

UNIT 2

THE FEDERAL GOVERNMENT

CHAPTER 5

The Legislative Branch

CHAPTER 6

The Executive Branch

CHAPTER 7

The Judicial Branch



**I WANT YOU
FOR U.S. ARMY**

NEAREST RECRUITING STATION

The figure of Uncle Sam is often used in posters to represent the U.S. federal government.



FLORIDA...

The Story Continues

CHAPTER 5, The Legislative Branch

PEOPLE

1845: David Levy Yulee. Florida senator David Levy Yulee was the first Jewish member of the U.S. Senate. Elected in 1845, he promoted the improvement of the postal service. A proponent of slavery, he also fought for the inclusion of more slave states and territories in the Union. After his bid for re-election in 1850 failed, he returned to Florida. He pursued the construction of a state-wide railroad system. This is generally considered his greatest accomplishment. Thanks to Yulee, Florida's railroads received generous land grants, smoothing their progress.

EVENTS

2010: Florida gains representation in Congress. *Apportionment* is the process of dividing the 435 seats in the U.S. House of Representatives among the 50 states. It is based on population counts from the U.S. census. Based on the results of the 2010 census, Florida will receive two additional seats in Congress. The state will also gain two additional electoral votes in the 2012 and 2016 presidential elections.

PEOPLE

2004: Debbie Wasserman Schultz. Since 2004, Debbie Wasserman Schultz has represented the people of Florida's 20th Congressional District. She is likeable yet unafraid to speak her mind. Wasserman Schultz has quickly become a star in the Democratic Party. She holds several top leadership positions in Congress. She actively supports gun control, gay rights, and health care reform legislation. Her strong fundraising ability has benefitted many Democratic candidates across the nation.

EVENTS**2011: Fight over gerrymandering.**

The practice of redrawing electoral districts to gain an electoral advantage for a political party is called *gerrymandering*. Amendment 6 of the Florida Constitution, approved by voters in 2010, sought to prevent such activity. But two Florida lawmakers—Democrat Corrine Brown and Republican Mario Diaz-Balart—filed suit to torpedo the amendment. They claimed that it violates federal election law. In 2011, Florida Attorney General Pam Bondi asked a federal court to dismiss the case. She claimed that the court does not have jurisdiction.

PEOPLE**1976: Robert Sikes.**

In its history, the U.S. House of Representatives has expelled five members. It has censured twenty-two and reprimanded another nine. The House ethics committee suggested a reprimand—the least serious of the three options—in the 1976 case of Florida Democrat Robert

L. F. Sikes. He was the longtime chairman of the House Appropriations Subcommittee on Military Construction. Sikes was reprimanded for failing to disclose stock holdings in a defense contractor and a bank on a naval base and for conflict of interest.

PEOPLE**Marco Rubio is elected to the U.S. Senate.**

Republican Marco Rubio rode the limited-government, conservative sentiments of the “Tea Party” movement to victory in the 2010 U.S. Senate race against former Florida governor Charlie Crist. Rubio’s election put the state in the national spotlight as an important gauge of Tea Party strength.



Unpacking the Florida Standards <...>

Read the following to learn what this standard says and what it means. See FL8-FL20 to unpack all the other standards related to this chapter.

Benchmark LA.7.1.6.1 The student will use new vocabulary that is introduced and taught directly.

What does it mean?

Identify new vocabulary terms and definitions to learn content and answer review questions. Go to the Section Assessment and Chapter Review pages that appear in each chapter for help.

CHAPTER 5

THE LEGISLATIVE BRANCH

Essential Question What are the structures, functions, and processes of the legislative branch?



Florida Next Generation Sunshine State Standards

SS.7.C.2.9 Evaluate candidates for political office by analyzing their qualifications, experience, issue-based platforms, debates, and political ads. **SS.7.C.2.11** Analyze media and political communications (bias, symbolism, propaganda). **SS.7.C.2.12** Develop a plan to resolve a state or local problem by researching public policy alternatives, identifying appropriate government agencies to address the issue, and determining a course of action. **SS.7.C.2.14** Conduct a service project to further the public good. **SS.7.C.3.8** Analyze the structure, functions, and processes of the legislative, executive, and judicial branches. **SS.7.C.3.9** Illustrate the law making process at the local, state, and federal levels. **LA.7.1.6.1** The student will use new vocabulary that is introduced and taught directly. **LA.7.1.7.1** The student will use background knowledge of subject and related content areas, prereading strategies, graphic representations, and knowledge of text structure to make and confirm complex predictions of content, purpose, and organization of a reading selection. **LA.7.1.7.3** The student will determine the main idea or essential message in grade-level or higher texts through inferring, paraphrasing, summarizing, and identifying relevant details.





WHY CIVICS Matters

The legislative branch is the part of our government that represents the voice of the people. As an active citizen, it is up to you to make your representatives listen.

PROJECT Citizen



FLORIDA

STUDENTS TAKE ACTION

STOPPING PILL MILLS One of the purposes of government is to pass laws that protect people and their communities. In Florida, students decided to try to pass a law to restrict Pill Mills that were making their communities less safe. What issues in your community do you think might require new laws to address?

FOCUS ON SPEAKING

PERSUASIVE SPEECH You are a member of the House of Representatives. You have introduced a bill to protect students from bullying, and now that bill is coming up for debate. You must convince your fellow representatives that this bill should become a law. Prepare and give a speech persuading Congress to pass a law that addresses the problem of bullying in schools.

Reading Skills

In this chapter you will read about Congress, the lawmaking body of the federal government. You will learn how senators and representatives are elected. You will learn about how work gets done in Congress. You will read about the

authority that the Constitution has given to Congress and what powers it forbids. You will discover how bills get proposed to Congress. Finally, you will read about the legislative process in which a bill becomes law.

Analyzing Cause and Effect

FOCUS ON READING

Asking *Why?* and *What are the effects?* can help you understand how one thing leads to another. When you ask these questions as you read, you are analyzing causes and effects. Recognizing causes and effects can help you grasp the significance of events and decisions.

Cause and Effect Chains A cause makes something happen, which is an effect. That effect can then cause another effect. This is known as a cause and effect chain. Understanding cause and effects chains can help you see the chain of events that bring about changes in government.

For years the power of Congress to set its own salary was a controversial matter. In response to this debate, the Twenty-seventh Amendment to the Constitution was ratified in 1992. This amendment states that no increase in congressional pay raise can take effect until after the next congressional election. This condition allows voters to respond to the proposed increase by voting for or against those members who supported a pay increase.

Cause:
Congress sets its own salary

Effect:
Created controversy among voters

Effect:
27th Amendment ratified

Effect:
Voters can vote for or against members who support a pay increase

Helpful Hints for Analyzing Cause and Effect

1. Ask why an event happened to figure out the cause.
2. Keep asking why until you trace back to the first cause.
3. To determine an effect, ask what happened as a result of an event.
4. Keep asking yourself what happened next to understand the entire chain.



LA.7.1.7.3



You Try It!

The following passage is from the chapter you are about to read. As you read each paragraph, try to identify the cause and the effects of what is being discussed. Read it and then answer the questions below.

Every 10 years, after the census is taken, Congress determines how the seats in the House are to be **apportioned**, or distributed. If a state’s population decreases, the number of its representatives may be reduced. States whose populations grow may be entitled to more representatives . . .

*From Chapter 5,
pp. 136–137*

Many of these congressional districts have very oddly shaped boundaries. A practice called gerrymandering is often the reason. **Gerrymandering** is the practice of drawing district lines that favor a particular political party, politician, or group of people. For example, a state legislature made up of mostly one party might draw district lines that place a majority of their supporters in as many districts as possible.

After you have read the passage, answer the following questions.

1. What cause is discussed in the first paragraph? What are its effects?
2. Draw a cause and effect chain that shows the events described in the first paragraph.
3. What main effect is discussed in the second paragraph?
4. What is the final effect? Draw a cause and effect chain to illustrate this paragraph.

As you read Chapter 5, look for cause and effect chains.

KEY TERMS

Chapter 5

Section 1

bicameral legislature (p. 136)
 apportioned (p. 136)
 gerrymandering (p. 137)
 immunity (p. 138)
 expulsion (p. 139)
 censure (p. 139)

Section 2

sessions (p. 140)
 caucuses (p. 141)
 president pro tempore (p. 141)
 whip (p. 142)
 Speaker of the House (p. 142)

Section 3

implied powers (p. 144)
 elastic clause (p. 144)
 impeach (p. 144)
 treason (p. 145)

Section 4

bill (p. 148)
 appropriation bill (p. 148)
 act (p. 148)
 filibuster (p. 150)
 cloture (p. 150)
 veto (p. 152)
 pocket veto (p. 152)

Academic Vocabulary

Success in school is related to knowing academic vocabulary—the words that are frequently used in school assignments and discussions. In this chapter you will learn the following academic word:
 procedure (p. 150)

SECTION 1



SS.7.C.3.8; LA.7.1.6.1; LA.7.1.7.1

The Senate and the House of Representatives

BEFORE YOU READ

The Main Idea

Congress is divided into two houses, the Senate and the House of Representatives, and its members have certain qualifications.

Focus Questions

1. What are the two houses of Congress?
2. What are the qualifications, salaries, and rules of conduct for members of Congress?

Key Terms

bicameral legislature, *p. 136*
apportioned, *p. 136*
gerrymandering, *p. 137*
immunity, *p. 138*
expulsion, *p. 139*
censure, *p. 139*

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TAKING NOTES
Use the graphic organizer online to take notes on the Senate and the House of Representatives



When your town decides local issues, such as funding for a road or a new school tax, each voter has a say. This is direct democracy. On a national level, direct democracy would not be practical. Imagine a vote on every national issue. Instead, we choose men and women to vote for us. They represent us. These representatives are the members of Congress.

Two Houses of Congress

SS.7.C.3.8 Analyze the structure, functions, and processes of the legislative, executive, and judicial branches.

Congress is the lawmaking body of the federal government. The Constitution states that the Congress shall be composed of two houses—the Senate and the House of Representatives.

Why is Congress divided into two houses? The framers of the U.S. Constitution wanted to make sure that both small and large states would be fairly represented. So they created a **bicameral legislature**, a lawmaking body of two houses. Membership in the House of Representatives is based on state population. In the Senate, each state is represented equally. The system also allows each house to check the actions of the other.

The House of Representatives

According to the Constitution, the number of representatives each state can elect to the House is based on the state's population. Each state is entitled to at least one representative. Washington, D.C., Guam, American Samoa, and the Virgin Islands each have one nonvoting delegate in the House.

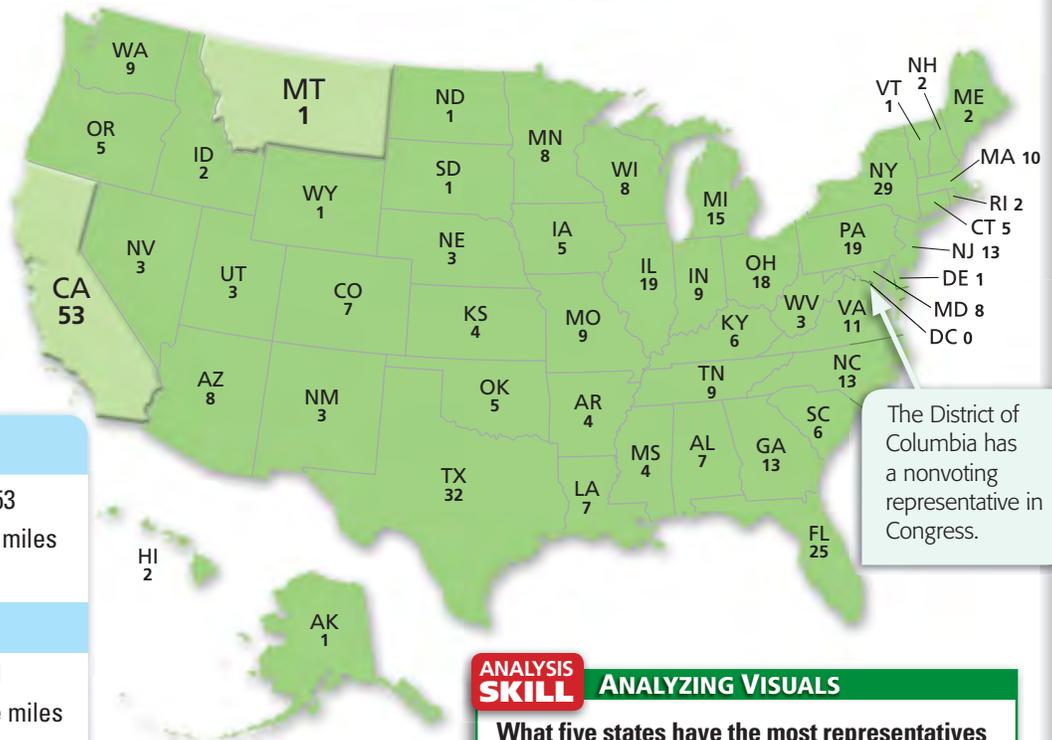
Today there are 435 members in the House. Why 435 members? In 1789, when the first Congress met, the Constitution allowed for 65 representatives in the House. Each state elected one representative for every 30,000 people in the state. However, as new states joined the Union and the population increased, membership in the House kept growing. Eventually, Congress had to limit the size of the House to 435 members.

Every 10 years, after the census is taken, Congress determines how the seats in the House are to be **apportioned**, or distributed. If a state's population decreases, the number of its representatives may be reduced. States whose populations grow may be entitled to more representatives.

Congressional Representation

QUICK
FACTS

Every 10 years, after a national census, Congress apportions representatives to the House based on population. As of 2010, California, with 53 representatives, has the most, while Montana and six other states have only 1 representative.



The District of Columbia has a nonvoting representative in Congress.

California

Number of Representatives: 53

Area of State: 163,707 square miles

Population (2009): 36,961,664

Montana

Number of Representatives: 1

Area of State: 145,556 square miles

Population (2009): 974,989

ANALYSIS
SKILL

ANALYZING VISUALS

What five states have the most representatives in the House of Representatives?

Voters elect their representative according to the congressional district in which they live. Each state's legislature is responsible for dividing the state into as many congressional districts as it has members in the House of Representatives. District boundaries must be drawn so that each district is almost equal in population.

Many of these congressional districts have very oddly shaped boundaries. A practice called gerrymandering is often the reason. **Gerrymandering** is the practice of drawing district lines that favor a particular political party, politician, or group of people. For example, a state legislature made up of mostly one party might draw district lines that place a majority of their supporters in as many districts as possible.

Elections for members of the House of Representatives are held in November of each even-numbered year. All representa-

tives are elected for two-year terms. If a representative dies or resigns before the end of a term, the governor of the representative's home state is required to call a special election to fill the vacancy.

The Senate

The Senate is much smaller than the House of Representatives. No matter what its population, each state is represented by two senators. As a result, today's Senate has 100 members—two senators from each of the 50 states.

Senators are elected to Congress for six-year terms. Elections are held in November of each even-numbered year. However, only one-third of the Senate's membership comes up for election every two years. Organizing elections in this way ensures that at least two-thirds of the senators have prior experience. If a senator dies or resigns before the end of a term, someone must take his or her place.

FOCUS ON

Politician Claude Pepper represented Florida in Congress for 40 years, as a senator from 1937 to 1951 and as a representative from 1963 to 1989.

Most states allow the governor to appoint a person to fill the vacancy until the next regular election or until a special state election is held.

Do you think that members of Congress should be allowed to serve for an unlimited number of terms? Many people believe that the number of terms should be limited. However, the Supreme Court disagrees. In 1995 the Court ruled that such term limits for federal offices are unconstitutional. The Constitution reserves to the people the right to choose their federal lawmakers, and term limits would infringe upon this right, the Court ruled.

READING CHECK

Analyzing Information Why does the Constitution specify different ways to determine the number of members for the House and for the Senate?

PRIMARY SOURCE

POLITICAL CARTOONS

Term Limits

Term limits would restrict the number of terms a representative could serve in a particular office. While many states have term limits, there are none for members of Congress.



Career politicians fear that term limits might force them from office.

ANALYSIS SKILL

ANALYZING POLITICAL CARTOONS

What point do you think this cartoon is trying to make about term limits? Do you agree? Why or why not?

Members of Congress

Members of Congress have certain requirements they must meet. They also receive a set salary and benefits and must agree to uphold a code of conduct in order to be eligible to hold office.

Qualifications of Members

To be a representative in the House of Representatives, the Constitution requires that you:

1. be at least 25 years old;
2. have been a citizen of the United States for at least seven years; and
3. be a legal resident of the state you represent. (Most representatives live in the district from which they are elected. However, the Constitution does not require this.)

The qualifications for members of the Senate differ slightly from those of the House. To be a U.S. senator you must:

1. be at least 30 years old;
2. have been a citizen of the United States for at least nine years; and
3. be a legal resident of the state you represent.

Salary and Benefits

As of January 2006, each member of Congress receives a yearly salary of \$165,200. Members of Congress have offices in the Capitol Building and receive an allowance to pay staff members. Members of Congress receive free trips to their home state, an allowance for local district offices, and a stationery allowance. In addition, they have the franking privilege—the right to mail official letters or packages free of charge.

Members of Congress also have **immunity**, or legal protection. Immunity means that when Congress is in session its members cannot be arrested in or on their way to or from a meeting in Congress. This protection ensures that Congress members are not unnecessarily kept from performing their duties.

Rules of Conduct

Both houses of Congress have the right to decide who shall be seated as members. Sometimes members of the Senate or the House question the qualifications of a newly elected member of Congress. For example, in 1996, Republican Representative Robert Dornan challenged the election of Democrat Loretta Sanchez. In such a case, the member may not be seated until an investigation of the charges is made. The House considered Dornan's challenge and eventually ruled that Sanchez was the winner.

The Supreme Court may review the actions of Congress in this regard. Congress seldom has refused to seat one of its members.

The House and Senate have passed codes of conduct for their members. These codes establish limits to the amount of outside income a member of Congress may earn and requires members to make a full disclosure of their financial holdings.

What would happen if a member of Congress violated the code of conduct? The Constitution allows both houses of Congress

to discipline its members. A person who is accused of a serious offense might be expelled from office. **Expulsion** of a member means that the person must give up his or her seat in Congress. Expulsion from the Senate or House requires a vote of two-thirds of the senators or representatives.

Expulsion is rare. Only five House members have been expelled, the last one in 2002. In the Senate, 15 members have been expelled. The last senator expelled was Jesse D. Bright in 1862. He was expelled for supporting the Confederacy.

Less serious offenses may bring a vote of **censure**, or formal disapproval of a member's actions. A censured member must stand alone at the front of the House or Senate and listen as the charges against him or her are read.

Since 1789, the Senate has censured only 9 of its members, the last one in 1990. The House has censured 22 of its members.

READING CHECK

Summarizing What are the qualifications for senators? For representatives?

SECTION 1 ASSESSMENT

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ONLINE QUIZ

Reviewing Ideas and Terms

- Define** Write a brief definition for each of the following terms: **bicameral legislature**, **apportioned**, and **gerrymandering**.
 - Analyze Information** If a senator dies or resigns before the end of a term of office, the seat must be occupied. Why do you think this law exists?
 - Make Predictions** What might have happened if the House of Representatives had never been formed and only the Senate represented the people?
- Define** Write a brief definition for each of the following terms: **immunity**, **expulsion**, and **censure**.
 - Defend a Point of View** Do you think members of Congress should be required to make a full disclosure of their financial holdings? Why or why not?

Critical Thinking

- Comparing and Contrasting** Use your notes and a graphic organizer like this one to identify the similarities and differences between the House of Representatives and the Senate.



FOCUS ON WRITING

- Supporting a Point of View** Where do you stand on congressional term limits? Write a position statement agreeing or disagreeing with the Supreme Court's decision on the issue of congressional term limits.

SECTION 2



SS.7.C.3.8; LA.7.1.6.1; LA.7.1.7.1

How Congress Is Organized

BEFORE YOU READ

The Main Idea

Congress is organized in a way that allows its members to consider and pass legislation without each member having to do everything.

Reading Focus

1. What are the terms and sessions of Congress?
2. How is Congress organized?

Key Terms

sessions, *p. 140*
caucuses, *p. 141*
president pro tempore, *p. 141*
whip, *p. 142*
Speaker of the House, *p. 142*

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TAKING NOTES
Use the graphic organizer online to take notes on how Congress is organized.



Vice President Joe Biden shakes hands with House Speaker Nancy Pelosi before President Obama addresses a joint session of Congress in 2009.

