Chapter

Global Views

Our system of federalism, although not unique, is quite unusual. A common form of government in the world is the unitary system, in which practically all political power lies with a central government.

To see how a unitary system operates, consider the government of Japan. In the area of education, for example, the Japanese national government makes most of the decisions, even deciding the subjects to be taught in school nationwide. Such an approach suits Japan. Geographically, it is a small country, and its

people lack the diversity of backgrounds found in the United States.

The size of the United States and the diversity of its people would be difficult to serve with a unitary central government. A unitary government might not be able to manage all the problems now handled by the states. Therefore, the system of federalism suits our country. Federalism also gives citizens direct access to various levels of government. As a result, government can better serve individuals and the communities of which they are a part.

DECISION MAKING SKILLS

How to EVALUATE INFORMATION

Suppose you are in the following situation: You are sixteen, and your family will soon be moving to another state. You are trying to decide whether to take a driver's education class before you move. A friend says, "You might as well wait because in that state you have to be eighteen to get a driver's license." Therefore, you decide not to take the class. After you move, you find out that you made the wrong decision. The driving age in your new state is sixteen, too. You call your friend to complain: "If I hadn't listened to you, I would have been driving by now!"

To make good decisions, you need accurate, or true, information. That is why you should check the accuracy of any statements of fact before you rely on them. Remember, statements of fact are ones that can be proved either true or false.

Suppose that you are on a committee that is trying to decide how to prevent students from dropping out of school. You want to find out more about the problem. Before the first committee meeting, you read the following information in two magazine articles by educators who have done extensive research on the dropout problem:

Excerpt from Article A

High school dropouts pose a growing problem for American education. Some 3.8 million students—about 11 percent—now quit before graduation. In some urban areas the rate reaches 20 percent.

Dropouts who do manage somehow to find employment tend to work at low-paying, unskilled jobs. Many of the other teenagers who drop out turn to crime. An estimated 40 percent of prison inmates failed to complete high school.

Excerpt from Article B

According to one recently published study, it is estimated that 300,000 to 500,000 students across the nation drop out of high school each year.

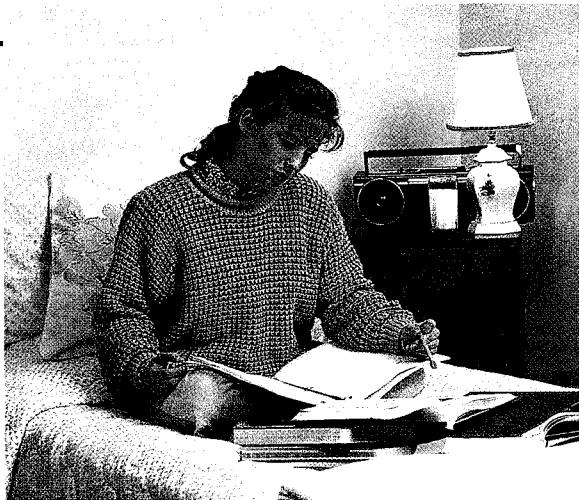
Many dropouts do not realize that most states require persons under eighteen to be enrolled in school in order to get a work permit. Between October 1998 and October 1999, 276,000 teenage girls dropped out of high school. Those who found work discovered how little is available to them: low-paying, dead-end, no-room-for-growth jobs.

At the committee meeting, a school counselor makes the following statement: "A dropout has a poor chance of getting a skilled job." Your committee is trying to decide how to convince students to stay in school. The counselor's statement might help, but first you have to determine whether it is accurate. How might you check it out?

Explain the Skill

One way to check the accuracy of a statement is to follow these steps. As you read the steps, notice how they might be applied to the statement made by the counselor.

- 1. Check whether the source of the statement is reliable, or trustworthy.** Is the person qualified to write or speak about the subject? Where did he or she get the information? [The counselor has experience in giving students advice on school problems and has probably done a lot of research on dropouts. You might ask the counselor what information he or she based the statement on.]



- 2. Identify the general types of information that you would need in order to prove or disprove the statement.** Some types of information are statistics, descriptions, dates, names, and events. [You would look for statistics on unemployment and percentages of dropouts and graduates who hold skilled and unskilled jobs.]
- 3. Identify reliable sources where these types of information might be found.** Determine which sources are likely to have accurate information on the subject. Some sources are the Internet, encyclopedias, almanacs, textbooks, dictionaries, magazines or newspapers, teachers, librarians, businesspeople, and government officials. [You could refer to the two articles you read, other articles or books, and businesspeople, who might have statistics on who is hired for skilled jobs.]
- 4. Check two or more reliable sources to find information that either proves or disproves the statement.** Your final step is to look for specific information that either supports or disagrees with the statement. If two or more reliable sources support or agree with the statement, it is probably

accurate. [Articles A and B agree with the counselor's statement. Article B provides job statistics on teenage girls. You would still want to look for additional statistics, but the statement appears to be accurate.]

Analyze the Skill

Suppose that you are gathering information to convince students not to drop out. Using the excerpts from articles A and B, tell how accurate each of the following statements is.

- A.** Most dropouts return to earn a diploma by attending night classes.
(Source: a school principal)
- B.** Twenty-five percent of your classmates will drop out of school before graduation.
(Source: a television documentary)
- C.** Dropouts are not allowed to work until they are eighteen.
(Source: a dropout who was denied a job)

Skill Assessment

After determining whether each statement is accurate, answer the following questions.

- 1.** For each statement, tell whether you think its source is likely to be reliable. Explain.
- 2.** To what extent does each statement seem to be supported by excerpts A and B? Explain.
- 3.** For each statement, explain what information you would need to prove or disprove it.
- 4.** In addition to excerpts A and B, what sources would you use to check the accuracy of the statements? Explain why.
- 5.** Why is it important to check whether your information is accurate?

How to ANALYZE NEWSPAPER ARTICLES

B4 THE REGION

Lawmakers OK Open-Space Plan

TRENTON—Legislation that could preserve up to 1 million acres of open space and farmland in New Jersey received final legislative approval late Thursday, ending several months of debate that pitted urban against rural lawmakers.

Governor Whitman, who proposed the

In the opening to this chapter, you read about the effort in New Jersey to preserve natural areas. Above is the beginning of a newspaper article on this issue which appeared in *The Record*, a local newspaper in northern New Jersey. Many Americans depend on local newspapers to keep them informed about their state government.

Explain the Skill

News stories follow a pattern. A headline tells what the story is about. The dateline shows where it was written—Trenton, New Jersey, in the case of the article above. If a story was not written by the newspaper's own reporters, the source appears on or above the dateline, or at the end of the article. The source might be a news-gathering agency such as the Associated Press (AP) or another newspaper.

The lead paragraph, or first paragraph of an article, summarizes the main facts of the story. The body, or remainder of the article,

includes the rest of the details, as well as quotes from people involved with the issues being discussed. Good newspaper articles answer the basic questions Who? What? When? Where? Why? and How?

Analyze the Skill

Below is the beginning of an article from the *Herald-Times*, a local newspaper in Bloomington, Indiana. Gather as much information as you can from this article's headline, dateline, and lead paragraph.

B4 THE REGION

High Court Upholds Seat-Belt Law

Police warned they must have probable cause to stop motorists

INDIANAPOLIS (AP)—The Indiana Supreme Court ruled Tuesday that the state's new seat-belt law is constitutional, but emphasized that police may not stop motorists to enforce it unless they have reasonable suspicion that someone is not buckled up.

