The Voice of the People

vox populi

Exploring the Missouri Constitution

Russ Sackreiter
for The Missouri Bar
The Voice of the People

The Missouri Bar, Citizenship Education Department
326 Monroe Street, Box 119, Jefferson City, Missouri 65109-2660

First printing 2016

A special thanks to Millie Aulbur, Irene Sackreiter, Dr. Roy Willard,
Nic Maglio and Mizzou Publishing

Postcards provided by Professor Hobart Morris

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## Companion DVD

- E-copy of Curriculum
- Essay Rubric
- History of Missouri (Power Point)
- Dred Scott-Scripted Trial
- Teacher Resource-Federalism
- Missouri Law Making Process (Power Point)
- Diagram-How a Bill Becomes a Law
- Brat D. Brut Mock Trial
- Map of Missouri House Districts
- Writeable House Bill Form
- Public Policy Power Point

The Missouri House of Representatives
201 West Capitol
Jefferson City, Missouri
Introduction
By Russ Sackreiter

The primary goal of *The Voice of The People* curriculum is to introduce the students in Missouri’s public, parochial, and private schools to the “essential elements” of the Missouri Constitution and show how it compares with the United States Constitution.

Throughout this course of study, students will have the opportunity to develop and practice critical thinking, analytical and application skills (Depth of Knowledge, Course Level Expectations and Common Core) as they explore and acquire core knowledge of the Missouri Constitution through a problem based format. The focus of *The Voice of The People* is on individual rights assured by the Missouri Constitution, representative government and the functionality of checks and balances. As a state resident, students need to know how they can best “affect” a current state issue or redress problems that affect their daily lives.

Section 170.011, RSMo (Missouri statute mandating the teaching/testing of the Missouri Constitution)

Missouri law, Section 170.011, RSMo, “requires all students to receive instruction on the U.S. and Missouri Constitutions and in American history…” The statute, as amended, specifies that courses designated to include instruction in governmental function and the electoral process must be taken and passed during grades 9-12. This instruction may consist of units or entire courses, but must be identifiable within each school’s curriculum.

To be eligible for graduation from a Missouri public high school, a student must satisfactorily pass a test or tests on the provisions and principles of the U.S. and Missouri Constitutions… *The design, content and passing criteria for the test(s) are at the discretion of local school districts.* “The tests to be used to comply with the testing provision, the pass/fail criteria and other information such as the conditions under which they are administered and the number of times the tests can be retaken, should be maintained on file for review. Students’ permanent transcripts should clearly identify the courses taken and passed (or failed) which are designated as meeting the statutory requirement and the date(s) upon which the required tests have been taken (or retaken) and passed.” In essence, each local school district may develop its own curriculum and method of assessment. However, the curriculum must be a matter of public record and each individual student's transcript must indicate passing or failing of the assessment.

How to use the curriculum

The curriculum is divided into separate units and does not require a textbook. All readings, activities, writings and assessments may be presented as web-based or traditional. *Each unit of study is independent;* therefore teachers may select specific units, portions of units or complete all units. The determining factor will be district curricular mandates and the amount of allotted time in academic schedules.

Each unit consists of a series of readings, thematic essays, essential tasks and a formative assessment. Upon completion of all specific units, a choice of summative assessments is available. Each reading, activity, formative writing and assessment within each unit will contain a title followed by a suffix. For example the *Louisiana Purchase* reading will have the following code, S-2. The suffix refers to type of activity, unit title and sequence or order of the activity. This alphanumeric system should help identify which components teachers wish to use. Hard copies of each reading, activity, etc., can be found in the Appendix and/or accompanying CD.

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1 Source, DESE document DESE 3341-53 1/07; effective date 2010
Whenever possible, a problem-based scenario is offered to provide motivation and authentic assessment. Under this format, the student or groups of students are faced with a problem-based paradigm that has multiple solutions, requiring content and reasoning skills. In essence, the spirit of representative government and popular sovereignty become the core of *The Voice of The People*. For electronic copies of this curriculum refer to the accompanying CD or check The Missouri Bar website: [www.mobar.org](http://missourilawyershelp.org/educational-resources/)

Initially, it is suggested that teachers identify how many classroom periods they have allotted for this course of study. Teachers then should read each unit, lesson, activity and assessments, and determine what is essential for students to know. For ready access, teachers should consider uploading the necessary files from the *Voice of The People* to the school’s server.

If time is very limited, a web quest activity has been included. This activity allows students to explore the entire Missouri Constitution via Internet searches.

**Cross Curriculum Support and Enrichment**

*The Voice of The People* curriculum offers many opportunities to collaborate with faculty members from other departments, especially Language Arts and Speech. Teachers may want to take the time to recruit and educate these individuals. They may initially be reluctant to get involved because it is outside of their area and they may feel uncomfortable. Missouri Constitution teachers may want to explain and demonstrate how their colleagues’ specific skills can help improve the overall quality of planning, writing and public speaking.
The Voice of The People
A Simulation of The Missouri Legislative Process

Voce Populi

Class periods:
Five to seven 50-minute class periods

Obiter dictum:
The Voice of The People is a simulation that incorporates knowledge of the Missouri Constitution and the legislative process. The simulation is written for an entire class, ranging from 20-35 students. The simulation may be modified to fit the academic needs of students and the amount of time available within the instructor’s curriculum. Portions of The Voice of The People may be omitted or altered and still produce the same outcome.

Goal:
Students will experience the legislative process from a district perspective by developing a mock bill for the Missouri House of Representatives that addresses a public policy issue or problem. Additionally, the student will be exposed to the ideals of representative democracy and personal responsibility to the common good.

Overview:
The Voice of The People is a web based authentic assessment requiring students to apply fundamental legislative concepts of the Missouri Constitution to a contemporary public policy problem/issue facing the residents of Missouri. This will be accomplished by following a set protocol of submitting a sequence of templates electronically to the Speaker of the Missouri House of Representatives, drafting a House bill and defending it before a House committee.

The application of content to a new situation is an authentic strategy for determining student mastery of content. The Voice of The People requires students to draw upon their acquired knowledge of the Missouri Constitution, the legislative process and apply critical thinking, analytical and deliberation skills to redress a problem/issue.

Through class discussion, research and surveys, each team of students will select one contemporary public policy issue/problem to analyze and assess. This data will be condensed to a problem statement with a constitutional solution. This information will be transposed into a mock Missouri House bill that does not conflict with, or is currently addressed by the Missouri Constitution. This bill will be presented to the appropriate standing committee (the classroom) for consideration.

Specifically, this simulation assessment requires students to form “political teams” and assume the role of a fictitious member of the Missouri House of Representatives or a member of their staff. In pursuit of reality, each “political team” will create a personal, professional and a district profile reflecting the constituents of their chosen district. This profile sheet will reflect, but not be limited to, party preference, political philosophy, commitment to their district and civic virtue.

After a comprehensive study, each political team will transpose their findings into bill format (see template), complete with title, statement of issue/problem and legislative solution. The bill will be introduced, given a number and sent to committee (class at large). The Speaker of The House will set a hearing date and time, at which point, all members of the political team will testify before the committee, presenting arguments and oral and visual data for winning bill support.

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2 The voice of the people, Latin circa 1540
Optional statewide competition:
The Missouri Bar Department of Citizenship Education is extending an invitation to all participating teachers to select their best political team to compete in a statewide hearing competition in Jefferson City. Information and guidelines for this electronic/web-based competition are located in Appendix A or on the Missouri Bar website. For questions or additional information, contact Millie Aulbur at milliea@mobar.org or 573.638.2250

Essential measureable objectives:
1. The student can define public policy and apply it to a contemporary issue/problem.
2. The student can analyze and research a public policy issue/problem, identifying cause and effect.
3. The student can develop an action plan for redressing a public policy issue/problem.
4. The student can explain in detail the law making process used by the Missouri General Assembly.
5. The student can explain the relationship between public policy and the Missouri legislative process.
6. The student can, using cooperative-learning groups, orally and visually state and defend their resolution of the issue/problem.

Technology:
This simulation assessment is Internet based, requiring all students have web access, a computer or tablet and word processing software. Additionally, each classroom must have access to a data projector or Smart Board®

Key vocabulary:
alternative policy
analyze
legislative bill
civic virtue
committee hearing
common good
compromise
congressional district
constituent
constitutional
contemporary problem
deliberation
data
demographics
documentation
evidence
fact
interest group
interview
laws
non-partisan
opinion
public good
public policy
rubric
simulation
social media
**Suggested instructional strategy:**
Research suggests students have a greater chance of meeting the goals and expectations of this type of assessment, if time is spent establishing “set.” In essence, explaining the purpose of an authentic assessment, what each student must be able to demonstrate at its conclusion and how the culminating activity will be graded.

Additionally, time may be well spent reviewing key concepts of the material they will be drawing upon, its relationship to the simulation, the “steps” of the simulation and available resources.

A complete listing of teacher resources, daily lessons and rubrics have been included and referenced in “Instructional Strategies and Student Activities.” These suggestions, daily activities and rubrics may be altered or changed to fit the academic needs of each individual class of students.

**List of activities and rubric:**
Introduction to simulation
Teacher Instructions (Sample) VP-1
Sequence of Events VP-2
Student Roles VP-3
District Analysis Summary VP-4
Personal Profile Summary VP-5
Public Policy and the Law VP-6
Research Template VP-7
House Bill Template VP-8
Hearing Guidelines and Requirements VP-9
Hearing Rubric VP-10

**Appendix:**
Glossary
Map Of Missouri House Districts
How A Bill Becomes A Law (Missouri)
Daily Journal
Selecting Political Teams
Roles of A Legislator
Standing Committees (Missouri House)
Speaker Of The House Check List
Public Policy PowerPoint

**Resources:** (For best results, copy web link and paste into browser.)
Steps to Public Policy
Influencing Public Policy
Missouri legislative process
Map-Missouri legislative districts
[http://www.house.mo.gov/member.aspx](http://www.house.mo.gov/member.aspx)
Missouri House of Representatives committees
[http://www.house.mo.gov/ActiveCommittees.aspx](http://www.house.mo.gov/ActiveCommittees.aspx)
VP-1
Sample Teacher Instructions
The Voice of The People

Approximate time:
30-45 minutes

Overview:
Over the next several days we will be participating in a simulation allowing you to experience a portion of the legislative process as seen through the eyes of a mock member of the Missouri House of Representatives.

Just to review, a simulation is an imitation or enactment activity replicating a real life experience. The intent is to gain better understanding and insight into a situation that may impact your life. It is impossible to replicate an authentic process or event because there is no substitute for the actual experience.

This simulation, The Voice of The People allows you to partially experience the “process” a state legislator might have when given the opportunity to introduce a bill to the Missouri House of Representatives. Each of you will play an active role in this simulation and will be evaluated (graded) on how accurately you complete each phase and on your performance on the summative assessment.

Throughout this simulation you will be working in “political teams” consisting of 3-4 members of this class. Your first challenge is to identify an issue or problem affecting the residents of a team selected state legislative district, as well as Missouri residents at large. The issue or problem your team selects must fall within the category of “public policy.”

Because of the confusion often associated with public policy, we will explore this concept in depth, as well as its relationship to Missouri state law. Upon completing this activity you will understand key attributes of public policy and be able to select a topic or category that will serve as the first phase of the simulation.

From the beginning, your political team will be given a procedure sheet, rubrics and a checklist to keep you on task. Your political team will work through each of the phases sequentially and submit the required task(s) electronically to the Speaker of the House of Representatives. I (teacher, or you may select a student) will serve as the Speaker of the House of Representatives.

At this point, we will review the sequence of events (distribute copies of VP-2, Sequence of Events or project on screen or Smart Board). After that you will meet with your political team to choose what role each of you will play.

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1 Note: This document contains sample instructions designed for introducing the goals, objectives, procedures and student expectations for this simulation. You should feel free to formulate your own introduction and/or modify any aspects of the simulation or final assessment to fit the needs of your students.
VP-2
Sequence of Events

This form lists in sequential order the tasks required for this simulation. Each task will have its own form or template along with in-depth instructions. Check the appropriate boxes as you complete and submit each task/requirement. Each completed task or requirement must be submitted electronically to the Speaker of the House (suggested method is email).

Each form or template is available from the Speaker of the House or on the student drive of the school server. Therefore, replacement documents may be obtained at any time.

The Speaker will send electronic confirmation upon receipt of the completed form/requirement. The Speaker will store all submitted material on the school server and dedicated flash drive containing a folder with the name of your political team. As a backup, each team should save a copy of all submitted documents to a political team flash drive and keep it in a safe location.

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<th>Events</th>
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<td>Formation of political teams and review title and job of simulation characters.</td>
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<td>2</td>
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<td>Role description and assignment. Submit official roster to the Speaker of the House. Form VP-3</td>
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<td>Each political team will select one Missouri House of Representatives district to research demographics, summarize and submit to the Speaker. Form VP-4</td>
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<td>Each political team will create a fictitious personal and professional resume for the individual who will be their member of the Missouri House. Submitted completed document to the Speaker. Form VP-5</td>
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<td>Each individual team member will complete the reading and activity on public policy/relationship to the law and submit to the Speaker. Upon completion the team will select one topic fitting the standards of public policy for research. Form VP-6</td>
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Each political team will research their selected/approved topic, complete research form and submit to the Speaker. **Form VP-7**

Using approved **Form VP-7**, each team will create a legislative bill and submit to the Speaker. The bill must be submitted on **Form VP-8**, without exception.

Upon approval of the legislative bill, each team will prepare for testifying before the appropriate committee. **Form VP-9** and **Rubric VP-10**

At the beginning of class the Speaker of the House will conduct a lottery to determine the order of presentation by political teams.

Political teams will have 10 minutes to testify in support of their bill, followed by 5 minutes of questions from the committee members. If additional media equipment is needed, the Speaker must be notified 24 hours in advance.

Evaluation of each political team by the teacher using **Rubric VP-10**

Announcement of winning team. Highest scoring team from all participating classes will advance to the state competition.

**Teacher notes and/modifications:**
VP-3
Student Roles

"The effect of [a representative democracy is] to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of the nation..." (James Madison)

Being a member of a simulation team has much in common with an athletic team; doing well or winning is dependent upon all members working together. Listed below are the primary roles and job descriptions of each political team. Each character role has specific responsibilities as well as shared common responsibilities. No one role is more important than another as your team success is determined by mutual respect and completing each individual and team task.

**Representative:**
You are a member of the Missouri House of Representatives, representing a specific district within the state of Missouri. Except for the years you spent in college, you have lived in this district your entire life and have come to know the people quite well. You are currently serving in your second term and have the goal of sponsoring a bill that will help the residents of your district and the residents of Missouri at-large.

Throughout the simulation it is your responsibility to lead your team through each phase of the process. This will be accomplished by chairing each team meeting, ensuring that all team members have equal opportunity to speak, share ideas and contribute equally to the final hearing.

Communication is essential. You must have contact information (e-mail addresses, phone numbers, etc.) for all team members.

**Legal Advisor:**
In general, your major responsibility is to make sure your political team has all necessary forms for each task and that they are correctly completed in full and submitted on time.

To ensure legal compliance of each task you will maintain a checklist of all required tasks, the date they were submitted to the Speaker and confirmation they were recorded. This job will require you to consult often with the Speaker of The House or his/her clerk.

If at any time there is doubt or confusion regarding a task or form, you must speak directly to the Speaker or clerk for clarification.

Communication is essential. You must have contact information (e-mail addresses, phone numbers, etc.) for all team members.

**Research Director:**
Specific information must be obtained from reliable websites in order to complete each task of the simulation. It is your role to take the lead in compiling and sharing either information or websites with each team member. When team members share data and information from a website you must double-check the data and/or site for accuracy.

Prior to filling out forms and completing tasks, you must familiarize all team members with all information gathered by you and other team members.

Communication is essential. You must have contact information (e-mail addresses, phone numbers, etc.) for all team members.
**Communications Director:**
As Media Director it is your responsibility to take the lead in creating visual and electronic aids to be used during the hearing process. This job requires you to have basic knowledge of Power Point, Prezi, Keynote and/or word processing software.

You must keep accurate notes of important team decisions/actions; maintain a working outline, and save all work to a flash drive and school server, in order to be effective. It is important that you build on your presentations with each team meeting. Waiting until the last day to create necessary media will result in a poor team performance.

Communication is essential. You must have contact information (e-mail addresses, phone numbers, etc.) for all team members.

**Speaker of the House:**
(A student under the supervision of a teacher may play this role or the teacher may assume this role.)

As Speaker of the House of Representatives you will be responsible for calling the House into session, reviewing all bill proposals to make sure they meet or comply with the standards of “public policy”, assigning a number to each bill and appointing the time for the first reading.

The office of the Speaker is responsible for making available, and receiving and recording all completed political team forms. These forms should be available for retrieval and recorded within a folder on the school server. As added protection, all documents should be backed up to a flash drive.