As vice president, Joe Biden is the president of the U.S. Senate. He cannot vote, however, unless it is to break a tie.



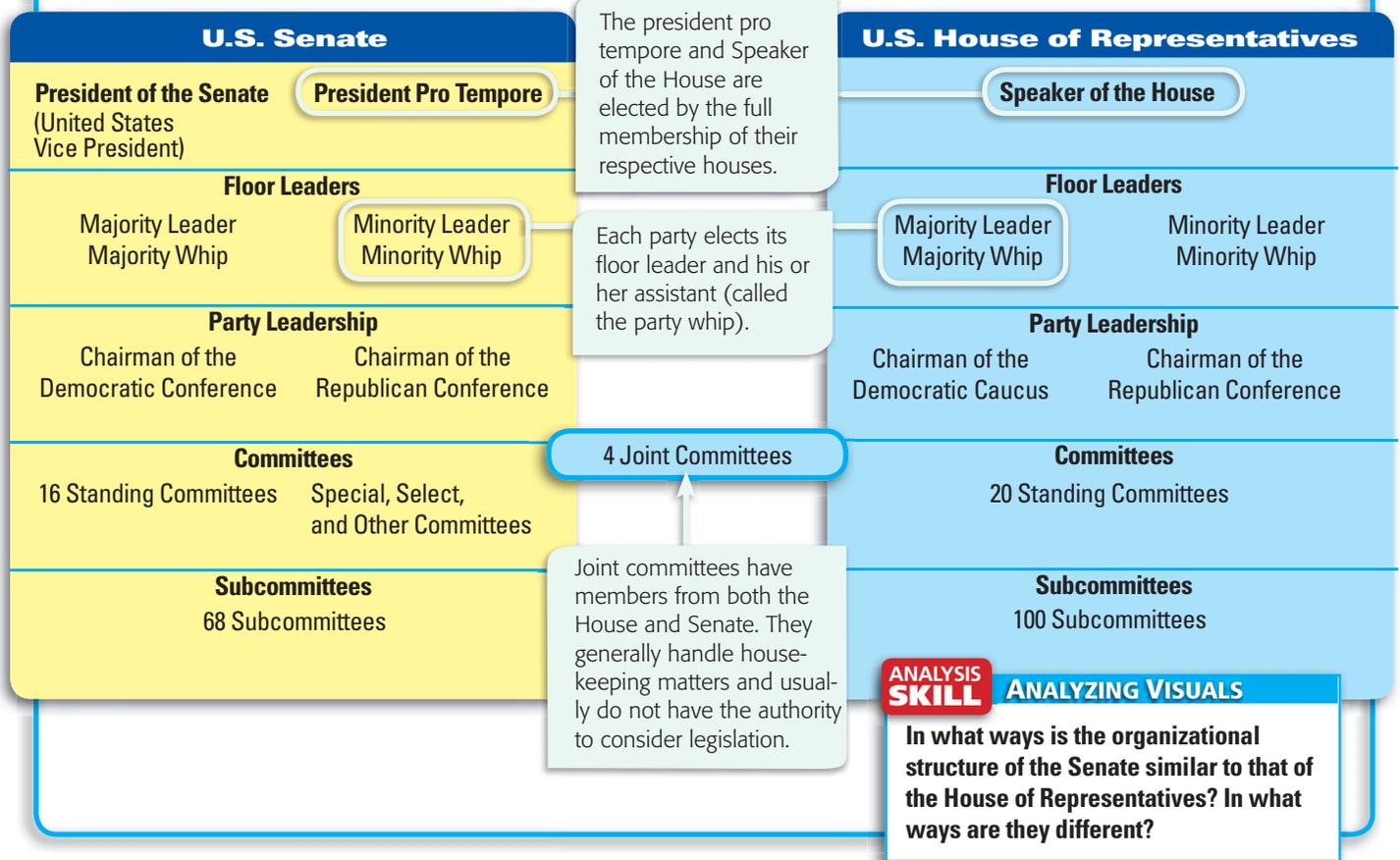
What if you had to remember to breathe, digest, and circulate blood? Your body is organized so that everything works together to keep you going. Similarly, if every member of Congress had to deal with every legislative detail, government would grind to a halt. To avoid this, Congress divides the workload.

Terms and Sessions

Under the Twentieth Amendment, a term of Congress begins at noon on January 3 of every odd-numbered year. The first term of Congress was in 1789. The Congress whose term lasts from 2011 to 2113 is the 112th Congress. The Constitution requires Congress to meet at least once each year. So each term of Congress is divided into two **sessions**, one for each year of the term. Each session begins on January 3 (unless Congress chooses another date). When Congress finishes its legislative work, both houses adjourn and the session is ended. In unusual circumstances, the president may call one or both houses back into a special session after they have adjourned. Although each house usually meets by itself to conduct business, the two houses occasionally meet together in what is called a joint session.

Organizational Structure of the 111th Congress

QUICK FACTS



For example, when the president delivers the State of the Union address each year, all the members of the House and the Senate meet in the House chamber to hear the speech.

READING CHECK **Contrasting** What is the difference between a regular session and a special session of Congress?

Organization of Congress

The Constitution has only three rules about how Congress should be organized. First, it directs the House of Representatives to select a presiding officer. Second, it names the vice president of the United States as president of the Senate. Third, it calls for the selection of a senator to preside in the vice president's absence.

Shortly after the first day of each term, the Republican and Democratic members

in each house gather separately in private meetings. These private meetings are called party **caucuses**. At these caucuses, the Republican members of each house choose their own leaders. The Democratic members do the same. The political party that has the most members in each house is known as the majority party. The political party that has fewer members is called the minority party.

Organization of the Senate

The vice president of the United States does not usually preside over the daily meetings of the Senate. Instead, the majority party elects one of its members to be the **president pro tempore**. *Pro tempore* is a Latin phrase meaning *for the time being*.

Each party has its floor leaders, known as the majority leader and the minority leader.

SS.7.C.3.8 Analyze the structure, functions, and processes of the legislative, executive, and judicial branches.

ANALYSIS SKILL **ANALYZING VISUALS**
In what ways is the organizational structure of the Senate similar to that of the House of Representatives? In what ways are they different?



FOCUS ON
Ileana
Ros-Lehtinen
(1952-)

Born in Havana, Cuba, Ileana Ros-Lehtinen immigrated to the United States at the age of seven. U.S. Representative Lehtinen became the first Latina elected to the Florida House of Representatives

in 1982. In 1989 Ros-Lehtinen also became the first Latina and the first Cuban American elected to the U.S. Congress, representing Florida's 18th Congressional District. As an advocate for human rights and democracy, Representative Ros-Lehtinen helped pass the Cuban Democracy Act. It seeks to improve the lives of Cuban citizens. She is also committed to the effort to preserve and protect the Florida Everglades.

Draw Conclusions Why do you think Ros-Lehtinen supported the Cuban Democracy Act?

Each party's floor leader is assisted by a party **whip**. The whip's job is to count votes, encourage party loyalty, and ensure that the party's members are present for important votes.

The Senate has about twenty committees that consider legislation and hold hearings. Each committee has one or more subcommittees that may consider legislation before it is

taken up by the full committee. Each committee and subcommittee has a chairperson, who is a member of the majority party, and a ranking minority member. The ranking minority member is the highest ranking (and usually longest serving) member of the minority party on a committee or subcommittee.

Organization of the House of Representatives

The person who presides over the House when it is in session is the **Speaker of the House**. The Speaker, who is always a member of the majority party, is the most powerful officer in the House. For example, no representative may speak until called on, or recognized, by the Speaker. The Speaker also influences the order of business in the House.

The committee structure in the House is generally similar to the committee structure in the Senate. There are about two dozen committees, their subcommittees, committee chairpersons, and ranking minority members. The names of the House committees are often different from the names of the Senate committees, but the basic organization is the same.

READING CHECK

Summarizing How is each house of Congress organized?

SECTION 2 ASSESSMENT

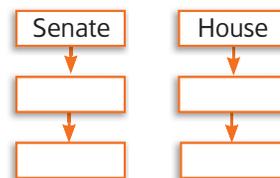
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ONLINE QUIZ

Reviewing Ideas and Terms

1. **a. Define** Write a brief definition for the term **sessions**.
- b. Draw Inferences and Conclusions** What do you think are some issues that might cause the president to call a joint session of Congress?
2. **a. Define** Write a brief definition for each of the following terms: **caucuses**, **president pro tempore**, **whip**, and **Speaker of the House**.
- b. Elaborate** Why does the majority party have an advantage over the minority party under the committee system?

Critical Thinking

3. **Analyzing** Use your notes and a graphic organizer like the one here to explain the structure of the U.S. Senate and House of Representatives.



FOCUS ON WRITING

4. **Evaluate** What do you think might happen if both houses of Congress are controlled by the same political party?

SECTION 3



SS.7.C.2.11, SS.7.C.3.8; LA.7.1.6.1; LA.7.1.7.1

The Powers of Congress

BEFORE YOU READ

The Main Idea

The Constitution both defines and limits the powers of Congress.

Reading Focus

1. What types of powers are granted to Congress?
2. What are some of the limits on the powers of Congress?

Key Terms

implied powers, *p. 144*
elastic clause, *p. 144*
impeach, *p. 144*
treason, *p. 145*



TAKING NOTES

Use the graphic organizer online to take notes on the powers and limits of Congress.



As one of its delegated powers, Congress can authorize the printing and coining of money.



Who decides how to spend the money in your house? In many families, it is a team discussion. Some bills must be paid now. Some can be paid later. It's that way in government. Congress collects money through taxes, decides how to spend it, and pays the bills. And these are only some of its powers.

Congressional Powers

Some of the powers of Congress have been expressly granted, or delegated, by the Constitution. Other powers are implied by the language of the Constitution. The Constitution also gives Congress impeachment power and specific special powers.

Delegated Powers

Article I, Section 8, of the Constitution lists the powers delegated to Congress. These powers can be grouped into five general categories.

Financing Government The Constitution grants Congress the power to finance the federal government. In order to pay for government programs and defense, Congress has the authority to raise and collect taxes, to borrow money, and to print and coin money.

QUICK
FACTS

Powers Granted in Article I, Section 8:

- Collect taxes
- Borrow money
- Coin money
- Punish counterfeiters
- Regulate trade
- Grant copyrights and patents
- Make immigration law
- Form the federal court system
- Punish piracy
- Declare war
- Fund and regulate armed forces
- Form and arm militias
- Establish a postal service
- Create Washington, D.C.

Powers of Congress

Article I, Section 8 of the U.S. Constitution lists all the powers of Congress. The last power listed is “to make all laws which shall be necessary and proper” to execute all the other powers. This phrase is known as the elastic clause. It gives the government the ability to expand to meet needs that the Founding Fathers could not have foreseen. An example is the the creation of a national system of highways.



ANALYSIS
SKILL

ANALYZING VISUALS

Do you think that the creation of a national system of highways was a “necessary and proper” act of Congress?

LA.7.1.6.1 The student will use new vocabulary that is introduced and taught directly.

Regulating and Encouraging American Trade and Industry Congress helps businesses by regulating trade with foreign countries and among the states. It passes laws that protect the rights of inventors.

Defending the Country Congress has the power to declare war and to maintain armed forces.

Creating Lower Courts Congress has the power to pass certain laws. To ensure that these laws are upheld, Congress has set up a system of national courts.

Providing for Growth Congress can pass laws to regulate immigration and naturalization. Congress is also given the power to govern the country’s territories and to provide for the admission of new states.

Implied Powers

The Constitution states that Congress has the power “to make all laws which shall be necessary and proper for carrying into execution

[carrying out] the foregoing powers.” This means Congress has been given the power to do any action relating to its delegated powers that it considers “necessary and proper.” The powers that Congress has exercised under this clause are called **implied powers**.

For example, Congress established national military academies to train officers for the armed forces. The Constitution does not specifically give Congress this power. However, Congress argued that establishing the academies is “necessary and proper” to ensure the defense of the United States.

The necessary and proper clause allows Congress to stretch delegated powers to cover many other areas. Because of its flexibility, the necessary and proper clause is also called the **elastic clause**.

Impeachment Power

Congress has the power to impeach federal officials charged with serious crimes and bring them to trial. To **impeach** is to accuse an officeholder of misconduct.

Congress may remove these officials from office if they are found guilty of serious crimes such as treason. **Treason** is an act that betrays or endangers one's country.

The charges against an accused official must be drawn up in the House of Representatives. If a majority of representatives vote in favor of the list of charges, the official is impeached, or formally accused. The individual will then be put on trial. The procedure of drawing up and passing the list of charges in the House is called impeachment.

The trial on the impeachment charges is held in the Senate. During the impeachment trial, the Senate becomes a court. The vice president usually acts as the judge. However, if the president is impeached, the chief justice of the Supreme Court presides over the trial instead. Two-thirds of the Senate must find the official guilty before he or she can be dismissed from office.

Two presidents, Andrew Johnson and Bill Clinton, have been impeached. In 1868 President Johnson was found not guilty

by only one vote. President Clinton was impeached in December 1998 on charges that he lied under oath and obstructed justice. The Senate found Clinton not guilty of both charges. In 1974 the threat of impeachment led President Richard M. Nixon to resign from office.

Special Powers

The Constitution gives each house of Congress certain special powers. For example, the House of Representatives must start all bills for raising revenue. The House also has the sole power to impeach public officials. The House chooses the president if no presidential candidate receives enough electoral votes to be elected.

The Senate has four special powers.

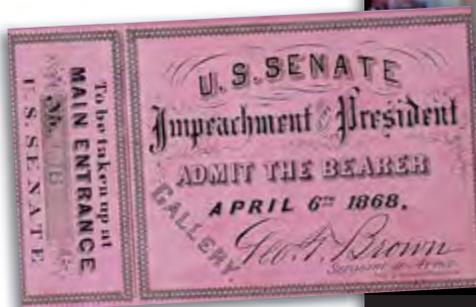
1. All impeachment trials must be held in the Senate.
2. If no vice presidential candidate receives enough electoral votes to be elected, the Senate chooses the vice president.

Linking to Today

Presidential Impeachment Trials

The 1868 impeachment trial of President Andrew Johnson was very public and very political. Johnson's impeachment stemmed from his violation of the Tenure of Office Act—and his unfriendly relationship with Congress. Despite these factors, the Senate adjourned the trial after acquittal votes on the first three of the 11 charges against Johnson.

President Bill Clinton's 1999 impeachment trial also caused a national sensation. As with Johnson, Clinton's relationship with some members of Congress complicated the obstruction of justice and perjury charges against him. Yet public approval ratings of the president remained high during the trial. Soon members of both parties realized that a two-thirds vote to convict was impossible. Clinton was acquitted on February 12.



ANALYSIS SKILL ANALYZING VISUALS

Making Inferences How might Congress's power to impeach sometimes clash with party politics?

3. All treaties, or written agreements, with foreign nations must be approved in the Senate by a two-thirds vote.
4. Certain high officials, such as Supreme Court justices, appointed by the president must be approved in the Senate by a majority vote.

The House is often the more active legislative body. The Senate is said to be the more deliberative and cautious body.

READING CHECK  **Supporting a Point of View**
Which powers of Congress do you think are the most important? Explain your answer.

Limits on Powers

The Constitution places limits on the powers granted to Congress. For example, the Tenth Amendment reserves some powers for the state governments. These reserved powers include the states' authority to regulate and conduct elections, create and administer schools, and

establish marriage laws. The Constitution also specifically forbids Congress from:

- Passing ex post facto laws—laws that apply to actions that occurred before the laws were passed;
- Passing bills of attainder—laws that sentence people to prison without trial;
- Suspending the writ of habeas corpus—removing the right to a court order, called a writ, requiring that a person be brought to court to determine if there is enough evidence to hold the person for trial;
- Taxing exports;
- Passing laws that violate the Bill of Rights;
- Favoring trade of a state;
- Granting titles of nobility; and
- Withdrawing money without a law.

For further explanation of these restrictions, see the U.S. Constitution, pages 53–81.

READING CHECK  **Analyzing Information** Why do you think the Constitution limits the powers of Congress?

SECTION 3 ASSESSMENT

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ONLINE QUIZ

Reviewing Ideas and Terms

1. **a. Define** Write a brief definition for each of the following terms: **implied powers**, **elastic clause**, **impeach**, and **treason**.
b. Compare and Contrast How are the special powers granted to the Senate different than the special powers granted to the House of Representatives?
c. Elaborate Why do you think the Senate must approve of certain high officials appointed by the president?
2. **a. Recall** What types of powers are reserved to the states under the Tenth Amendment?
b. Analyze Information Why do you think Congress is prohibited from taxing exports?
c. Elaborate Why do you think Congress is specifically forbidden from some actions?

Critical Thinking

3. **Categorizing** Using your notes and a chart like the one here, categorize the powers granted to the U.S. Congress.

Special Powers	Limits on Powers

FOCUS ON WRITING

4. **Evaluating** Imagine that you are a Congress member who supports building a new military academy. Write a speech that explains why Congress has the power to set up this academy. Be sure to address the fact that the Constitution does not specify that Congress can do this.

Analyzing Advertisements

SS.7.C.2.9 Evaluate candidates for political office by analyzing their qualifications, experience, issue-based platforms, debates, and political ads.

Learn

Advertisements are all around us—billboards on buses, bumper stickers on cars, and commercials on television or the radio. All of these advertisements have a common goal: to convince you to buy or support something. Manufacturers use advertisements to persuade you to buy their goods. Candidates running for office use ads to ask for your vote. To make a decision about whether to purchase a product or support a candidate, it is important to analyze advertisements carefully.

Practice

- 1 Determine the message.** The purpose of an advertisement is to sell a product, service, or idea, whether a car, a movie, a slogan, or something else. When you view an advertisement, always identify what is being sold.
- 2 Examine the information.** Advertisers often use facts and opinions to persuade us to support their product or idea. The facts might be statistics or evidence from research. Opinions might be

quotes from people familiar with the product or idea. Determine what information can be proven.

- 3 Identify techniques.** Advertisements use different methods to persuade us. Some advertisements appeal to our emotions or try to convince us that everyone supports the product or idea.
- 4 Draw conclusions.** Carefully study the advertisement and the facts presented. Then, ask yourself whether you support the point of view of the advertisement.

Apply

Analyze the political advertisement below carefully. Use the example of an advertisement to answer the questions below.

1. What is the “product” in this advertisement? What techniques does the advertisement use to sway your opinion?
2. What facts does this advertisement present? What opinions does it present?
3. Did this advertisement win your support? Why or why not?

MARIA SANDOVAL



As governor, Maria Sandoval

- raised the minimum wage
- increased health care benefits
- increased funding to our schools

IMAGINE WHAT MARIA SANDOVAL COULD DO IN THE U.S. CONGRESS

The right choice for working Americans!

Political advertisement paid for by Maria Sandoval, candidate for U.S. Congress

Illustrated example of a political advertisement

SECTION 4



SS.7.C.2.12, SS.7.C.2.14, SS.7.C.3.8; SS.7.C.3.9; LA.7.1.6.1; LA.7.1.7.1

How a Bill Becomes a Law

BEFORE YOU READ

The Main Idea

To become a law, a bill goes through a multistage process involving both houses of Congress.

Reading Focus

1. How does a bill begin?
2. How do the House and the Senate consider a bill?
3. In what ways can the president act on the bill?

Key Terms

bill, *p. 148*
appropriation bill, *p. 148*
act, *p. 148*
filibuster, *p. 150*
cloture, *p. 150*
veto, *p. 152*
pocket veto, *p. 152*

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TAKING NOTES
Use the graphic organizer online to take notes on how a bill becomes a law.



If you asked your classmates what single change would improve your school, you might get 20 different ideas. If you asked every student in your school, you would get even more ideas. Some ideas would be better than others. Which idea would you try to put into effect? This is the job of Congress—its members have many ideas for legislation but must decide which ideas deserve to become laws.

How a Bill Begins

SS.7.C.3.9 Illustrate the law making process at the local, state, and federal levels.

A **bill** is a proposed law. Getting a bill passed is a long and difficult process. This careful process helps ensure that the country's laws will be sound ones.

Congress Considers Legislation

Each year the Senate and the House of Representatives consider thousands of bills. A bill can be introduced in either house. The only exception to this rule is an **appropriation bill**, or bill approving the spending of money, which must begin in the House of Representatives. Both the House and Senate must pass the bill. Once passed, the bill can be signed by the president and become a law. A law is also known as an **act**.

Sources of Legislation

Where do the ideas for these bills begin, or originate? Ideas come from several sources, including U.S. citizens, organized groups, congressional committees, members of Congress, and the president.