Skill Assessment

1. According to the headline, what is this article about?
2. Where was the article written?
3. What is the source of the article?
4. Summarize the information presented in the lead paragraph of the article.

CHAPTER 11 ASSESSMENT

Building Civics Vocabulary

The vocabulary terms in each pair listed below are related to each other. For each pair, explain how the two terms are related.

Example: *Amendment* is related to *constitutional initiative* because the constitutional initiative is a process by which citizens propose amendments to state constitutions.

1. *constitutional initiative* and *recall*
2. *initiative* and *referendum*
3. *revenue* and *sales taxes*

Reviewing Main Ideas and Skills

4. How do state constitutions differ from the federal Constitution?
5. How has the role of state legislator changed over the years?
6. What was the importance of the Supreme Court decision in *Reynolds v. Sims*?
7. What are some powers state legislatures have over the executive and judicial branches of state government?
8. What are some ways in which a governor can influence lawmaking?
9. Give the main arguments for and against each of the following: (a) Election of judges (b) Appointment of judges
10. **How to Evaluate Information** "In general, the states of the West have had fewer state constitutions than the states of the Southeast." Use the map on page 244 to determine whether or not this statement is accurate.
11. **How to Analyze Newspaper Articles** Select an article from your local newspaper. List the article's title, source (if one is given), and dateline. Summarize the content of the article.

Critical Thinking

12. **Analyzing Ideas** How can the case of *Pruneyard Shopping Center v. Robins* be seen as a case involving ideas of federalism?
13. **Defending a Position** "State governments can serve their people better than the national government can." Do you agree or disagree? Explain your answer.

Writing About Civics

14. **Writing an Article** Suppose you are a reporter for your local newspaper. Write a one-page article on a local issue. Include a headline and dateline with your article. Include the article in your portfolio.

Citizenship Activities

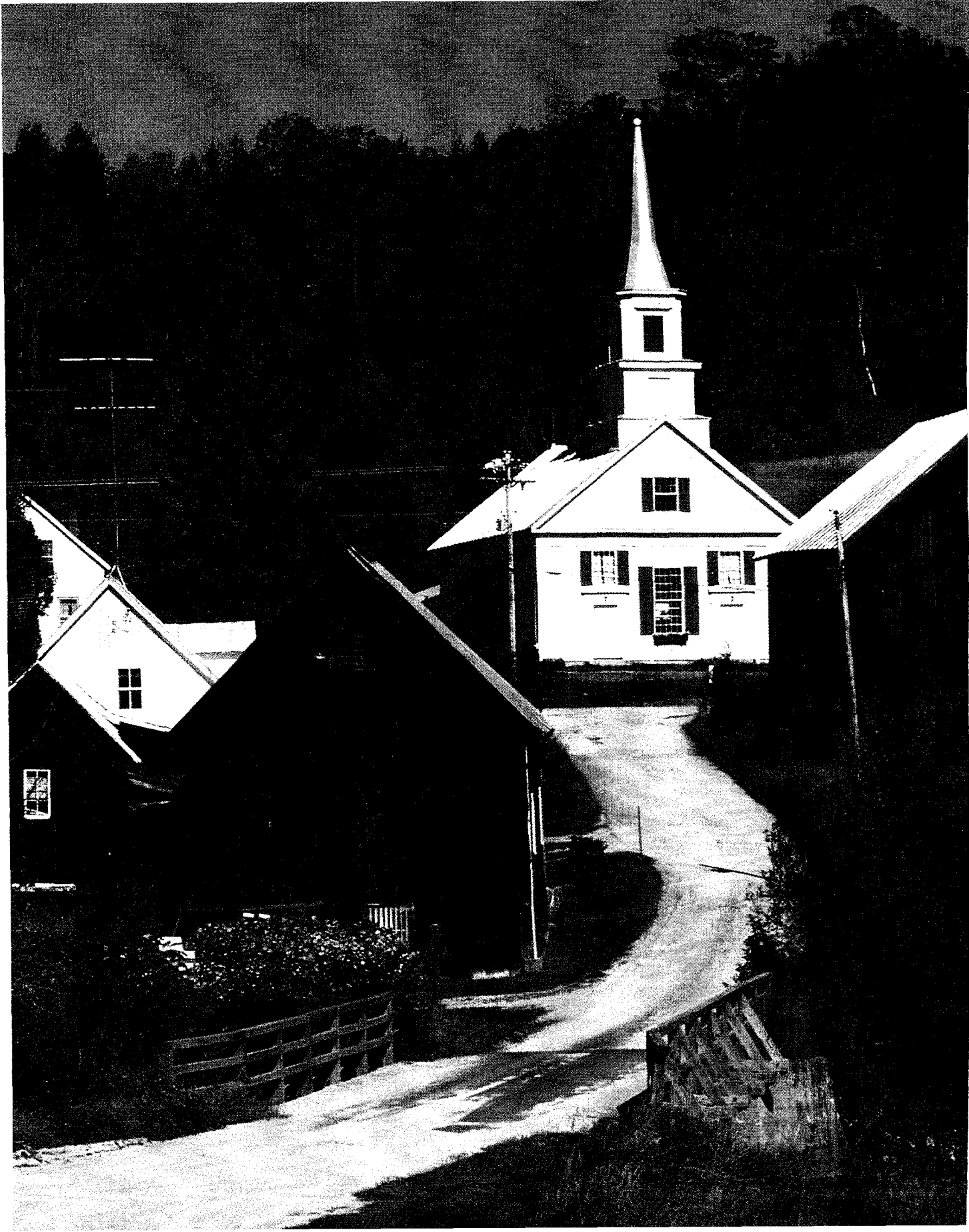
15. **Civic Participation** Write a letter to your governor. Ask him or her a question about an issue or problem that is important to your state. State your own opinion on this issue or problem. Share the reply you receive with the rest of the class.



Take It to the NET

Access the **Civics: Participating in Government** Internet site at **www.phschool.com** for the specific URLs to complete the activity.

Use online resources to explore ten issues facing your state government. Rank them in order of how important you feel they are to your state and your neighboring states. Prepare to give your opinion on how each issue could be successfully resolved.



CHAPTER 12

Local Government

Citizenship and You

“No one has the right to force you to breathe smoke,” says a Denver, Colorado resident. The city government backs up these words with laws banning cigarette smoking in many public places.

While hundreds of local governments across the nation have passed anti-smoking laws similar to Denver’s, not everyone views anti-smoking laws in the same way. A citizen in North Carolina says, “We don’t need to make a bunch of rules as to what people do with their private lives.”

As these examples show, communities can be torn between respecting a person’s right to smoke and protecting public health. Whatever their beliefs are on this issue, however, most local officials agree that laws about smoking should be set by local governments. Governments at this level have the best idea of what their citizens want. In fact, local governments were first formed to meet people’s everyday needs—from fire fighting to garbage collection.

What’s Ahead in Chapter 12

In this chapter, you will take a look at different kinds of local government. You will find out what they do and how they work with each other and with the state and federal governments for the good of our communities.

Section 1 Types of Local Government

Section 2 Local Government Services and Revenue

Section 3 Conflict and Cooperation Between Governments



Keep It Current

Items marked with this logo are periodically updated on the Internet. To keep up-to-date, go to www.phschool.com

Citizen's Journal

What do you think about the debate over anti-smoking laws? Do people have the right to smoke in public? Or is protecting non-smokers from second-hand cigarette smoke more important than an individual's right to smoke? Write a paragraph explaining your opinion on how local governments should deal with this issue.