Additionally, you will assign each bill to the appropriate committee and hold a lottery to determine the order, date and time each political team will testify. Prior to the start of each hearing you will select one individual to act as chairperson of the committee and another to serve as timer.

**Teacher notes/modifications:**

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4 For convenience and time consider appointing a student to serve as your clerk to help record and distribute forms and materials.
VP-4
District Profile Form

As a member of the Missouri House of Representatives you are faced with the challenge of understanding and continually monitoring changes within your district. This information will enable you to represent your constituency and propose a legislative bill that will help and benefit the residents you represent.

The purpose of this activity is for you to explore and summarize the political, social and economic facts within your district. Listed below is a set of categories that your team is to explore study and summarize. After reading and discussing, briefly summarize what you have learned about each category.

Upon completion of all categories, explain how this information would make you a more effective representative, and influence the type of legislation you would support.

Step one:
Review the map “Missouri House Districts” or go to http://www.house.mo.gov/billtracking/maps/house.pdf and select the district you wish to represent.

What district did you select (by number)?
What cities are within your district?
Briefly explain why you selected this district?

Who is the current representative and what is his/her contact information? Why is it important for constituents to have easy access to their representative?

Step two:
Using, https://oa.mo.gov/house-district-demographics (or another website of your choice), summarize the categories under “selected social and economic characteristics.”

Selected social characteristics:
What is the estimated population of your district?

After reviewing the data for “Households by Type, Population, Fertility and School Enrollment,” do you expect the population to increase or decrease over the next five years? Why?

Review the category “Educational Attainment”. What assumptions can be made regarding the importance your constituents place on education? Explain.

Review the category “Language Spoken at Home”. Would this data reflect possible challenges facing the public schools or employees of local government or state agencies? Explain.

Review the category “Employment Status”. What evidence can you give to support either an increase or decrease in employment? Explain.

The condition of roads and highways is always a concern to residents. Review the category “Commuting to Work”. What assumptions can you make? Explain.
Review the category “Occupation”. Which areas of employment are the most dominant? How could legislation and state agencies help improve economic or employment issues?

What is the mean (average) income for families in your district? How does that compare with the state and national average? Predict how this income might impact the demand for goods and services?

What percentage of families (with and without children) have an income below the poverty level? How could legislation and state agencies help provide more educational and employment opportunities?

What percent of students are participating in the “free and/or reduced lunch program?” What does this number indicate? How could legislation reduce this number?

Go to http://enrarchives.sos.mo.gov/enrnet/default.aspx, select “general election” and “pick a county.” What percentage of residents voted for the parties listed below? Is one political party more dominant than another? If so, why?
Democrat
Republican
Libertarian

Step three:
As a political team, review your response to each question in “step two.” Predict and summarize how these findings might influence your role as a member of the Missouri House of Representatives. Specifically consider areas such as education, commerce, employment, the environment, transportation, housing and anti-discrimination laws.

Additional web links:
For best results, copy web link and paste into browser.
Missouri House of Representatives
US Census
http://www.census.gov/geo/maps-data/maps/sldl/st29_mo.html
US Census
http://www.census.gov/topics.html

Teacher notes and/modifications:
NOTE:
This completed form must be submitted to the Speaker of the House. See Appendix A-5, for help in completing this form.

Name:
Age:
Gender:
Family status:
Place of birth:
Current residence:
Why did you select your current residence?
Educational and professional background and experience:
Current job and employer:
Membership in civic organizations:
Volunteer history:
Political party preference:
Why did you choose to run for office?
Most important political goal you would like to achieve:

Teacher notes and/modifications:
VP-6
Hearing Guidelines

The Speaker of the House will assign your political team a specific day and time to testify in front of the appropriate House committee. Unless given a reprieve by the instructor, you will be expected to be prepared on the given date.

Your political team will have a maximum of ten minutes to present your testimony, arguing that the committee should approve your bill and send it to the floor of the House for another reading.

After ten minutes, the individual committee members will have an opportunity to ask questions of your political team regarding anything within your prepared presentation and/or the implications of items within your bill. Remember, your bill is based upon the public policy philosophy, and all statements and responses should reflect that point of view.

Before preparing for your presentation consider the following:

1. Your presentation will be timed. When you reach the 9-minute mark, the timer will hold up a one-minute sign. At the end of ten minutes, the timer will hold up a “STOP” sign.

2. Prior to starting the hearing, all members of the House committee must have a copy of your bill. It is the responsibility of your committee to make and distribute the appropriate number of copies (electronic copies are acceptable).

3. Each person on the team is expected to take an active part in the oral presentation.

4. For this hearing, the use of visual and computer-generated graphics is permitted. This would include video clips, pictures, slide shows, graphics and other forms of media that enhance your presentation.

5. The use of Power Point or Prezi presentations in which the committee members “read from the screen” is forbidden.

6. Throughout your presentation, reference should be made to specific parts of your bill and its relationship to addressing a contemporary problem that is in the public interest.

7. The conclusion of your presentation must include a summation demonstrating a need and urgency to move this bill from committee to the floor for passage. This summation should reflect the need to promote the common good and accomplish a goal that cannot be achieved by the individual voter.

Note:
The instructor may add additional guidelines and specifications. See your instructor for further explanation of the above guidelines. The burden of understanding all guidelines and specifications is the responsibility of each political team.
Name of Committee:  
Political team members:

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>RATING</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Understanding of the public policy issues; the team members</td>
<td></td>
<td></td>
</tr>
<tr>
<td>▪ Present oral arguments and data that explain the problem and its cause and present evidence that there is a problem.</td>
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<tr>
<td>▪ Demonstrate an understanding of the issues involved.</td>
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<tr>
<td>▪ Explain why Missouri government should be involved in the solution.</td>
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<tr>
<td>2. Analysis of the public policy issue; the team members</td>
<td></td>
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</tr>
<tr>
<td>▪ Present two or more alternative public policies to address the problem.</td>
<td></td>
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<tr>
<td>▪ Explain advantages and disadvantages of each alternative policy presented.</td>
<td></td>
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</tr>
<tr>
<td>▪ Identify controversies and conflicts that need to be addressed for each alternative.</td>
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<td></td>
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<tr>
<td>3. Bill development and persuasion; the bill and the argument</td>
<td></td>
<td></td>
</tr>
<tr>
<td>▪ Addresses the problem and identifies the government branch or agency responsible for enacting their proposed bill.</td>
<td></td>
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<tr>
<td>▪ Supports their proposed public policy bill with reasoning and evidence.</td>
<td></td>
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<tr>
<td>▪ Identifies and explains advantages and disadvantages of their proposed bill.</td>
<td></td>
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<tr>
<td>▪ Explains and gives supporting information for why their bill is constitutional.</td>
<td></td>
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<tr>
<td>4. Implementation of proposed bill; the team members</td>
<td></td>
<td></td>
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<tr>
<td>▪ Identify individuals, Missouri officials, individuals and interest groups, both supporters and opponents who will need to be influenced.</td>
<td></td>
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<tr>
<td>▪ Explain an action process for getting their proposed bill enacted.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oral, visual and data effectiveness; the team members</td>
<td></td>
<td></td>
</tr>
<tr>
<td>▪ Present data, facts and research history that support passage and support of the bill.</td>
<td></td>
<td></td>
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<tr>
<td>▪ Construct a clear and convincing argument and sequence of data</td>
<td></td>
<td></td>
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<tr>
<td>▪ Use and document research from multiple sources and provide appropriate notation for the sources and research evidence cited.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>▪ Use relevant and appropriate graphics and written information that is visually appealing.</td>
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</table>

Recommendation for advancing the bill to full House floor | YES | NO |

Notes and questions:  
Signature of committee member:
### VP-8

#### Hearing Summative Rubric

<table>
<thead>
<tr>
<th>Political team:</th>
<th>Hour/School:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Area of evaluation</th>
<th>4 Exemplary understanding of the question or problem</th>
<th>3 Effectively demonstrates understanding of the question or problem</th>
<th>2 Sufficiently demonstrates understanding of the question or problem</th>
<th>1 Poorly demonstrates understanding of the question or problem</th>
<th>Score</th>
</tr>
</thead>
</table>
| Understanding of the problem | • Outstanding evidence supporting the need to address the problem and its causes.  
   • Outstanding understanding of issues involved and potential obstacles in redressing the problem.  
   • Outstanding explanation of why state agencies must be involved in the solution. | • Strong evidence supporting the need to address the problem and its causes.  
   • Strong understanding of issues involved and potential obstacles in redressing the problem.  
   • Strong explanation of why state agencies must be involved in the solution. | • Minimal evidence supporting the need to address the problem and its causes.  
   • Minimal understanding of issues involved and potential obstacles in redressing the problem.  
   • Minimal explanation of why state agencies must be involved in the solution. | • Lack of evidence explaining the need to address the problem and its causes.  
   • Weak understanding of issues involved and potential obstacles in redressing the problem.  
   • Weak explanation of why state agencies must be involved in the solution. |       |
| Proposed Solution to the problem as stated in mock House bill | • Sophisticated legislation addressing the problem and solution.  
   • Sophisticated incorporation of state agencies responsible for implementation.  
   • Outstanding reasoning the legislation will eliminate or minimize the problem. | • Strong legislation addressing the problem and solution.  
   • Strong incorporation of state agencies responsible for implementation.  
   • Strong reasoning the legislation will eliminate or minimize the problem. | Minimal legislation addressing most of the problem and solution.  
   • Minimal incorporation of state agencies responsible for implementation.  
   • Minimal reasoning linking state agencies to eliminating or minimizing the problem. | • Weak legislation addressing part of the problem and solution.  
   • Weak or no reasoning or application to the problem.  
   • Few or no state agencies are linked to eliminating or minimizing the problem. |       |
<table>
<thead>
<tr>
<th>Team Engagement</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>• Excellent delivery and organization on the part of all team members</td>
<td>• Strong delivery and organization on the part of the majority of team members</td>
<td>• Minimal delivery and organization on the part of most team members.</td>
<td>• Weak delivery and organization on the part of the majority of team members</td>
<td></td>
</tr>
<tr>
<td>• Strong eye contact, adequate volume and correct pronunciation of all words</td>
<td>• Good eye contact and volume. Minor pronunciation errors</td>
<td>• Most team members make eye contact and volume fluctuates. 2-3 pronunciation errors.</td>
<td>• Weak eye contact, hesitation in speaking, volume is weak and hard to understand</td>
<td></td>
</tr>
<tr>
<td>• Presentation is enthusiastic, adequately paced and captures the attention of the committee members</td>
<td>• Presentation and enthusiasm is strong and generally captures the attention of the committee member.</td>
<td>• Presentation is rushed, has minimal enthusiasm and captures the attention of few committee members.</td>
<td>• Weak performance on the part of the majority of team members. Lack of enthusiasm, appear to be unprepared and fail to attract positive attention of the committee members</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Visual Aids</th>
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</thead>
<tbody>
<tr>
<td>• Excellent visual aids that enhance the presentation by focusing on general and key sections of the House bill</td>
<td>• Strong visual aids that support the presentation by focusing on the majority of key sections within the House bill</td>
<td>• Minimal visual aids that enhance less than half of the key sections of the House bill</td>
<td>• Weak visual aids that do not enhance or support any general or key sections of the House bill</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NOTES</th>
<th>NOTES AND SCORES</th>
<th>NOTES AND SCORES</th>
<th>NOTES AND SCORES</th>
<th>Total Score:</th>
</tr>
</thead>
</table>
**SCORING:**

Poor understanding of the public policy issue and role of Missouri state agencies as reflected within the proposed House bill.  
30-40 points

Sufficiently demonstrates an understanding of the public policy issue and role of Missouri state agencies as reflected within the proposed House bill.  
50-60 points

Effectively demonstrates an understanding of the public policy issue and role of Missouri state agencies as reflected within the proposed House bill.  
70-80 points

Exemplary understanding of the public policy issue as reflected within the proposed House bill.  
90-100 points

Judge: ___________________________ Date: _______________

Committee Members:

Teacher notes and/modifications:

George Washington Carver  
Diamond, Missouri (1865-1943)  
*When you do the common things in life in an uncommon way, you will command the attention of the world.*
A-1
Glossary of Terms Activity

Instructions:
Read each definition carefully and then paraphrase it in your own words.

Alternative policy: “A choice limited to one of two or more possibilities, as of things, propositions, or courses of action, the selection of which precludes any other possibility.”

Paraphrase:

Analyze: “To separate into constituent parts or elements, or essential features.”

Paraphrase:

Legislative Bill: “A proposed law under consideration by a legislature.”

Paraphrase:

Civic virtue: “A morality or a standard of righteous behavior in relationship to a citizen’s involvement in society.”

Paraphrase:

Committee hearing: “The principal formal method by which committees collect and analyze information in the early stages of legislative policymaking.”

Paraphrase:

Common good: “Doing something (personal or legislative) that is to the advantage or benefit of all people in society or a group.”

Paraphrase:

Compromise: “A way of reaching an agreement in which each person or group gives up something that was wanted in order to end an argument or dispute.”

Paraphrase:

Congressional district: “An electoral constituency that elects a single member of a congress (federal or state).”

Paraphrase:

Constituent: “A voting member of a community or organization having the power to appoint or elect.”

Paraphrase:
**Constitutional**: “An established set of principles (laws, statutes, constitutions, etc.) governing a state.”

Paraphrase:

**Contemporary problem**: “An issue, topic, problem or political issue, happening or beginning now or in recent times.”

Paraphrase:

**Deliberation**: “A discussion and/or consideration of all sides of an issue under consideration.”

Paraphrase:

**Data**: “A collection of individual facts, statistics, or items of information related to a specific topic.”

Paraphrase:

**Demographics**: “The statistical data of a population, especially those showing average age, income, education, etc.”

Paraphrase:

**Documentation**: “A collection of material that provides official information or evidence or that serves as a record.”

Paraphrase:

**Evidence**: “The currently available body of facts or information indicating whether a belief or proposition is true or valid.”

Paraphrase:

**Fact**: “Information used as evidence or as part of a report or news article. Something that is indisputable.”

Paraphrase:

**Interest group**: “An organized group of individuals that tries to influence the government to adopt certain policies or measures.”

Paraphrase:

**Non-partisan**: “A document, law or proposal that is not biased or favoring one organization or party, especially toward any particular political group.”

Paraphrase:
**Opinion:** “A view or judgment (written or spoken) formed about something, not necessarily based on fact or knowledge.”

Paraphrase:

**Public good:** “A commodity or service that is provided without profit to all members of a society, either by the government or a private individual or organization.”

Paraphrase:

**Public policy:** “The principles, often unwritten, on which social laws are based.”

Paraphrase:

**Rubric:** “A document used by educators as a means of communicating expectations for an assignment, providing focused feedback on works in progress, and grading final products.”

Paraphrase:

**Social media:** “Websites, blogs and applications that enable users to create and share content or to participate in social networking.”

Paraphrase:

**Sources for definitions:**
For best results, copy web link and paste into browser.
http://dictionary.reference.com/browse/alternative
http://www.merriam-webster.com/dictionary/compromise

**Teacher notes and/modifications:**

Walter Cronkite
Saint Joseph, Missouri (1916-2009)

In seeking truth you have to get both sides of a story.
PART A

Consistency in representing the constituents of your district, and balancing the needs of Missouri state government and the overall needs of Missouri residents, is an important goal of representative democracy.

The purpose of this form is to develop a professional/personal profile that balances your political philosophy with the general philosophy of the people you represent. Each time you make a decision that impacts others; review your personal/professional profile form.

To further improve consistency in your decision-making, your political staff should develop your professional philosophy and personal profile.

Review the oath of office you took upon being elected before starting on this form

Oath of Office

Every senator or representative-elect, before embarking upon the duties of his office, shall take and subscribe to the following oath or affirmation:

"I do solemnly swear, or affirm, that I will support the Constitution of the United States and of the state of Missouri, and faithfully perform the duties of my office, and that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law."

The oath shall be administered in the halls of the respective houses to the members thereof, by a judge of the Supreme Court or a circuit court, or after the organization by the presiding officer of either house, and shall be filed in the office of the secretary of state. Any senator or representative refusing to take said oath or affirmation shall be deemed to have vacated his office, and any member convicted of having violated his oath or affirmation shall be deemed guilty of perjury, and be forever disqualified from holding any office of trust or profit in this state. (Source: Missouri Constitution of 1875. Article IV Section 15)
PART B

**Special note:** Maintain a copy of this completed form as a reference when deciding what actions to take regarding a pending bill.

Name: (you may use your own or create a name. Example, Representative Sarah Smith)

Age:

Place of birth:

Current residence:

Why you selected current residence:

Educational background:

Family status:

Current occupation:

Membership in civic organizations:

Volunteer history:

Why did you choose to run for political office?