When a large number of constituents, or citizens of a Congress member's district, requests a law, the Congress member usually listens. If the member of Congress agrees, he or she then introduces a bill that reflects the constituents' ideas.

Sometimes members of Congress introduce bills because certain groups ask them to do so. For example, businesspeople may want to limit competition from industries in other countries. Labor groups may call for laws establishing improved working conditions or higher hourly wages.

Bills can originate from members of Congress themselves. Congress members often become experts in certain fields. A representative who has experience with farming issues, for example, may introduce a bill to fund an agriculture program.

Perhaps the most influential person to introduce a bill is the president. Early in each session, the president appears before a joint



LAW 101



FOUNDATIONS
of DEMOCRACY™

Constitution and Citizenship Day

In 2004 Congress passed a law. It established September 17, the date the Constitution was signed in 1787, as Constitution and Citizenship Day. The law requires all schools that receive federal funds to hold an educational program of their choice about the Constitution on that date.

Why it Matters

This law did not pass through the usual process of introduction, readings, committee review, and floor debate. Instead, Senator Robert Byrd of West Virginia added it as a rider to a 2005 federal appropriations bill. A rider is an amendment to a funding bill. It is used to pass legislation unrelated to the main bill. Opposing and defeating a rider can potentially jeopardize the passage of the original bill.

Most Americans agree that learning about the Constitution is important. Some people argued that in passing the rider, however, Congress used powers reserved to the states by requiring the teaching of a particular topic. Supporters of the rider point out that any schools that do not want to have Constitution Day programs do not have to take federal education funds.



Constitution Day gives students the opportunity to discuss the U.S. Constitution.

ANALYSIS
SKILL

EVALUATING THE LAW

Should members of Congress be allowed to attach riders to funding bills? Explain.

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session of Congress to deliver the State of the Union address. In this speech the president recommends laws that he or she believes are needed to improve the country's well being. Members of Congress who agree with the president soon introduce many of these ideas as bills.

READING CHECK

Summarizing What groups or individuals might come up with ideas for bills?

The House and the Senate Consider the Bill

Any member of either house can introduce a bill. When a bill is introduced, it is

assigned letters and a number, such as HR1215. The letters HR indicate that the bill was introduced in the House of Representatives. The number 1215 indicates the bill's place among all the bills introduced in the House during the current session of Congress. After the bill is introduced, it is printed in the *Congressional Record*. The *Congressional Record* is a publication that covers the daily proceedings of Congress.

The Bill Is Sent to Committee

The bill is then sent to a standing committee. A standing committee is a permanent congressional committee that meets regularly.

Usually the subject of the bill determines which committee will study it. The committee may then refer the bill to a subcommittee for review. Sometimes, a bill is set aside and is never returned to the floor for action. This action effectively kills the bill. If the bill is not set aside, the committee holds hearings on the bill. At the hearings the committee calls witnesses to testify for and against the bill. These witnesses give committee members the information they need to recommend that the bill be accepted, rejected, or changed. After the hearings, the committee may pass the bill without changes, make changes and pass the bill, or vote to kill the bill.

The House Acts on the Bill

In the House, if the committee recommends the bill, it is officially reported out of committee. The bill is sent back to the House of Representatives and placed on the House calendar. The calendar is the schedule that lists the order in which bills have been reported out of committee. However, bills do not usually come to the floor in the same order in which they appear on the schedule. The Speaker of the House determines when or if a bill will reach the floor and where it will be debated.

Before the House begins debate on the bill, the House Rules Committee decides how much time will be given to debate the bill. The time to be spent in debate, or discussion, is divided evenly between supporters and opponents of the bill. House members may offer amendments to the bill, but the amendments must be relevant to the bill.

For the debate on some legislation, the House acts as a Committee of the Whole. This means that all the members act as one large committee. Amendments may be offered, but not always. Debate on each amendment is limited, and then a vote is taken on the amendment. When all discussion is finished and all amendments considered, the bill as a whole is voted on.

A quorum, or majority of the members, must be present in order to do business. When

action has been completed on amendments, the House is ready to vote on the entire bill. In most cases, a majority is needed to pass a bill. If the bill is an important one, a roll-call vote is taken. Each member's name is called, and a record is made of his or her vote. If the bill passes the House, it is then sent to the Senate for consideration.

The Senate Acts on the Bill

Whether a bill is introduced in the Senate or is a bill that has been passed by the House, it goes through the same steps as a bill in the House. The bill is read and is sent to a committee. After committee hearings and any revisions, the bill is sent back to the Senate for a vote.

Unlike members of the House of Representatives, senators usually are not limited in their debate of a bill. In the Senate, speeches may last a long time. To prevent the Senate from taking a vote on a bill, some senators may threaten to talk for many hours, thereby "talking the bill to death." This method of delay is called a **filibuster**. Debate in the Senate, including filibusters, can be limited only if at least three-fifths of the full Senate vote to limit it. The legislative **procedure** for ending debate in the Senate and taking a vote is called **cloture**. After senators finish their debate on the bill, a vote is taken.

The Final Bill Is Sent to the President

When a bill passes the House and Senate in identical form, it is ready to be sent to the president. However, the two houses often pass different versions of the same bill. To reconcile any differences, the bill is sent to a conference committee. A conference committee is made up of an equal number of senators and representatives who work to reach a compromise on the bill. The compromise bill is sent back to both houses, which usually approve the work of the conference committee.

READING CHECK

Summarizing Describe the process that a bill goes through in Congress.

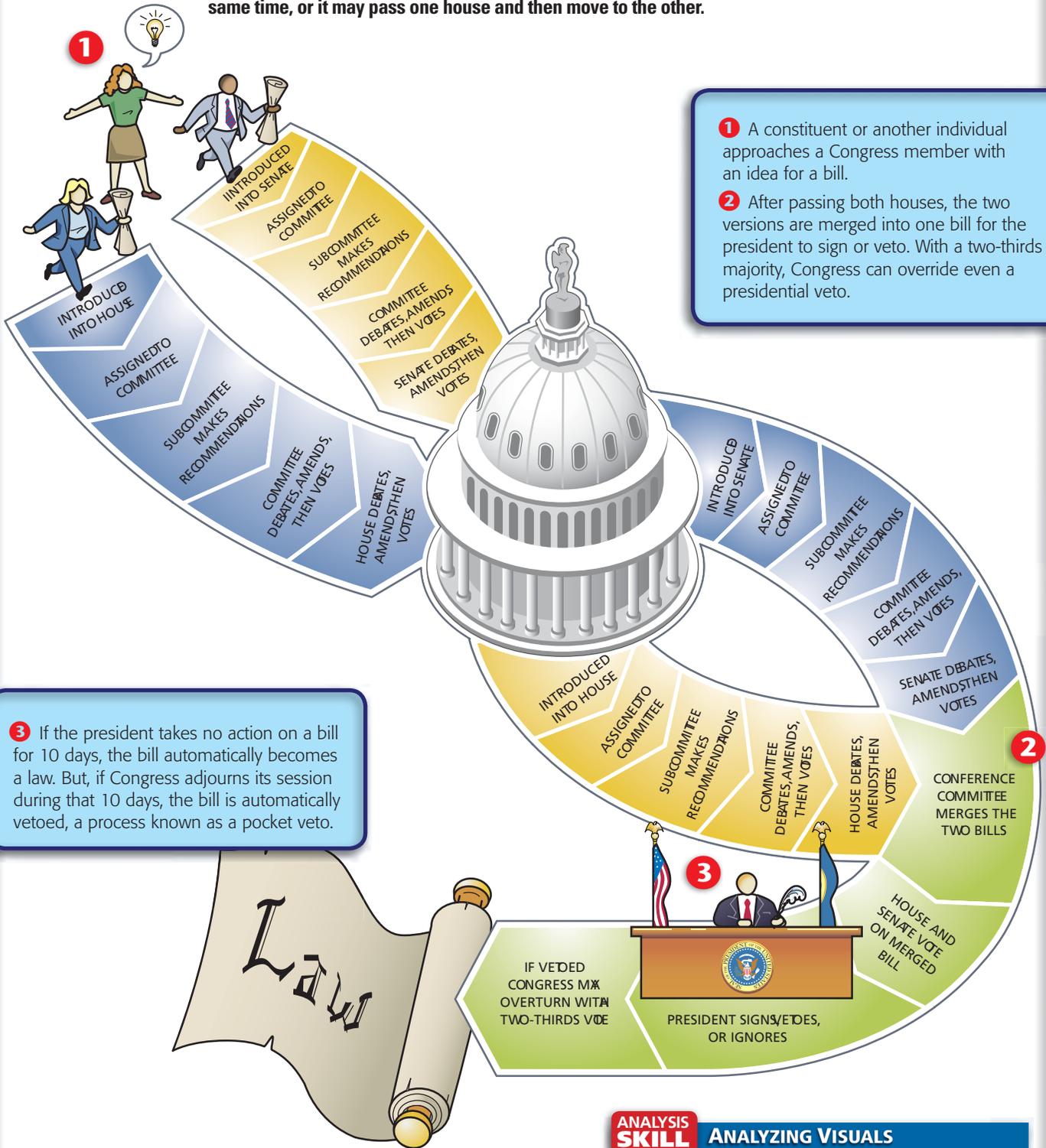
ACADEMIC VOCABULARY

procedure:

a series of steps by which a task is completed

How a Bill Becomes a Law

Every law begins by passing through the House and Senate as a bill. A bill may be introduced into the House and Senate at the same time, or it may pass one house and then move to the other.



ANALYSIS SKILL ANALYZING VISUALS

Why do you think a conference committee is needed to merge the House and Senate bills?

The President Acts on the Bill

Once both houses have agreed upon and passed a final version of a bill, it is sent to the president for approval. The president then may take one of three possible actions on a bill from Congress.

1. The president may sign the bill and declare it to be a law.
2. The president may refuse to sign the bill. Instead, the bill is sent back to Congress with a message giving the president's reasons for rejecting it. This action is called a **veto**.
3. The president may choose to keep the bill for 10 days without signing or vetoing it. If Congress is in session during this 10-day period, the bill becomes a law without the president's signature. However, if Congress is not in session and the president does not sign the bill within 10 days, it does not become a law. Instead, the bill has been killed by a **pocket veto**. Presidents do not use the pocket veto often.

Congress has the power to pass a bill over a presidential veto by a two-thirds vote of both houses. However, it is usually difficult to obtain the necessary votes to override a presidential veto. If Congress thinks that there is strong public support for a bill, it may vote to override the president's veto.

Often the president is the nation's chief legislator, even though he or she is not a member of the legislative branch. A president generally has programs that he or she wants to pass, so the president can greatly influence the legislature's agenda. The president may offer legislation, and then request, suggest, or even demand that Congress pass it.

The long and involved process of making laws may seem slow. Yet it does provide a means of making necessary laws while at the same time preventing hasty legislation. The process ensures that bills signed into law are important and useful.

READING CHECK

Drawing Conclusions

Why is it important for the president to have final approval over congressional legislation?

SECTION 4 ASSESSMENT



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ONLINE QUIZ

Reviewing Ideas and Terms

1. **a. Define** Write a brief definition for each of the following terms: **bill**, **appropriation bill**, and **act**.
b. Summarize What are four sources of ideas for bills?
2. **a. Define** Write a brief definition for each of the following terms: **filibuster** and **cloture**.
b. Draw Inferences and Conclusions Why is it necessary for a bill to be considered by a committee?
c. Defend a Point of View Do you think the process of making laws is too long and involved? Explain your answer.
3. **a. Define** Write a brief definition for the terms **veto** and **pocket veto**.
b. Summarize Explain the actions that the president can take on a bill.

Critical Thinking

4. **Sequencing** Using your notes and a graphic organizer like this one, identify the steps in the process of passing a bill into law.



FOCUS ON WRITING

5. **Sequencing** Imagine that you are a senator who has been invited to visit a school classroom. Write a presentation on how citizens can become involved in the process of recommending new laws.

STUDENTS TAKE ACTION



Stopping Pill Mills

Students at Hialeah Gardens Middle School in Hialeah, Florida, heard about the growing problem of so-called pill mills. So they decided to do something about it. They gathered information on the issue, testified before the Florida House of Representatives Health Care Regulation Policy Committee, and helped pass new legislation to restrict pill mills in Florida.

Community Connection According to media reports and police, pain clinics in Florida known as pill mills distribute millions of narcotic pills to people each month. They cater to drug dealers and addicts across the Southeast. State officials say that nine people a day die in Florida from prescription drug overdoses. This is more than from illegal drugs. Stronger legislation was needed to curb this growing problem.

Taking Action The students contacted different legislators to sponsor their bill. In the Florida House, representatives Joseph Abruzzo and Esteban Bovo agreed to help. In the Senate, Senator Dave Aronberg joined the cause. The students met with these public officials. They met with the Florida Health Department, the FBI, the Broward County Sheriff's office, the Office of Drug Control, and Florida lieutenant governor Jeff Kottkamp. After traveling to Tallahassee to testify, the students followed the bill on the Florida legislature's online site. Students could watch the legislative session, see amendments filed, and see the official votes. "The kids were going crazy," said Jackie Viana, their teacher. "We watched it [online]. It was so much work to get this passed." On the last day of the session the House and Senate passed the pill mill legislation. Governor Charlie Crist signed it into law. Soon after that the students got an e-mail from a reporter. It simply said, "You did it!" The students were also recognized by the Florida Drug Enforcement Administration and their local police.



Hialeah Gardens Middle School students took action to get the Florida legislature to pass laws preventing pill mills.

SS.7.C.2.12 Develop a plan to resolve a state or local problem by researching public policy alternatives, identifying appropriate government agencies to address the issue, and determining a course of action.

SERVICE LEARNING



1. What course of action did the Hialeah students take to combat pill mills?
2. Identify an issue challenging your state or local community and develop a course of action to resolve the issue. Be sure to research any relevant public policy alternatives and identify the appropriate government agencies to address your issue.

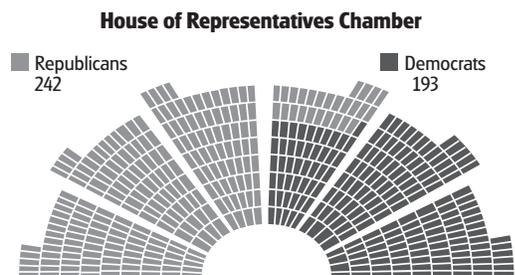
hmhsocialstudies.com **ACTIVITY**

CHAPTER 5 REVIEW



FLORIDA CIVICS EOC PRACTICE

1. The diagram below illustrates the House of Representatives.



Which of the following best summarizes the diagram?

- A. Most representatives do not belong to a political party.

- B. The House is evenly divided between Republicans, Democrats, and Undecideds.

- C. The Republicans have a simple majority.

- D. The Democrats have a two-thirds majority.

2. What term refers to re-drawing congressional district boundaries to favor a particular political party?

- A. gerrymandering

- B. censure

- C. impeaching

- D. apportionment

Reviewing Key Terms

For each term below, write a sentence explaining its significance to the legislative branch of the U.S. government.

- bicameral legislature
- apportioned
- gerrymandering
- immunity
- expulsion
- censure
- sessions
- caucuses
- president pro tempore
- whip
- Speaker of the House
- implied powers
- elastic clause
- impeach
- treason
- bill
- appropriation bill

18. act

19. filibuster

20. cloture

21. veto

22. pocket veto

Comprehension and Critical Thinking

SECTION 1 (Pages 136–139)

23. **a. Summarize** What is the difference between the way a state is represented in the House of Representatives and the way it is represented in the Senate?

- b. Supporting a Point of View** Which part of Congress, the House or the Senate, do you think is more important? Explain your answer.

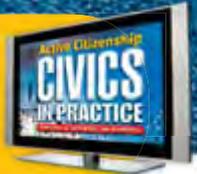
SECTION 2 (Pages 140–142)

24. **a. Recall** What are the jobs of the floor leader and the whip in the legislative process?

- b. Elaborate** Why is most of the work of Congress done through committees?

Active Citizenship video program

Review the video to answer the closing question:
How can students in particular influence certain parts of the legislative process?



SECTION 3 (Pages 143–146)

25. **a. Describe** What is the difference between Congress's delegated and implied powers, and what does this have to do with the elastic clause?
- b. Explain** What special powers does each house of Congress have, and why do you think each house has separate powers?

SECTION 4 (Pages 148–152)

26. **a. Recall** How do bills become laws, and what can the president do with a bill passed by Congress?
- b. Compare and Contrast** What are the advantages and disadvantages of having Congress follow a lengthy and complex lawmaking process?

Civics Skills

Analyzing an Advertisement Review the advertisement below. Then answer the question that follows.

MARIA SANDOVAL
As governor, Maria Sandoval

- raised the minimum wage
- increased health care benefits
- increased funding to our schools

IMAGINE WHAT MARIA SANDOVAL COULD DO IN THE U.S. CONGRESS
The right choice for working Americans!
Political advertisement paid for by Maria Sandoval, candidate for U.S. Congress

27. What is the purpose of this ad?
- To convince voters to support increased funding for schools
 - To encourage voters to elect Maria Sandoval to Congress
 - To convince voters to support Maria Sandoval for governor
 - To convince voters not to elect Maria Sandoval
28. What does the phrase “The right choice for working Americans” mean? Give reasons for your answer.

Reading Skills

Analyzing Causes and Effects Use the Reading Skills taught in this chapter to answer the question about the reading selection below.

The framers of the Constitution wanted to make sure that both small and large states would be fairly represented. So they created a bicameral legislature, a lawmaking body of two houses. Membership in the House of Representatives is based on state population. In the Senate, each state is represented equally.

29. According to the passage above, what is a cause of the structure of the legislative branch of the U.S. government?
- the House of Representatives
 - the Senate
 - small states and large states
 - the desire for fair representation

Using the Internet

30. **Understanding Congress** Congress makes decisions that affect not only national and world affairs, but also your life, your school, and your community. Who is making these decisions? Through your online textbook, compare and contrast the roles, requirements, and powers of both houses of Congress. Then create a diagram to present your information.

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FOCUS ON SPEAKING

31. **Writing a Persuasive Speech** First, decide whether you will deliver your speech about your legislation that protects students from bullying at a committee hearing or on the floor of the House. Then write a three-paragraph persuasive speech to your colleagues. Remember that you want the press and the public to know what you are proposing, too.



FLORIDA...

The Story Continues

CHAPTER 6, The Executive Branch

PEOPLE

1993: Janet Reno. Floridian Janet Reno has devoted her life to law and public service. As staff director of the Judiciary Committee of the Florida House of Representatives, she helped revise the Florida court system. In 1993, she became the first woman Attorney General of the United States. She served under President Bill Clinton. Reno was responsible for enforcing national policies on crime, race relations, immigration, and other legal issues affecting many aspects of American life. She was inducted into the National Women’s Hall of Fame in October 2000.

PLACES

1946–1952: Little White House. The “Little White House” in Key West was the winter White House for President Harry S. Truman for 175 days during 11 visits between 1946 and 1952. Truman first visited the home in November 1946. He was exhausted after a demanding 19 months in office. He loved Key West so much he promised to return regularly—and did so. Six other American presidents—including Dwight D. Eisenhower and John F. Kennedy—have also used the house, both as a retreat and as a summit meeting location.

PEOPLE

1967: Alan Stephenson Boyd. Jacksonville native Alan Stephenson Boyd was the first U.S. Secretary of Transportation. He was appointed by President Lyndon B. Johnson in 1967. As secretary, Boyd worked on airport modernization, air traffic control requirements, and auto safety standards for driver education and alcoholism. After his term ended, Boyd became president of the Illinois Central Railroad, and then of Amtrak.

EVENTS**1869: President Andrew Johnson pardons Samuel Mudd.**

Samuel Alexander Mudd was the Maryland physician who aided Abraham Lincoln's assassin, John Wilkes Booth. Mudd was imprisoned at Fort Jefferson in the Florida Keys. A yellow fever outbreak caused many deaths at the prison, including the prison doctor. Mudd was allowed to take over as doctor of the prison during the yellow fever outbreak. He quelled the fever and stopped the deaths in the prison. The soldiers at Fort Jefferson urged then-President Andrew Johnson to pardon Mudd for his work. Johnson did so in 1869.

EVENTS**1819: Adams-Onís Treaty.**

The 1819 Adams-Onís Treaty gave Florida to the United States. It also established a boundary between the U.S. and New Spain (present-day Mexico). Because of trouble with the Seminole Indians, the U.S. army was already a strong presence in the territory. Spanish

foreign minister Luis de Onís faced the possibility of losing Florida with no compensation at all. He negotiated the treaty with Secretary of State John Quincy Adams. Under the treaty, the U.S. agreed to pay its citizens' claims against Spain up to \$5 million.