SECTION 1

Types of Local Government

SECTION PREVIEW

Objectives

- Explore the origin and purpose of counties and townships.
- Describe the role of citizens in running a New England town.
- Explain why special districts are created.
- Contrast the mayor-council and council-manager plans of city government.

Building Civics Vocabulary

- A **board** is a group of people who manage the business of an organization.
- **Ordinances** are local laws.
- A government that serves the people of an urban area is called a **municipality**.



You already know that the Constitution gives powers to the federal and state governments. What you may not know, though, is that it does not give any power to local governments, such as counties, cities, and towns. Local governments are created by the states and have only those powers that state governments give them. The powers that state governments give to local governments help meet the many needs of thousands of communities throughout the nation.

Nearly every day you see people who work for local governments—teachers, librarians, bus drivers, police officers, and others. Your daily life runs on the services of local governments, such as garbage collection, road repair, and water supply. Perhaps your family takes part in local government by voting in local elections or serving on

committees. Local government is the level that is closest to you. It has the greatest effect on your everyday life.

Counties and Townships

Our oldest unit of local government is the county. Rooted in England, the county form of government came to North America with the English colonists. Colonies were divided into counties to carry out laws in rural areas. Because farmers lived far apart, county business was done at a place most people could reach within a day's wagon journey. This distance to the "county seat" set the boundaries of many counties.

Today, most counties help state governments keep law and order and collect taxes. Counties may also offer many other services, from libraries to health care.

County Officials Most counties are governed by county boards. A **board** is a group of people who manage the business of an organization. Most county boards, which are also called commissions, have three to five elected members, called commissioners or supervisors. Board members set up county programs and pass **ordinances**, which are local laws. The county board shares its power with other boards, which run hospitals, libraries, and other special programs.

Perhaps the best-known elected county official is the sheriff. The office of sheriff has its roots in England, just like the county form of government itself. The sheriff, with the help of deputies, runs the county jail and makes sure people obey the law. Sheriffs often work in rural areas not covered by city or state police. Other county officials may include the assessor, who figures property values; the treasurer, who sends the property tax bill; and the county clerk, who keeps official records such as marriage certificates.

Townships In the Middle Atlantic states and in the Midwest, counties are often



Although the existence of different levels of government—local, state, national—may seem confusing to some, each level has its own responsibilities and functions.

divided into townships. At first, townships were needed to help carry out duties such as setting up schools and repairing roads in rural areas far from the county seat. Over the years, though, cities have grown larger and transportation has improved, so most of these duties have been taken over by county and city governments. In many urban areas, townships just elect representatives to serve on the county board.

New England Towns

In New England, another form of rural government grew up—the town. When people from other countries came to the New England colonies, they were given land. Groups of settlers started a town by building villages with homes, a church, and a school. They also planted crops in the nearby farmlands. The town was made up of both the village and the farmlands.

Citizens took an active part in local government in the early New England towns. The voters met once a year at town meetings to pass laws, set taxes, and decide how the money should be spent. This kind of town meeting still takes place today in some small New England towns. It is the closest thing we have to direct democracy.

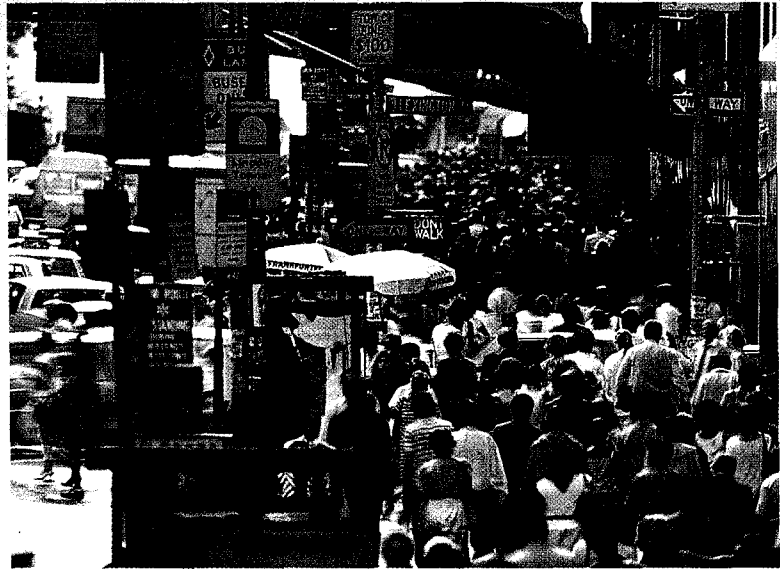
At the yearly town meeting in a New England town, citizens elect a board of three to five members. The board carries on town business during the year. Other officials, such as the school board members, the town clerk, the assessor, and the treasurer, are chosen by the town board or elected by the voters. As you can see, towns in New England have most of the duties that counties have in other regions.

Like townships, New England towns have changed over the years. Because some towns have become large, it is not easy for all the citizens to gather together to decide things. Therefore, in many large towns the voters choose representatives to attend town meetings. Some towns have hired managers to take care of the town's business.

Special Districts

Sometimes it does not make sense for a community to handle certain matters alone. For example, it would not make sense for each community in a dry region to build its own water supply system. It would be too much work and cost too much money. In such a case, all the communities in the region ask the state to make a special water district to supply water to the whole region.

Running a large city poses very different challenges to local government leaders than does meeting the needs of a small town.



A special district is a unit of government that generally provides a single service. It can serve one community or cover parts or all of several communities. Special districts serve many needs. In cities, they provide subways and parks. Rural special districts protect people from fires or control insects. Most such districts are run by a board. One special district that you know about is your school district.

Cities

A government that serves people who live in an urban area is called a **municipality**. Most municipalities, especially those that serve large populations, are called cities. In some states, municipalities that serve small populations are called towns or villages.

As the population of the United States has grown, so also have the sizes of our cities. Today a mid-sized American city has between 25,000 and 250,000 citizens. Several cities have millions of people. Governments of large cities must meet many different needs, including services not heard of in earlier times, such as pollution control and drug abuse programs.

The boundaries and powers of a municipality—which can be a city, town, or village—are set by the state. Some communities write charters, or plans of government, that must be approved by the state. In other communities, the plan of government is set by state laws. No matter how they are formed, the governments of most municipalities follow one of three plans: mayor-council, council-manager, or commission.

The Mayor-Council Plan Like so much else in local government, the mayor-council plan comes from England. The mayor, like the English prime minister or the American President, is the executive. The council, like the English Parliament or the American Congress, is the legislative branch. About 35 percent of the cities in the United States use the mayor-council plan. Under this plan, the duties and powers of city officials depend on whether the city uses a weak-mayor plan or a strong-mayor plan.

Under the weak-mayor plan, the mayor does not have special executive powers. In fact, most of the power rests with the council. The council is elected by the people and acts as both a legislative and executive

body. The council can choose the mayor from among its members. The council also chooses other officials, makes ordinances, and decides how money should be spent.

The weak-mayor plan dates back to the colonies. The early settlers did not trust the English government. When they formed their own city governments, they did not want to give too much power to one person.

During the first century of our nation's history, most cities used the weak-mayor plan. As cities grew in size, however, stronger leadership was needed in city hall. By the late 1800s, most large cities had switched to a strong-mayor plan. In this plan, the relationship between the mayor and the council is more like that between the President and Congress. The council makes ordinances, but the mayor is elected by the voters and is in charge of the budget, makes policies, and chooses city officials.