Political party preference:

Most important political goal:

Notes and/or memorandum regarding motive or philosophy of your profile:
Student Role Badges

Representative
______________
Name (please print)

Legal Advisor
______________
Name (please print)

Research Director
______________
Name (please print)

Media Director
______________
Name (please print)
Speaker of the House

________________
Name (please print)

Sergeant At-Arms

________________
Name (please print)

Create new position

________________
Name (please print)

Create new position

________________
Name (please print)
**General provisions:**
No law is passed except by bill. Bills may originate in either house and are designated as Senate Bills or House Bills, depending on the house in which they originate. No bill (except general appropriations bills) may contain more than one subject, which is to be expressed clearly in its title. No bill can be amended in its passage through either house so as to change its original purpose. No bill can be introduced in either house after the 60th legislative day of a session unless consented to by a majority of the elected members of each house. The governor may request consideration of proposed legislation by a special message. No appropriation bill shall be taken up for consideration after 6:00 p.m. on the first Friday following the first Monday in May of each year.

**Introduction of a bill:**
Legislation approved by the 1971 General Assembly (H.B. 156) provides for pre-introduction of bills beginning December 1 preceding the opening of the assembly session and continuing up to, but not including, the first day of the session. Bills filed during the pre-introduction period are automatically introduced and read for the first time on the opening day of the session.

Bills may also be introduced by any senator or representative during the session. Bills may be written by the legislator or drafted by the staff of the Committee on Legislative Research at the request of a senator or representative. When introduced, a bill is assigned a number and read for the first time by its title by the Senate or House-reading clerk. It then goes on the calendar for a second reading and assignment to committee by the speaker of the House or the president pro tem of the Senate.

A public hearing before the committee to which a bill is assigned is the next step in the legislative process. Except in the case of some unusually controversial, complex or lengthy bills, the bill is presented by its sponsor and both proponents and opponents are heard in a single hearing. When hearings are concluded, the committee meets to vote and makes its recommendations. The committee may: (1) Report the bill with the recommendation that it "do pass"; (2) Recommend passage with committee amendments, which are attached to the bill; (3) Return the bill without recommendation; (4) Substitute in lieu of the original bill a new bill to be known as a committee substitute; (5) Report the bill with a recommendation that it "do not pass" or (6) Make no report at all.

**Perfection of a bill:**
If a bill is reported favorably out of committee or a substitute is recommended, it is placed on the "perfection calendar" and when its turn comes up for consideration it is debated on the floor of the originating house. If a substitute is recommended by the committee, or if committee amendments are attached to the bill, they are first presented, debated and voted upon. Further amendments can then be proposed by other members with their changes designated as House or Senate amendments, to differentiate from the committee amendments. When all amendments have been considered, a motion is made to declare the bill perfected. Perfection is usually voted on by a voice vote, but upon the request of five members, a roll call shall be taken. If a majority of members vote to perfect, the bill is reprinted in its original or amended form.

**Final passage of a bill:**
After perfection and reprinting, the bill goes on the calendar for a third reading and final passage. When the bill is reached in the order of business, any member may speak for or against its passage, but no further amendments of a substantive nature can be offered. At the conclusion of debate, a recorded vote is taken. Approval of a constitutional majority of the elected members (18 in the Senate and 82 in the House) is required for final passage.
Passage of the bill is then reported to the other house where it is again read a second time; referred to committee for hearing; reported by committee; and third, read and offered for final approval. If further amendments are approved, these are reported to the originating house with a request that the changes be approved. If the originating house does not approve, a conference may be requested and members from each house are designated as a conference committee. Upon agreement by the conference committee (usually a compromise of differences), each reports to its own house on the committee’s recommendation. The originating house acts first on the conference committee version of the bill. If it is approved, it goes to the other house and upon approval there, the bill is declared, "truly agreed to and finally passed." If either house rejects the conference committee report, it may be returned to the same or a newly appointed committee for further conferences.

Upon final passage, a bill is ordered enrolled. It is typed in its finally approved form, printed, and the bills are closely compared and proofed for errors.

**Signing of the bill:**
Bills truly agreed to and finally passed in their typed form are then signed in open session by the House speaker and Senate president or president pro tem. At the time of signing, any member may file written objections, which are sent with the bill to the governor.

**Governor's part in lawmaking:**
The governor has 15 days to act on a bill if it is delivered to him during the legislative session; and 45 days if the legislature has adjourned or has recessed for a 30-day period.

If he signs a bill, it is returned to its house of origin with his message of approval, then delivered to the Office of Secretary of State. If the legislature is not in session, it is delivered directly to the Office of Secretary of State.

If the governor vetoes a bill, it is returned to the house of origin with his objections. A two-thirds vote by members of both houses is required to override a governor's veto.
If any bill shall not be returned by the governor within the time limits prescribed by Article III, Section 31 of the Missouri Constitution it shall become law in the same manner as if the governor had signed it.

**Effective date of laws:**
The 1945 Constitution provides that no law passed by the General Assembly shall take effect until ninety days after the end of the session in which it was enacted, except an appropriation act or in case of an emergency, which must be expressed in the preamble or in the body of the act. Some bills specify the exact date when they are to take effect.

**Duties of the secretary of state:**
The secretary of state preserves the finally typed copy of the law. All the laws are bound together in one volume at the close of each session and seldom are seen unless some question arises. Prior to binding of the laws, the secretary of state publishes annually a volume of "Laws of Missouri", which is distributed to members of the General Assembly, state officials and other interested persons.

The general statute laws are revised by the reviser of statutes in the Office of the Committee on Legislative Research, digested and promulgated. These are known as the *Revised Statutes of Missouri*. Under legislation, the Committee on Legislative Research also publishes annual supplements to the statutes to include changes in laws since the last revision.

**Source:** Missouri Senate [http://www.senate.mo.gov/bill-law.htm](http://www.senate.mo.gov/bill-law.htm)
Forms of Legislative Representation

Article IV, section 4, of the U.S. Constitution guarantees each state a “republican” form of government, which differs significantly from a democracy. A Republican form of government is a government of the people by their constitutional right to elect representatives who exercise government on their behalf.

Missouri, like the other states, has a republican form of government. Our state is divided into legislative and senatorial districts. The people (those eligible and registered) elect individuals to go to Jefferson City and create legislation that benefits not only their district but also the residents of Missouri.

Upon being elected, the representative may fall under one or more or a combination of legislative representation philosophies or models.

The three major philosophies are:

**Trustee**
The evolution of this theory or role goes back hundreds of years and is based upon the fact that many of the constituents within a district may not be informed or sufficiently educated on all issues or matter that a legislator faces on a daily basis. Therefore, the residents of a district assume the legislator will act and vote in a manner that benefits not only themselves but also others in the state.

If the legislator makes decisions that go against the social, economic and political beliefs of the majority of voters within the district, they may not get re-elected; this is the constituents’ primary tool for checking the legislator’s actions.

**Delegate**
Under this model, the elected legislator is expected to act and vote only on the instructions and wishes of his/her constituents. The legislator is expected to reject the pressures of their political party and interest groups and lobbyists. In addition, they must ignore their personal beliefs and the impact a bill may have on other residents of the state.

Upon re-election the legislator now has the burden of convincing their constituency that their voting record and House actions reflects their needs.

**Politico**
The majority of current legislators probably fall within this category. Generally, this model of legislator is a combination of trustee and delegate, with the realization that without the backing of his/her political party and the financial support of interest groups, they will not be able to maintain their office.

This model is applicable to many elected officials who want to make a career of politics. In today’s world, endorsements, interest group financial support and the backing of their political party will often determine whether they can run for re-election. Staying in office requires the political support of the majority of voters in their district, come Election Day.
Follow-Up Activity:
Prior to completing your political/personal profile, consider the following questions.

1. In your own words, briefly explain the difference between Trustee, Delegate and Politico.

2. Explain why you feel these three political philosophies exist.

3. If you were running for a seat in the Missouri House of Representatives, which model would you follow? How would you explain your choice to voters during a town hall meeting?

Teacher notes and/modifications:

Resources:
For best results, copy web link and paste into browser.
Characteristics of Republican government  
http://ireport.cnn.com/docs/DOC-530334
Congressional voting styles  
https://www.youtube.com/watch?v=x18MAs6Px_s
Political Representation (Stanford Encyclopedia)  
http://plato.stanford.edu/entries/political-representation/
Representation-University of Missouri  
http://web.missouri.edu/~webberd/316Rep.html
Majority OTE Rules  
http://www.majorityvoterules.org/who_is_the_boss.php

Langston Hughes  
Joplin, Missouri (1902-1967)  
I have discovered in life that there are ways of getting almost anywhere you want to go, if you really want to go.
**Rating Public Policy Issues**

“Broadly, we might say that a public policy is simply what government (any public official who influences or determines public policy, including school officials, city council members, county supervisors, etc.) does or does not do about a problem that comes before them for consideration and possible action.”  ([www.civiced.org](http://www.civiced.org))

<table>
<thead>
<tr>
<th>Public Policy Topic</th>
<th>Scope: 5 if it affects many and lower to 1 if it affects fewer</th>
<th>Intensity: 5 if it is really annoying, bothersome, etc.; 1 if it is not that big of a deal</th>
<th>Duration: 5 if it has been going on a long time or is persistent; 1 if it is brief or only happens rarely</th>
<th>Resources: 5 if the costs to fix it are low compared to the problem; 1 if the costs to fix it are high compared to what it is currently costing</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drinking and driving laws</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adequate school funding</td>
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<td>Bullying within public/private schools</td>
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<td>Fix roads and bridges</td>
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<td>Ban smoking in all public areas</td>
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<td>Required vaccinations for all public school students</td>
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</table>

**Follow-up activity:**
Select a topic not mentioned above and explain how it fits the definition of public policy.
A-7
House Bill Template

HOUSE BILL ( NUMBER)

00TH GENERAL ASSEMBLY

Introduced by Representative

Chief Clerk

AN ACT

Be it enacted by the General Assembly of the State of Missouri, as follows:

1 2 3
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18
19
Referred to committee:  Date:

Committee action:

Date:  Vote:  Yea  Nay

Chairman comments:

Committee Notes:
A-8
Standing Committees
Missouri House of Representatives

All, Standing, Select Standing, Statutory, Interim, and Special Committees
Alphabetical/ Organizational

ADMINISTRATION AND ACCOUNTS, Standing
AGRICULTURE POLICY, Standing
APPROPRIATIONS - AGRICULTURE, CONSERVATION, AND NATURAL RESOURCES, Standing
APPROPRIATIONS - ELEMENTARY AND SECONDARY EDUCATION, Standing
APPROPRIATIONS - GENERAL ADMINISTRATION, Standing
APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES, Standing
APPROPRIATIONS - HIGHER EDUCATION, Standing
APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS, Standing
APPROPRIATIONS - REVENUE, TRANSPORTATION, AND ECONOMIC DEVELOPMENT, Standing
BANKING, Standing
CHILDREN AND FAMILIES, Standing
CIVIL AND CRIMINAL PROCEEDINGS, Standing
CONSERVATION AND NATURAL RESOURCES, Standing
CONSUMER AFFAIRS, Standing
CORRECTIONS, Standing
ECONOMIC DEVELOPMENT AND BUSINESS ATTRACTION AND RETENTION, Standing
ELECTIONS, Standing
ELEMENTARY AND SECONDARY EDUCATION, Standing
EMERGING ISSUES, Standing
EMERGING ISSUES IN EDUCATION, Standing
EMPLOYMENT SECURITY, Standing
ENERGY AND THE ENVIRONMENT, Standing
ETHICS, Standing
FISCAL REVIEW, Select Standing
GOVERNMENT EFFICIENCY, Standing
GOVERNMENT OVERSIGHT AND ACCOUNTABILITY, Standing
HEALTH AND MENTAL HEALTH POLICY, Standing
HEALTH INSURANCE, Standing
 HIGHER EDUCATION, Standing
INTERIM COMMITTEE ON DEVELOPMENT AND IMPROVEMENT OF MISSOURI PORTS, Interim
JOINT COMMITTEE ON ADMINISTRATIVE RULES, Statutory
JOINT COMMITTEE ON CAPITAL IMPROVEMENTS AND LEASES OVERSIGHT, Statutory
JOINT COMMITTEE ON CHILD ABUSE AND NEGLECT, Statutory
JOINT COMMITTEE ON CORRECTIONS, Statutory
JOINT COMMITTEE ON EDUCATION, Statutory
JOINT COMMITTEE ON GAMING AND WAGERING, Statutory
JOINT COMMITTEE ON GOVERNMENT ACCOUNTABILITY, Statutory
JOINT COMMITTEE ON LEGISLATIVE RESEARCH, Statutory
JOINT COMMITTEE ON LEGISLATIVE RESEARCH - PERSONNEL SUBCOMMITTEE, Standing
JOINT COMMITTEE ON LIFE SCIENCES, Statutory
JOINT COMMITTEE ON MISSOURI’S PROMISE, Statutory
JOINT COMMITTEE ON MO HEALTH NET, Statutory
JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT, Statutory

JOINT COMMITTEE ON REAL PROPERTY TAX INCREMENT ALLOCATION REDEVELOPMENT, Statutory

JOINT COMMITTEE ON SOLID WASTE MANAGEMENT DISTRICT OPERATIONS, Statutory

JOINT COMMITTEE ON TAX POLICY, Statutory

JOINT COMMITTEE ON THE JUSTICE SYSTEM, Statutory

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT, Statutory

JOINT INTERIM COMMITTEE ON STATE EMPLOYEE WAGES, Interim

LOCAL GOVERNMENT, Standing

MISSOURI WORKS JOB TRAINING JOINT LEGISLATIVE OVERSIGHT COMMITTEE, Statutory

PENSIONS, Standing

PROFESSIONAL REGISTRATION AND LICENSING, Standing

PROPERTY, CASUALTY, AND LIFE INSURANCE, Standing

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS, Standing

SELECT COMMITTEE ON AGRICULTURE, Select Standing

SELECT COMMITTEE ON BUDGET, Select Standing

SELECT COMMITTEE ON COMMERCE, Select Standing

SELECT COMMITTEE ON EDUCATION, Select Standing

SELECT COMMITTEE ON FINANCIAL INSTITUTIONS AND TAXATION, Select Standing

SELECT COMMITTEE ON GENERAL LAWS, Select Standing

SELECT COMMITTEE ON INSURANCE, Select Standing

SELECT COMMITTEE ON JUDICIARY, Select Standing

SELECT COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS, Select Standing

SELECT COMMITTEE ON RULES, Select Standing
SELECT COMMITTEE ON SOCIAL SERVICES, Select Standing

SELECT COMMITTEE ON STATE AND LOCAL GOVERNMENTS, Select Standing

SELECT COMMITTEE ON UTILITIES, Select Standing

SMALL BUSINESS, Standing

SPECIAL COMMITTEE ON SECURITY INFRASTRUCTURE OF THE CAPITOL COMPLEX, Standing

SPECIAL COMMITTEE ON URBAN ISSUES, Standing

TELECOMMUNICATIONS, Standing

TRADE AND TOURISM, Standing

TRANSPORTATION, Standing

UTILITY INFRASTRUCTURE, Standing

VETERANS, Standing

WAYS AND MEANS, Standing

Teacher notes and/modifications:
A-9
Speaker of the Missouri House Checklist

As Speaker of the House it is your responsibility to maintain a calendar of events and ensure all procedures and floor actions follow a set protocol. In order to carry out this task efficiently, indicate the date each form is submitted and the date and time for each hearing.

As a bill is submitted on the floor, the clerk will assign it a number and you are to read the bill aloud and submit it to the appropriate committee.

Additionally, you will assign each political team a number and then place it in a container for the hearing lottery. At the appropriate time, you will draw a number from the container and place it on the House calendar. This number will identify the team and indicate the date and time of their public committee hearing.

Speaker of the House of Representatives
Official Docket

<table>
<thead>
<tr>
<th>Team Number</th>
<th>District Analysis</th>
<th>Personal Profile</th>
<th>Bill # Proposal</th>
<th>Committee Assignment</th>
<th>Final Bill</th>
<th>Hearing Time/Date</th>
<th>NOTES</th>
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**Notations and follow-up:**

**Teacher notes and/modifications:**

Mark Twain  
Florida, Missouri (1835-1910)  
*Don’t go around saying the world owes you a living. The world owes you nothing. It was here first.*
Web Quest
The Voice of the People

Directions:
Read each question carefully; determine what is being asked, then select one or more of the websites listed below the question to determine the answer. If you choose, you may use additional sites or browsers for research.