PEOPLE**2011: Carol Browner.**

Carol Browner is a lawyer, environmentalist, and businesswoman. Until January 2011, she headed the White House Office of Energy and Climate Change Policy for the Obama administration. She previously served under President Bill Clinton as EPA administrator. Browner grew up in Florida. She graduated from the University of Florida and that university's College of Law.



Unpacking the Florida Standards <...>

Read the following to learn what this standard says and what it means. See FL8-FL20 to unpack all the other standards related to this chapter.

Benchmark SS.7.C.3.13 Compare the constitutions of the United States and Florida.

What does it mean?

Discuss the similarities and differences between the U.S. Constitution and the Florida Constitution. Go to Chapter 3, The United States Constitution, and Chapter 8, State Government, for help.



CHAPTER 6

THE EXECUTIVE BRANCH

Essential Question What are the main functions and powers of the executive branch?



Florida Next Generation Sunshine State Standards

SS.7.C.1.7 Describe how the Constitution limits the powers of government through separation of powers and checks and balances.

SS.7.C.3.3 Illustrate the structure and function (three branches of government established in Articles I, II, and III with corresponding powers) of government in the United States as established in the Constitution.

SS.7.C.3.8 Analyze the structure, functions, and processes of the legislative, executive, and judicial branches.

SS.7.C.3.13 Compare the constitutions of the United States and Florida.

SS.7.C.4.1 Differentiate concepts related to United States domestic and foreign policy.

LA.7.1.6.1 The student will use new vocabulary that is introduced and taught directly.

LA.7.1.7.1 The student will use background knowledge of subject and related content areas, prereading strategies, graphic representations, and knowledge of text structure to make and confirm complex predictions of content, purpose, and organization of a reading selection.

LA.7.1.7.3 The student will determine the main idea or essential message in grade-level or higher texts through inferring, paraphrasing, summarizing, and identifying relevant details.

SECTION 3 Executive Departments and the Cabinet



H
HISTORY



Barack Obama

hmsocialstudies.com VIDEO

WHY CIVICS Matters

On January 20, 2009, Barack Obama became the 44th president of the United States and the first African American to hold that office. More than 1 million people gathered in Washington, D.C., to attend his inauguration.



STUDENTS TAKE ACTION

PROMOTING RECYCLING Many recycling centers in Massachusetts had closed because they were not making enough money. A group of students figured out ways to make recycling profitable again, and proposed changes that will put these recycling centers back in business. What can you do in your community to promote or expand recycling efforts?

FOCUS ON WRITING

A CHARACTER SKETCH What qualifications and characteristics must a man or woman have to hold the highest office in our country? As you read this chapter, take notes on the duties and responsibilities of the president. Think about the types of skills and knowledge a person must have to do the job well.

Reading Skills

In this chapter you will read about the executive branch of the federal government, which is responsible for carrying out the country's laws. You will learn about the qualifications and election of the president, who is the head of the execu-

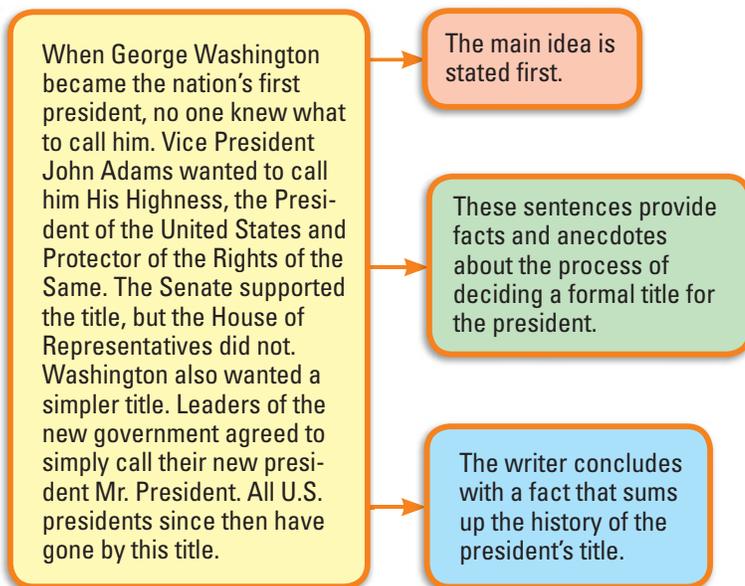
tive branch. You will learn about the powers and roles of the president and the 15 executive departments. Finally, you will read about the independent agencies and other departments that assist the executive branch.

Supporting Facts and Details



Main ideas and big ideas are just that, ideas. How do we know what those ideas really mean?

Understanding Ideas and Their Support A main idea or big idea may be a kind of summary statement, or it may be a statement of the author's opinion. Either way, a good reader looks to see what support—facts and various kinds of details—the writer provides. If the writer does not provide good support, the ideas may not be trustworthy. Notice how the passage below uses facts and details to support the main idea.



Helpful Hints for Identifying Supporting Facts and Details

1. Look for **facts and statistics**. Facts are statements that can be proved. Statistics are facts in number form.
2. Watch for **examples**, specific instances that illustrate the facts.
3. Recognize **anecdotes**, brief stories that help explain the facts.
4. Watch for **definitions**, explanations of unusual terms or words.
5. Look for **comments from experts or eyewitnesses**, statements that help support the reasons.



LA.7.1.7.3



You Try It!

The following passage is from the chapter you are about to read. Read it and then answer the questions below.

Department of State

Foreign policy is the special responsibility of the Department of State. The secretary of state heads a large staff of officials who represent the United States around the world. Ambassadors are the highest-ranking U.S. representatives in foreign countries. The official residence and offices of an ambassador in a foreign country are called an embassy. A consul represents U.S. commercial interests in foreign countries.

*From Chapter 6
p. 169*

After you have read the passage, answer the following questions.

- Which sentence best states the writer's main idea?
 - A consul represents U.S. commercial interests in foreign countries.
 - Ambassadors are the highest-ranking U.S. representatives in foreign countries.
 - Foreign policy is the special responsibility of the Department of State.
- Which method of support is not used to support the main idea?
 - facts
 - definitions
 - anecdotes
- Which sentence in this passage provides an example?

As you read Chapter 6, notice what kinds of supporting facts and details help you understand the big ideas.

KEY TERMS

Chapter 6

Section 1

presidential succession (p. 162)

Section 2

State of the Union Address (p. 164)

foreign policy (p. 165)

diplomacy (p. 166)

treaties (p. 166)

reprieve (p. 166)

pardon (p. 166)

commutation (p. 166)

Section 3

secretary (p. 168)

attorney general (p. 169)

ambassadors (p. 169)

embassy (p. 169)

consul (p. 169)

consulate (p. 169)

passports (p. 169)

visas (p. 169)

Joint Chiefs of Staff (p. 169)

Department of Homeland Security (p. 170)

Section 4

independent agencies (p. 171)

regulatory commission (p. 172)

bureaucracy (p. 173)

Academic Vocabulary

Success in school is related to knowing academic vocabulary—the words that are frequently used in school assignments and discussions. In this chapter, you will learn the following academic words:

role (p. 162)

neutral (p. 166)

distinct (p. 168)

established (p. 172)

SECTION 1



SS.7.C.3.3; SS.7.C.3.8; LA.7.1.6.1; LA.7.1.7.1

The Presidency

BEFORE YOU READ

The Main Idea

The president and the vice president are required to have certain qualifications.

Reading Focus

1. What are the qualifications and terms of office for the presidency?
2. What are the duties of the vice president?
3. What are the rules of succession for the presidency?

Key Terms

presidential succession, p. 162

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TAKING NOTES

Use the graphic organizer online to take notes on the qualifications to be president, the vice president's duties, and presidential succession.



Barack Obama celebrated his victory in the 2008 presidential election with his supporters in Chicago's Grant Park. He is pictured here with his wife, Michelle, and their daughters, Sasha and Malia (left to right).

SS.7.C.3.8 Analyze the structure, functions, and processes of the legislative, executive, and judicial branches.



The U.S. president is our highest elected official and is one of the most powerful persons in the world.

The Presidency

Who can become president? The Constitution sets forth only three qualifications that the president of the United States must meet. The president must

1. be a native-born U.S. citizen;
2. be at least 35 years of age; and
3. have been a resident of the United States for at least 14 years.

As stated by the U.S. Constitution, the president is elected to a four-year term. However, the Constitution did not originally specify how many terms the president could serve. In fact, many people urged George Washington to run for a third term. He refused to do so and thereby set the precedent of a two-term limit. No one broke this two-term tradition until Franklin D. Roosevelt was elected to a third term as president in 1940. In 1944 he won a fourth and final term. In 1951 the passage of the Twenty-second Amendment set a two-term limit to the presidency.

The president is paid a salary of \$400,000 a year, plus a \$50,000 nontaxable allowance, plus an annual allowance for travel costs. What kind of person has taken the job of president? So far, all the people who have been elected president have shared similar traits. Until 2008, all had been white men. Most have been Christian. Most presidents have attended college. Many have been lawyers, and most have held other state or national political offices before becoming president.

Recently, though, more women and members of minority groups have run for president. In 2004 African Americans Carol Moseley Braun and the Reverend Alfred C. “Al” Sharpton sought the Democratic Party’s nomination. In 2008 Senator Barack Obama of Illinois made history when he became the first African American to be elected president of the United States, as the Democratic nominee. Also in 2008 Sarah Palin, a Republican, became the second woman to run for vice president on a major-party ticket.

READING CHECK

Summarizing What qualifications does the Constitution require of the president of the United States?

The Vice Presidency

For much of the country’s history, a vice president had very little to do. What are the responsibilities of the modern vice president? One very important responsibility is to serve as president if the president dies, leaves office, or is unable to fulfill his or her duties. Eight presidents have died while in office, and one president resigned. In each case, the vice president was sworn in as president. The vice president also serves a four-year term and must meet the same constitutional qualifications as the president. The vice president receives a salary of \$208,100 a year, plus a \$10,000 taxable expense allowance.

The vice president has only one other job defined in the Constitution—to preside over the Senate. However, the vice president is not a member of the Senate. He or she cannot take part in Senate debates and may vote only in the case of a tie.

In recent years, presidents have given their vice presidents more responsibilities than those described by the Constitution.

Linking to Today

Modern Vice Presidents

In the first three U.S. presidential elections, vice presidents had little responsibility, outside of breaking tie votes in the Senate. As Thomas Jefferson once described the position, “a more tranquil and unoffending station could not have been found.”

In the last 100 years, as the job of vice president has become more complex, the relationship between the president and the vice president has changed. Vice presidents now attend cabinet meetings regularly, serve on the National Security Council, and take a visible role in domestic and foreign policy.



ANALYSIS SKILL

ANALYZING VISUALS

In today’s world, what are three ways a vice president might assist the president?

ACADEMIC VOCABULARY

role: a part or function

Presidents often send their vice presidents to represent the United States overseas. Vice presidents usually work closely with the president in order to be fully informed on the issues. For example, Vice President Dick Cheney had an important **role** on President

Bush's team. He became involved in developing policy and in gathering support for the president's programs.

READING CHECK

Contrasting How have vice presidential duties changed in recent years?

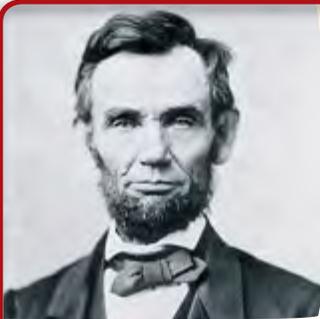
The Rules of Succession

The president's death or resignation means the vice president succeeds. The Twenty-fifth Amendment to the Constitution provides that the new president nominates a new vice president. That nomination must be approved by a majority vote of both houses of Congress.

If both the president and the vice president die or leave office, the Twentieth Amendment gives Congress the power to set the order of **presidential succession**. The Speaker of the House of Representatives is first in line for the office. The Speaker is followed by the president pro tempore of the Senate and then the members of the president's cabinet in the order in which their departments were created.

READING CHECK

Summarizing What is the order of presidential succession?



FOCUS ON Abraham Lincoln (1809–1865)

Abraham Lincoln is one of the great symbols of American democracy. Lincoln did not have a formal education. He taught

himself at home. He became a lawyer and settled in Springfield, Illinois, where he began his political career. Lincoln was elected president in 1860. Lincoln once said, "A house divided against itself cannot stand." Lincoln led the nation through the Civil War. In 1863, he issued the Emancipation Proclamation. It freed slaves in the rebelling states of the South. Following the war he supported the Thirteenth Amendment, which abolished slavery. At age 56, Lincoln's life was cut short by an assassin.

Make Inferences Why might Lincoln be considered one of the great symbols of American democracy?

SECTION 1 ASSESSMENT

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ONLINE QUIZ

Reviewing Ideas and Terms

- a. Recall** What are the three qualifications a person must meet to become president of the United States?

b. Summarize What characteristics have many presidents shared?
- a. Summarize** What are the roles of the vice president as defined by the Constitution?

b. Draw Inferences and Conclusions Why do you think presidents, in recent years, have given vice presidents more responsibilities?
- a. Define** Write a brief definition for the term **presidential succession**.

b. Summarize If the president dies or resigns, who succeeds to the job?

Critical Thinking

- Sequencing** Use a graphic organizer like this one to show the qualifications to be president, the duties of the vice president, and the order of presidential succession.



FOCUS ON WRITING

- Making Generalizations and Predictions** Write a two-paragraph essay describing the advantages and disadvantages of the Twenty-second Amendment.

STUDENTS TAKE ACTION

PROJECT Citizen



Promoting Recycling

“I like helping out with problems,” said Caroline Doan, a student from Quabbin Regional Middle School in western Massachusetts. She and fellow Project Citizen students, supported by teachers Erin Stevens and Todd D. Stewart, have indeed worked hard to solve problems affecting recycling in their state. The class even received input on their ideas from a key representative of the state executive branch.

Community Connection The teens researched recycling efforts. They found that hundreds of bottle and can redemption centers had closed. The centers did not make enough money. The students determined that raising the handling fee would make centers more profitable. This move would also allow the centers to hire more employees to sort recyclable items. Consumers wouldn’t have to do the sorting.

Taking Action The students contacted public officials to answer questions and give them advice on their proposal. Lieutenant Governor Kerry Healey came to visit the students. He answered questions about the issue. Following the lieutenant governor’s advice, the students prepared a bill. It would increase the handling fee that drink distributors pay to redemption centers from 2.25 cents per bottle or can to 3 cents. After obtaining a sponsor in the state Senate, the class members went to the capital to present their bill. Then the state House of Representatives filed its own similar bill. The students had support from the governor’s office and both houses of the legislature.



Senator Stephen M. Brewer discusses recycling plans with Project Citizen students.

SERVICE LEARNING

21ST CENTURY

1. What specific environmental problem did the students identify in their community?
2. How did the students go about convincing the legislature to support their idea? How did support from the state executive branch help their cause?

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Powers and Roles of the President

BEFORE YOU READ

The Main Idea

The powers and roles of the U.S. president affect not only the citizens of the United States but also people throughout the world.

Reading Focus

1. What are some of the leadership roles of the president?
2. What powers does the president have?

Key Terms

State of the Union Address, *p. 164*
 foreign policy, *p. 165*
 diplomacy, *p. 166*
 treaties, *p. 166*
 reprieve, *p. 166*
 pardon, *p. 166*
 commutation, *p. 166*

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TAKING NOTES
 Use the graphic organizer online to take notes on the powers of the president.



Ancient kings had absolute, or total, power. What they wished became law. The framers of the Constitution wanted a strong president but not one with unlimited power. As commander in chief, for example, the president can send troops to trouble spots outside the country. However, Congress must approve the action. The president can nominate a justice to the Supreme Court, but Congress must approve the appointment. In this manner, executive power is balanced by legislative power.

The President's Roles

The Constitution states that “the executive power shall be vested in [given to] a President of the United States of America.” This power applies to several areas of the government, including the military and foreign policy.

Legislative Leader

The president recommends, or suggests, new laws to Congress. Every year the president delivers a **State of the Union Address** to

Congress. This televised speech is usually presented in late January. It sets forth the programs and policies that the president wants Congress to put into effect as laws. These programs and policies usually address the country’s most pressing concerns. The president also sends Congress a budget proposing how the federal government should raise and spend money. In this budget, the president recommends laws and programs to help the economy. The legislature takes the president’s budget plan into account at budget time.

The president also influences Congress by indicating what legislation he or she does not want. One powerful way for the president to do this is by using the veto. This tactic is so effective that just the threat of a presidential veto often discourages Congress from passing a bill. It takes a two-thirds vote of both houses of Congress to override a veto, or pass a bill after the president has vetoed it.

SS.7.C.3.8 Analyze the structure, functions, and processes of the legislative, executive, and judicial branches.

The Constitution and the Presidency

What do you want to be when you get older? Have you thought about becoming a teacher, a movie star, or the chief of police? Maybe you'd like to become president!

Why it Matters

In the United States, you do not have to be born into a wealthy, famous, or powerful family to become president. Article 2, Section 1 of the Constitution lists only three requirements. The candidate must be at least 35 years old, must have been born in the United States, and must have lived in this country for at least 14 years.

Past presidents have had very varied backgrounds. Abraham Lincoln split fence posts and worked in a store before he became a lawyer and held elected office. Harry Truman was a farmer and a store owner. Woodrow Wilson was a college professor, and Ronald Reagan was an actor.



Ronald Reagan, U.S. president from 1981 to 1989, was a TV and movie actor before he went into politics.

ANALYSIS SKILL

EVALUATING THE LAW

Do you think that being a natural-born citizen should still be a requirement for being president? Explain.

hmhsocialstudies.com ACTIVITY

Commander in Chief

The president is the head, or commander in chief, of the U.S. armed forces. This means that all military officers, during war or in peacetime, ultimately answer to the president. The president is also in constant contact with U.S. military leaders and has the final say in planning how a war is to be fought.

Under the Constitution, only Congress can declare war. However, the president may send forces to any part of the world where U.S. interests are threatened. Presidents have sent troops into action in foreign lands many times in U.S. history. However, this power is limited. Congress passed the War Powers Resolution in 1973. This act requires that the president recall troops sent abroad within 60 days,

unless Congress approves the action. The 60 days may be extended to 90 days if necessary to ensure the safe removal of U.S. troops.

Foreign Policy Leader

The president must give constant attention to U.S. foreign policy. **Foreign policy** is the government's plan for interacting with the other countries of the world. The actions of the United States affect nations everywhere. The actions of many other countries may also strongly impact the United States. Because of this, the president tries to secure friendly relations with foreign countries while preserving national security.

The president appoints diplomats to represent the U.S. government in foreign countries.

SS.7.C.4.1
Differentiate concepts related to United States domestic and foreign policy.

ACADEMIC VOCABULARY

neutral: unbiased, not favoring either side in a conflict

The president also meets with leaders and representatives of other countries in the United States, in the officials' home nations, and at **neutral** locations. The art of interacting with foreign governments is called **diplomacy**. A president's visits to foreign countries builds international friendship and security, and promotes U.S. interests. And no matter where the president is, he or she has immediate access to a powerful and sophisticated communications system that provides the connections with other governments whenever necessary.

The U.S. government also makes written agreements, called **treaties**, with other countries. Many officials work to reach these agreements. The president, however, assumes the final responsibility for the agreements. All treaties must be made with the advice and consent of the Senate. The Senate must approve a treaty by a two-thirds vote before it becomes effective. The president then makes sure that the treaty is carried out.

READING CHECK

Evaluating How can the president influence legislation, the military, and foreign policy?

More Presidential Powers

The Constitution also gives the president the power to appoint Supreme Court justices and other federal judges. Some presidents, such as President Bush in 2005, have the rare opportunity to name two justices in the same year. Under our system of checks and balances, these judicial appointments must be confirmed by a majority vote of the members of the Senate.

In addition, the president has the power to grant reprieves and pardons to those who have committed certain federal crimes. A **reprieve** postpones the carrying out of a person's sentence. If the president believes that a person has been wrongly convicted of a crime, received punishment that was too harsh, or has reformed, the president can issue a pardon. A **pardon** forgives a person for his or her crime and eliminates the punishment. The president also has the power of **commutation**, reducing a person's sentence.

READING CHECK

Contrasting What is the difference between a pardon and a commutation?