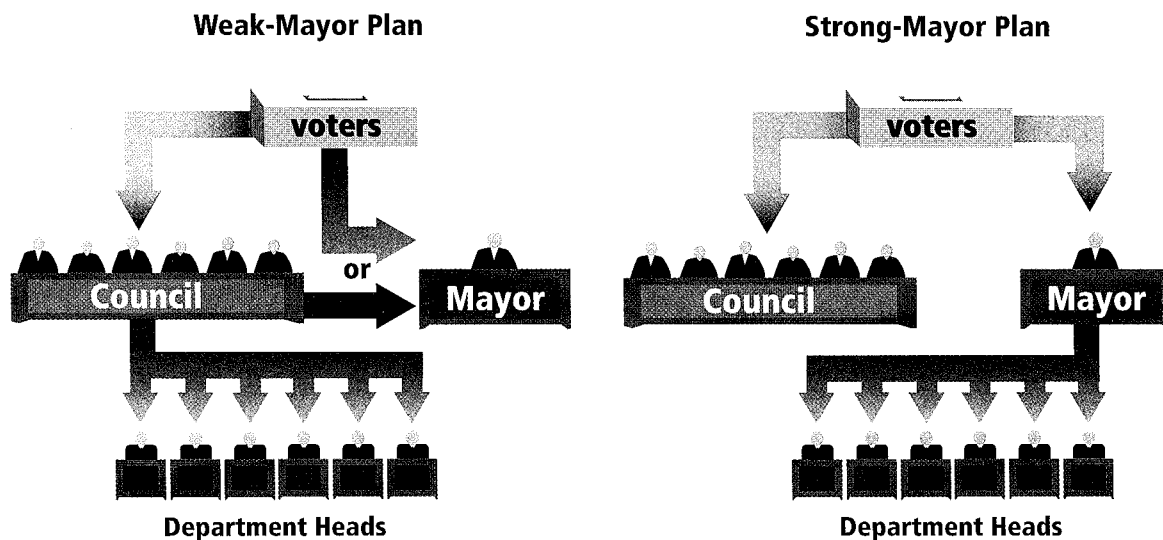
The Council-Manager Plan By the early 1900s, many cities were in the grasp of political groups called "machines." City officials did favors for the machine, such as giving jobs to politicians and friends. In return, the machine helped the officials get elected again. This arrangement often led to corruption. Officials looked after their own interests instead of looking after the interests of the public.

In an effort to create honest government, some people came up with the council-manager plan. The goal of this plan is to run government like a business.

In the council-manager plan, the council is chosen through an election in which candidates have no political ties. The council makes ordinances and hires a city manager to handle day-to-day city business. It is the manager, not the mayor, who prepares the budget and is in charge of people who work



MAYOR-COUNCIL PLANS Mayors have different powers under different types of local government. **Government** Under the strong-mayor plan, how are the department heads chosen?



for the city. Because the manager is not elected, he or she is supposed to be free from political pressures. The council-manager plan is used in over two thousand cities today.

The Commission Plan Another reform of city government took place in Galveston, Texas, in 1900. The city was destroyed by a hurricane. The weak-mayor government that Galveston had at that time could not manage the rebuilding. Local citizens convinced the state to approve a new form of government called a commission plan. Under this plan, voters choose several commissioners who together make ordinances. In addition, each commissioner directs one of the city's departments, such as finance or public assistance.

The commission plan worked so well in rebuilding Galveston that hundreds of other cities decided to try it. However, the plan does not provide for a single leader to control the budget and make the departments work together. In the past few years Galveston and most other cities that tried the plan have decided not to use it any more.

No matter what the strengths and the weaknesses are of a plan of local government, its success or failure lies in the hands of its citizens. Today, most cities seek advice from groups made up of people who live there. Citizens *can* be heard in city hall.

Section 1 Assessment

1. **Define board, ordinances, municipality**
2. Why were American colonies divided into counties?
3. Describe the layout of a typical colonial New England town.
4. Why are special districts sometimes necessary?
5. For what purpose was the council-manager plan created?
6. **Analyze** Would a New England town government work in a large modern city? Why or why not?

SECTION 2

Local Government Services and Revenue

SECTION PREVIEW

Objectives

- Summarize the role local governments play in providing public education.
- Describe the utilities provided by local government.
- Identify examples of health and welfare programs.
- Explain how zoning laws help local governments control land use.
- Examine local government's contribution to public safety.
- Analyze the ways local governments pay for the services they provide.

Building Civics Vocabulary

- **Utilities** are services needed by the public, such as water and electricity.
- **Zoning** laws divide a community into areas and tell how the land in each area can be used.
- A tax on land and buildings is a **property tax**.
- **Intergovernmental revenue** is money given by one level of government to another.



Focus

"Skateboarding is dangerous!" said the mother of a child who had been run into by a skateboarder. She asked the city council to ban skateboards in public places. "That's not fair," said a teenager at the council meeting. "Then we'd have no place to skate." He asked the city to build a skatepark for skateboarders.

We ask local governments to help us in many ways. They provide utilities, or services needed by the public, such as water, gas, and electricity. They build parks, schools,

and roads. They plan for community growth. Officials make hundreds of decisions in delivering these services. For example, they may have to decide whether a hole in a road that serves only two houses should be fixed or whether to cut water use during a dry spell.

Every time officials decide to handle a problem in a certain way, they are making policy. If the council bans skateboarding, it is making a public safety policy. Another policy might be to build a skatepark.

Policy decisions often depend on money. Because no government has all the money it needs, officials must decide which services to offer. The council might decide that it does not have enough money to build a skatepark, but it will allow skateboarders to use an empty parking lot. Perhaps the park could be built if skateboarders were charged money to use it.

Education

The service that local governments spend the most money on is education. Local governments—counties, cities, and school districts—are in charge of providing all public education from elementary school through high school. Some also are in charge of two-year colleges. Local school boards build schools and hire teachers and staff to run them. Many local boards have a strong say in what courses will be taught.

The federal and state governments are also important in public education. State officials set standards for school employees and buildings. State governments have a strong say in how schools are run because they pay about one third or more of schooling costs. The federal government helps to pay for buildings, school lunch programs, and programs for children with special needs.

Local vs. State Control Local and state governments often do not agree about which of them should have greater control over

state education money. State officials make sure state standards are met and that children in all school districts have equal opportunities. On the other hand, local control can be good for schools because local citizens know what the students need.

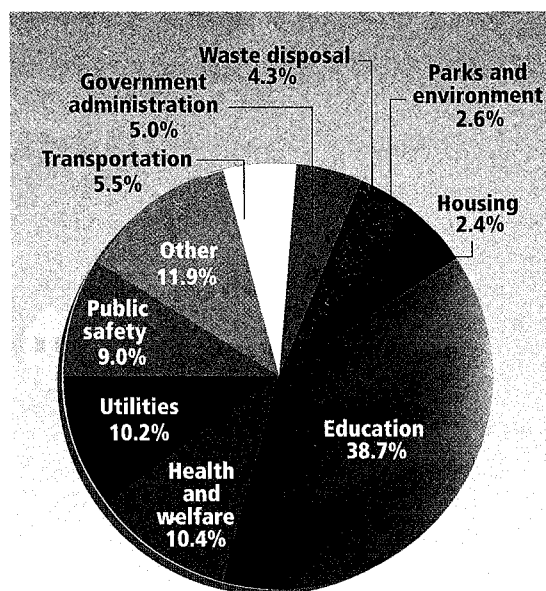
Utilities

You may not even notice some local government services. However, you would certainly notice if you no longer had them. These government services are the utilities: water, gas, electricity, sewage treatment plants, and garbage collection.