PREAMBLE

1. Read the preamble to the Missouri Constitution. Why does Missouri’s constitution exist?
   http://www.moga.mo.gov/const/preamble.htm

ARTICLE I
BILL OF RIGHTS

2. Paraphrase the following excerpt in your own words “…that all political power is vested in and derived from the people, is founded upon their will only, and is instituted solely for the good of the whole.”
   http://www.moga.mo.gov/const/T01.HTM

3. Which words or statements in Article I, Section 2, explain the purpose of the Missouri Constitution?
   http://www.moga.mo.gov/const/T01.HTM

4. Summarize your religious freedoms in Missouri, according to Article I, Sections 2&6.
   http://www.moga.mo.gov/const/T01.HTM
   http://www.moga.mo.gov/const/a01005.htm

5. John Doe is not a member of any church or religion and wants to run for governor. When he went to declare himself a candidate, the clerk denied his request because of his non-religious beliefs. Were his constitutional rights denied?
   http://www.moga.mo.gov/const/T01.HTM

6. Amendment I of the U.S. Constitution states, “Congress shall make no law respecting the establishment, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people to peaceably assemble…”. Does Article I, Sections 7, 8, and 9 of the Missouri Constitution give you the same fundamental rights in Missouri? Using specifics, explain your answer.
   http://www.moga.mo.gov/const/T01.HTM
   http://www.moga.mo.gov/const/t01.htm

7. Article I, Sections 10, 11, 12 and 13 address due process of law, imprisonment for debt, habeas corpus and ex post facto. Explain how these rights help guarantee due process of law.
   http://ballotpedia.org/Article_I_Missouri_Constitution
8. List the rights of the accused in criminal proceedings as stated in Article I, Sections 15-21, of the Missouri Constitution. Are these rights found in the U.S. Constitution? If so, where?

http://ballotpedia.org/Article_I,_Missouri_Constitution
http://www.moga.mo.gov/const/t01.htm

9. Article I, Sections 27 explains eminent domain. Define this term and explain under what conditions state or local government may “take your property”?

http://www.moga.mo.gov/const/T01.HTM
https://www.mobar.org/uploadedFiles/Home/Publications/Legal_Resources/Brochures_and_Booklets/eminent%20domain.pdf

ARTICLE II
DISTRIBUTION OF POWERS

10. Compare distribution of powers as stated in the Missouri Constitution, with separation of powers found within the U.S. Constitution. Are they the same? Why is it a necessary part of limited government within Missouri?

http://ballotpedia.org/Article_II,_Missouri_Constitution
http://www.courts.mo.gov/page.jsp?id=1085

ARTICLE III
LEGISLATIVE DEPARTMENT

11. We refer to congress when we refer to the federal lawmaking body. What name is given to Missouri’s lawmaking branch?


12. What are term limits? Predict how they might impact the lawmaking process.

http://ballotpedia.org/Missouri_State_Legislative_Term_Limits,_Amendment_12_(1992)
(http://www.house.mo.gov/researchdocs/?file=termlim.htm)

13. Explain how a bicameral General Assembly helps insure that good laws are made.

http://ballotpedia.org/Missouri_General_Assembly
http://system.uslegal.com/state-legislatures/missouri-general-assembly/
http://courses.missouristate.edu/dennishickey/mogov.htm

14. How is a regular session of the Missouri General Assembly different from a special session? Are they in session at the same time? What is the purpose of each session?

http://ballotpedia.org/Missouri_General_Assembly

15. Compare the number of members in the Missouri House of Representatives to the Senate. Explain why the numbers are not the same.

http://ballotpedia.org/Missouri_General_Assembly
http://en.wikipedia.org/wiki/Missouri_Senate
http://en.wikipedia.org/wiki/Missouri_House_of_Representatives
16. List the qualifications and length of term for serving in the Missouri House of Representatives and in the Senate. Are the qualifications and length of term the same? If not, why?
http://ballotpedia.org/Missouri_State_Senate

17. What title is given to the presiding officer of the House of Representatives? List two powers given to this position. Who currently hold this position? www.house.mo.gov/content.aspx?info=/info/howbill.htm

18. Who is presiding officer of the Senate? List two major powers given to this position. Who currently holds this position? www.house.mo.gov/content.aspx?info=/info/howbill.htm
http://archive.columbiatribune.com/education/PDF/VoteMissouri/Wk_6_LtGovernor08.pdf

19. Starting with the House of Representatives, a bill must go through many steps before being placed on the governor’s desk and becoming law. Arrange the following steps in sequential order.

→The bill is placed on the ‘perfection calendar” for floor debate

→The bill is introduced by a member of the House of Representatives

→Committee amendments to a bill are debated first, then the actual bill

→The House clerk reads the bill and gives it a number,

→The members of the House vote on the bill and if the bill receives a majority of yes votes, the bill is considered perfected and printed. The newly printed bill carries the word “Perfected” above the bill number.

→If 82 members vote to take up the bill it will be placed on the House calendar for consideration

→The bill is placed on the calendar, read again, and assigned to committee by Speaker of the House

→If the committee refuses to act on a bill, one-third of the House members may vote to have it placed on the house calendar.

→A public hearing is held; the bill is presented to the committee.

→The committee discusses the bill, listening to those reasons for and those against the bill

→The Senate reads the bill and gives the bill a first and second reading. Then, it’s referred to a committee for a public hearing; reported by committee; amended on the floor and offered for final approval.

→The committee goes into executive session, votes and makes recommendations to “do pass,” “pass with amendments”, “do not pass” or “submit to the House without recommendations.”

→If one or more Senate changes are rejected by the House committee, a conference may be requested and five members from each house are designated as a conference committee.
After perfection and re-printing, a bill goes on the calendar for a third reading. The bill is debated again and if it gets 82 votes (majority) it is sent to the Senate.

The bill is reprinted and the words, "Truly Agreed To and Finally Passed" are printed above the bill number, and it is signed in open session by the Speaker of the House and the President Pro Tem of the Senate.

If the Senate changes the bill in any way, it is sent back to the House with the request that the changes be approved. If the House approves, the bill is sent to the governor.

Upon agreement by the conference committees of both the House and Senate, the bill is declared, “Truly Agreed To” and “Finally Passed”.

20. What options does the governor have upon receiving a bill from the General Assembly?
   http://ballotpedia.org/Missouri_General_Assembly
   http://en.wikipedia.org/wiki/Missouri_House_of_Representatives

21. Explain the initiative and referendum process. How does this process allow Missouri citizens direct input in the legislative process?
   http://ballotpedia.org/Laws_governing_the_initiative_process_in_Missouri

22. What impact does the 10th Amendment of the U.S. Constitution have on Missouri government?
   http://law2.umkc.edu/faculty/projects/ftrials/conlaw/tenth&elev.htm

23. What is the relationship between reapportionment and the national census? Is gerrymandering allowed during this process? What is the relationship between reapportionment and the concept of one-man-one-vote?
   http://ballotpedia.org/Redistricting_in_Missouri
   http://content.oa.mo.gov/budget-planning/redistricting-office/general-information
   http://en.wikipedia.org/wiki/Census
   http://legal-dictionary.thefreedictionary.com/One+man,+one+vote

ARTICLE IV
EXECUTIVE DEPARTMENT

24. What are the qualifications and term of office for governor of Missouri? Sally Smith has been governor for 8 years and wants to run for another term. Would the Missouri Constitution permit another term? Explain.
   http://www.moga.mo.gov/const/a04003.htm
   http://ballotpedia.org/Governor_of_Missouri

25. List the powers of the Missouri governor. Who is the current governor?
   http://clio.missouristate.edu/ftmiller/localhistory/docs/moconst1820.htm

26. What is the purpose of the State of the State Address? Is it the same as the State of the Union speech?
   http://ballotpedia.org/Article_IV,_Missouri_Constitution
27. What is a pardon? Are there crimes for which the governor may not pardon?  
http://ballotpedia.org/Governor_of_Missouri  
http://www.moga.mo.gov/const/a04007.htm  
http://www.moga.mo.gov/statutes/c500-599/5520000070.htm

28. What are the qualifications, term of office and responsibilities of the Lieutenant Governor? Who is the current Lieutenant Governor?  
http://ballotpedia.org/Lieutenant_Governor_of_Missouri  
http://ltgov.mo.gov/faqs.htm

29. If the governor declares in writing, to the president pro tempore of the Senate, an inability to discharge the duties of the office, who “discharges these duties?”  
http://www.moga.mo.gov/const/A04011a.HTM  
http://ballotpedia.org/Missouri_State_Senate

30. Explain the difference between a veto and a line item veto. Must the governor give a reason for both the veto and the line item veto?  
http://www.moga.mo.gov/const/a04026.htm  

31. What is the function of the Missouri National Guard? What authority does the governor have over the Missouri National Guard? Under what conditions may the Missouri National Guard be “called-out?”  
http://ballotpedia.org/Article_IV,_Missouri_Constitution  
http://www.moga.mo.gov/const/A04006.HTM  
http://en.wikipedia.org/wiki/Missouri_National_Guard

32. Who is the current Missouri State Auditor? What are the qualifications, responsibilities, duties and length of term of the state auditor?  
http://ballotpedia.org/Missouri_State_Auditor  
http://www.moga.mo.gov/const/A04013.HTM  
http://www.auditor.mo.gov/

33. Who is the current Missouri Secretary of State? What are the responsibilities, duties and length of term of the Missouri Secretary of State?  
http://ballotpedia.org/Missouri_Secretary_of_State  
http://www.sos.mo.gov/Default.asp

34. Who is the current Missouri Attorney General? What are the responsibilities, duties and length of term of the Missouri Attorney General?  
https://www.ago.mo.gov/  
http://attorney-general.laws.com/missouri-attorney-general

35. Who is the current Missouri State Treasurer? What are the responsibilities, duties and length of term of the Missouri State Treasurer?  
http://ballotpedia.org/Missouri_Treasurer  
http://www.treasurer.mo.gov/

36. Who is the current Missouri State Auditor? What are the responsibilities, duties and length of term of the Missouri State Auditor?  
http://www.auditor.mo.gov/  
http://ballotpedia.org/Missouri_State_Auditor
ARTICLE V
JUDICIAL DEPARTMENT

34. What is the highest court in the state of Missouri? Explain their “jurisdiction?”
http://judgepedia.org/Missouri_Supreme_Court
http://www.courts.mo.gov/page.jsp?id=27
http://www.moga.mo.gov/const/A05003.HTM

35. How many justices sit on the Missouri State Supreme Court? Briefly explain the Missouri Court Plan.
http://www.courts.mo.gov/page.jsp?id=27
https://www.courts.mo.gov/page.jsp?id=297

36. What is the function and jurisdiction of the Missouri circuit courts? How are judges for these courts “selected”? https://www.courts.mo.gov/page.jsp?id=321
http://en.wikipedia.org/wiki/Missouri_Circuit_Courts

37. Why is it necessary to have both state and federal courts within Missouri?
http://judiciallearningcenter.org/state-courts-vs-federal-courts/

38. What is the job and jurisdiction of the Missouri Court of Appeals? How many do we have in Missouri and where are they located? http://www.courts.mo.gov/page.jsp?id=261
http://judgepedia.org/Missouri_Court_of_Appeals

39. How may a judge (Supreme Court and/or circuit court) be removed from office?
http://www.courts.mo.gov/page.jsp?id=230
http://judgepedia.org/Missouri_Supreme_Court

ARTICLE VII
PUBLIC OFFICERS

40. Which state officials may be impeached? What crimes are grounds for impeachment?
http://www.moga.mo.gov/statutes/C100-199/1060000020.HTM
http://www.moga.mo.gov/const/a07002.htm

41. Which body of the General Assembly holds the power of impeachment? Which body tries impeachments cases and how many votes are necessary for conviction?
http://www.moga.mo.gov/statutes/chapters/chap106.htm
http://www.moga.mo.gov/const/a07001.htm

43. Is it legal for an individual to hold both a federal office and Missouri office at the same time?
http://ballotpedia.org/Article_VII,_Missouri_Constitution
ARTICLE VIII
SUFFRAGE and ELECTIONS

44. When must general elections be held?  
http://elections.mytimetovote.com/dates/missouri.html  
http://ballotpedia.org/Missouri_elections,_2014

45. What are the voter qualifications in Missouri?  
http://www.sos.mo.gov/elections/goVoteMissouri/  
http://votesmart.org/elections/voter-registration/MO#.U1Uz8uZdV8w

ARTICLE IX
EDUCATION

46. What provisions does the state make for giving financial aid to public schools?  
http://www.moga.mo.gov/const/a09007.htm  
http://moparent.com/where-does-missouris-public-education-funding-come-from

ARTICLE X
TAXATION

47. Who holds the power of taxation within Missouri?  
http://www.moga.mo.gov/const/t10.htm  

ARTICLE XII
AMENDING THE CONSTITUTION

48. Explain the process for amending the Missouri Constitution?  
http://www.moga.mo.gov/const/A03050.HTM  
http://ballotpedia.org/Missouri_Constitution  
http://wiki.answers.com/Q/What_are_the_steps_required_to_amend_the_Missouri_constitution?#slide=1

49. How often do Missouri voters decide if they want to hold a constitutional convention?  
http://ballotpedia.org/Constitutional_convention  
http://ballotpedia.org/Article_XII,_Missouri_Constitution#Section_3.28a.29

MISSOURI HISTORY

50. Create a timeline of Missouri history, listing and defining the following:  
Missouri Compromise, Statehood, first constitution, first state capitol, permanent capitol and seat of government, Missouri second constitution, foundation of University of Missouri, Dred Scott decision, Missouri's third constitution, World's Fair, women given right to vote, Missouri’s fourth constitution and Harry S. Truman becomes President of The United States.  
https://www.sos.mo.gov/archives/history/timeline/timeline1.asp  
http://kalebmissouri.edublogs.org/2012/11/10/timeline-of-important-events-in-missouri-history/  
http://clio.missouristate.edu/FTMiller/LocalHistory/motimeline.htm
The Road to Statehood

Class periods:
Ten 50-minute class periods

Purpose:
The intent of this unit is to examine select events and documents leading to Missouri’s recognition as a state. Obviously, there were many more documents, individuals and events that were contributing factors, but time mandates the emphasis of a select few.

Essential questions:
1. What constitutional procedures did Missouri follow to become a state?
2. Why was it necessary for Missouri to create its own constitution?
3. What national controversies resulted from Missouri’s admission to the union?
4. What impact did *Dred Scott v. Sandford* (1857) have on the Missouri Compromise?

Essential measurable objectives:
1. The student can list and explain steps taken by Missouri to become a state.
2. The student can explain how Missouri’s application for statehood threatened the balance of power in the U.S. Senate.
3. The student can summarize the influence Article IV of the U.S. Constitution has on a territory becoming a state and relations between states.
4. The student can summarize *Dred Scott v. Sandford* (1857), and its impact on the nullification of the Missouri compromise.

Material and technology:
This curriculum is based upon Internet access. However, several of the document-based activities may be implemented without web-based services. Therefore, all students have web access or access to the school server (if material has been previously uploaded).

Handouts or up-load readings, activities and assessments to the school server
Lesson openers/bell ringers
Computer or tablet
Word processing software
Microsoft Power Point or Prezi
Internet access
Optional-Smart board or data projector

Key vocabulary:
authority
application for statehood
compromise
Congressional Record
Congressional committees
conflict
*Dred Scott*
Circa 1890, Leadville, Colorado, miners in the silver and gold mines go on strike. Faced with a crisis, the mine owners recruit men from Joplin, Missouri. For the most part, these men were farmers by trade and had no experience working a gold mine. Rumor has it the pit boss had to demonstrate each required skill numerous times before the Joplin men mastered the skill. Frustrated, one pit boss coined the derogatory phrase, “that man is from Missouri, you'll have to show me.”

The truth behind the phrase, “I am from Missouri, you'll have to show me,” is up for debate, however the attitude, determination and work ethic of Missouri’s early settlers is not. The men and women who moved into a wilderness that was controlled by foreign governments, sold to the United States as part of the Louisiana territory and finally the Missouri Territory, faced every imaginable challenge.

By 1812, the residents of the Missouri Territory felt they were entitled to the status and benefits of statehood. Additionally, they felt they were being taxed without representation; the territorial governor has far too much power, and held original and final jurisdiction.

These conditions, and many more, produced a momentum that was felt throughout the nation. Should restrictions be placed upon statehood? Was slavery a state or national issue? Should Missouri be forced to accept a “compromise” as a condition of statehood?