SECTION 2 ASSESSMENT



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ONLINE QUIZ

Reviewing Ideas and Terms

- a. Define** Write a brief definition for the following terms **State of the Union Address**, **foreign policy**, **diplomacy**, and **treaties**.
b. Summarize What different military powers do the president and Congress have?
- a. Define** Write a brief definition for the terms **reprieve**, **pardon**, and **commutation**.
b. Summarize What are some of the judicial powers held by the president?

Critical Thinking

- 3. Categorizing** Copy the graphic organizer to the right. Use it to explain the duties that accompany each presidential role.

Presidential Role	Duty
Legislative leader	
Commander in chief	
Foreign-policy leader	
Chief of state	
Judicial powers	

FOCUS ON WRITING

- 4. Problem Solving** Using the president's State of the Union Address as a model, write a State of the School Address. In your speech, identify some of the challenges facing your school, suggest possible solutions, and provide a plan to resolve them.

Evaluating Internet Resources

Learn

The Internet provides a wealth of information. With the help of a search engine, you can learn about anything from the fall of the Roman Empire to the powers granted to the American president.

The Internet is a useful reference source that you can use anywhere there is a computer and online access. However, you need to be aware that not all Internet references are sources you can trust. Almost anyone can create a Web page and fill it with information. When using the Internet, you need to practice identifying reliable and unreliable sources of information.

Practice

1 Determine the source. Trusted Internet sources include online reference books, such as encyclopedias, and government Web pages. A good source always identifies a knowledgeable author or a known producer. While someone's personal Web site might provide interesting information, it might not be reliable.

2 Pay attention to content. A good Internet source will present the facts and not try to influence a reader toward a particular point of view. It also will present references for its information and links to relevant sites.

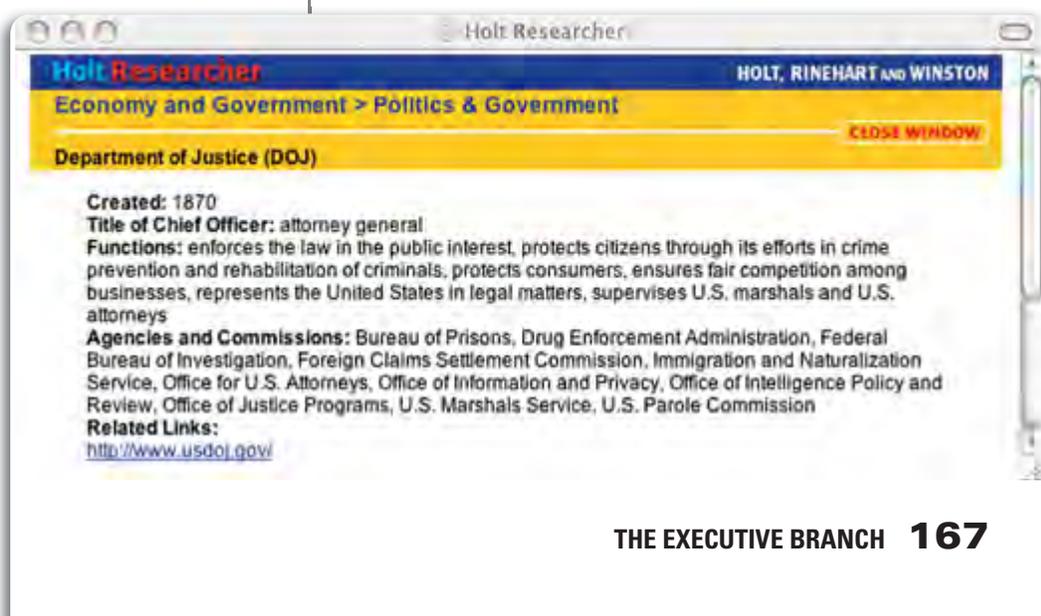
3 Check the date. Most Internet pages indicate at the bottom of the page when they have been updated. Use this date to make sure the Web site contains timely information.

4 Think about quality. If a page is messy or includes mistakes in grammar or spelling, the author may not be reliable. It is likely a personal Web site, which is a limited source of information.

Apply

Answer the following questions by looking at the Internet page.

1. Would you consider this page a good source of general information about the Department of Justice? What makes it a good source?
2. Of what use is the <http://www.usdoj.gov> link? What kind of information did you find there?
3. Look at the Web page below. What makes it reliable or unreliable? What are the questions you would raise about this site?



SECTION 3



SS.7.C.3.3; SS.7.C.3.8; SS.7.C.3.13, SS.7.C.4.1; LA.7.1.6.1; LA.7.1.7.1

Executive Departments and the Cabinet

BEFORE YOU READ

The Main Idea

The executive branch of the U.S. government is divided into several departments, each of which has certain duties.

Reading Focus

1. What is the Executive Office of the President, and what is the cabinet?
2. What are the purposes of the Department of State and the Department of Defense?
3. What are the other executive departments in the federal government?

Key Terms

secretary, *p. 168*
attorney general, *p. 169*
ambassadors, *p. 169*
embassy, *p. 169*
consul, *p. 169*
consulate, *p. 169*
passports, *p. 169*
visas, *p. 169*
Joint Chiefs of Staff, *p. 169*
Department of Homeland Security, *p. 170*



Use the graphic organizer online to take notes on the executive departments and their responsibilities.



If you have a tough decision to make, it often helps to get advice from someone—a parent or a teacher—who might know more about the issue or who can provide a different point of view. Likewise, the president has people who can help with those tough decisions.

The Executive Office and the Cabinet

The president has a group of close advisers and aides known as the Executive Office of the President. Because of the complexity and scope of current issues, the president needs many advisers who are specialists in certain areas. For example, the president's top-ranking group of advisers on matters concerning defense and security is called the National Security Council (NSC).

The White House Office falls under the Executive Office of the President. It includes

the president's closest personal and political advisers, and a press secretary who represents the president to the news media and to the public. This office also includes researchers, clerical staff, secretaries, and other assistants. They schedule appointments and write speeches. They also help maintain good relationships with Congress and with other departments of the executive branch.

The executive branch under George Washington initially had three departments. The heads of these departments formed the president's cabinet. In 2010 there were 15 departments in the executive branch. Each has a **distinct** area of responsibility. The chart on the next page shows the names of each executive department. The president appoints the members of the cabinet. However, the Senate must approve these appointments by a majority vote.

The title of most cabinet members is **secretary**. For example, the head of the

ACADEMIC VOCABULARY

distinct: separate

The Cabinet and the President



Cabinet members, plus the vice president, act as the president's official advisory group. The president appoints members of the cabinet and the Senate must confirm them.

Cabinet Departments			
Department of Agriculture	Department of the Interior	Department of Commerce	Department of Justice
Department of Defense	Department of Labor	Department of Education	Department of State
Department of Energy	Department of Transportation	Department of Health and Human Services	Department of the Treasury
Department of Homeland Security	Department of Veterans Affairs	Department of Housing and Urban Development	<i>The president may create new cabinet seats at any time.</i>

Department of State is called the secretary of state. The head of the Department of the Treasury is called the secretary of the treasury. The head of the Department of Justice, however, is known as the **attorney general**.

READING CHECK

Recalling Who makes up the president's cabinet?

Departments of State and Defense

Two very important departments are those of State and Defense. Both help maintain U.S. relations with the rest of the world.

Department of State

Foreign policy is the special responsibility of the Department of State. The secretary of state heads a large staff of officials who represent the United States around the world. **Ambassadors** are the highest-ranking U.S. representatives in foreign countries. The official residence and offices of an ambassador in a foreign country are called an **embassy**. A **consul** represents U.S. commercial interests in foreign countries. A U.S. consul's office, or **consulate**, can be found in most large foreign cities.

At home the Department of State's duties include keeping track of people traveling to and from the United States. One way it does this is by issuing documents known as passports and visas. **Passports** are formal documents that allow U.S. citizens to travel abroad. **Visas** allow foreigners to come to the United States.

Department of Defense

The Department of Defense is in charge of the nation's armed forces. It operates hundreds of military bases in the United States and in other nations. Aside from military action, U.S. armed forces are used in relief efforts when other countries suffer from a natural disaster, such as the tsunami that devastated several southern Asian countries in 2004.

The secretary of defense is always a civilian. This ensures nonmilitary control over the armed forces. However, the secretary has military officers as assistants. The highest-ranking military officers of each of the armed forces form the **Joint Chiefs of Staff**. This group advises the president on military affairs.

READING CHECK

Summarizing What are the responsibilities of the Department of State and the Department of Defense?

FOCUS ON

Cabinet selection is one way that Florida's constitution differs from the U.S. Constitution. Unlike the U.S. Constitution, the Florida constitution identifies specific cabinet positions that must be part of the executive branch. In addition, cabinet members must be elected by voters, not appointed.

SS.7.C.3.13
Compare the constitutions of the United States and Florida.

Other Executive Departments

Congress has the power to reorganize and combine different executive departments as needed. Congress can also create new departments if necessary. For example, the **Department of Homeland Security** was established after the terrorist attacks of September 11, 2001. Its primary mission is to protect the nation against further terrorist attacks. The department also provides federal assistance when natural disasters occur in the United States. Examples are Hurricanes Katrina and Rita, which struck New Orleans and the Gulf Coast in 2005.

Departments other than State and Defense play important roles in U.S. government. For example, the Treasury Department promotes conditions for economic prosperity

and stability in the United States and in the rest of the world. Some of the major duties of the Treasury Department include managing federal finances; collecting taxes, duties and monies paid to and due to the government; producing postage stamps, currency and coinage; and investigating and prosecuting tax evaders, counterfeiters, and forgers.

The Department of Justice has the job of enforcing the laws of the United States. It helps to ensure public safety against foreign and domestic threats. It is the government agency that works to prevent and control crime. It is also committed to ensuring the fair and impartial administration of justice for all Americans.

READING CHECK

Finding the Main Idea Why was the Department of Homeland Security formed?

SECTION 3 ASSESSMENT



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ONLINE QUIZ

Reviewing Ideas and Terms

- a. Define** Write a brief definition for the terms **secretary** and **attorney general**.

b. Draw Conclusions Why must the Senate approve the president's cabinet appointments?
- a. Define** Write a brief definition for the terms **ambassadors, embassy, consul, consulate, passports, visas, and Joint Chiefs of Staff**.

b. Make Inferences Why do you think the Departments of War and the Navy were combined to form the Department of Defense?
- a. Define** Write a brief definition for the term **Department of Homeland Security**.

b. Defend a Point of View What do you think is the most important executive department? Why?

c. Draw Conclusions Could a modern president run government with four cabinet members, as George Washington did? Does a president today need 15 cabinet members? Explain.

Critical Thinking

- Categorizing** Copy the graphic organizer. Use it to describe the responsibilities of each of the five departments listed.

Department	Function
State	
Treasury	
Defense	
Justice	
Homeland Security	

FOCUS ON WRITING

- Problem Solving** Imagine that you are a newly appointed secretary to an executive department (of your choice). Your first duty is to write a memo to the president. In two paragraphs, describe the most pressing national issue facing your department and explain a plan to address it. Be sure to explain how your plan will affect citizens.

SECTION 4



SS.7.C.3.3; SS.7.C.3.8; LA.7.1.6.1; LA.7.1.7.1

Independent Agencies and Regulatory Commissions

BEFORE YOU READ

The Main Idea

The independent agencies and regulatory commissions of the U.S. government perform specialized duties.

Reading Focus

1. What are some examples of independent agencies, and what duties do they perform?
2. What are regulatory commissions, and who runs them?
3. What makes up the federal bureaucracy?

Key Terms

independent agencies, p. 171
regulatory commission, p. 172
bureaucracy, p. 173

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TAKING NOTES

Use the graphic organizer online to take notes on the duties of federal independent agencies and regulatory commissions.

The space shuttle *Discovery* takes off on a mission to the International Space Station.



NASA, an independent agency, runs the U.S. space program.



The executive branch has many duties that do not fit any of the 15 executive departments. Independent agencies and regulatory commissions have been created to cover such areas.

Independent Agencies

Each of the more than 65 **independent agencies** in the government was created by Congress to perform a specialized job. For example, the U.S. Commission on Civil Rights collects information about discrimination against minorities. The National Aeronautics and Space Administration (NASA) runs the U.S. space program.

Several agencies assist the work of the entire government. For example, the Office of Personnel Management gives tests to people who want to apply for jobs with the federal government. The General Services Administration buys supplies for the federal government.

READING CHECK

Summarizing Why are independent government agencies important?

PRIMARY SOURCE

POLITICAL CARTOON

Regulatory Agencies

Federal regulatory commissions and agencies are where many specific laws are made. These commissions and agencies perform important functions, but people sometimes complain that the rules and regulations from these agencies are too complex. This cartoon shows how “red tape” affected government efforts to help fight a natural disaster.



The term *red tape* is often used as a symbol for government paperwork. It refers to the practice of tying government documents with red cloth tape.

ANALYSIS SKILL

ANALYZING POLITICAL CARTOONS

What is the cartoonist saying about the government's response to a natural disaster?

Regulatory Commissions

A **regulatory commission** is a type of independent agency. It has the power to make rules and bring violators to court. The decisions of regulatory commissions often have the force of law.

Regulatory commissions are usually **established** because of a perceived need. For example, in 1971 the federal government determined that the financing and running of federal elections should be closely monitored. In response to this need, Congress passed the Federal Election Campaign Act. A regulatory commission called the Federal Election Commission (FEC) was created in 1974 to enforce this act. The FEC enforces election laws, provides financial information for campaigns, and controls public funding of presidential elections.

The Consumer Product Safety Commission is another example of a regulatory commission. It sets and enforces safety standards for consumer products and conducts safety

research. The Securities and Exchange Commission helps enforce laws regulating the buying and selling of stocks and bonds. The National Labor Relations Board enforces federal labor laws. This board also works to prevent unfair labor practices among businesses.

The heads of the regulatory commissions are appointed by the president. These commissions are independent. They have the freedom they need to do their jobs. As a result, they have a lot of power in their particular areas.

Because of this power, Congress wanted to help prevent the commissions from being too influenced by a single president and his or her political party. The heads of these commissions, therefore, serve long terms. As a result, a single president cannot appoint more than a few commission leaders. In addition, the Senate must approve all of these appointments.

Some people claim that the independence of the regulatory commissions makes

ACADEMIC VOCABULARY

established: set up or created

them too powerful. Many critics feel that these commissions over-regulate and interfere too much in our lives. Other people defend these commissions. They say that the commissions' regulations are needed to protect the public.

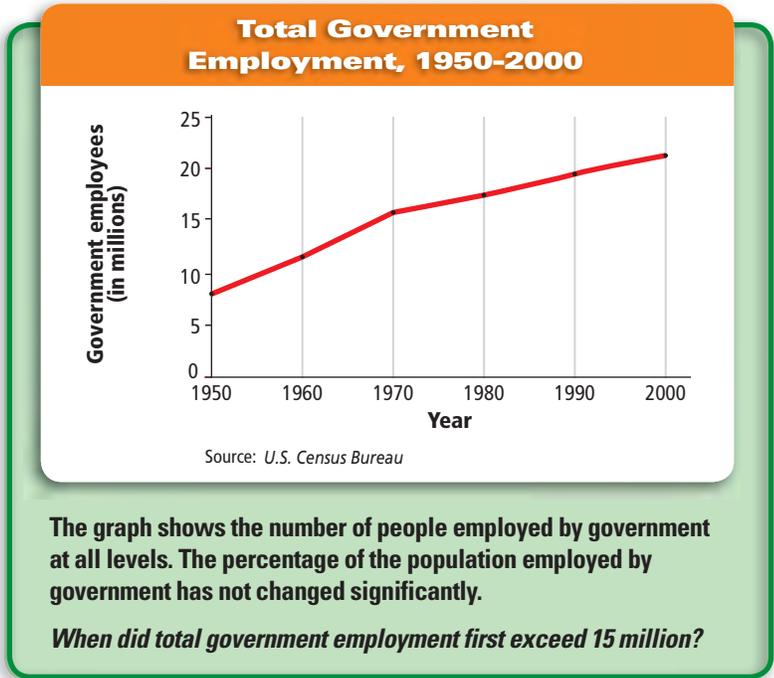
READING CHECK

Contrasting What makes a regulatory commission different from other independent agencies?

The Federal Bureaucracy

All of the employees of these agencies, as well as those of the executive departments, make up the federal **bureaucracy**. Almost 3 million people work in the bureaucracy. They include administrators, lawyers, scientists, doctors, engineers, secretaries, and clerks. They work in Washington, D.C., in other cities throughout the United States, and in foreign countries.

As you can see, the federal bureaucracy is quite large. It is involved in many areas of daily life. It makes many rules and regulations. Some people complain that the regulations are confusing. Often several different departments may be involved in regulating the same area. Sometimes people dealing with government agencies must fill out



several forms or stand in long lines to see a government representative. And the government is not always efficient in working with the public. However, other people argue that the complexity of modern life requires many layers of oversight and management.

READING CHECK

Identifying Cause and Effect

What does the bureaucracy use to carry out activities, and what is often the result?

SECTION 4 ASSESSMENT

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ONLINE QUIZ

Reviewing Ideas and Terms

- a. Define** Write a brief definition for the term **independent agencies**.

b. Recall What independent agency collects information about discrimination?
- a. Define** Write a brief definition for the following term: **regulatory commission**.

b. Summarize How has Congress tried to limit the influence of the president on regulatory commissions?
- a. Define** Write a brief definition for the term **bureaucracy**.

b. Explain What are some criticisms of the federal bureaucracy?

Critical Thinking

- 4. Making Comparisons** Copy the graphic organizer. Use it to show the similarities and differences between independent agencies and regulatory commissions.



FOCUS ON WRITING

- 5. Supporting a Point of View** Imagine that you are seeking federal loans to start a small business. Write a three-paragraph speech that either supports or criticizes the role of the federal bureaucracy.

CHAPTER 6 REVIEW



FLORIDA CIVICS EOC PRACTICE

1. The quotation below is from a historic document.

... shall have Power To lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States ... to borrow Money ... to regulate Commerce ... to coin Money ...

To which branch of the government does the quotation refer?

- A. judicial
 - B. presidential
 - C. legislative
 - D. executive
2. What is one way in which the U.S. and Florida constitutions differ?
- A. The Florida governor is allowed to create new cabinet positions, but the U.S. President cannot.
 - B. The Florida Constitution requires the governor to be appointed by the legislature, in contrast to the popular election of the U.S. President.
 - C. The U.S. Constitution requires election of cabinet secretaries, but Florida's constitution does not.
 - D. Florida identifies specific cabinet positions that must be part of the executive branch, but the U.S. Constitution does not.

Reviewing Key Terms

For each term below, write a sentence explaining its significance to the executive branch.

- 1. presidential succession
- 2. State of the Union Address
- 3. foreign policy
- 4. diplomacy
- 5. treaties
- 6. reprieve
- 7. pardon
- 8. commutation
- 9. secretary
- 10. attorney general
- 11. ambassadors
- 12. embassy
- 13. consul
- 14. consulate
- 15. passports
- 16. visas
- 17. Joint Chiefs of Staff
- 18. Department of Homeland Security
- 19. independent agencies
- 20. regulatory commission
- 21. bureaucracy

Comprehension and Critical Thinking

SECTION 1 (Pages 160–162)

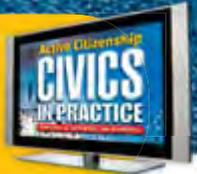
22. a. **Describe** What is the vice president's role in government?
- b. **Explain** What limitation did the Twenty-second Amendment place on the terms of the presidency?

SECTION 2 (Pages 164–166)

23. a. **Recall** What is the purpose of the State of the Union Address?

Active Citizenship video program

Review the video to answer the closing question:
How can making changes in your community eventually affect larger groups of people?



b. Contrast What different military powers do the president and Congress have?

SECTION 3 (Pages 168–170)

24. a. Identify Who are the Joint Chiefs of Staff?

b. Summarize How does the Executive Office of the President serve the president?

SECTION 4 (Pages 171–173)

25. a. Make Inferences Why are the independent agencies separate from the executive departments?

b. Contrast What distinguishes a regulatory commission from other independent agencies?