In many cases, water and sewage treatment plants are owned and run by local governments. Communities often arrange for



LOCAL GOVERNMENT SPENDING, 1998–1999



Source: U.S. Census Bureau



Local governments are responsible for a wide variety of programs.

Government Which services received more than 10 percent of local government spending in 1998–1999?



One purpose of land-use planning is to prevent uncontrolled growth from destroying existing neighborhoods.

private companies to supply gas and electricity and to pick up garbage. The state makes rules to make sure the companies deliver good services at fair rates.

Utilities are best provided at the local level, where they can be planned to fit a community's needs. In Emmonak, Alaska, the ground freezes in winter. Sewer pipes are not put underground because they would freeze, too. Instead, sewer pipes made of materials that will not freeze are laid above ground—a method that fits the Arctic climate.

Health and Welfare

Millions of Americans are poor, too ill to work, or unable to find jobs or homes. Many people help the needy, but it is a very big job. Local governments play a part by offering health and child care, training people for jobs, and providing low-cost places to live.

Most programs giving public assistance, or welfare, are paid for by federal, state, and local governments together. However, local officials carry out the programs. The city of Atlanta, Georgia, for example, was recently recognized for its success in using federal funds to improve low-cost public housing in several Atlanta neighborhoods.

Communities also look after public health. In many cases, local officials carry out state health laws. Local health officials inspect restaurants, markets, hotels, and water to be sure that state and federal standards are met. Many communities also make sure that federal and state laws to control pollution are obeyed.

Land Use

Have you ever noticed that homes and businesses are in separate areas of your

community? This is the result of **zoning**, local rules that divide a community into areas and tell how the land in each area can be used. For example, zoning may keep a factory from being built next to your home. Zoning is a tool used by local governments to plan and control the growth of their communities.

The people who plan communities think about where roads, parks, factories, and homes should be built. They must also think about how a new factory will affect the lives of people in the community. They must think about who will be using a park and whether it will need a playground or picnic tables. Will a new road bring too much traffic into downtown? Are there enough low-cost houses and apartments for families with low incomes? Planners must also look at how development affects the environment. Will the new factory have anti-pollution controls?

The Planning Process Planning is made up of many steps. A local government appoints a planning commission to set goals and get information about the community, such as its growth rate and types of businesses. Most commissions are made up of interested citizens, such as builders, environmentalists, and business leaders.

Commission members work with a staff that looks at requests from builders and reads reports about what building will do to the environment. The staff tells the commission what they think should be done about each request. Once the commission decides what to do, it presents the matter to the city council or county board, which makes the final decision.

Some of the most heated battles in planning are over how fast communities should grow. New businesses mean more jobs and more tax money. However, new businesses may bring in more people, who will need water, schools, and parks. New businesses may also bring more traffic and pollution.



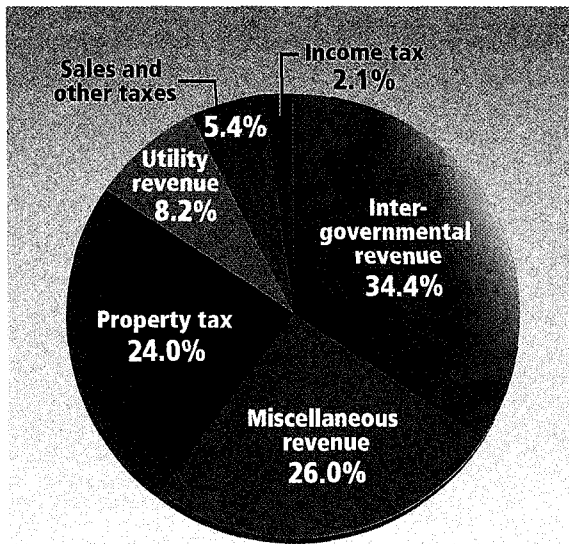
By setting aside land for public parks, local governments help to meet the recreation needs of communities.

The city of Reno, Nevada grew rapidly during the 1980s and 1990s. This growth brought thousands of new jobs and lots of tax money to Reno. Local officials pointed out, however, that quick growth meant the city would also need more water. Reno gets its water from the Truckee River. The city could make land-use plans, but it could not make more water flow from the river. Planners must think about the resources they have as well as the short-term and long-term needs of citizens.

Public Safety

If you had an emergency, what would you do? You might call the police or fire department, or dial 911. Police officers and firefighters also look after the public safety in non-emergencies. The police help citizens stop crime by teaching them how to keep

LOCAL GOVERNMENT REVENUE, 1998–1999



Source: U.S. Census Bureau



Local governments receive funding from local, state, and federal sources.

Government What percentage of local government revenue came from income and property taxes in 1998–1999?

people from breaking into their homes. The fire department checks for fire hazards, such as faulty wiring, and teaches safety rules to children.

Local governments also hire people to make sure that safety rules, called codes, are followed. A fire code may say that all buildings must have smoke alarms. Building codes make sure that new buildings are built safely.

Revenue: Paying for Services

To provide services to citizens, local governments need money. Like state governments, local governments depend on several sources of revenue.

Taxes About 25 percent of local government revenue comes from **property tax**, a tax on land and buildings. The county assessor decides how much the property is worth and charges the property owner a fixed percentage of that value. Many people feel property tax is fair because the more property that citizens own, the more services they use, such as water and fire protection.

Some communities bring in money through other taxes, such as a local sales tax. About 3,300 local governments in more than a dozen states put an income tax on the salaries of people who work there. The idea is to collect money from “daytime citizens” who use city services during the work day but live somewhere else.

Service Charges and Profits

Cities often charge money for services such as inspecting buildings to see that they meet safety codes. Communities also get money from bridge tolls, park entrance fees, and parking meters.

Some local governments make money by running businesses. For instance, the city of Naperville, Illinois, runs a parking garage. It brings in money while providing parking spaces for people who work and shop in the city. Government-owned utilities, such as electric companies, also bring in money and give low-cost service to local citizens and businesses.

Borrowing When revenue from taxes, fees, and city-owned businesses is not enough to cover their costs, local governments can borrow money. For short-term needs, they may borrow from banks. To pay for big projects, such as school buildings, communities borrow money by selling bonds.

Sharing Revenue Local governments also receive **intergovernmental revenue**, money given by one level of government to another. Federal and state governments often

High School Volunteers Serve Their Community

Jonathan Carmenate, a student at Miami, Florida's William H. Turner Technical Arts High School, has been a member of Generation US for four years. Participation in this volunteer program has taught him that volunteer work is not just about giving—it's also about getting: "In addition to getting community service hours to help with school, I love service with a passion. In my eyes, there is nothing more uplifting than helping people."

Generation US is part of Intergenerational Programs, a service-learning program for the public schools in Miami-Dade County, Florida. Students from all over the county give their time to different volunteer projects.

Generation US works to bridge the gap between older and younger generations. It is a task force of older adults and younger people working together

to build understanding and talk about issues important to the community, such as youth violence. Generation US has worked to fight crime in their community. In recent years, students worked to pass new legislation for a "safe senior zone," an area providing the elderly with student escorts.