**Activities and Assessments:**
Early Missouri history and timeline; S-1
Conflict-The Louisiana Purchase; S-2
Application for Statehood; S-3
Letter by Thomas Jefferson to John Holmes: S-4
Article IV, U.S. Constitution; S-5
Authority for Missouri to Form a Government; S-6
Dred Scott v. Sandford (1857); S-7
Proclamation Admitting Missouri to the Union; S-8
Missouri Intelligencer; S-9
Formative Assessment; S-10
Thematic Essay, Missouri Compromise; S-11
Thematic Essay, Thomas Jefferson to John Holmes; S-1
Writing Response Rubric; S-12
### Alignment:

<table>
<thead>
<tr>
<th>Objective</th>
<th>CCS Learning Goals</th>
<th>GLEs/CLEs</th>
<th>DOK</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Investigate the causes and consequences of Westward Expansion</td>
<td>R.1: Read closely to determine what the text says explicitly and to make logical inferences.</td>
<td>SS3 1.6, 1.8</td>
<td>2</td>
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<tr>
<td>2. Assess the significance of Westward Expansion including:</td>
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<tr>
<td>a. Louisiana Purchase</td>
<td>R.1: Read closely to determine what the text says explicitly and to make logical inferences.</td>
<td>SS3 1.6, 1.8</td>
<td>3</td>
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<tr>
<td>b. Lewis and Clark Expedition</td>
<td></td>
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<tr>
<td>c. Missouri Compromise</td>
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<tr>
<td>Summarize the events in westward expansion, including people's motivation, their hardships, and Missouri as a jumping-off point to the West</td>
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<tr>
<td>3. Outline issues of Missouri statehood, such as the Missouri Compromise</td>
<td>R.1: Read closely to determine what the text says explicitly and to make logical inferences.</td>
<td>SS3 1.6, 1.8</td>
<td>2</td>
</tr>
<tr>
<td>4. The student can explain the impact of the Missouri Compromise and the constitutional requirements for Missouri to become a state.</td>
<td>R.1: Read closely to determine what the text says explicitly and to make logical inferences.</td>
<td>SS3 1.6</td>
<td>2</td>
</tr>
</tbody>
</table>
**Suggested instructional strategies:**
The following list of instructional activities has been developed to provide a structured, sequential format incorporating reading, interpretation and application of content related to the history of Missouri and/or the Missouri constitution.

<table>
<thead>
<tr>
<th>Objective</th>
<th>Instructional Strategies and Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Using <strong>S-1</strong>, read the <em>Early Missouri History and Timeline</em> and then write a three-paragraph blog entry summarizing key events leading to Missouri statehood.</td>
</tr>
<tr>
<td>2</td>
<td>Using <strong>S-2</strong>, working in small groups, read <em>Conflict-The Louisiana Purchase</em> and then compare and contrast the two different opinions. As a group, respond to the questions in the follow-up activity.</td>
</tr>
<tr>
<td>3</td>
<td>Using <strong>S-3</strong>, read the document, <em>Missouri Application for Statehood</em> and respond to the follow-up questions. In a small group, analyze the quote in question five. Complete a two-paragraph explanation of what the quote means to you.</td>
</tr>
<tr>
<td>3</td>
<td>Using document <strong>S-4</strong>, read the letter by Thomas Jefferson to John Holmes. In your own words summarize the article and explain his concern for the nation.</td>
</tr>
<tr>
<td>3</td>
<td>The students will read <strong>S-5</strong>, Article IV, sections 3.1-4 (U.S. Constitution) and summarize the constitutional requirements to become a state. Students will read a copy of the text of The Missouri Compromise and summarize its key points. Working in small groups, explain how Missouri met the requirements of these documents to become a state.</td>
</tr>
<tr>
<td>3</td>
<td>Read <strong>S-6</strong>, <em>Authorization for Missouri to Form A Nation</em>; working in small groups, make a list of issues Missouri must address. Do you feel these requirements are excessive? Explain.</td>
</tr>
<tr>
<td>4</td>
<td>Reading <strong>S-7</strong> contains portions of the Dred Scott opinion. Working in small groups, summarize the opinion in your words and explain the impact on Missouri and the rest of the nation.</td>
</tr>
<tr>
<td>4</td>
<td>Reading <strong>S-8</strong> contains the actual Proclamation 28, Admitting Missouri to the Union. Upon completion of the reading, view the attached video and complete the follow-up questions. Support your answer with specifics from the reading.</td>
</tr>
</tbody>
</table>

**Formative Assessment:**
Working in groups, students will develop and explain an alternative to the Missouri Compromise using a Power Point and oral presentation.
Thematic Essays:

**Essay 1** - In 1820 Missouri was petitioning to become a state. This application caused a great deal of heated debate both among the current states and the United States Senate. Ultimately, Missouri and Maine were forced to accept “conditions” not imposed upon other states.

- What were the specific conditions of the Missouri Compromise and how did they attempt to settle any future issue of slavery within the United States?

- Who was Dred Scott and how did his appeal to the United States Supreme Court ultimately declare the Missouri Compromise null and void?

**Essay 2** - On April 22, 1820; Thomas Jefferson expressed his concern regarding the ultimate outcome of the Missouri Compromise. The essence of his letter can be summarized in the following quotation.

> “This momentous question, like a fire bell in the night, awakened and filled me with terror. I considered it at once as the knell [funeral bell] of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, not a final sentence.” Thomas Jefferson

- Explain what Thomas Jefferson was trying to say with the above quote. Did he feel that the Missouri Compromise was “good legislation?”

- Why did Thomas Jefferson feel that the Missouri Compromise was only a temporary fix not a permanent solution?

**Enrichment:**

For best results, copy web link and paste into browser.

Dred Scott mock trial

Missouri History Museum

Jason Kinder, Secretary of State

Video and Contributions of Missouri Mule

**Teacher notes and/modifications:**
Early Missouri History

Source: The Library of Congress, American Memory

“On August 10, 1821, Missouri entered the Union as the twenty-fourth state. Named after the Native American people who originally inhabited the land, Missouri was acquired by the U.S. as part of the 1803 Louisiana Purchase. At that time, the territory's occupants were mainly French settlers. After the War of 1812, American settlers poured into the region.

In 1818, the Speaker of the House of Representatives presented the first petition of the Territory of Missouri requesting statehood. The question of Missouri's admission as a slave or free state led statesman Henry Clay to devise the Missouri Compromise of 1820, admitting Missouri as a slave state while admitting Maine as a free state, and prohibiting slavery in Louisiana Territory north of the parallel 36º 30', Missouri's southern border.

This resolution proved temporary. Congress passed the Compromise of 1850; a series of laws that amended the Fugitive Slave Act abolished the slave trade in Washington, D.C., and admitted California to the Union as a free state. The Compromise of 1850 also established territorial governments in Utah and New Mexico, but left the issue of slavery in the new territories to be decided by the local residents. In 1854, the Kansas-Nebraska Act served to abrogate the Missouri Compromise and in 1857, as a part of the Dred Scott decision, the U.S. Supreme Court declared the compromise unconstitutional by ruling that Congress had no power to bar slavery from a territory, as it had in 1820. Four years later, the slavery debate erupted in civil war.

The Civil War divided Missourians. Although the state remained in the Union, some of its citizens chose to fight for the Confederacy. John Franklin Smith, the son of a Missouri slave owner, recalls early tensions and violence in the state, including an 1861 incident when a vigilante group opposed to slavery, called the Jayhawks, visited Smith's house and threatened to kill his father:

I can remember as well as if it happened yesterday, one of the men spread his arms out and said, "stand back men I'll kill the rascal" and raised his gun to shoot when we heard a shout and looked up the road to see what it was and saw Judge Myers coming as fast as his horse could run, shouting as loud as he could. The man dropped his gun to his side, when Judge Myers rode up he was shaking his head and his eyes were blazing fire. He turned around in his saddle and pointed back toward town and said you men get out from here and do it…quick…All the Jayhawkers turned around and sulked off like a whipped dog. “J.F. Smith” William E. Smith, interviewer, ca. 1936-40.

Smith's father and his rescuer, Judge Myers, remained best friends despite their conflicting views on slavery, but the two ended up fighting on opposite sides in the Civil War.

Missouri was the westernmost state in the Union until Texas was granted statehood in 1845. St. Louis, located at the confluence of the Missouri and Mississippi rivers in the southeastern part of the state, was called the "Gateway to the West" because it served as a staging area for wagon trains in the nineteenth century."

5 Library of Congress
1803 - The signing of the Louisiana Purchase

1804 - Lewis and Clark expedition sets out from St. Louis

1808 - The first Missouri newspaper (Missouri Gazette) is founded by Joseph Charless

1811 - The new Madrid fault line sends first shock waves. On December 16, Missouri suffers one of the worst earthquakes in U.S. history.

1812 - A portion of the Louisiana Territory becomes the Missouri Territory. On October 1, the first General Assembly meets and the territory is organized into five counties: Cape Girardeau, New Madrid, St. Charles, St. Louis and Sainte Genevieve

1816 - Mid-Missouri’s first circuit court opened at Cole’s Fort (current site of Boonville).

1818 - The Speaker of the U.S. House of Representatives presents the first petition for Missouri statehood

1820 - The Missouri statehood controversy became a national issue as the issue of slavery was debated. The "Missouri Compromise" allowed Missouri to enter the Union as a slave state and Maine as a free state, thus keeping the balance of slave and free states equal in Congress. Although Missouri was allowed to enter as a slave state, the remaining portion of the Louisiana Purchase area north of the 36° 30' line was to be forever free of slavery.

1820 - (March 6) Missouri’s Enabling Act was passed and approved by President James Monroe

1820 - (July 19) Missouri adopts its first Constitution

1820 - (August 28) Missouri’s first state elections were held and Alexander McNair was elected Missouri’s first governor

1820 - (September 18) Missouri’s first General Assembly began its first session at the Missouri Hotel in St. Louis

1821 - (August 10) President James Monroe admitted Missouri as the 24th state; the state capitol was located in St. Charles until a permanent location was designated

1821 - (December 31) Governor Alexander McNair signed the bill designating the site for the City of Jefferson

1822 - (January 11) A bill to create the Missouri State Seal was adopted

1826 - (October 1) Jefferson City was designated Missouri’s permanent seat of government; all state records, equipment, and the Great Seal were moved to Jefferson City

1836 - (March 8) Missouri State Penitentiary received its first prisoner

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1837-(March 28) President Martin Van Buren issued a proclamation that completed the annexation of the Platte Purchase area to Missouri, establishing the northwestern border of the state.

1838- (October 27) Governor Lilburn Boggs issued the "Extermination Order" against Mormons living in Missouri, demanding that members of the Mormon Church leave the state.

1839-(February 9) The Geyer Act, the foundation of Missouri’s public school system, was approved.

1841-(April 14) The University of Missouri, the first state university west of the Mississippi River, opened.

1847-(December 20) St. Louis was connected to the East Coast by telegraph.

1849-A cholera epidemic struck St. Louis; over 4000 people died.

1850-The town of Kansas (Kansas City) was incorporated.

1854-(May 30) President Franklin Pierce signed the Kansas-Nebraska Act, allowing the notion of "popular sovereignty" in determining if a territory would be a slave state or a free state. This act set the stage for the violent Kansas-Missouri border wars where the Missouri "Border Ruffians" and the Kansas "Jayhawkers" transformed a frontier quarrel over slavery’s borders into a national issue.

1857-March 6) The Dred Scott decision was handed down by U.S. Chief Justice Roger B. Taney; the case originated in St. Louis. Under Missouri statutes, in 1846 Scott was allowed to sue for his freedom from slavery based on the fact that he had previously lived in a free territory (Wisconsin) before his return to the slave state of Missouri.

1860-(April 3) The Pony Express started its first run from St. Joseph to Sacramento, California.

1861-(August 10) The Battle of Wilson’s Creek resulted in a Union retreat and southwestern Missouri was left in Confederate hands until the Battle of Pea Ridge.

1861-(September 11) President Abraham Lincoln revoked John Fremont’s emancipation proclamation for Missouri.

1861-(October 28) Missouri’s "Rebel Legislature" adopted an Act of Secession.

1863-(August 25) Brigadier General Thomas Ewing issued General Order No. 11, requiring all people living in Jackson, Cass, Bates, and northern Vernon counties to vacate the area unless their loyalty to the Union could be proven.

1865-(January 11) Slavery was abolished in Missouri by an ordinance of immediate emancipation, making Missouri the first slave state to emancipate its slaves before the adoption of the 13th Amendment to the US Constitution.

1865-(April 10) Missouri’s second Constitution (Drake Constitution) was adopted. A group of politicians known as "Radicals" favored emancipation of slaves and disfranchisement of persons who were sympathetic to the Confederacy during the Civil War. The Radicals included an "Ironclad Oath" in the new constitution to exclude former Confederate sympathizers from the vote and certain occupations, severely limiting their civil rights.
Follow-Up Activity:
Today, the editor entered your cubicle and noticed you were exchanging messages on Facebook, thus deciding you must be bored. “Here is your new assignment”, he bellowed. “Read this overview and outline of Missouri. Then write a three-paragraph blog entry summarizing the key events leading to statehood. Your article is due tomorrow.”

Resources:
For best results, copy web link and paste into browser.
How to Write a Great Blog
http://www.problogger.net/how-to-write-great-blog-content/
The 12 DOS AND DON’TS OF WRITING A BLOG
http://www.writersdigest.com/online-editor/the-12-dos-and-donts-of-writing-a-blog
A brief history of Missouri and its beginnings-part 1

Teacher notes and/modifications:
“In 1803, the United States purchased an area of land from France called Louisiana. The land stretched from the Mississippi river to present-day Montana and covered some 828 square miles. France had originally explored the land, but ceded it to Spain in 1763. In 1801, with Napoleon’s France conquering much of Europe, Spain returned Louisiana to France. The United States felt threatened by the possibility of a Napoleonic colony in North America. President Jefferson sent diplomats to France to attempt to buy New Orleans and West Florida. In need of money to finance its other wars, France sold the whole of Louisiana to the U.S. for 15 million dollars.”

The Louisiana Purchase more than doubled the size of the United States, but at the same time raised a number of conflicting issues, one of which could dissolve the union. The biggest question regarded slavery in the territory and future states created from the new lands. The Federalists posed the greatest concern because they felt this new territory could end their majority political base. This fear resulted in talk of seceding from the United States.

**Follow-Up Activity:**
After completing the readings, summarize the arguments of each document. On what issues do they agree and disagree? It is argued that the Louisiana Purchase was foreshowing problems Missouri would face seeking statehood. Do you agree or disagree?

**Research sources:**
For best results, copy web link and paste into browser.
KnowLA
http://www.knowla.org/entry/535/
Library of Congress
http://www.loc.gov/rr/program/bib/ourdocs/Louisiana.html
U.S. History
http://www.ushistory.org/us/20c.asp
Shmoop

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READING A
“Purchase of Louisiana” – Alexander Hamilton


The purchase of New Orleans is essential to the peace and prosperity of our Western country, and opens a free and valuable market to our commercial states. This purchase will probably make it seem like Mr. Jefferson is brilliant. Any man, however, who possesses any amount of intelligence, will easily see that the purchase is the result of lucky coincidences and unexpected circumstances and not the result of any wise or thoughtful actions on the part of Jefferson’s administration. As to the vast region west of the Mississippi, it is a wilderness with numerous tribes of Indians. And when we consider the present territory of the United States, and that not one-sixteenth is yet under occupation, the possibility that this new purchase will be a place of actual settlement seems unlikely. If our own citizens do eventually settle this new land, it would weaken our country and central government. On the whole, we can honestly say that this purchase is at best extremely problematic.

READING B
Letters – Rufus King and Thomas Pickering

Source: The following two letters are written between two Federalists. Rufus King was a Senator from New York and Timothy Pickering was a Senator from Massachusetts.

Rufus King to Timothy Pickering, November 4, 1803
According to the Constitution, Congress may admit new states. But can the President sign treaties forcing Congress to do so? According to the Louisiana Treaty, the territory must be formed into states and admitted into the Union. Will Congress be allowed to set any rules for their admission? Since slavery is legal and exists in Louisiana, and the treaty states that we must protect the property of the inhabitants, won’t we be forced to admit the new states as slave states? Doing so will worsen the problem of unequal representation from slave and free states.

Timothy Pickering to Rufus King, March 4, 1804

I am disgusted with the men who now rule us. The coward at the head [Jefferson] is like a French revolutionary. While he talks about humanity, he enjoys the utter destruction of his opponents. We have too long witnessed his general wickedness—his cruel removals of faithful officers and the substitution of corruption and immorality for honesty.

Notation:
Rufus King, a Federalist, was a lawyer, politician and diplomat, who lived from March 24, 1755 until April 29, 1827. He was a signer of the United States constitution and served as minister to Britain.
Timothy Pickering, a Federalist, served as Secretary of state under Presidents George Washington and Samuel Adams.

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MISSOURI APPLICATION FOR STATEHOOD
December 29, 1819

APPLICATION OF MISSOURI FOR ADMISSION INTO THE UNION AS A STATE.