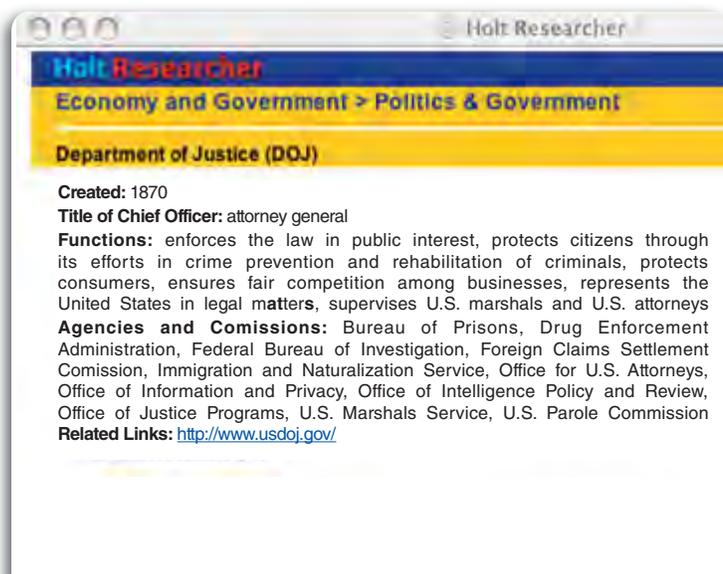
Using the Internet

26. A Classified Ad Through your online textbook, research the qualifications, daily job requirements, and personal qualities needed in a successful president. Then write a newspaper classified advertisement for the president of the United States. Be sure to include qualifications, a brief job description, salary, and benefits. Make it as realistic as possible by looking in a local newspaper for examples of what the ad might look like.

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Civics Skills

Evaluating Internet Resources Use the Web page shown below to answer the questions that follow.



Holt Researcher
Economy and Government > Politics & Government
Department of Justice (DOJ)

Created: 1870
Title of Chief Officer: attorney general
Functions: enforces the law in public interest, protects citizens through its efforts in crime prevention and rehabilitation of criminals, protects consumers, ensures fair competition among businesses, represents the United States in legal matters, supervises U.S. marshals and U.S. attorneys
Agencies and Comissions: Bureau of Prisons, Drug Enforcement Administration, Federal Bureau of Investigation, Foreign Claims Settlement Commission, Immigration and Naturalization Service, Office for U.S. Attorneys, Office of Information and Privacy, Office of Intelligence Policy and Review, Office of Justice Programs, U.S. Marshals Service, U.S. Parole Commission
Related Links: <http://www.usdoj.gov/>

27. Which of the following information can be found at this Web site?

- a. The name of the current attorney general
- b. The duties of the U.S. Marshals Service
- c. The name of the president who created the Department of Justice
- d. The general functions of the Department of Justice

28. Write two questions about the Department of Justice that you can answer reliably from this Web site.

Reading Skills

Supporting Facts and Details Use the Reading Skills taught in this chapter to answer the question about the reading selection below.

Regulatory commissions are usually established because of a perceived need. For example, in 1971 the federal government determined that the financing and running of federal elections should be closely monitored. In response to this need, Congress passed the Federal Election Campaign Act. A regulatory commission called the Federal Election Commission (FEC) was created in 1974 to enforce this act. (p. 172)

29. What is the main idea of the selection?

- a. The federal government is worried about elections.
- b. Regulatory agencies are rarely established.
- c. Regulatory agencies are usually established to meet a need.
- d. Elections need to be supervised.

FOCUS ON WRITING

30. Writing a Character Sketch Write a paragraph describing a character that you think would be an ideal president. Be sure to describe the skills and traits a person must have to be a good president and how your character fulfills these roles.



FLORIDA...

The Story Continues

CHAPTER 7, The Judicial Branch

PEOPLE

1957: LeRoy Collins. Florida Governor LeRoy Collins was a vocal opponent of the resolution passed by the Florida State Legislature. The resolution opposed the 1957 U.S. Supreme Court decision in *Brown v. Board of Education*. The *Brown* decision ended legal segregation in public schools. Collins personally disagreed with the decision. However, he believed the legislature did not have the legal right to declare the Court's ruling "null and void."

EVENTS

1963: *Gideon v. Wainwright*. The Supreme Court's historic decision in the *Gideon v. Wainwright* (1963) case began with a burglary in a Panama City poolroom. The accused, Clarence Earl Gideon, acted as his own attorney because he could not afford to hire one. He was found guilty and sentenced to five years in prison. The Florida state court case ended in the U.S. Supreme Court. There, it established the right of defendants to be represented by a court-appointed attorney if they are unable to afford their own.

EVENTS

2005: Terri Schiavo case. Floridian Terri Schiavo spent nearly 15 years in a vegetative state. Her husband Michael clashed with Schiavo's parents over the removal of her feeding tube. He cited her wish not to be kept alive artificially. The Schiavo case involved numerous motions, petitions, hearings, and suits in Florida courts, federal court, and the Florida Supreme Court. Five separate times, the U.S. Supreme Court refused to hear arguments in the case. The feeding tube was ultimately removed. Terri Schiavo died in March 2005.

PEOPLE**1821: Florida's judicial circuit riders.**

The circuit court system in Florida has its roots in medieval England. Then King Henry II ordered his judges to ride around the countryside to hear cases. This way, subjects did not need to travel to London for justice. Also, every small town did not need its own judiciary. This system led to the birth of the term *circuit court*. When Florida became a U.S. territory in 1821, there were two circuits: west and east. Justices and lawyers rode horseback along a pre-determined route—or circuit—to take justice to the people. These people were called *circuit riders*.

EVENTS**1964: *McLaughlin et al. v. Florida* changes marriage laws.**

In 1964, it was illegal under Florida law for interracial couples to live together. But a case brought before the U.S. Supreme Court helped to change that. In *McLaughlin et al. v. Florida*, the justices struck down the Florida law that banned

unmarried couples of different races from living together. Three years later, the U.S. Supreme Court justices used *McLaughlin* to help them decide another case. In *Loving v. Virginia*, the Court ruled that laws banning interracial marriage were unconstitutional.

EVENTS**2006: *Engle v. Liggett Group*.**

In this high-profile case, the Florida Supreme Court dismantled a class action suit brought by 700,000 Florida smokers. The plaintiffs alleged fraud on the part of tobacco companies to conceal the damaging effects of smoking. This case opened the way for individual suits against tobacco companies.



Unpacking the Florida Standards <...>

Read the following to learn what this standard says and what it means. See FL8-FL20 to unpack all the other standards related to this chapter.

Benchmark SS.7.C.3.12 Analyze the significance and outcomes of landmark Supreme Court cases including, but not limited to, *Marbury v. Madison*, *Plessy v. Ferguson*, *Brown v. Board of Education*, *Gideon v. Wainwright*, *Miranda v. Arizona*, *in re Gault*, *Tinker v. Des Moines*, *Hazelwood v. Kuhlmeier*, *United States v. Nixon*, and *Bush v. Gore*.

What does it mean?

Assess the importance of the Supreme Court cases relating to the power of the government and the rights of Americans, such as *Marbury v. Madison*, *Plessy v. Ferguson*, *Brown v. Board of Education*, *Gideon v. Wainwright*, *Miranda v. Arizona*, *in re Gault*, *Tinker v. Des Moines*, *Hazelwood v. Kuhlmeier*, *United States v. Nixon*, and *Bush v. Gore*. Go to Chapter 7, The Judicial Branch, and the Supreme Court Decisions in the Reference Section for help.

CHAPTER 7

THE JUDICIAL BRANCH

Essential Question What structures, functions, and processes shape the judicial branch?



Florida Next Generation Sunshine State Standards

SS.7.C.1.9 Define the rule of law and recognize its influence on the development of the

American legal, political, and governmental systems.

SS.7.C.2.11 Analyze media and political communications

(bias, symbolism, propaganda). **SS.7.C.3.8** Analyze the

structure, functions, and processes of the legislative,

executive, and judicial branches. **SS.7.C.3.10** Identify

sources and types (civil, criminal, constitutional,

military) of law. **SS.7.C.3.11** Diagram the levels,

functions, and powers of courts at the state and federal

levels. **SS.7.C.3.12** Analyze the significance and

outcomes of landmark Supreme Court cases including,

but not limited to, *Marbury v. Madison*, *Plessy v. Ferguson*,

Brown v. Board of Education, *Gideon v. Wainwright*,

Miranda v. Arizona, *in re Gault*, *Tinker v. Des Moines*,

Hazelwood v. Kuhlmeier, *United States v. Nixon*, and *Bush*

v. Gore. **LA.7.1.6.1** The student will use new vocabulary

that is introduced and taught directly. **LA.7.1.6.2** The

student will listen to, read, and discuss familiar and

conceptually challenging text. **LA.7.1.7.1** The student will

use background knowledge of subject and related content

areas, prereading strategies, graphic representations,

and knowledge of text structure to make and confirm

complex predictions of content, purpose, and organization

of a reading selection.



Thurgood Marshall:
Justice for All

hmhsocialstudies.com VIDEO

WHY CIVICS Matters

The actions of the U.S. government and its citizens are governed by laws. The government relies on a special set of officials to interpret these laws and to punish lawbreakers. These functions are the responsibility of the judicial branch of the federal government.

PROJECT Citizen



STUDENTS TAKE ACTION

ENCOURAGING SAFE EXERCISE Riding a bike in Mexico, Missouri, has become safer thanks to a group of students who worked with their city to have bike trails and bike lanes built. What can you do in your community to promote safe exercise?

FOCUS ON SPEAKING

A RADIO NEWS BROADCAST All of the cases that the Supreme Court hears start in the lower courts. As you read this chapter, take notes on the process a court case takes from the original trial all the way to the Supreme Court. Then you will prepare a radio news story following a case through the judicial system.

Reading Skills

In this chapter you will read about the judicial branch of the federal government, which is guided by the ideal of equal justice for all. You will learn about the four kinds of law and how the U.S. court system uses them to settle disputes.

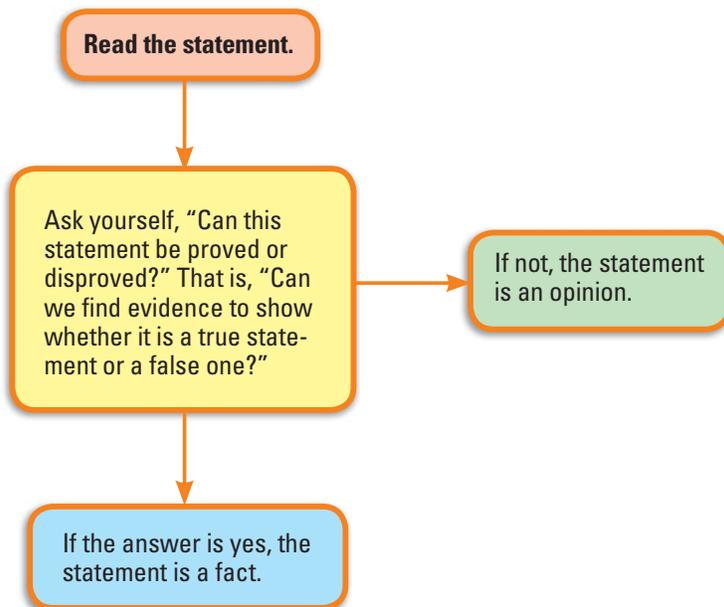
You will also read about the three main levels of federal courts. Finally, you will learn about the U.S. Supreme Court. You will learn how justices are appointed and how the other branches of government check the powers of the Court.

Distinguishing between Fact and Opinion



People have many opinions about our government and political issues. To become an informed citizen, however, you need to be able to tell the difference between fact and opinion.

Identifying Facts and Opinions Something is a fact if there is a way to prove it or disprove it. For example, research can prove or disprove the following statement: “There are nine justices on the Supreme Court.” But research cannot prove the following because it is one person’s opinion or belief: “John Marshall was the greatest chief justice.” Use the process below to decide whether a statement is fact or opinion.



Helpful Hints for Distinguishing between Fact and Opinion

1. Phrases such as “I believe,” “I think,” or “I feel” indicate an opinion.
2. Telling readers what *should* be done is another clue that an opinion is being given.
3. Judgment words such as **best**, **worst**, and **greatest** are often used in opinions.
4. Facts often include numbers, measurements, or other things that can be proved.



LA.7.1.6.2



KEY TERMS

CHAPTER 7

Section 1

crime (p. 181)
 criminal law (p. 181)
 civil law (p. 181)
 common law (p. 182)
 precedent (p. 182)
 constitutional law (p. 183)
 appeal (p. 183)

Section 2

jurisdiction (p. 185)
 district courts (p. 186)
 original jurisdiction (p. 186)
 courts of appeals (p. 187)
 appellate jurisdiction (p. 187)
 justices (p. 188)

Section 3

judicial review (p. 189)
 remand (p. 190)
 opinion (p. 190)
 concurring opinion (p. 190)
 dissenting opinion (p. 191)

Academic Vocabulary

Success in school is related to knowing academic vocabulary—the words that are frequently used in school assignments and discussions. In this chapter you will learn the following academic words:

affect (p. 182)
 authority (p. 185)
 explicitly (p. 190)

As you read Chapter 7, look closely at statements about the judicial branch. Are they facts or opinions?

LA.7.1.6.2 The student will listen to, read, and discuss familiar and conceptually challenging text.

You Try It!

The following passage tells about the influence of John Marshall on the Supreme Court. All the statements in this passage are facts. What makes them facts and not opinions?

The Power of Judicial Review

*From Chapter 7,
p. 190*

The Constitution does not explicitly give the judicial branch the power of judicial review. John Marshall established the power when he served as chief justice of the Supreme Court from 1801 to 1835. Marshall promoted the idea of judicial review for the first time in 1803 in the case of *Marbury v. Madison*.

... However, Chief Justice Marshall ruled that the act gave the Supreme Court powers that it had not been granted by the Constitution. Because the Constitution is the supreme law of the land, the Judiciary Act passed by Congress was declared unconstitutional. This was the first time the Supreme Court had declared an act of Congress unconstitutional and thus established the concept of judicial review.

Identify each of the following statements as a fact or an opinion, and then explain your choice.

1. John Marshall expanded the power of the Supreme Court by establishing the power of judicial review.
2. John Marshall served for 34 years as chief justice.
3. John Marshall served too long as chief justice.
4. Scholars believe the *Marbury v. Madison* case changed the Supreme Court for the better.

SECTION 1



SS.7.C.3.8; SS.7.C.3.10; SS.7.C.3.12; LA.7.1.6.1; LA.7.1.7.1; SS.7.C.1.9

Equal Justice under the Law

BEFORE YOU READ

The Main Idea

The rights of all U.S. citizens are protected by laws and the courts.

Reading Focus

1. In what ways is the United States a nation of laws?
2. What are the five sources of law in the United States?
3. What roles do the courts play in the United States?

Key Terms

crime, *p. 181*
criminal law, *p. 181*
civil law, *p. 181*
common law, *p. 182*
precedent, *p. 183*
constitutional law, *p. 183*
appeal, *p. 183*



Use the graphic organizer online to take notes on the types and sources of law.

CIVICS IN PRACTICE

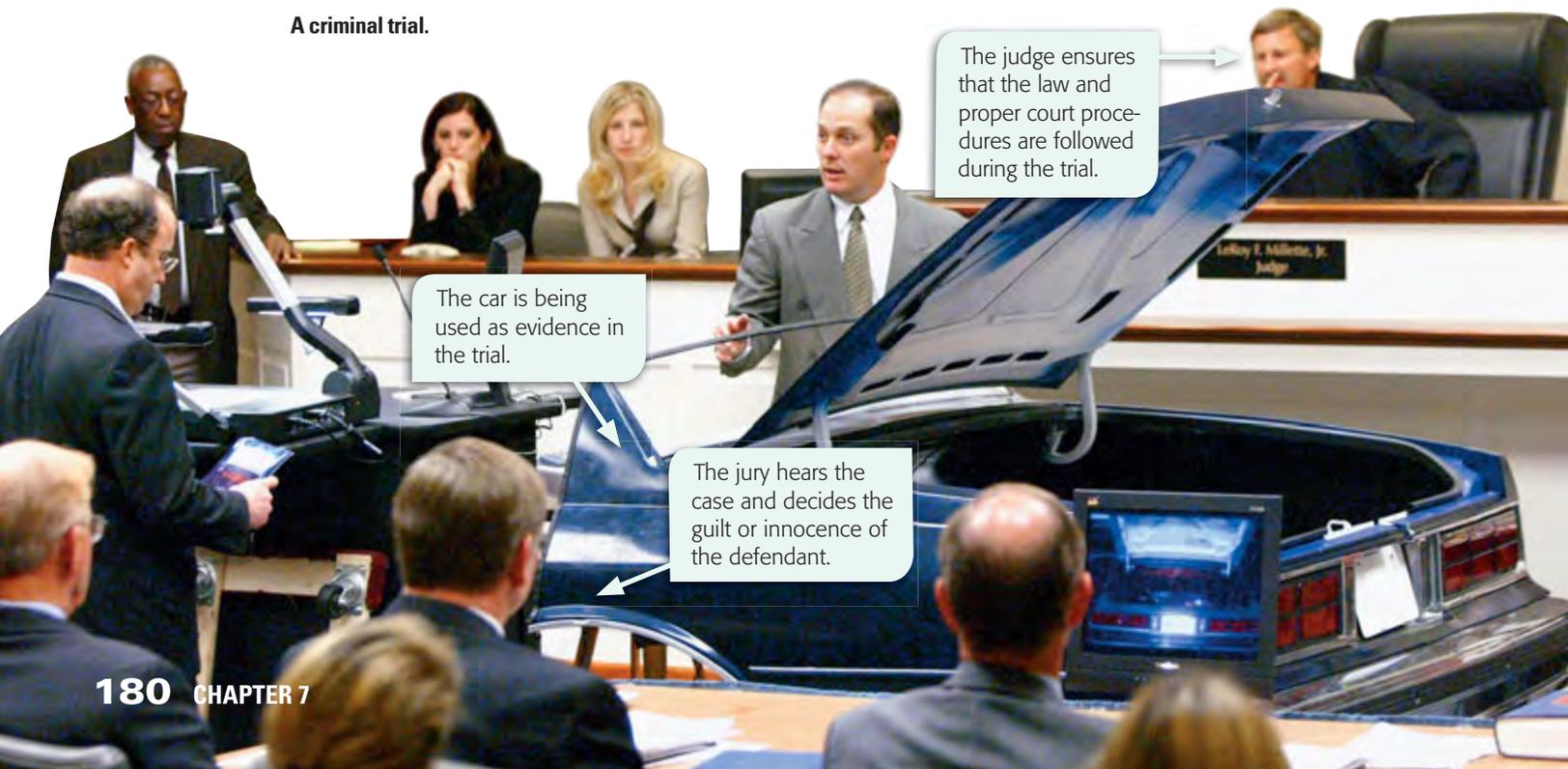
Carved in marble over the entrance of the Supreme Court building in Washington, D.C., is the motto "Equal Justice under Law." What does this motto mean to you? It means that you and all other citizens are considered equal and are protected by the rule of law. Laws define individual rights and freedoms. But where does your freedom end and another person's freedom begin? The judicial branch of the government—the court system—helps find the answer.

SS.7.C.1.9 Define the rule of law and recognize its influence on the development of the American legal, political, and governmental systems.

A Nation of Laws

Every society needs rules. Without rules, people might feel like they could do anything to anybody anytime they wanted. That is one reason why societies have laws. Laws are society's rules. Laws promote the common good. Laws protect you. Laws, such as traffic laws and laws against rape and murder, are aimed at protecting your personal and physical safety.

A criminal trial.



PRIMARY SOURCE

HISTORIC DOCUMENT

Hammurabi's Code

The Babylonian ruler Hammurabi is credited with putting together the earliest known written collection of laws. Written around 1780 BC, Hammurabi's Code was a collection of 282 laws that set down rules for both criminal and civil law, and informed citizens what was expected of them. There were laws on everything from trade, loans, and theft to marriage, injury, and murder. It contained some ideas that are still found in laws today. Specific crimes brought specific penalties.

196. If a man put out the eye of another man, his eye shall be put out.
197. If he break another man's bone, his bone shall be broken.
198. If he put out the eye of a freed man, or break the bone of a freed man, he shall pay one gold mina.
199. If a man put out the eye of a man's slave, or break the bone of a man's slave, he shall pay one-half of its value.
221. If a physician heal the broken bone or diseased soft part of a man, the patient shall pay the physician five shekels in money.
222. If he were a freed man he shall pay three shekels.
223. If he were a slave his owner shall pay the physician two shekels.

– Hammurabi, from the *Code of Hammurabi*, translated by L. W. King

ANALYSIS SKILL

ANALYZING PRIMARY SOURCES

Why was it important that Hammurabi's code was written down?

Other laws protect your property, your freedom to speak and practice your religion, and your health. Laws set boundaries or limits on behavior. So while you may have the right to practice playing your electric guitar, that right is limited somewhat by your neighbor's right to the peaceful enjoyment of his or her property.