Dr. Ramona Frischman, the supervisor of Intergenerational Programs, believes that students who get involved in volunteering make a huge difference in their community. "Students

who volunteer learn more than would be possible from a book," she said. "Elders inspire the young people, and the program teaches people about love and respect for one another." Dr. Frischman is impressed with the number of students coming back to volunteer as young adults, graduate students, and professionals who feel that the program has changed their lives.

Jonathan Carmenate is glad to be contributing to an organization that is helping his community: "This program is very empowering. Senior citizens working together with students help them to save each other's lives. It makes a huge difference in Miami-Dade County, and that makes this part of the world a better place."

Active Citizenship

How are the volunteers of Generation US helping to improve their community?



give money to local communities. This money is called a grant. Grants are a way to make sure that services of national or state importance are provided at the local level.

Some grants are for special uses, such as

summer job programs for youth, or large building projects. Others are block grants for general uses such as education. Block grants allow local officials to decide how best to use the money.

Limits on Revenue Most communities face problems in paying for services. The demand for services is generally greater than the amount of money available to the community to pay for them. Sources of money may “run dry.” Another problem is that the power to tax is controlled by the state. The state spells out what kinds of taxes may be collected and what the money may be used for.

Large cities can have a particularly difficult time balancing the money in the city treasury with the need for services. Philadelphia, Pennsylvania mayor Edward Rendell discussed this challenge when presenting his year 2000 budget to the city council. “In a city where our needs are so great, and where our resources remain so limited,” Rendell told the council, “it is an absolutely critical part of our jobs to reject countless legitimate and worthy demands for public funds.”

Section 2 Assessment

1. **Define utilities, zoning, property tax, intergovernmental revenue**
2. How do local governments help provide for public education?
3. What are the major factors considered by people who plan land use in communities?
4. What are some ways that local governments help protect public safety?
5. What are two ways by which a community might pay for a major project such as building a new airport or a new school?
6. **Evaluate** Local governments provide many services. Which two local government services do you think are most important? Explain.

SECTION 3

Conflict and Cooperation Between Governments

SECTION PREVIEW

Objectives

- Explain how local governments cooperate and come into conflict with each other.
- Analyze relations between local and state governments.
- Describe the relationship between local, state, and federal governments.

Building Civics Vocabulary

- Some states have granted cities **home rule**, the right to create their own charter.



Focus

Look in your phone book and see how many levels of government are listed that serve you. Like most citizens, you probably live under at least four layers of government. Almost every town, city, and township lies inside a county. All these local governments must answer to their state governments. Of course, the nation as a whole is guided by the federal government. As the layers overlap, governments both cooperate and come into conflict.

Relations Between Local Governments

In 1954 a county official in the Detroit area became alarmed that the region's services were not keeping up with its growth. He met with officials of neighboring counties to figure out how to meet area-wide needs. Soon other regions were holding meetings, too. These groups became known as “councils of governments.”

Other groups, such as the United States Conference of Mayors, are also ways of linking local governments. Officials from these groups talk about matters that affect them all, and they work together to look for solutions. Since cooperation would seem to help everyone, what causes conflicts between local governments?

Conflict One big cause of conflicts between local governments is economics. Communities often compete to attract new businesses, which pay new property taxes. Communities also compete to get federal money.

Another cause of conflicts is the effect of one community's policies on neighboring communities. One city may zone an area for new factories. However, when the pollution from that factory zone blows into a neighboring city, the stage is set for conflict.



Federal and state government relief workers pitch in with sandbags to help a local community protect itself against flood waters.

Facts & Quotes

Meeting Halfway

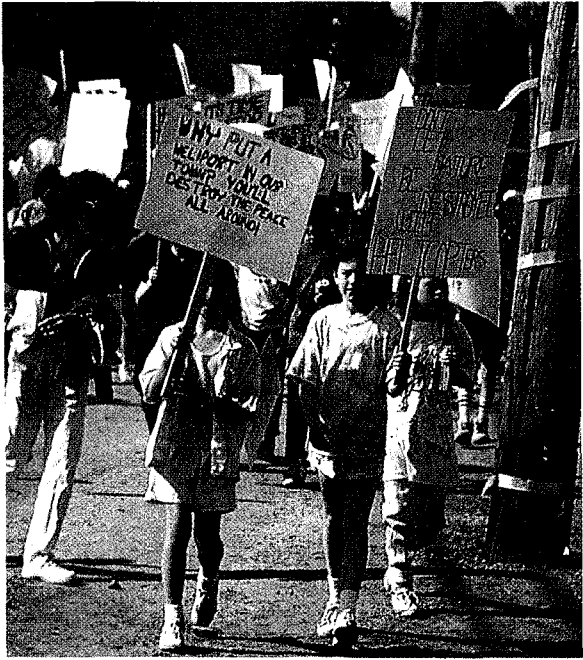
In 1989, the city of Chicago and the state of Illinois had almost finished an underground walkway between the city hall and the state government building. City workers had tunneled from one direction, and state workers from the other. As it turned out, though, the part of the walkway coming from the city hall was nine inches higher and eight inches to the side of the part leading from the state building. This shows that even when state and local governments agree on projects or issues, they do not always meet each other halfway.

Cooperation Problems can also lead to cooperation. Sometimes communities work together to provide services that would cost too much for each to provide for itself. Townships have teamed up to answer emergency calls. Each township's fire department offers something different, such as clothing that protects people from fire or training for emergencies.

Small communities may also turn to counties for help. A county can build a jail or hospital to serve several small towns.

Relations Between Local and State Governments

Many states have a strong voice in deciding how local governments will be set up. Other states have granted cities and some counties home rule, the right to write their own charter. Whether or not they grant home rule, most states give communities some freedom to handle local matters.



Citizens of a local community are sometimes unhappy with federal and state decisions that affect their area.

Conflict The question of what is a local matter and what is also a state matter, however, can lead to conflict. For example, California wanted to build a sewage plant for the city of Arcata. The state had received federal money for the plant, but Arcata would have had to pay millions of dollars, too. Arcata came up with a plan for a cheaper sewage system, but the state said no. City officials spent two years going to meetings with state officials. Finally, Arcata won the right to build the system it wanted. When local and state laws come into conflict, however, state law is almost always enforced.

Cooperation Many state governments work directly with local governments to solve local problems. The city of Evanston turned to the Illinois Environmental Protection Agency for help in building a park over what had been a garbage dump.

The job was hard because rotten garbage is not a stable surface and makes a gas that can blow up if trapped. Together, city and state officials worked out plans to cover the garbage with a layer of clay and to build a vent for the gas to escape.

States often work with local governments to carry out state programs. When a state highway commission plans a road that will cut through a city it asks the advice of the city council. States also help local programs run smoothly. State officials help local officials in finance, law enforcement, health, and education. Also, states test and license local government workers such as teachers and doctors.

Relations Between Local, State, and Federal Governments

Money is the key to the relations of local governments to state and federal governments. The federal government gives grants and loans for housing, public assistance, and other uses. The idea is to use federal money at the local level to meet national goals. For example, the federal government gives grants for job-training programs. Such grants are often given to the states. Then the states decide how to divide up the money among local governments that run the programs. The federal government also gives aid directly to local governments.

Conflict Sometimes local officials come into conflict with federal and state officials over how to spend grant money. Most federal money for local governments can be used only in certain ways. Grants given to help meet a national goal may not match local needs. The states often have the power to decide who gets federal grants.

If local governments want the freedom to set their own policies, they may have to do without federal money. Unfortunately,

most communities do not have enough money to do big projects without some federal help.