Communicated to the Senate, December 29, 1819.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled: The memorial of the Legislative Council and House of Representatives of the Territory of Missouri, in the name and behalf of the people of said Territory, respectfully showeth:

That their Territory contains at present a population little short of one hundred thousand souls, which is daily increasing with a rapidity almost unexampled; that their territorial limits are too extensive to admit of a convenient, proper, and equal administration of Government; and that the present interest and accommodation, as well as the future growth and prosperity of their country, will be greatly promoted by the following division, which your memorialists propose, to the end that the people may be authorized by law to form a constitution and establish a State Government within the following limits:

Beginning at a point in the middle of the main channel of the Mississippi river, at the thirty-sixth degree of north latitude, and running thence in a direct line to the mouth of Big Black river, (a branch of White river;) thence up the main branch of White river, in the middle of the main channel thereof, to where the parallel of thirty-six degrees thirty minutes north latitude crosses the same; thence, with that parallel of latitude, due west, to a point from which a due north line will cross the Missouri river at the mouth of Wolf river; thence due north to a point due west of the mouth of Rock river; thence due east to the middle of the main channel of the river Mississippi, opposite the mouth of Rock river; and thence down the river Mississippi, in the middle of the main channel thereof, to the place of beginning.

These are limits which, to a superficial observer, glancing over the chart of our country, would seem a little unreasonable and extravagant, but which a slight attention to its geography (or more properly to its topography) will be sufficient to satisfy your honorable body are not only proper, but necessary. The districts of country that are fertile and susceptible of settlement are small, and are detached and separated from each other at great distances by immense plains and barren tracts, which must for ages remain waste and uninhabited. These distant frontier settlements, thus insulated, must ever be weak and powerless in themselves, and can only become important and respectable by being united; and one of the great objects your memorialists have in view is the formation of an effectual barrier for the future against Indian incursions, by pushing forward and fostering a strong settlement on the little river Platte to the west, and on the Des Moines to the north.

Your memorialists are free to declare, and are happy in declaring, that they do not feel the necessity of enforcing their wishes by an elaborate detail of the blessings of self-government, or a particular enumeration of the rights and immunities guarantied to them by the treaty of cession. Your memorialists feel a firm confidence, founded on the wise and generous policy heretofore pursued by your honorable body, (and to which they owe their existence as a portion of the great American family,) that they need only pray to be incorporated in the Union, and to show that it is not only “possible,” but convenient and proper, (according to the principles of the federal constitution,) to have their prayer answered.

There are many grievances of which your memorialists might complain, and complain heavily, too, and many that are much more easily felt than described; yet most of them, it must be confessed, are inseparable from the form of government under which they live, and none of them have been imposed through choice by the General Gov-
MISCELLANEOUS.

And your memorialists can feel no wish or motive now to complain of old grievances they have long borne with patiently; cheered with the hope that their sufferings must soon have an end, they would choose rather to forget them. There are, however, rights, privileges, and immunities belonging to citizens of the United States, which your memorialists would proudly claim, to which they aspire, and with which they pray to be invested. These, they fondly believe, should not, and will not now, be regarded by your honorable body as mere matters of grace and favor.

And though the enclosed documents are not so satisfactory as your memorialists would wish to have forwarded, they may still serve to show you that the population included within the counties of New Madrid, Lawrence, St. Genevieve, Cape Girardeau, Washington, St. Louis, St. Charles, and Howard, (which are within the above limits,) is more than equal to the number of inhabitants heretofore required by the laws and constitution of the United States, upon the admission of any new State into the Union; and that, whilst every thing is hoped for from the spirit of a generous and enlightened policy, much might have been claimed in justice on the faith of the treaty of cession.

DAVID BARTON,
Speaker of the House of Representatives.

BENJAMIN EMMONS,
President of the Legislative Council.

St. Louis, November 21, 1818.
The foregoing is a true copy of the original.

D. BARTON,
Speaker of the House of Representatives of the Territory of Missouri.

Follow-Up Activity:
1. What is the purpose of the U.S Congressional Record?
2. Based upon this document, explain what happened on the floor of the House of Representatives.
3. Explain why it was necessary for the Missouri territory to submit this document.
4. Missouri requests permission to create what two items? What are they and why are they necessary for statehood?
5. Within the document, the following quote may be found, “There are many grievances of which your memorialists might complain, and complain heavily…” Explain what “complaints” are being referenced and how they reflect the possibility of problems for Missouri to become a state.

Resources:
GPO. Gov
http://www.gpo.gov/help/about_congressional_record.htm
Ed Helper
http://edhelper.com/ReadingComprehension_49_7.html
Wikipedia
http://en.wikipedia.org/wiki/Missouri_Territory
“I thank you, dear Sir, for the copy you have been so kind as to send me of the letter to your constituents on the Missouri question. It is a perfect justification to them. I had for a long time ceased to read newspapers, or pay any attention to public affairs, confident they were in good hands, and content to be a passenger in our bark to the shore from which I am not distant. But this momentous question, like a fire bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper. I can say, with conscious truth, that there is not a man on earth who would sacrifice more than I would to relieve us from this heavy reproach, in any practicable way. The cession of that kind of property, for so it is misnamed, is a bagatelle which would not cost me a second thought, if, in that way, a general emancipation and expatriation could be effected; and, gradually, and with due sacrifices, I think it might be. But as it is, we have the wolf by the ears, and we can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation in the other. Of one thing I am certain, that as the passage of slaves from one State to another, would not make a slave of a single human being who would not be so without it, so their diffusion over a greater surface would make them individually happier, and proportionally facilitate the accomplishment of their emancipation, by dividing the burthen on a greater number of coadjutors. An abstinence too, from this act of power, would remove the jealousy excited by the undertaking of Congress to regulate the condition of the different descriptions of men composing a State. This certainly is the exclusive right of every State, which nothing in the constitution has taken from them and given to the General Government. Could Congress, for example, say, that the non-freemen of Connecticut shall be freemen, or that they shall not emigrate into any other State?

I regret that I am now to die in the belief, that the useless sacrifice of themselves by the generation of 1776, to acquire self-government and happiness to their country, is to be thrown away by the unwise and unworthy passions of their sons, and that my only consolation is to be, that I live not to weep over it. If they would but dispassionately weigh the blessings they will throw away, against an abstract principle more likely to be effected by union than by scission, they would pause before they would perpetrate this act of suicide on themselves, and of treason against the hopes of the world. To yourself, as the faithful advocate of the Union, I tender the offering of my high esteem and respect.”

**Follow-Up Activity:**
1. Explain why Thomas Jefferson would offer an opinion regarding the impact of Missouri Statehood.

2. Explain why Thomas Jefferson made the following quote: “But this momentous question, like a fire bell in the night, awakened and filled me with terror”.

3. According to Thomas Jefferson, the Missouri Compromise was only *temporary*. Explain why Congress did not pass a *permanent fix*.

4. If Thomas Jefferson felt so strongly about admitting Missouri as a state, explain why he did not run the letter in a national newspaper.

**Teacher notes and/modifications:**

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**Resources:**
For best results, copy web link and paste into browser.

HOLMES, John-Biographical Information
http://bioguide.congress.gov/scripts/biodisplay.pl?index=h000739

A Fire Ball in the Night, 1819-1820 (U.S. Capitol)

CONSTITUTING AMERICA

Maine An Encyclopedia
http://maineanencyclopedia.com/holmes-john/
Article IV
United States Constitution

Article IV specifies and addresses the obligations, limitations and powers of state government. Additionally, it addresses authority to admit new or create new states and addresses obligations the federal government has to the states.

Directions: Working with another student, paraphrase each section in your own words and make a list of any unfamiliar terms. Additional follow-up questions and resources are located at the end of this reading.

Section 1
Full Faith and Credit shall be given in each State to the Public Acts, Records, and Judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2
1: The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

2: A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

Section 3
1: New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

2: The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4
The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.
**Follow-Up Activity:**
1. “Full faith and credit shall be given in each state…” Citing two examples, explain how this concept affected Missouri when it became a state. How has this clause caused problems between states today?
2. Section 2.1 states citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States. John Doe and his wife are visiting Missouri from Kansas; explain how the previous excerpt applies to them.
3. A citizen of Missouri commits a felony and escapes to Iowa where the state police capture him. What happens to the suspect? Which state has jurisdiction?
4. Is it constitutional for the Kansas City area to break away and form its own state? Who has the authority to admit new states?
5. Missouri was required to establish what type of government? Cite an example illustrating how Missouri fulfilled that requirement.
6. What protection(s) does the federal government guarantee the state of Missouri (and other states)?

**Resources:**
For best results, copy web link and paste into browser.
National Constitution Center
http://constitutioncenter.org/constitution/the-articles/article-iv-the-states
Shmoop
http://www.shmoop.com/constitution/article-4-section-2.html
Annenberg Classroom
http://www.annenbergclassroom.org/page/article-iv-section-1
BRIGHT HUB EDUCATION
http://www.brighthubeducation.com/history-homework-help/56251-articles-4-through-7-of-the-constitution-summary/

**Video:**
For best results, copy web link and paste into browser.
Article IV for Dummies: Full Faith and Credit Explained
https://www.youtube.com/watch?v=AHKk7cGw5Wc

**Teacher notes and/modifications:**
Authorization for Missouri to Form a Constitution

(Approved March 6, 1820)

An Act to authorize the people of the Missouri territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and to prohibit slavery in certain territories.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the inhabitants of that portion of the Missouri territory included within the boundaries herein after designated, be, and they are hereby, authorized to form for themselves a constitution and state government, and to assume such name as they shall deem proper; and the said state, when formed, shall be admitted into the Union, upon an equal footing with the original states, in all respects whatsoever.

SEC. 2. And be it further enacted, that the said state shall consist of all the territory included within the following boundaries, to wit: Beginning in the middle of the Mississippi river, on the parallel of thirty-six degrees of north latitude; thence west, along that parallel of latitude, to the St. Francois river; thence up, and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude of thirty-six degrees and thirty minutes; thence west, along the same, to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river, thence, from the point aforesaid north, along the said meridian line, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line to correspond with the Indian boundary line; thence east, from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the channel of the main fork of the said river Des Moines; thence down arid along the middle of the main channel of the said river Des Moines, to the mouth of the same, where it empties into the Mississippi river; thence, due east, to the middle of the main channel of the Mississippi river; thence down, and following the course of the Mississippi river, in the middle of the main channel thereof, to the place of beginning: Provided, The said state shall ratify the boundaries aforesaid. And provided also, That the said state shall have concurrent jurisdiction on the river Mississippi, and every other river bordering on the said state so far as the said rivers shall form a common boundary to the said state; and any other state or states, now or hereafter to be formed and bounded by the same, such rivers to be common to both; and that the river Mississippi, and the navigable rivers and waters leading into the same, shall be common highways, and forever free, as well to the inhabitants of the said state as to other citizens of the United States, without any tax, duty impost, or toll, therefor, imposed by the said state.

SEC. 3 And be it further enacted, That all free white male citizens of the United States, who shall have arrived at the age of twenty-one years, and have resided in said territory: three months previous to the day of election, and all other persons qualified to vote for representatives to the general assembly of the said territory, shall be qualified to be elected and they are hereby qualified and authorized to vote, and choose representatives to form a convention, who shall be apportioned amongst the several counties as follows: From the county of Howard, five representatives. From the county of Cooper, three representatives. From the county of Montgomery, two representatives. From the county of Pike, one representative. From the county of Lincoln, one representative. From the county of St. Charles, three representatives. From the county of Franklin, one representative. From the county of St. Louis, eight representatives. From the county of Jefferson, one representative. From the county of Washington, three representatives. From the county of St. Genevieve, four representatives. From the county of Madison, one representative. From the county of Cape Girardeau, five representatives. From the county of New Madrid, two representatives. From the county of Wayne, and that portion of the county of Lawrence which falls within the boundaries herein designated, one representative. And the election for the representatives aforesaid shall be holden on the first Monday, and two succeeding days of May next, throughout the several counties aforesaid in the said territory, and shall be, in every respect, held and conducted in the same manner, and under the same
SEC. 4 And be it further enacted, That the members of the convention thus duly elected, shall be, and they are hereby authorized to meet at the seat of government of said territory on the second Monday of the month of June next; and the said convention, when so assembled, shall have power and authority to adjourn to any other place in the said territory, which to them shall seem best for the convenient transaction of their business; and which convention, when so met, shall first determine by a majority of the whole number elected, whether it be, or be not, expedient at that time to form a constitution and state government for the people within the said territory, as included within the boundaries above designated; and if it be deemed expedient, the convention shall be, and hereby is, authorized to form a constitution and state government; or, if it be deemed more expedient, the said convention shall provide by ordinance for electing representatives to form a constitution or frame of government; which said representatives shall be chosen in such manner, and in such proportion as they shall designate; and shall meet at such time and place as shall be prescribed by the said ordinance; and shall then form for the people of said territory, within the boundaries aforesaid, a constitution and state government: Provided, That the same, whenever formed, shall be republican, and not repugnant to the constitution of the United States; and that the legislature of said state shall never interfere with the primary disposal of the soil by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers; and that no tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents.

SEC. 5 And be it further enacted, That until the next general census shall be taken, the said state shall be entitled to one representative in the House of Representatives of the United States.

SEC. 6 And be it further enacted, That the following propositions be, and the same are hereby, offered to the convention of the said territory of Missouri, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States: First. That section numbered sixteen in every township, and when such section has been sold, or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the state for the use of the inhabitants of such township, for the use of schools. Second. That all salt springs, not exceeding twelve in number, with six sections of land adjoining to each, shall be granted to the said state for the use of said state, the same to be selected by the legislature of the said state, on or before the first day of January, in the year one thousand eight hundred and twenty-five; and the same, when so selected, to be used under such terms, conditions, and regulations, as the legislature of said state shall direct: Provided, That no salt spring, the right whereof now is, or hereafter shall be, confirmed or adjudged to any individual or individuals, shall, by this section, be granted to the said state: And provided also, That the legislature shall never sell or lease the same, at anyone time, for a longer period than ten years, without the consent of Congress. Third. That five percent. of the net proceeds of the sale of lands lying within the said territory or state, and which shall be sold by Congress, from and after the first day of January next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three fifths shall be applied to those objects within the state, under the direction of the legislature thereof; and the other two fifths in defraying, under the direction of Congress, the expenses to be incurred in making of a road or roads, canal or canals, leading to the said state. Fourth. That four entire sections of land be, and the same are hereby, granted to the said state, for the purpose of fixing their seat of government thereon; which said sections shall, under the direction of the legislature of said state, be located, as near as may be, in one body, at any time, in such townships and ranges as the legislature aforesaid may select, on any of the public lands of the United States: Provided, That such locations shall be made prior to the public sale of the lands of the United States surrounding such location. Fifth. That thirty-six sections, or one entire township, which shall be designated by the President of the United States, together with the other lands heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the legislature of said state, to be appropriated solely to the use of such seminary by the said legislature:
Provided, That the five foregoing propositions herein offered, are on the condition that the convention of the said state shall provide, by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by the United States, from and after the first day of January next, shall remain exempt from any tax laid by order or under the authority of the state, whether for state, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale; And further, That the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees, or their heirs remain exempt as aforesaid from taxation for the term of three year; from and after the date of the patents respectively.

SEC. 7 And be it further enacted, That in case a constitution and state government shall be formed for the people of the said territory of Missouri, the said convention or representatives, as soon thereafter as may be, shall cause a true and attested copy of such constitution or frame of state government, as shall be formed or provided, to be transmitted to Congress.

SEC. 8 And be it further enacted. That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the state, contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: Provided always, That any person escaping into the same, from whom labour or service is lawfully claimed, in any state or territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labour or service as aforesaid.

Follow-Up Activity:

Respond to each question citing specific lines from the above document.

1. Why was Missouri required to write/submit a constitution and form a government before being admitted as a state?
2. Missouri is required to “ratify” its boundaries and have “concurrent jurisdiction” of its rivers. What is the relationship between boundaries and state government? Would the government of Missouri have the authority to deny uses of the Missouri and Mississippi rivers to other states?
3. Lines 38-48 specify how many state representatives each county is allotted. Explain why the number varies between counties. Why would Howard County be given 5 representatives?
4. Initially, how many U.S. representatives were allocated to Missouri? How many does Missouri have today? What determines how many representatives a state is given?
5. Specifically, how does the state obtain money to build public roads and canals?
6. Is slavery allowed in Missouri? If a slave is caught escaping from another state into Missouri, what action must Missouri authorities take?
7. What is significant about the following coordinates: North of 36 degrees, 30 minutes North latitude? Did these coordinates solve a problem or postpone a national conflict?

Resources:
For best results copy web address and paste into browser.

Interactive map
http://teachingamericanhistory.org/static/neh/interactives/sectionalism/lesson1/sectionalism.swf

HippoCampus Presentation (click on U.S. History; scroll down to Missouri Compromise):
http://www.hippocampus.org/History%20%26%20Government

Outline Map of Missouri Compromise:
http://www.phschool.com/curriculum_support/map_bank/pdfs/Missouri_Compromise_1820A.pdf

Fugitive slave acts
http://www.math.buffalo.edu/~sww/0history/SlaveActs.html
Dred Scott

Key Excerpts from the Dissenting Opinion from Dred Scott v. Sandford (1857)

(Justice McLean wrote the dissenting opinion.)