Criminal Law

There are two basic types of laws, criminal law and civil law. When people talk about "breaking the law," they are usually referring to a crime. A **crime** is any behavior that is illegal because society, through its government, considers the behavior harmful to society. **Criminal law** refers to the group of laws that define what acts are crimes. Criminal law also describes how a person accused of a crime should be tried in court and how crimes should be punished.

Criminal laws are intended to protect society as a whole. For example, laws against assault, murder, and rape help protect you and other people from being harmed. Laws against stealing help protect your property

and other people's property as well. You might think that a crime against another person does not affect you, but that is not true. If someone who breaks into your neighbor's house and steals something is not caught and punished, the criminal may steal again. The criminal might even break into your house next. And if criminals are not caught and punished, people may begin to think that it is okay to steal.

Civil Law

The other basic category of laws is civil law. **Civil law** is the group of laws that refer to disputes between people. If you have a dispute with someone and you cannot solve it privately, you may go to court to settle the matter. In court, the judge and maybe a jury will listen to the facts of the case. The judge will then apply the civil law and make a decision. Civil laws are used to settle a wide range of personal issues, such as contract disputes, divorce proceedings, and property boundaries.

READING CHECK

Finding the Main Idea How do laws protect freedom?

SS.7.C.3.10 Identify sources and types (civil, criminal, constitutional, military) of law.

Sources of Law

There are many other types of U.S. laws. Each has its own source. These types include statutory law, common law, administrative law, military law, and constitutional law.

Statutory Law

Laws that are passed by lawmaking bodies are known as statutes, or statutory laws. Congress and state and local governments pass these laws. Most criminal laws are statutory laws. Many civil laws are also statutes. For example, a state law that requires all public buildings to contain fire exits is a statutory law. Statutory laws usually represent what the majority of citizens believe to be right or wrong. If citizens later change their position on an issue, the law can adapt to the country's needs.

Common Law

No matter how hard the legislature tries, statutes cannot cover every type of wrongdoing. Judges and courts must often make decisions based on customs, traditions, and cases that have been decided before. This type of law is called common law. **Common law** is a type

of law that comes from judges' decisions that rely on common sense and previous cases.

For example, before automobiles became a major form of transportation, there were no laws about driving them. So if an automobile ran into a horse and wagon, the driver of the automobile might argue that the case should be dismissed. Would the case be dismissed? Probably not. The judge might reply that there is an established principle that people cannot use their property to injure others. The judge would apply tradition and common sense in such a case.

In the previous example, the judge's decision might be remembered by another judge hearing a similar case. Eventually, most judges might follow the same **precedent**, or earlier decision, when considering such cases. Over time, this rule would become a part of the country's customary, or common, law.

Administrative Law

Many of the laws that **affect** our daily lives are created by government agencies. These laws are known as administrative laws. They cover many areas of daily life, such

ACADEMIC VOCABULARY

affect: to change or influence

American Civil Liberties

Serving on a Jury

Someday after you turn 18, you will probably receive a letter calling you to jury service. Performing this civic duty might be your only involvement with the judicial system. However, it is a duty that carries great responsibility. In a criminal case, the jury decides if the defendant is guilty of the crime charged by the government. In a civil case, the jury decides if the defendant is liable, or responsible, for the damages named in the case. If so, it decides how much money to award.

As stated by the Sixth Amendment, the parties in a case are entitled to a

jury selected from a fair cross-section of the community. Lawyers cannot exclude potential jurors on the basis of their gender or identifiable racial or ethnic group. There have been many cases that were appealed because of alleged discrimination during jury selection.

1. How could discrimination in jury selection affect a defendant in a criminal case?
2. Why would it matter to citizens if they were not called for jury duty because of their gender, race, or ethnicity?



as health, safety, education, and banking. For example, the Consumer Product Safety Commission (CPSC) uses administrative law when it rules that a toy is unsafe and must be taken off the market.

Military Law

Military law governs the behavior of men and women in all branches of the U.S. armed forces. The backbone of military law is the *Uniform Code of Military Justice*. This code includes laws that are similar to civilian law. It also includes laws specific to military issues, such as desertion, the treatment of prisoners, and the military trial process.

Constitutional Law

The Constitution is the supreme law of the United States. **Constitutional law** is based on the Constitution and on Supreme Court decisions interpreting the Constitution. For example, the Sixth Amendment guarantees that a defendant in a criminal case has the right to the “assistance of counsel” for his or her defense. Because of the Supreme Court ruling in 1963 in the case of *Gideon v. Wainwright*, states are required to provide free legal aid to those defendants who cannot afford to pay for legal representation.

READING CHECK **Summarizing** List and describe the sources of law that exist in the United States.

The Roles of the Courts

Courts use the law to settle disputes. Disputes may take different forms. Some disputes are between people. Others are between people and the government. Still others are between governments. In a criminal case, the dispute is between society and an individual. Society is represented by an attorney for the government. In a civil dispute, both sides have attorneys or may represent themselves.

In criminal cases, the person accused of the crime has certain rights. These include the right to an attorney, the right to confront the accuser, and the right to a jury trial.

The accused is also always presumed to be innocent. It is up to the person bringing the charges to prove “beyond a reasonable doubt” that the accused is guilty of a crime. Finally, if a person is convicted of a crime, he or she has the right to appeal the decision. An **appeal** is the process by which the person asks a higher court to review the result of the trial. A higher court may find that the lower court has applied the law unfairly or inaccurately. A review of a decision helps to ensure that cases are decided fairly.

READING CHECK **Evaluating** Why do you think the accused is considered innocent until proven guilty?

SECTION 1 ASSESSMENT

hmhsocialstudies.com
ONLINE QUIZ

Reviewing Ideas and Terms

- a. Define** Write a brief definition for each of the following terms: **crime**, **criminal law**, and **civil law**.

b. Elaborate How does being a nation of laws both protect and limit freedom?
- a. Define** Write a brief definition for each of the following terms: **common law**, **precedent**, and **constitutional law**.

b. Support a Point of View Do you think common law is more just or less just than administrative law? Explain your answer.
- a. Define** Write a brief definition for the term **appeal**.

b. Explain What roles do courts play in society?

Critical Thinking

- Categorizing** Copy the graphic organizer. Use it and your notes to explain the five sources of law that govern Americans. Describe each type.



FOCUS ON WRITING

- Problem Solving** Write a descriptive paragraph about life in a country in which there is no rule of law. How might life be improved by establishing a permanent legal system?

Analyzing a News Article

Learn

One way to learn about events that are taking place in the world is to read a news article. You can find articles in newspapers, magazines, or on the Internet. News articles provide us with easy access to information on current events or issues.

Ideally, news articles should present balanced information about a subject. Reporters should focus on the important facts related to the story. However, news stories are reported from the perspective of the journalist writing the story. Because much of our knowledge of current events comes from news articles, it is important to be able to analyze them critically. Use the steps below to learn how to analyze a news article.

Practice

- 1 Determine how the story is framed.** Read or listen to the news story carefully. Identify the subject of the article, then identify the who, what, when, where, why, and how of the issue.
- 2 Analyze the facts.** Articles should include evidence, such as statistics and quotes from people related to the issue, to back up the main idea.

Carefully analyze the information in the article to determine if it is fact or opinion.

- 3 Identify the sources.** On what does the author base his or her information? Does the article cite reliable or anonymous sources? Questionable sources might make the information the author presents unreliable.
- 4 Identify points of view.** News reporters, though they may try to be balanced, have a point of view. Ask yourself if the article presents more than one point of view. If not, the article may not be balanced.

Apply

Carefully examine the news article below, then answer the questions that follow.

1. What is this news article about? What facts does the author provide?
2. On what sources does the author base his or her information? What evidence do you find that the sources are either reliable or unreliable?
3. Do you think this article is balanced? What elements are someone's opinion?

July 20, 2005

BUSH NOMINATES ROBERTS TO SUPREME COURT

Republicans praise nominee as Dems vow thorough review

WASHINGTON (CNN) -- President Bush on Tuesday chose as his first Supreme Court nominee U.S. Circuit Judge John Roberts Jr., a conservative whose selection pleased Republicans and prompted Democrats to vow a thorough review in the Senate.

If confirmed by the Senate, Roberts would replace retiring Justice Sandra Day O'Connor, who gained a reputation as a moderate swing voter in her 24 terms on the nation's highest court.

Bush called the selection of a nominee to the high court "one of the most consequential decisions a president makes."

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With Roberts standing at his side, Bush said the nominee "has devoted his entire professional life to the cause of justice and is widely admired for his intellect, his sound judgment and personal decency."

In a brief statement, Roberts said, "It is both an honor and very humbling to be nominated to serve on the Supreme Court."

Source: CNN.com

SECTION 2



SS.7.C.3.8; SS.7.C.3.11; LA.7.1.6.1; LA.7.1.7.1

The Federal Court System

SS.7.C.3.8 Analyze the structure, functions, and processes of the legislative, executive, and judicial branches.

BEFORE YOU READ

The Main Idea

The federal court system consists of three levels of courts, each of which has specific duties.

Reading Focus

1. What is the purpose of the U.S. district courts?
2. How are the U.S. courts of appeals different from the district courts?
3. What is the role of the U.S. Supreme Court?

Key Terms

jurisdiction, *p. 185*
district courts, *p. 186*
original jurisdiction, *p. 186*
courts of appeals, *p. 187*
appellate jurisdiction, *p. 187*
justices, *p. 188*



TAKING NOTES

Use the graphic organizer online to take notes on the federal court system.



Bernie Ebbers, founder and former chief executive of WorldCom, exits a New York City court in July 2005 after being sentenced to 25 years in prison for his role in the company's accounting fraud case. Cases such as these are tried in the federal court system.

ACADEMIC VOCABULARY

authority:
power, right to rule



Let's say that your favorite actor is arrested during a protest. She might agree to pay a fine, but she might also decide to take her case to court.

Depending on the events surrounding the arrest, her lawyers might argue that her First Amendment right, her right to free speech, has been violated. If so, her case would be tried in a federal court.

U.S. District Courts

The U.S. Constitution, in Article III, Section 1, provides that “the judicial power of the United States shall be vested in one Supreme Court, and in such inferior [lower] courts as the Congress may from time to time ... establish.” The First Congress used this constitutional power to set up a system of federal courts. There are three levels of federal courts.

Each level of the federal court system is given jurisdiction in several different kinds of cases. The **jurisdiction** of a court is the extent or scope of **authority** that court has to hear and decide a case that has properly been brought before it. There are two types of jurisdiction: original and appellate.

U.S. Federal Districts

The lowest level of federal courts is the U.S. district courts. **District courts** are the trial courts, and they are courts of original jurisdiction. **Original jurisdiction** is the authority of a court to hear and decide a case for the first time. The district court is the only federal court in which jury trials are held. District courts cannot hear appeals from other courts.

Federal district courts are the “local” courts in the federal court system. There is at least one district court in each of the 50 states and in the District of Columbia. Some states are divided into as many as four federal court districts. There are 94 federal district courts in the United States.

U.S. District Judges

Judges, including federal judges, do not make law. That is the job of the legislature. Judges apply the relevant law to the case before them. In the federal court system, there may be one judge in a district court,

or there may be as many as 28 judges, depending on the caseload of the court.

Federal district judges are trial judges. They conduct both civil and criminal trials, with and without juries. They also rule on court procedures and apply the relevant law to the facts of the case. If there is no jury, the judge also decides which side wins and sets the remedy for the winner. In a criminal case, the judge also decides the punishment.

All federal judges, except those in U.S. territories, are appointed for life by the president and must be approved by the Senate. Federal judges can be removed from office only by impeachment by Congress. Neither Congress nor the president can lower a judge’s salary during his or her time in office. These guarantees were written into the Constitution to ensure that judges are not punished for their decisions in cases.

FOCUS ON

Florida has three federal district courts, one each for Southern Florida, Middle Florida, and Northern Florida.

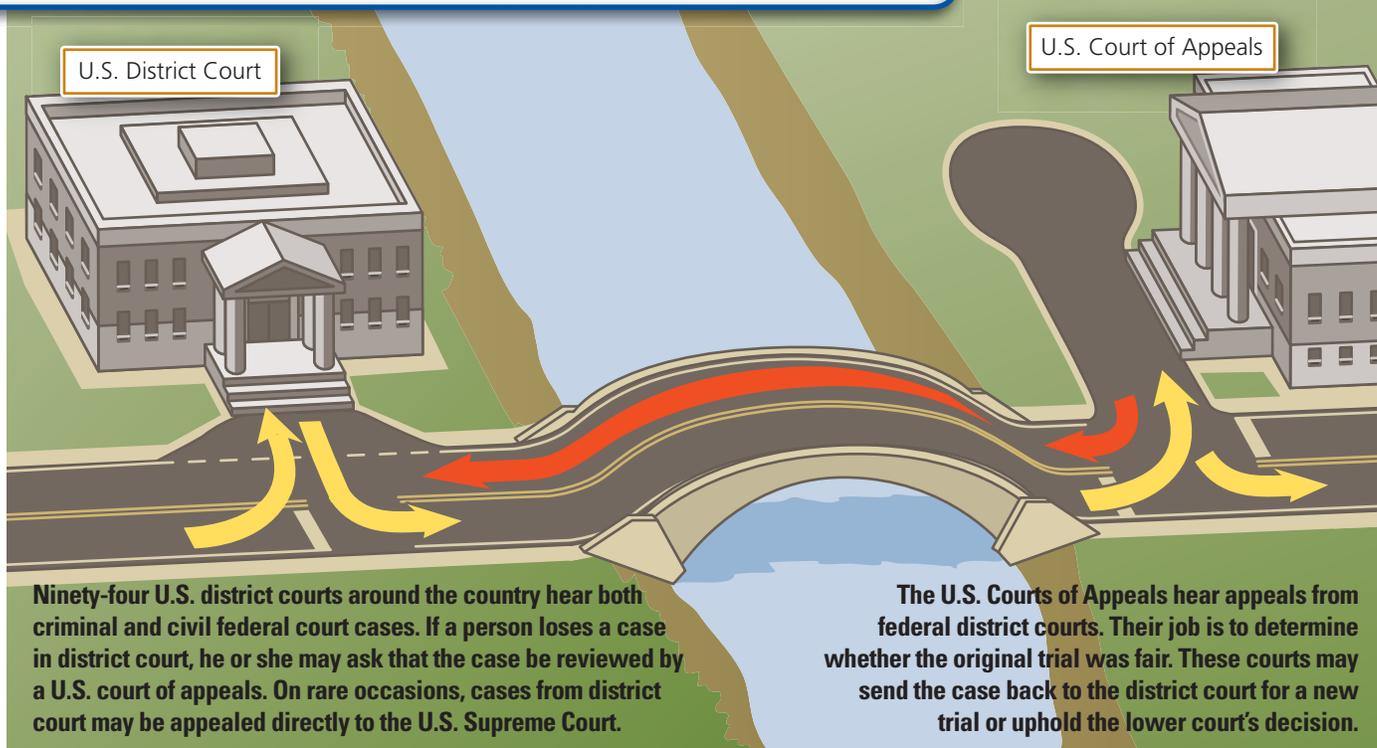
SS.7.C.3.11

Diagram the levels, functions, and powers of courts at the state and federal levels.

READING CHECK

Evaluating Why are federal judges appointed for life at a fixed salary?

The U.S. Supreme Court is the highest court in the federal court system. As such, it is the final stop for many cases on appeal. The illustration below shows the most common path that cases take to reach the Supreme Court—through the federal court system. However, cases do sometimes reach the Supreme Court through appeals from the state court systems.



U.S. Courts of Appeals

After a trial in a district court, the losing party may appeal to the next level of courts. The next level of courts in the federal court system consists of **courts of appeals**. These courts have what is called **appellate jurisdiction**. The term *appellate* means “relating to appeals,” so a court with appellate jurisdiction has the power to review decisions made by lower courts.

The federal court system, with its 94 district courts, is divided into 12 judicial circuits. Each circuit has its own court of appeals. For example, if you live in West Virginia, Virginia, North Carolina, or South Carolina, you live in the 4th Judicial Circuit. The 12th circuit is the District of Columbia. Each court of appeals has between 6 and 28 judges. The judge of each circuit who has served the longest and is under 65 years of age serves as the chief judge. Again, like other federal judges, appellate court judges are appointed for life.

Courts of appeals do not hold trials. Instead, a panel of at least three judges makes a decision on the case. Appellate judges examine the records of the district court trial and hear arguments by the lawyers for both sides. The judges do not determine whether the accused person is guilty or innocent of the crime. Their job is to determine only whether the original trial was fair and if the law was interpreted correctly.

The judges reach their decision by majority vote. The court of appeals may send the case back to the district court for a new trial, or it may uphold the district court’s decision. In most cases, the decision of the court of appeals is final. Sometimes, however, yet another appeal is made to the U.S. Supreme Court.

READING CHECK

Identifying Cause and Effect

Why are cases sent to the court of appeals, and what are the possible results?

As the highest court in the land, decisions by the U.S. Supreme Court are final. The Supreme Court may uphold the decision of the lower court, send the case back for a new trial, or declare an action or law unconstitutional.

U.S. Supreme Court

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INTERACTIVE ART

ANALYSIS SKILL ANALYZING VISUALS

1. What are the steps that a case may take through the judicial system?
2. Why might a court of appeals send a case back to a district court for a new trial?

Parties who lose their case in the U.S. Courts of Appeals have the right to ask the U.S. Supreme Court to hear their case. The Supreme Court, however, is not required to hear every case. Of the approximately 8,000 cases the Court is asked to review each year, it generally hears fewer than 90.

Makeup of the Supreme Court

QUICK
FACTS

The nine justices—a chief justice and eight associate justices—on the Supreme Court are appointed for life by the president, but the Senate must approve these appointments by majority vote.

- Chief Justice John G. Roberts Jr., appointed in 2005 by President George W. Bush
- Antonin Scalia, appointed in 1986 by President Ronald Reagan
- Anthony Kennedy, appointed in 1988 by President Ronald Reagan
- Clarence Thomas, appointed in 1991 by President George H. W. Bush
- Ruth Bader Ginsberg, appointed in 1993 by President Bill Clinton
- Stephen G. Breyer, appointed in 1994 by President Bill Clinton
- Samuel A. Alito Jr., appointed in 2005 by President George W. Bush
- Sonia M. Sotomayor, appointed in 2009 by President Barack Obama
- Elena Kagan, appointed in 2010 by President Barack Obama

ANALYSIS
SKILL

ANALYZING INFORMATION

Drawing Conclusions Why must the Senate approve the president's choices for the Supreme Court?

The U.S. Supreme Court

The highest court in the land is the U.S. Supreme Court, which meets in Washington, D.C. The Supreme Court is mainly an appeals court. It reviews cases that have been tried in lower federal courts and in state courts. The decisions of the Supreme Court's nine **justices**, or judges, cannot be appealed.

The Constitution does give the Supreme Court original jurisdiction in three types of cases. First, the Supreme Court tries cases involving diplomatic representatives of other countries. Second, the court has jurisdiction in cases between states. For example, the Supreme Court once settled a dispute between Arizona and California over the use of water from the Colorado River basin. The Court also hears cases involving a state and the federal government.

READING CHECK

Drawing Inferences and

Conclusions Why might the Supreme Court have been given original jurisdiction in the three areas mentioned above?

SECTION 2 ASSESSMENT



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ONLINE QUIZ

Reviewing Ideas and Terms

- a. Define** Write a brief definition for each of the following terms: **jurisdiction**, **district courts**, and **original jurisdiction**.
b. Elaborate What is the purpose of the U.S. district courts?
- a. Define** Write a brief definition for each of the following terms: **courts of appeals** and **appellate jurisdiction**.
b. Explain How are courts of appeals different from district courts?
c. Evaluate In a court of appeals, a three-judge panel usually hears and decides cases. Why do you think it is important for three judges to hear an appeal instead of just one?
- a.** Write a brief definition for the following term: **justices**.

- b. Recall** What role does the U.S. Supreme Court play in the U.S. court system?

Critical Thinking

- Summarizing** Copy the graphic organizer below. Use it and your notes to identify and describe the three levels of federal courts.



FOCUS ON WRITING

- Supporting a Point of View** Write a position statement supporting or opposing a constitutional amendment that would end the system of lifetime appointments for federal judges.

SECTION 3



SS.7.C.3.8; SS.7.C.3.12; LA.7.1.6.1; LA.7.1.7.1

The Supreme Court

BEFORE YOU READ

The Main Idea

The Supreme Court hears appeals, reviews laws, and strongly influences American society.