Cooperation Many problems affect all levels of government and are best solved by cooperation. If one factory dumps poisonous wastes, it is a local matter. However, poisonous wastes have polluted ground water, lakes, and rivers across the nation, so pollution has also become a nationwide concern. Federal, state, and local governments must all work together to clean up and stop pollution.

Local, state, and federal governments also cooperate in providing services, such as law enforcement. The Federal Bureau of Investigation (FBI) trains local police in the latest ways of fighting crime. Local police turn to the FBI for records of suspected criminals. Local, state, and federal officers work together to solve crimes like bank robbery and kidnapping.

The federal-state-local partnership is a good way to deal with nationwide issues. It also brings local problems to national attention because local officials can tell state and federal officials what their citizens want. Even though there are conflicts, they can lead to creative solutions. If you want to take part in finding solutions, local government is a good place to start.

Section 3 Assessment

1. **Define home rule**
2. What are some ways in which local governments compete and cooperate?
3. In what ways do state and local governments cooperate? How do they sometimes come into conflict?
4. Why do federal, state, and local governments often have to work together?
5. **Evaluate** Do you think competition between local governments is bad? Explain.

Extending the Chapter

Global Views

Local government powers vary from nation to nation. There are two main systems of city government outside the United States: the English and French systems. The English system is used in Great Britain, Australia, Canada, and New Zealand. It is similar to ours in that councils are voted for locally and mayors are elected by the councils. The local councils have broad power to deal with local issues.

The French system is found not only in France but also in many Latin American, African, Middle Eastern, and Asian countries in some

form. Local governments have much less power in the French system. Local officials provide services such as water, electricity, and fire protection, but it is the national government that controls the money, education, and the police.

It is possible to have an even more centralized system, where local officials represent the national government. Such tight control is often found in communist countries such as China. In short, compared with other systems, our cities, towns, and counties have more freedom to set policies on local matters.

Banning Neighborhood Noise

Darien Mann's rock and roll band was loud. When Darien and his friends practiced in Darien's garage, many of the neighbors complained that they could not talk to each other without shouting. It made the neighbors even more angry that the four boys practiced late into the night.

Darien's next-door neighbors, the Macks, lived closest to the garage. They were disturbed by the noise more often than anyone else in the neighborhood.

One evening Mr. Mack thought the band was playing even louder than usual. He rang the Manns' doorbell and pounded on the door, but no one answered. In disgust, Mr. Mack returned home and called the police.

Los Angeles police officer Richard Hoefel and his partner answered the call at about 8 P.M. After months of complaints, the Mann house had become a regular stop on their beat. They could hear the band from half a block away.

The officers walked to the chain link fence in front

of the Manns' garage and rapped on the gate with their flashlights to get the teenagers' attention. Officer Hoefel ordered the boys to meet him on the front porch.

Once they all were gathered together, Officer Hoefel

Thirteen months later, the Manns and the Macks were still arguing over the noise problem.

explained the reason for the neighbor's complaint. He warned the group that if they did not stop making the noise he would have to arrest them for breaking the law. The Los Angeles Municipal Code has a "noise ordinance" which states that it is against the law for any person to make any "loud, unnecessary, and unusual noise which disturbs the peace and quiet of any neighborhood."



The officers talked with the band about ways they could avoid noise complaints in the future. The officers said that the band could rent a hall, soundproof the garage, or agree with the Macks about good times to practice. Because the boys seemed cooperative, Officer Hoefel decided to let them off with only a warning.

Thirteen months later, the Manns and the Macks were still arguing over the noise. An informal hearing before the city attorney failed to end the neighbors' differences. Darien and his band wanted to keep playing in the garage, and the Macks wanted the music to stop permanently.

To settle the matter once and for all, Darien Mann and his parents decided to

bring a lawsuit against the City of Los Angeles. They wanted the municipal court to remove the noise ordinance from the municipal code. If the ordinance were removed from the books, Darien and his band would not be breaking the law

The Manns said that the wording of the law was not clear enough.

when they played their music late into the night.

In court, the Manns said that the wording of the law was not clear enough to tell if the law was being broken. They pointed out that because the level of noise banned by the law was not described in a scientific way, no one could tell how loud was too loud.

The Manns then said that if the law was not clear about what noise level was illegal, then the law could not be enforced. If this was true, the court had the

power to remove the law from the municipal code.

The city attorney defended the city's law. He pointed out that most laws are not scientifically exact. They must be flexible enough to be used in many different cases.

After thinking about both sides, the court ruled against the Manns. It agreed with the city attorney that it takes "common sense," not scientific measurement, to be able to know what is a "loud, unnecessary, and unusual" noise.

The court explained that it is often asked to decide if a law can be enforced. In such cases, it uses the "reasonable man test" to see if people can understand the law the way it is written.

When the court uses the reasonable man test, it puts itself in the shoes of an ordinary person. If the court believes that a reasonable man can understand what a particular law requires him to do or not to do, then the law is clear enough to be enforced.

The court also noted that the noise ordinance stated several factors for

courts to think about when deciding what the law means. Some of those factors were the time of night at which the noise occurred and how near the noise was to other people's homes.

Based on the reasonable man test and the wording of the law, the court ruled that the law was clear enough to be enforced against Darien and his band.

Analyzing the Case

1. What activities were made illegal by the Los Angeles Municipal Code noise ordinance?
2. What reasons did the Manns give to the court when they argued that the noise ordinance should be removed from the municipal code?
3. Do you think that it is fair for the City of Los Angeles to pass a noise ordinance that means people cannot play loud music in the privacy of their homes? Support your opinion.
4. Do you think the court would have ruled in the same way if the band had been playing loud classical music late at night? Support your opinion.

SOCIAL STUDIES SKILLS

How to READ ORGANIZATION CHARTS

In this chapter you learned that the majority of American cities use the mayor-council plan of government. On page 267, two organization charts illustrate the two types of mayor-council plans. The other major type of city government—the council-manager plan—is illustrated on this page.

Explain the Skill

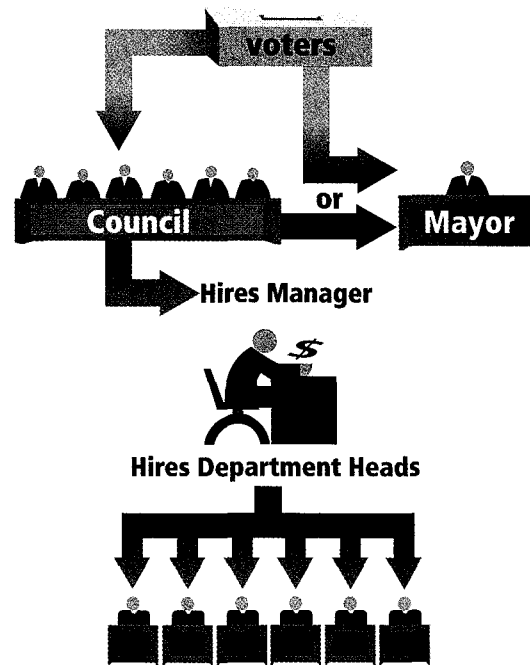
Organization charts are often used to show the various parts of an organization and to illustrate the different levels of power within an organization. In most organization charts, symbols are used to represent each section of an organization and arrows are used to indicate how the sections relate to each other. The official or group with the most power and authority is usually shown at the top of an organization chart.