… He [Scott] is averred to have had a Negro ancestry, but this does not show that he is not a citizen of Missouri, within the meaning of the act of Congress authorizing him to sue in the Circuit Court. It has never been held necessary, to constitute a citizen within the act, that he should have the qualifications of an elector. Females and minors may sue in the Federal courts, and so may any individual who has a permanent domicile in the State under whose laws his rights are protected, and to which he owes allegiance.

Being born under our Constitution and laws, no naturalization is required, as one of foreign birth, to make him a citizen. The most general and appropriate definition of the term citizen is "a freeman." Being a freeman, and having his domicile in a State different from that of the defendant, he is a citizen within the act of Congress, and the courts of the Union are open to him.

The defendant's counsel [Sanford] complain, that if the court take jurisdiction on the ground that the plaintiff is free, the assumption is against the right of the master. This argument is easily answered. In the first place, the plea does not show him to be a slave; it does not follow that a man is not free whose ancestors were slaves. The reports of the Supreme Court of Missouri show that this assumption has many exceptions; and there is no averment in the plea that the plaintiff is not within them.

It has been argued that, if a colored person be made a citizen of a State, he cannot sue in the Federal court. The Constitution declares that Federal jurisdiction 'may be exercised between citizens of different States,' and the same is provided in the act of 1789. The above argument is properly met by saying that the Constitution was intended to be a practical instrument; and where its language is too plain to be misunderstood, the argument ends.'

In Chirae v. Chirae, (2 Wheat. 261; 4 Curtis, 99,) this court says: 'That the power of naturalization is exclusively in Congress does not seem to be, and certainly ought not to be, controverted.' No person can legally be made a citizen of a State, and consequently a citizen of the United States, of foreign birth, unless he be naturalized under the acts of Congress. Congress has power 'to establish a uniform rule of naturalization.'

It is a power, which belongs exclusively to Congress, as intimately connected with our Federal relations. A State may authorize foreigners to hold real estate within its jurisdiction, but it has no power to naturalize foreigners, and give them the rights of citizens. Such a right is opposed to the acts of Congress on the subject of naturalization, and subversive of the Federal powers. I regret that any countenance should be given from this bench to a practice like this in some of the States, which has no warrant in the Constitution.

In the discussion of the power of Congress to govern a Territory, in the case of the Atlantic Insurance Company v. Canter, (1Peters, 511; 7 Curtis, 685,) Chief Justice Marshall, speaking for the court, said, "... the power of governing a Territory belonging to the United States, which has not, by becoming a State, acquired the means of self-government, may result necessarily from the fact that it is not within the jurisdiction of any particular State, and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory; whichever may be the source whence the power is derived, the possession of it is unquestioned."

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If Congress may establish Territorial Government in the exercise of its discretion, it is a clear principle that a court cannot control that discretion. This being the case, I do not see on what ground the act [Missouri Compromise] is held to be void. It did not purport to forfeit property, or take it for public purposes. It only prohibited slavery; in doing which, it followed the ordinance of 1787.

Now, if a slave abscond, he may be reclaimed; but if he accompany his master into a State or Territory where slavery is prohibited, such slave cannot be said to have left the service of his master where his services were legalized. And if slavery be limited to the range of the territorial laws, how can the slave be coerced to serve in a State or Territory; not only without the authority of law, but against its express provisions? What gives the master the right to control the will of his slave? The local law, which exists in some form. But where there is no such law, can the master control the will of the slave by force? Where no slavery exists, the presumption, without regard to color, is in favor of freedom. Under such a jurisdiction, may the colored man be levied on as the property of his master by a creditor? On the decease of the master, does the slave descend to his heirs as property? Can the master sell him? Any one or all of these acts may be done to the slave, where he is legally held to service. But where the law does not confer this power, it cannot be exercised.

…Does the master carry with him the law of the State from which he removes into the Territory? and does that enable him to coerce his slave in the Territory? Let us test this theory. If this may be done by a master from one slave State, it may be done by a master from every other slave State. This right is supposed to be connected with the person of the master, by virtue of the local law. Is it transferable? May it be negotiated, as a promissory note or bill of exchange? If it be assigned to a man from a free State, may he coerce the slave by virtue of it? What shall this thing be denominated? Is it personal or real property? Or is it an indefinable fragment of sovereignty, which every person carries with him from his late domicile? One thing is certain, that its origin has been very recent, and it is unknown to the laws of any civilized country.

**Follow-Up Activity:**

**Directions:** Citing line numbers, answer the following questions with supporting evidence from Justice McLean’s dissenting opinion.

1. Is Dred Scott a citizen of Missouri? If so, what are his constitutional rights?
2. How could the Missouri Compromise be used to support Dred Scott’s freedom?
3. Review the case Strader v. Graham (1850). How could the Court’s opinion in this case allow Missouri to declare Dred Scott a free man?
4. How did this case nullify the Missouri Compromise?

**Resources:**

For best results, copy web link and paste into browser.

Dred Scott Heritage foundation

Constitutional Rights Foundation

Street Law

**Enrichment:**

This link provides a scripted mock trial for classroom use. If time permits, conduct the trial and discuss the significance of the event and role Missouri played in the case.

Jefferson National Expansion Memorial, Mock trial for students


Whereas the Congress of the United States, by a joint resolution of the 2d day of March last, entitled "Resolution providing for the admission of the State of Missouri into the Union on a certain condition," did determine and declare "that Missouri should be admitted into this Union on an equal footing with the original States in all respects whatever upon the fundamental condition that the fourth clause of the twenty-sixth section of the third article of the constitution submitted on the part of said State to Congress shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States of this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States: Provided, That the legislature of said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States on or before the first Monday in November next an authentic copy of said act, upon the receipt whereof the President, by proclamation, shall announce the fact, whereupon, and without any further proceeding on the part of Congress, the admission of the said State into this Union shall be considered as complete;" and

Whereas by a solemn public act of the assembly of said State of Missouri, passed on the 26th of June, in the present year, entitled "A solemn public act declaring the assent of this State to the fundamental condition contained in a resolution passed by the Congress of the United States providing for the admission of the State of Missouri into the Union on a certain condition," an authentic copy whereof has been communicated to me, it is solemnly and publicly enacted and declared that that State has assented, and does assent, that the fourth clause of the twenty-sixth section of the third article of the constitution of said State "shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the United States shall be excluded from the enjoyment of any of the privileges and immunities to which such citizens are entitled under the Constitution of the United States:"

Now, therefore, I, James Monroe, President of the United States, in pursuance of the resolution of Congress aforesaid, have issued this my proclamation, announcing the fact that the said State of Missouri has assented to the fundamental condition required by the resolution of Congress aforesaid, whereupon the admission of the said State of Missouri into this Union is declared to be complete.

In testimony whereof I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand.

Done at the city of Washington, the 10th day of August, A.D. 1821, and of the Independence of the said United States of America the forty-sixth.

JAMES MONROE.
By the President:

JOHN QUINCY ADAMS,
Secretary of State.

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Follow-Up Activity:

1. What must be submitted before the “condition of statehood” goes into effect?

2. The Missouri Constitution was required to incorporate the following quote. "…shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the United States shall be excluded from the enjoyment of any of the privileges and immunities to which such citizens are entitled under the Constitution of the United States."

3. Explain the purpose of this clause and what “check” it places on the three branches of Missouri’s government.

Video: Henry Clay and the Missouri Compromise


Teacher notes and/modifications:
Mysterious (Sept 30, 1825)
A few days since a horse, apparently that of a traveller, with his bridle dangling about his feet, came to the residence of Mr. Ward, near the Nine Mile Prairie. The good Samaritans of the settlement instantly assembled and went in search of the rider. It was an hour after dark when the horse was first observed, and in groping about the woods, prairies and by paths as well as the main road, the party was very often saluted by the melancholy moans of a pack of wolves, which had a tendency to quicken their movements, lest a division of the spoils should be made before they could come up to the sufferer. When at last they discovered the object of their concern, an old she wolf, attended by nine full grown fasting whelps were grouping up to the fallen traveller—in half an hour more he would have had apartments in their unoccupied stomachs. The body was at first supposed lifeless—but some signs of animation were at length discovered, and the body was taken up. It was clad in a blue frock coat and overalls, as it was observed when the loose particles of earth had been brushed off. When so far resuscitated as to open his eyes, he was found to be a middle aged man, with some strong features—a paroquet nose, and vulture eyeballs, clad in a British uniform, attached to his fallen fortunes were a broken bottle and a dusty beaver, and in the lining of the latter were found these initials—"D. B." A merry wag who assisted in bearing the body to the next house, remarked that these letters must stand for "Dear Bottle," "Dark Blunder," or "Drunken Brute." This notice is given to apprise his friends, of the danger of permitting the body to wander from among them; it continues to be afflicted with apoplexy, fallen sickness, or hydrophobia.

Missouri Tobacco
Thirty-eight hogsheads of MISSOURI TOBACCO, with the stamp of "Bingham & Lamme, Boon's Lick, Missouri, were sold in the city of New York, sometime in January, at the highest price, being pronounced superior to any other description of tobacco in market. Missouri tobacco always bears the highest price in New Orleans, and has frequently had the preference in Philadelphia and Baltimore. What will they say,—when they see our HEMP? We should not be surprised to hear them exclaim, that Russia has been practicing an imposition on the world when they come to examine the hemp of Missouri.—St. Louis Enq.

The above-mentioned tobacco was raised in this county, and, together with a large quantity of manufactured tobacco, with the same; stamp was shipped from this town. We consider the character of our tobacco to be now fully established. At New Orleans, where this article centers from every part of the western country, ours has been pronounced superior. At New York, where there is tobacco from almost every state in the union, which cultivates the article, ours is pronounced superior to any other description of tobacco in the market. This is important news to our state, and ought to encourage the industry, and redouble the care and exertions of its farmers. If they sustain its character, they will be handsomely rewarded; because proof of its being Missouri tobacco will insure a ready sale and a high price.

Six boats from this town laden with bacon, tobacco, peltries, bee’s wax, venison hams, etc., are taking advantage of the late fresh to descend to New Orleans. Other exports are rapidly increasing. -Missouri Intelligencer, March 13, 1824.
**Runaway Slave**
A runaway Slave now confined in the jail in the town of Columbia, Boon County, Mo. A black man, who calls his name Robert, was taken up by William Boon, of the County of Boon, and committed by Jesse T. Wood, a justice of the peace. Said Negro states that he belongs to Joab Mobly, of Garrard County, Kentucky. He is perfectly black, about 25 years of has a small scar on his right cheek bone; has on a white flax pair of pantaloons and shirt; a yellow colored jeans close-bodied coat. The owner is required to come and prove his property and take it. John M. Kelly, Deputy Jailor. Nov. 24, 1827. Missouri Intelligencer, Nov. 30, 1827

**The Missouri Caravan**
The company of enterprising citizens we lately mentioned as preparing for another mercantile tour of New Mexico has left here and entered on the arduous undertaking. Between 80 and 100 persons, we believe, constitute the number who have gone on the present occasion-and the wagons and carriages, of almost every description, are numerous. The amount of merchandise taken is very considerable, and if the adventurers are successful, the foundations of many fortunes will be laid.

It has the air of romance to see splendid pleasure carriages, with elegant horses, journeying to the Republic of Mexico; yet it is sober reality. In fact the obstacles exist rather in the imagination than in reality. Nature has made a fine road the whole distance-
Missouri Intelligencer, June 2, 1826

**Follow-Up Activity:**
1. After reading all four articles, what generalizations can you make regarding life in Missouri from 1824 until 1827?
2. If you were a farmer during this time period which products would you produce to sell “out East”? Why?
3. What made slavery legal in Missouri? If you had a runaway slave that was caught by the Deputy Jailor, what must you do to have the slave returned?
4. Reference was made to a Missouri Caravan to New Mexico. Why would you make such a trip?

**Sources:**
http://freepages.genealogy.rootsweb.ancestry.com/~mogeneal/oldtimenews.htm

**Teacher notes and/modifications:**
Objective:
Students will develop and explain an alternative to the Missouri Compromise using a Power Point and oral presentation.

The Challenge:
The year is 1820 you and a “select committee” of academics have been selected to review the terms of the Missouri Compromise to determine if they are fair and equitable to the residents of the soon to be state of Missouri. In the past, other states were not given conditions for statehood, thus many Missouri residents feel that it is unfair to have specific conditional terms mandated to become a state.

The job of your committee is to review and study the Missouri Compromise, identify and list its key components and the social and economic conditions they address. Next, you are to develop a “new compromise” that will address the major domestic, social and economic conditions, thus allowing Missouri to enter the union unconditionally.

The project:
Your presentation must include but not be limited to the following:
→ Define and incorporate the term compromise
→ Identify the issues to be considered in developing a compromise.
→ A new compromise that would satisfy northern and southern members of Congress
→ A listing of all components of your compromise
→ Supporting reasons demonstrating how they resolve the current domestic issues
→ How the new compromise allows Missouri to enter the union unconditionally

If after deliberation your committee feels there is no alternative to the Missouri Compromise, your committee must include, but not be limited to the following:
→ Define and incorporate the term compromise
→ Identify the issues to be considered in developing a compromise.
→ Explain each point of the Missouri Compromise and why there is no alternative
→ Missouri has no choice but to accept the terms for statehood.
(Refer to the project rubric for specifics)

Resources:
For best results, copy web address and paste into browser.
Dictionary.com
http://dictionary.reference.com/browse/compromise
Missouri Compromise
http://www.pbs.org/wgbh/ija/part3/3h511t.html
Graphic Resources:

U.S. Census-Missouri 1820

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**United States-Post Missouri Compromise**

![Map of the United States](image)

**Teacher notes and modifications:**
**Thematic Essay 1**  
**Statehood**

**Topic:**  
The Missouri Compromise

**Directions:**  
Carefully read the “Guiding Question” and then compose a three-paragraph essay, responding to the guiding question and subsequent questions stated below. Your essay must include the following: thesis statement, supporting evidence and conclusion. Throughout the process you may use your notes and other resources. Refer to the “Scoring Rubric” for grading standards. If you have questions regarding the prompt or rubric, see your instructor.

**Guiding question:**  
In 1820, Missouri was petitioning to become a state. This application caused a great deal of heated debate both among the current states and the United States Senate. Ultimately, Missouri and Maine were forced to accept “conditions” not imposed upon other states.

- What were the specific conditions of the Missouri Compromise and how did they attempt to settle any future issue of slavery within the United States?

- Who was Dred Scott and how did his appeal to the United States Supreme Court ultimately declare the Missouri Compromise null and void?

**Resources:**  
For best results, copy web link and paste into browser  
History Channel- [http://www.history.com/topics/missouri-compromise](http://www.history.com/topics/missouri-compromise)  
Library of Congress- [http://www.loc.gov/rr/program/bib/ourdocs/Missouri.html](http://www.loc.gov/rr/program/bib/ourdocs/Missouri.html)  
Map-Interactive [http://teachingamericanhistory.org/static/neh/interactives/sectionalism/lesson1/sectionalism.swf](http://teachingamericanhistory.org/static/neh/interactives/sectionalism/lesson1/sectionalism.swf)

**Teacher notes and/modifications:**
Thematic Essay 2
Statehood

Topic:
Letter by Thomas Jefferson to John Holmes regarding the Missouri Compromise

Directions:
Carefully read the “Guiding Question” and then compose a three-paragraph essay, responding to the guiding question and subsequent questions stated below. Your essay must include the following: thesis statement, supporting evidence and conclusion. Throughout the process, you may use your notes and other resources. Refer to the “Scoring Rubric” for grading standards. If you have questions regarding the prompt or rubric, see your instructor.

Guiding question:
On April 22, 1820, Thomas Jefferson expressed his concern regarding the ultimate outcome of the Missouri Compromise. The essence of his letter can be summarized in the following quotation.

“This momentous question, like a firebell in the night, awakened and filled me with terror. I considered it at once as the knell [funeral bell] of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, not a final sentence.” Thomas Jefferson

• Explain what Thomas Jefferson was trying to say with the above quote. Did he feel that the Missouri Compromise was “good legislation?”

• Why did Thomas Jefferson feel that the Missouri Compromise was only a temporary fix not a permanent solution?

Resources:
History Channel- http://www.history.com/topics/missouri-compromise
http://www.loc.gov/exhibits/jefferson/159.html
Interactive map- http://teachingamericanhistory.org/static/neh/interactives/sectionalism/lesson1/sectionalism.swf

Teacher notes and modifications:
Federalism

Class periods:
Three to eight 50-minute class sessions

Purpose:
The focus of this unit is to explore basic principles of federalism. These topics would include a brief overview of the philosophy, powers of the federal government, powers reserved for the states, concurrent powers and conflicts between federal and state laws.