Reading Focus

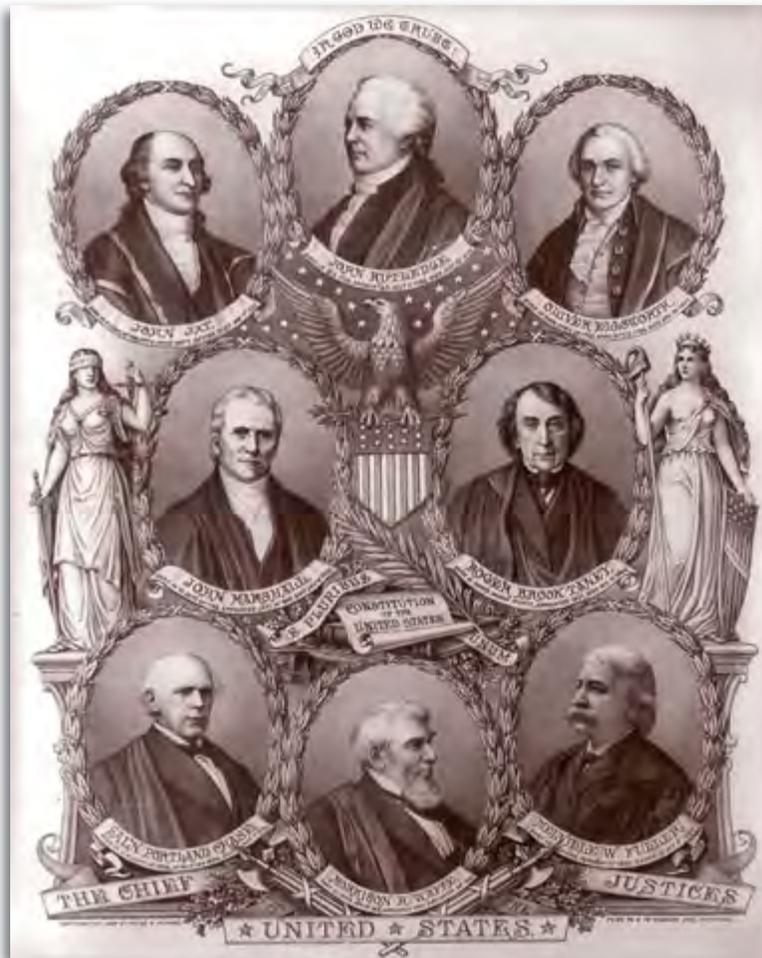
1. What is the power of judicial review?
2. What are the constitutional checks on the Supreme Court's powers?
3. How has the Supreme Court strengthened constitutional rights?

Key Terms

judicial review, *p. 189*
remand, *p. 190*
opinion, *p. 190*
concurring opinion, *p. 190*
dissenting opinion, *p. 191*



Use the graphic organizer online to take notes on the Supreme Court.



The first eight chief justices of the Supreme Court were John Jay, John Rutledge, Oliver Ellsworth, John Marshall, Roger B. Taney, Salmon P. Chase, Morrison R. Waite, and Melville W. Fuller.



What kinds of activities are protected by your right to free speech? What is cruel and unusual punishment? These are all constitutional questions, and many of them have been addressed by the courts. In fact, lower state and federal courts frequently deal with constitutional issues, but their rulings are not the final word. In our system of government, the Supreme Court has the final say about what is constitutional and what is not.

The Power of Judicial Review

Over the years, laws have been passed that have later been considered unconstitutional. Laws about segregation and discrimination are good examples. How can such laws be changed? The answers lie with a unique feature of the U.S. court system called the power of **judicial review**. This power allows courts to decide whether a law or a presidential action is in agreement with the Constitution. The Supreme Court holds the ultimate authority to make this decision. If a court decides that a law conflicts with the Constitution, that law is declared unconstitutional.

ACADEMIC VOCABULARY

explicitly:
fully revealed
without vagueness

The Constitution does not **explicitly** give the judicial branch the power of judicial review. John Marshall established the power when he served as chief justice of the Supreme Court from 1801 to 1835. Marshall promoted the idea of judicial review for the first time in 1803 in the case of *Marbury v. Madison*.

The case involved William Marbury. He had been promised an appointment as a justice of the peace by outgoing president John Adams. President Thomas Jefferson ordered the new secretary of state, James Madison, to deny Marbury's appointment. Marbury claimed that the Judiciary Act of 1789 gave the Supreme Court the power to order Madison to give him the promised appointment. However, Chief Justice Marshall ruled that the act gave the Supreme Court powers that it had not been granted by the Constitution. Because the Constitution is the supreme law of the land, the Judiciary Act passed by Congress was declared unconstitutional. This was the first time the Supreme Court had declared an act of Congress unconstitutional. It thus established the concept of judicial review.

Choosing Cases

More than 8,000 cases are filed with the Supreme Court each year. The Court may

decide, with or without a formal written opinion, only about 130 to 150 of those cases. It accepts only those cases that generally deal with important constitutional or national questions. At least four of the nine justices must vote to hear a case. If the Supreme Court refuses to review a case, the decision of the lower court remains in effect. The Court may also **remand**, or return, a case to a lower court for a new trial.

Hearing and Deciding Cases

The Supreme Court hears cases by oral argument. Lawyers for the parties in a case each have 30 minutes to present their arguments. Then the justices spend their time reading written arguments and considering what was said in court. When they are ready to decide a case, they hold a private meeting to vote. Each justice has one vote. Decisions are reached by a simple majority.

After deliberation and voting, the Court delivers its opinion. An **opinion** explains the reasoning that led to the decision. The Court's opinion is binding on all lower courts. Sometimes a justice agrees with the decision of the majority, but for different reasons. In that case, the justice may decide to write a **concurring opinion**.

Changing Court Opinions: Segregation

QUICK FACTS

The Supreme Court has interpreted the Constitution differently at different times. For example, the Court ruled in *Scott v. Sandford* that African Americans were not considered U.S. citizens. Later, in *Plessy v. Ferguson*, the Court legalized "separate but equal" facilities for African Americans and whites. The Court put an end to legal segregation in 1954 in *Brown v. Board of Education*.

How were the rulings in Plessy v. Ferguson and Brown v. Board of Education different?



1857 *Scott v. Sandford*

Dred Scott's attempt to win his freedom was defeated when the Supreme Court ruled that slaves had no right to sue in federal courts because they were considered property, not citizens.

In many cases, one or more justices disagree with the majority opinion. These justices may file a dissenting opinion. The **dissenting opinion** explains why the justice believes the majority opinion is wrong. Although dissenting opinions have no effect on the law, they are still important. Many dissenting opinions have later become the law of the land when the beliefs of society and the opinions of the justices change. For example, in *Plessy v. Ferguson*, Justice John M. Harlan dissented, saying that the Constitution should not be interpreted in ways that recognize class or racial distinctions.

Supreme Court Justices

The size of the Supreme Court is determined by Congress. Since 1869, the number of justices has been set at nine. The Court has a chief justice, who is the principal judge, and eight associate justices. Supreme Court justices, like other federal judges, are appointed for life by the president and approved by the Senate. Justices can be removed only by impeachment. There are no special requirements to be a Supreme Court justice.

READING CHECK

Summarizing How can the power of judicial review have an effect on the laws that are passed by Congress?

Checking the Court's Power

How do the other branches of government check the powers of the judicial branch? The executive branch—the president—has the power to appoint all federal judges, including Supreme Court justices. Of course, the Senate must confirm all nominees for federal judgeships, including Supreme Court justices. If a nominee cannot win the support of a majority of the senators, the nomination may be rejected. Then the president would have to appoint someone else.

If the Court rules that a law is unconstitutional, Congress can try to write a better law. Congress may change the law enough so that the Supreme Court can uphold the new law. Another way for Congress to check the Court's power is to amend the Constitution. For example, in 1895 the Supreme Court declared that an income tax law passed by Congress was unconstitutional. So in 1913 the states ratified the Sixteenth Amendment. It gave Congress the power to tax a person's income. The income tax then became legal and constitutional.

READING CHECK

Finding the Main Idea What are two ways the legislative branch can check the power of the Supreme Court?

SS.7.C.3.12 Analyze the significance and outcomes of landmark Supreme Court cases including, but not limited to, *Marbury v. Madison*, *Plessy v. Ferguson*, *Brown v. Board of Education*, *Gideon v. Wainwright*, *Miranda v. Arizona*, *in re Gault*, *Tinker v. Des Moines*, *Hazelwood v. Kuhlmeier*, *United States v. Nixon*, and *Bush v. Gore*.



1896 Plessy v. Ferguson

African American Homer Plessy was arrested for riding in a “whites-only” railcar in Louisiana. The Court justified segregation by ruling that separate facilities for different races were legal as long as those facilities were equal to one another.



1954 Brown v. Board of Education

In a unanimous decision, the Supreme Court ruled that segregated schools were not equal and therefore violated the Fourteenth Amendment's guarantee of equal protection under the law.



FOCUS ON Thurgood Marshall

(1908–1993)

Thurgood Marshall was born in Baltimore, Maryland. He graduated first in his class from Howard Law School

in 1933. He soon became a key legal counsel for the National Association for the Advancement of Colored People (NAACP). He helped the NAACP win several important civil rights cases. Perhaps his most famous victory was *Brown v. Board of Education*, which outlawed segregation in public schools.

Marshall was appointed to a federal court of appeals in 1961. He became the first African American justice on the Supreme Court in 1967. He served for more than 20 years. Marshall retired from the court in 1991. He left behind a legacy of defending individual rights and demanding equal justice for all Americans.

Explain How did Marshall contribute to the U.S. legal system?

as long as there were separate-but-equal facilities for whites and African Americans. In *Brown*, the Court ruled that segregated schools were inherently unequal and therefore violated the Fourteenth Amendment. The Court ruled that public schools be desegregated “with all deliberate speed.”

The 1954 *Brown* decision did not completely eliminate segregation. It took other cases and decisions to strike down other discriminatory laws.

Like the *Brown* decision, other Supreme Court opinions have made far-reaching changes in American life. For example, the Court has made several rulings on the rights of the accused and voting rights.

In the 1966 case of *Miranda v. Arizona*, the Court declared that the police must inform arrested suspects of their rights before questioning them.

The Court also made several decisions in the 1960s affecting voting rights and representation in Congress. These decisions were aimed at ensuring that each person’s vote counts the same as any other person’s vote.

READING CHECK

Analyzing Information

How has the Supreme Court made sure that the Constitution applies to all Americans?

Strengthening Rights

Supreme Court decisions have allowed the Constitution to meet the demands of changing times. For example, in 1954 the Court decided in the case of *Brown v. Board of Education* that the segregation of public schools was unconstitutional. By doing this the Court reversed an earlier opinion. That one had said segregation was constitutional

SECTION 3 ASSESSMENT



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ONLINE QUIZ

Reviewing Ideas and Terms

- a. Define** Write a brief definition for each of the following terms: **judicial review**, **remand**, **opinion**, **concurring opinion**, and **dissenting opinion**.

b. Compare and Contrast What are the differences between a concurring opinion and a dissenting opinion?
- a. Recall** What can Congress do to check the power of the Supreme Court?

b. Support a Point of View Does the Supreme Court have too much power? Why?
- a. Summarize** What are some issues Supreme Court cases have addressed?

- b. Elaborate** What might happen if people did not have the rights established in *Miranda v. Arizona*? Explain your answer.

Critical Thinking

- 4. Sequencing** Copy the graphic organizer. Use it to identify the steps a case goes through in the Supreme Court.



FOCUS ON WRITING

- 5. Identifying Points of View** You are a senator considering a presidential nominee for Supreme Court justice. Write a letter to your colleagues explaining how you intend to vote for the nominee.

STUDENTS TAKE ACTION

PROJECT Citizen



Encouraging Safe Exercise

When Mexico, Missouri, bicyclists ride safely between Fairground and Lakeview Parks or on the Lakeview trail, they will have a local Project Citizen class to thank. These students supported the Lakeview trail proposal. They wrote rules for the trail and planned a bike-lane route to connect the two parks.

Community Connection Students in Ms. Diana Henage's class were concerned that their city did not provide any areas designated for bicycle riding. There were no bike trails and no bicycle lanes on city streets. So the students conducted community surveys. They found there was overwhelming public support for the creation of such bicycle lanes and trails.

Taking Action The class created a "Pedal to the Metal" proposal. They wanted to create bicycle lanes connecting two public parks. They also wanted to establish rules for cyclists, walkers, and people in wheelchairs on trails. They began by interviewing city officials about a park bicycle trail that was already being considered, as well as their new proposal. With student support, the park trail was approved. The city council agreed to consider painting bike lanes. But the class did not stop there. The students gathered information on statewide bicycle programs. They then sent lists of rules and regulations to the city manager and the city parks director for final approval. The students look forward to seeing their rules posted at the entrance of the new Lakeview Park Trail!



Designated bike lanes and bike trails make bicycling safer.

SERVICE LEARNING

21ST CENTURY

1. How were the students inspired to promote safe exercise in their community?
2. How did the students work with local officials to gain support for their ideas?

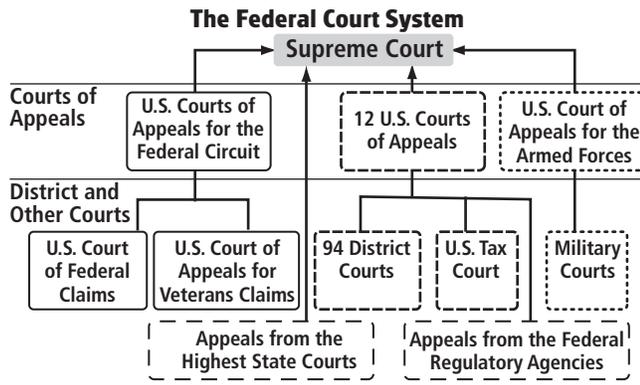
hmhsocialstudies.com ACTIVITY

CHAPTER 7 REVIEW



FLORIDA CIVICS EOC PRACTICE

1. The chart below describes the organization of the federal court system.



Appeals from the U.S. Court of Appeals for Veterans Claims reach the Supreme Court through which of the following?

- A. one of the 94 U.S. Courts of Appeals
- B. the Military Courts
- C. one of the U.S. Courts of Appeals for the Federal Circuit
- D. the U.S. Court of Appeals for the Armed Forces

2. What is one way that the rule of law has influenced the development of the American legal system?

- A. All people, including politicians and other leaders, must obey the law.
- B. Defendants are guilty until proven innocent.
- C. Penalties for violating civil laws are more severe than for violating criminal laws.
- D. Elected officials must obey constitutional laws but not statutory laws.

Reviewing Key Terms

For each term below, write a sentence explaining its significance to the judicial branch.

1. crime
2. criminal law
3. civil law
4. common law
5. precedent
6. constitutional law
7. appeal
8. jurisdiction
9. district courts
10. original jurisdiction
11. courts of appeals
12. appellate jurisdiction
13. justices
14. judicial review
15. remand
16. opinion
17. concurring opinion
18. dissenting opinion

Comprehension and Critical Thinking

SECTION 1 (Pages 180–183)

19. **a. Describe** What are the types of laws that exist in the United States?
- b. Explain** What purposes do U.S. courts serve?

SECTION 2 (Pages 185–188)

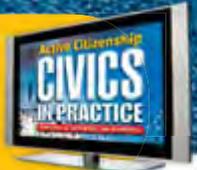
20. **a. Recall** What two kinds of cases are tried in district courts?
- b. Sequence** How is the federal court system organized?

SECTION 3 (Pages 189–192)

21. **a. Recall** How are appointments made to the Supreme Court, and how long do justices serve?
- b. Summarize** How did John Marshall increase the Supreme Court's power?
- c. Elaborate** How does the Supreme Court limit Congress's power?

Active Citizenship video program

Review the video to answer the closing question:
Why do Supreme Court decisions affect different groups of people all over the country?



Using the Internet



22. Visualizing the Judiciary Understanding the judicial branch of the U.S. government can be challenging. Through your online textbook, research the levels, functions, and powers of courts in the federal court system. Then create a diagram on poster board that shows your information. Focus on the jurisdictions of various courts and the types of cases that each court handles.

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Civics Skills



Analyzing a News Article Use the Civics Skills taught in this chapter to answer the question about the selection below.

July 20, 2005

BUSH NOMINATES ROBERTS TO SUPREME COURT

Republicans praise nominee as Dems vow thorough review

WASHINGTON (CNN) -- President Bush on Tuesday chose as his first Supreme Court nominee U.S. Circuit Judge John Roberts Jr., a conservative whose selection pleased Republicans and prompted Democrats to vow a thorough review in the Senate.

If confirmed by the Senate, Roberts would replace retiring Justice Sandra Day O'Connor, who gained a reputation as a moderate swing voter in her 24 terms on the nation's highest court.

Bush called the selection of a nominee to the high court "one of the most consequential decisions a president makes."

Bush's announcement, televised nationally in prime time Tuesday from the White House, ended nearly three weeks of fervent speculation about who would take O'Connor's pivotal place on the court.

A senior administration official told CNN that Bush interviewed Roberts Friday at the White House and made his final decision Tuesday morning. He called Roberts about 12:30 p.m. to offer him the appointment.

With Roberts standing at his side, Bush said the nominee "has devoted his entire professional life to the cause of justice and is widely admired for his intellect, his sound judgment and personal decency."

In a brief statement, Roberts said, "It is both an honor and very humbling to be nominated to serve on the Supreme Court."

Source: CNN.com

23. Does this article seem to favor one side of the issue over another? Explain your answer.

Reading Skills



Distinguishing Between Fact and Opinion

Use the Reading Skill taught in this chapter to answer the question about the selection below.

The team created a "Pedal to the Metal" proposal. They wanted to create bicycle lanes connecting two public parks. They also wanted to establish rules for cyclists, walkers, and people in wheelchairs on trails. They began by interviewing city officials about a park bicycle trail that was already being considered, as well as their new proposal. With student support, the park trail was approved and the city council agreed to consider painting bike lanes. But the team did not stop there. The students gathered information on statewide bicycle programs and then sent lists of rules and regulations to the city manager and the city parks director for final approval. The students look forward to seeing their rules posted at the entrance of the new Lakeview Park Trail! (p. 193)

24. Which of the following statements from the passage is an opinion?

- a. With student support, the park trail was approved.
- b. The students look forward to seeing their rules posted at the entrance of the new Lakeview Park Trail!
- c. The students gathered information on statewide bicycle programs.
- d. The city council agreed to consider painting bike lanes.

FOCUS ON SPEAKING

25. Writing a Radio News Broadcast Review your notes on the path a court case takes to reach the Supreme Court. Then, pick one of the Supreme Court cases discussed in your textbook. Using the library or an online resource, research the history of the case. Now write a radio news broadcast where you follow the case through the judicial system.

Judges for Life

Did the Supreme Court pull the plug on your music? In June 2005 the Supreme Court ruled that makers of file-sharing systems for the Internet could face criminal charges if people used their technology to illegally download copyrighted music. The technology involved in this case about copyrighted work had only been around for a few years. Some of the Supreme Court justices who decided the case were over age 70. Do you think age influenced the Court's decision?

Why it Matters

Justices of the U.S. Supreme Court are appointed for life, as are all other federal judges. These people play an important role in interpreting the laws that govern our country and our lives. For instance, think about how the Court's decision on file-sharing technology might affect you. Federal judges decide many other issues that affect our daily lives and our futures. The public often debates whether it is fair for these decisions to be made by people who may sometimes be far removed from the younger generations their decisions affect the most.

But Article 2, Section 1, of the U.S. Constitution states that Supreme Court justices should be appointed for life. The framers wanted justices to be able to make decisions freely, without political influence or concerns about how their decisions might affect their chances of re-election. The justices can serve until they die or they choose to retire. William O. Douglas, the longest-serving Supreme Court justice, held his position for 36 years before retiring. The oldest justice, Oliver Wendell Holmes, served until he was 90. Many justices have served into their 80s.

Some people believe that there should be a required retirement age for Supreme Court justices. Others point out that Americans are now living longer, healthier lives. If older justices are able to do their jobs well, their age should not matter. And, they argue, the experience the justices gain with age will benefit the Court.



The nine justices of the U.S. Supreme Court in 2010

ANALYSIS SKILL

EVALUATING THE LAW

1. Do you think the age of Supreme Court justices affects their views on issues? Explain.
2. How might the role of justices and their decisions change if they were elected for set periods of time?

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