Analyze the Skill

The organization chart on this page shows how the council-manager plan of city government works. As you read, the goal of this plan is to run government like a business, with the manager holding more executive power than the mayor. Supporters of this system hope that since the manager is not elected, he or she will not be influenced by political pressures.

Look at the chart one level at a time. As with other forms of local, state, and national government in our democracy, the power

Council-Manager Plan



begins with the voters, who select their elected officials. The city council then chooses a manager, who hires the heads of each government department.

Skill Assessment

1. Each level on the chart represents a level of organization. How many levels are there in this form of city government?
2. Under this system of government, who has more power, the mayor or the city council members? Explain your answer.
3. What are the two ways of selecting a mayor under the council-manager plan?

CHAPTER 12 ASSESSMENT

Building Civics Vocabulary

Match each vocabulary term with the lettered word or phrase most closely related to it. Then explain how the items in each pair are related.

Example: *Home rule* relates to *government structure* because cities and counties with home rule can choose their own government structure.

- | | |
|------------------------------|---------------------------------|
| 1. board | (a) land use |
| 2. property tax | (b) city |
| 3. zoning | (c) revenue |
| 4. municipality | (d) commissioners |
| 5. intergovernmental revenue | (e) water, gas, and electricity |
| 6. utilities | (f) grants |

Reviewing Main Ideas and Skills

- Why are there different types of local government?
- What are some difficulties local governments face in trying to provide services?
- Why do federal, state, and local governments all become involved in meeting the needs of local communities?
- How to Read an Organization Chart**
Look back at the organization charts on page 267. Aside from how the mayor is chosen, what is the major difference between the weak-mayor and strong-mayor plans?

Critical Thinking

- Comparing** How does the government of a traditional New England small town differ from the government of a large modern city?

- Defending a Position** “Of all levels of government, local government has the greatest effect on your everyday life.” Do you agree with this statement? Support your answer.

Writing About Civics

- Writing a Letter** Suppose you are writing a letter to a friend in a foreign country. In your letter, explain the role of local government in the United States. Include specific examples of the types of powers held by local government.

Citizenship Activities

- Your Local Community** Bring to class a local newspaper. Find all the articles that involve local government and explain how each article is related to one or more of the services provided by local government.



Take It to the NET

Access the **Civics: Participating in Government** Internet site at **www.phschool.com** for the specific URLs to complete the activity.

Explore online information about the three levels of government—national, state and local. Take notes on an issue that all three levels of government address. Compare how they approach this issue. Which level do you think has the best approach? Why?

Closest to the People

Republican Christine Todd Whitman, the first female governor of New Jersey, was elected in 1993 and re-elected in 1997. In her first two years in office, she made good on her campaign promises by reducing New Jersey's income taxes by 30 percent. Whitman left the governorship in 2001 to become head of the Environmental Protection Agency under President George W. Bush.

Before you read the selection, find the meanings of these words in a dictionary: respectively, micromanage, undergird, devolution.

In recent years, as citizens and political leaders across the country have debated the proper role of government, the Tenth Amendment to the United States Constitution has gained greater attention. That amendment...declares: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Our founding fathers had it right. The power closest to the people governs best. The states are eager to accept more responsibility from the federal government because we can respond better and more quickly to people's needs and concerns.

"Our founding fathers had it right. The power closest to the people governs best."

We can adapt to real-life situations without being micromanaged from Washington. We can do this because we are closer to the people and their problems, and we take our responsibility to them very seriously....

Establishing priorities must be the direction of all in government. And a top priority must be to reshape government by shrinking the rate of growth in federal spending while providing necessary services. That obligation undergirds efforts to curb federal spending growth and move responsibility for public services out of the hands of the federal government and into the hands of the states.

Granted, this process—known as "devolution"—will force states to make some careful choices in administering these

programs. But governors and legislatures can and should be trusted to make responsible choices for their citizens....

Government should be a partnership where private interest and civic duty meet. That partnership must be built on confidence and trust—the citizens' confidence in government to provide needed services in an efficient manner and government's trust in the people to run their lives without pointless bureaucratic interference. The "devolution revolution" can help us restore trust by placing public services and programs at the state and local level....

Source: Perspectives: Readings on Contemporary American Government (Alexandria, Va.: Close Up Foundation, 1997), pages 12-16.

Analyzing Primary Sources

1. According to Whitman, why are state governments better equipped to respond to people's needs and concerns than the federal government?
2. What effect does Whitman think devolution will have on state legislatures and governors?

UNIT 4 ASSESSMENT

Reviewing Main Ideas

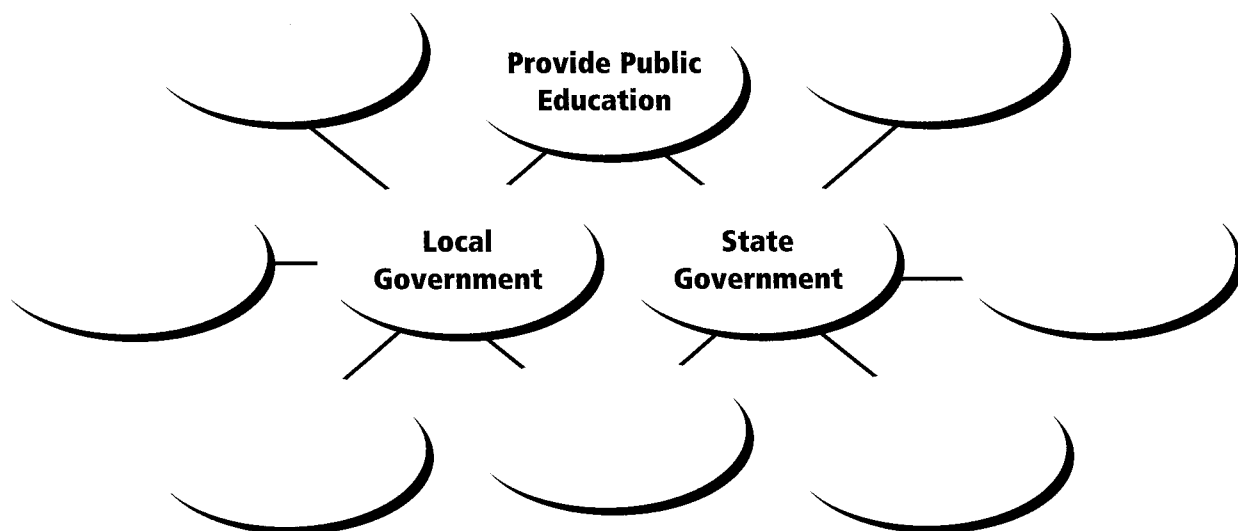
1. What are some of the ways that citizens can influence state and local government?
2. In what ways are the federal, state, and local governments similar in their organization?
3. Compare the powers and responsibilities of the President, the governor of a state, and the mayor of a city. How are they similar? How are they different?
4. How is the relationship between local and state governments similar to the relationship between the states and the federal government? How do the two relationships differ?
5. What are some advantages of having federal, state, and local levels of government? What are some disadvantages?

Summarizing the Unit

The double web graphic organizer below will help you organize the main ideas of Unit 4. Copy it onto a separate sheet of paper. Review the unit and complete the graphic organizer by naming examples of some of the powers held by state government, some

held by local government, and some shared by state and local governments. (One of these has been done for you as an example.) Then write a short essay describing why it is important for state and local governments to work together.

STATE AND LOCAL GOVERNMENT POWERS



UNIT 5