Essential questions:
1. What is federalism and how does it apply to residents of Missouri?
2. What powers within the U.S. Constitution are reserved for Missouri and the other states?
3. How do the residents of Missouri benefit from federalism?
4. What happens when Missouri law conflicts with Federal law?
5. Is the State of Missouri required to accept laws passed by other states?

Essential measurable objectives:
1. The student can define and explain the powers associated with federalism.
2. The student can explain the similarities between Missouri’s government and the federal government in their function and powers.
3. The student can analyze Supreme Court cases that illustrate a conflict between the powers granted to the federal government verses powers reserved for the states.
4. The student can apply the concept of federalism through contemporary issues.

Material and technology:
This curriculum is based upon Internet access. However, several of the document-based activities may be implemented without web-based services. Therefore, all students have web access or access to the school server (if material has been previously uploaded).
Handouts or up-load readings, activities and assessments to the school server
Lesson openers/bell ringers
Computer or tablet
Word processing software
Microsoft Power Point or Prezi
Internet access
Optional-Smart board or data projector

Key vocabulary:
federalism
delegated powers
expressed powers
implied powers
inherent powers
commerce clause
dual federalism
cooperative federalism
extradition
federal mandate
full faith and credit
necessary and proper
privileges and immunities
revenue sharing
sovereignty
states’ rights
supremacy clause

**Supreme Court Cases:**
*Printz v. United States* (1997)
*South Dakota v. Dole* (1987)
*Baker v. Carr* (1962)
*Coper v. Aaron* (1958)
*Arizona v. United States* 2012

**Media:**
For best results, copy and paste web address into your browser.
US Federalism for Dummies: American Government Review
[http://www.youtube.com/watch?v=AeKnrdv5Itk](http://www.youtube.com/watch?v=AeKnrdv5Itk)
A More perfect Union-Federalism (PBS)
Evolution of Federalism
Federalism Video-Shmoop
Vimeo-Federalism
Federalism and the Supremacy Clause-Education Portal
Federalism in the 21st Century
Founding Fathers and Federalism
Brightstorm-Federalism

**Teacher notes and modifications:**
Commentary:
To understand Missouri’s Constitution it is essential that the “fundamentals” of Federalism be reviewed. Federalism was an essential part of the Framers’ philosophy when they wrote the Constitution. After the Articles of Confederation, the need for a strong central government was the focal point, but yet state sovereignty was needed for this new form of a republic.

The question, was how do you divide power between the national government and the states and at the same time limit the power of the national government? The answer was Federalism and delegated national powers, along with a supremacy clause and leaving the rest of the powers to the states.

The problem and ultimate source of conflict today between the national government and the states, was the fact that the Framers never specifically defined this philosophy or gave parameters for its implementation.

Upon completion of this unit, the students will have a better understanding of Federalism, its evolution and contemporary challenges with many states; especially Missouri.

Alphanumerical guide to content:
Federalism 101 F-1
Concepts of federalism F-2
Law matters F-3
Full Faith and Credit F-4
State nullification F-5
Editorial Weber F-6
Hypothetical Cases F-7
Thematic Essay One F-8
Thematic essay two F-9
Formative Assessment F-10
Enrichment F-11

Alignment:

<table>
<thead>
<tr>
<th>Objective</th>
<th>CCS Learning Goals</th>
<th>GLEs/CLEs</th>
<th>DOK</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The student can define and explain the powers associated with federalism.</td>
<td>R.1: Read closely to determine what the text says explicitly and to make logical inferences.</td>
<td>SS3 1.6, 1.8</td>
<td>2</td>
</tr>
<tr>
<td>2. The student can explain the similarities between Missouri’s government and the federal government in their function and powers.</td>
<td>R.1: Read closely to determine what the text says explicitly and to make logical inferences.</td>
<td>SS3 1.6, 1.8</td>
<td>2</td>
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</tbody>
</table>
3. The student can analyze Supreme Court cases that illustrate a conflict between the powers granted to the federal government verses powers reserved for the states.

R.1: Read closely to determine what the text says explicitly and to make logical inferences.

SS3 1.6, 1.8

4. The student can apply the concept of federalism through contemporary issues.

R.1: Read closely to determine what the text says explicitly and to make logical inferences.

SS3 1.6

Optional instructional strategies:

<table>
<thead>
<tr>
<th>Objective</th>
<th>Instructional Strategies and Student Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Using F-1:</strong> read <em>Federalism 101</em> and then complete the follow-up questions. As a small group, analyze James Madison's quote.</td>
</tr>
<tr>
<td>1</td>
<td><strong>Using F-2:</strong> working in small groups, read <em>Concepts of Federalism</em>, and then define all of the terms and predict why the Framers did not go into detail regarding Federalism. As a group, locate a current conflict between Missouri and the national government.</td>
</tr>
<tr>
<td>2</td>
<td><strong>Using F-3:</strong> read the document, <em>Law Matters a Celebration of Two Constitutions</em>, and respond to the follow-up questions. In a small group, compare the U.S. Constitution to the Missouri constitution.</td>
</tr>
<tr>
<td>2</td>
<td>Read F-4, <em>Full Faith and Credit</em>. In your own words summarize this section of the U.S. Constitution and complete the follow-up activity.</td>
</tr>
<tr>
<td>3-4</td>
<td>The students will read F-5, <em>State Nullification</em> and summarize this political philosophy. Students will apply this information to current problems facing Missouri.</td>
</tr>
<tr>
<td>3-4</td>
<td><strong>Read F-6, Weber and Federalism.</strong> Working in small groups, summarize the editorial and its relationship to Missouri. Individual groups must either support or refute the argument.</td>
</tr>
<tr>
<td>4</td>
<td>Reading F-7 contains two hypothetical court cases involving conflict between Missouri and the federal government. Working in small groups summarize the case and develop a course of action for the state of Missouri.</td>
</tr>
<tr>
<td>1-4</td>
<td><strong>Reading F-8&amp;9</strong> contain thematic essays that can be used to support the application of Federalism to Missouri.</td>
</tr>
</tbody>
</table>
Formative Assessment:
Conflicts in Federalism
This formative assessment involves the analysis of a hypothetical problem involving two Missouri residents who are faced with the option of traveling to Oregon to fulfill the wishes of a terminally ill cancer patient.

Thematic Essays:
Essay 1-The Anti-Federalists were concerned with two main things after the failure of the Articles of Confederation. One was the lack of individual freedom granted to all citizens and secondly, the potential for abuse of power by the central government.

• Has the 14th Amendment guaranteed and expanded rights for all citizens?
• Has the central government abused its “delegated powers” at the expense of the states?

Essay 2-Over the past few years many states have agreed to adopt the Common Core standards in an effort to improve student scores on standardized exams and better prepare them for the workforce. Originally, Missouri supported such adoption but in 2014 rejected the standards because education is a power reserved to the states and the General Assembly refuses to be dictated to by the federal government.

• Do you feel “national educational standards are better than state and district standards and will they better prepare students for the workforce?”

• Was the federal government overstepping it power by encouraging states to accept the Common Core Standards? Was Missouri in line with the concept of federalism by refusing the standards?

Enrichment:
For best results, copy web link and paste into browser.
Executive Order 13132 (President Clinton-Federalism) (See F-13)
Wikipedia-Executive order
http://en.wikipedia.org/wiki/Executive_order
Wise Geek
http://www.wisegeek.org/what-is-an-unfunded-mandate.htm
Business Dictionary
http://www.businessdictionary.com/definition/unfunded-mandate.html
Wikipedia-Federal Grants
http://en.wikipedia.org/wiki/Federal_grants_in_the_United_States

Teacher notes and/modifications:
Federalism 101
The Birth of Federalism

James Madison is often given credit for being one of the strongest supporters of the idea of federalism, the defined separation of federal and state powers.

The Federalist Papers were a series of papers he co-authored with Alexander Hamilton in 1787-88 to address concerns about the United States’ new Constitution, which was being ratified by the states. Madison argues in Federalist 39 that the new government follows the republican ideal rather than the country being a confederation of states. In that letter, Madison plainly states the new federal government’s power is limited.

Its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects,” he wrote. “It is true that in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide, is to be established under the general government. But this does not change the principle of the case. The decision is to be impartially made, according to the rules of the Constitution; and all the usual and most effectual precautions are taken to secure this impartiality.”

The division of power was enshrined in the Bill of Rights, also written by Madison, and took effect after it was ratified by the states in 1791.

Not All Federalism is the same:
During the first 100 years of the nation’s history, dual federalism was the primary form practiced. Dual federalism is where states handled most of the daily affairs of life and the federal government primarily handled international relations. It was during this time that the fight over who had sovereignty began to arise. See http://www.csg.org/pubs/capitolideas/2016_mar_apr/federalism.aspx for a comprehensive look at how various states are keeping the concept of federalism alive.

Dual federalism essentially ended after the Great Depression because states couldn’t cope with the massive economic upheavals. President Franklin Delano Roosevelt’s New Deal marked the start of a new era called cooperative federalism. Some political commentators are now referring to today’s climate of acrimony between the states and the federal government as competitive federalism.

The Value of Federalism:

Among the benefits:
Government inefficiency is lower and output per worker is significantly higher in federal governments than in dictatorships or even in unitary democracies.

Democratic participation and the likelihood of an orderly transition between governments are both higher in federal governments, particularly so as an improvement over unitary dictatorships.

Economic property rights and political and civil rights are higher too in federal democracies. “By each of our value measures federal governance appears to deliver on its promised federal outcome,” he wrote. “Even on those dimensions where federal governance is typically thought to be counterproductive—educational opportunities, health outcomes, and economic opportunities as measured by income equality—federal democracies do best on average.”
New Laws Challenging Federal, State Governments:
States and even local governments are passing or attempting to pass legislation either challenging federal laws or attempting to redraw the states themselves. In addition to bills aimed at nullifying federal marijuana laws and the Affordable Care Act, here are some laws that have been passed or introduced recently.

Arizona: Senate Concurrent Resolution 1016, which will be on the 2014 ballot, would allow the governor, the legislature or voters to refuse to use state resources or personnel on any federal law or action they deem to be unconstitutional.

California: Supervisors in one northern California County voted in September to break away from the state.

Colorado: Eight northern counties are pushing to form a new state of Northern Colorado and secede from the rest of Colorado.

Maryland: The Western Maryland Initiative is a new effort to break off five western counties to form its own state government.

Missouri: Gov. Jay Nixon, in July 2014 vetoed a bill that would have prevented the state from enforcing federal gun laws.

Wyoming: House Bill 104, called the Firearms Protection Act, passed the House in February. It would have made it illegal for state police officers to enforce specific federal gun legislation passed after Jan. 1, 2013.

Federal government: Even Congress is getting in on the act. One version of the Farm Bill working its way through Congress would nullify state laws that impose additional standards on agricultural products shipped in from another state.

Advantages of Federalism:
Proponents argue that federalism does the following:

1. Fosters state loyalties: Many Americans feel close ties to their home state, and federalism maintains that connection by giving power to the states.

2. Practices pragmatism: Running a country the size of the United States, with such a diverse population, is much easier to do if power is given to local officials. Likewise, state and local officials are closer to the problems of their areas, so it makes sense for them to choose policies to solve those problems.

3. Creates laboratories of democracy: State governments can experiment with policies, and other states (and the federal government) can learn from their successes and failures.

Example: California has frequently led the nation in environmental regulations: Many measures adopted by California are subsequently adopted by other states. And during the 1990s, Wisconsin governor Tommy Thompson experimented with welfare policy, and those experiments influenced federal welfare reform.

4. Leads to political stability: By removing the national government from some contentious issue areas, federalism allowed the early U.S. government to achieve and maintain stability.

5. Encourages pluralism: Federal systems expand government on national, state, and local levels, giving people more access to leaders and opportunities to get involved in their government.

6. Ensures the separation of powers and prevents tyranny: Even if one person or group took control of all three branches of the federal government, federalism ensures that state governments would still function independently. Federalism, therefore, fulfills the framers’ vision of a governmental structure that ensures liberty.
Disadvantages of Federalism:
Critics argue that federalism falls short in two ways:

1. **Prevents the creation of a national policy:** The United States does not have a single policy on issues; instead, it has fifty-one policies, which often leads to confusion.
2. **Leads to a lack of accountability:** The overlap of the boundaries among national and state governments makes it tricky to assign blame for failed policies.

**Follow-Activity:**
After completing the reading, respond to the following questions.

1. In your own words summarize James Madison’s quote: “Its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects,” he wrote. “It is true that in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide, is to be established under the general government. But this does not change the principle of the case. The decision is to be impartially made, according to the rules of the Constitution; and all the usual and most effectual precautions are taken to secure this impartiality.”

2. Has the federal interpretation of the philosophy of Federalism remained constant over the decades? Explain.
3. Review the advantages, disadvantages and conflicts in federalism. What specific changes would you make to allow for a more consistent interpretation and fairness to the states? Support your answer with examples.

**Research sources:**
For best results, copy web link and paste into browser.
Wikipedia
UCS Louisiana
[http://www.ucp.louisiana.edu/~ras2777/amgov/federalism.html](http://www.ucp.louisiana.edu/~ras2777/amgov/federalism.html)
Facebook
[https://www.facebook.com/FixFederalism](https://www.facebook.com/FixFederalism)

**Document sources:**

**Teacher notes and/modifications:**
As we prepare for Constitution Day, a new celebration honoring our United States constitution's September 17 anniversary, we can take time to consider the miracle the founders created more than 200 years ago.

In 1787, after many heated arguments about what form the new American government would take, the delegates to the constitutional convention finished their draft of the constitution, reflecting a series of compromises that wholly pleased none of them. The new constitution was brief – a few thousand words – and its backers wrote essays known as the Federalist Papers to explain it and to sell it to the states.

During the American Revolution, it was said that the King of England would be replaced by the law as king. The constitution drafters, however, knew the law itself could be an instrument of oppression and so hoped to avoid a concentration of power in any person or group. Today, we refer to this "rule of law" as a necessary feature of our democratic system.

The new constitution entrusted sovereign power in the people and made governing an art form: the art of compromise; the art of protecting the rights of individuals and political minorities from oppression by the majority; and the art of dispersing power evenly among the branches of government to avoid the excesses of a king.

What the constitution produced was a federal republic – "federal" because it recognized the sovereignty and power of the states over all matters not otherwise assigned to the central government, and "republic" because it distributed power among three coequal branches of government: a legislative branch to write laws; an executive branch to carry them out; and a judicial branch to resolve disputes and to ensure that the laws do not disturb the sovereign power of the people as expressed in their constitution.

While many can claim great knowledge of the U.S. Constitution, few people can claim even to have read the entire Missouri Constitution. At about 65,000 words, the state constitution certainly weighs more than its federal counterpart, which now contains about 7,500 words. And in the way that it affects our daily lives and the conduct of our civic affairs, Missouri's constitution has its own unique and important place in our democratic system of government that the founders envisioned.

While the American government still is using its first constitution, Missouri is on its fourth version. The first – created in 1820, a year before our statehood – lasted until the end of the Civil War. Missourians later adopted new constitutions following constitutional conventions in 1865, 1875, and 1943 to 1944.

The U.S. Constitution was adopted after ratification by state legislatures. It also is amended by this method of indirect democracy – approval by the people's elected representatives. Amendments to the U.S. Constitution are initiated by a two-thirds vote in each house of Congress and are ratified by the legislatures of three-fourths of the states. The fact that in 218 years, only 27 amendments have been adopted – including the first 10 amendments, known as the Bill of Rights – shows the difficulty of amending the U.S. Constitution.

Missouri's constitution, by contrast, is a product of direct democracy. Once Missouri became a state, its constitutions have been drafted during constitutional conventions and adopted by a vote of the people.
Since its adoption in 1945, the current constitution has been amended more than 200 times – each time by popular vote following either referral by the legislature or a petition by voters to place a proposal on the ballot. Despite their striking differences, the state and federal constitutions share much in common. Each is designed to establish the institutions of government … and to protect its citizens from government abuses. Each structures government with an executive branch headed by a chief executive, a legislative branch consisting of two bodies and a judicial branch. Each also offers similar guarantees to citizens, including the rights of due process and equal protection of the law.

The federal constitution empowers states to shape their own constitutions, as long as states do not limit rights the U.S. Constitution guarantees to citizens or otherwise violate the U.S. Constitution. As a result, in nearly every respect, the Missouri Constitution is more explicit than its federal counterpart. The state constitution details the organization of local governments, from counties and cities to school districts to sewer districts, and its taxation provisions are highly detailed. Missouri also goes further in its guarantees to its citizens. For example, Missouri's constitution guarantees certain rights to crime victims; the federal constitution does not.

Much of what the federal government does today results from the federal government's varying and expansive readings over time of the relatively brief provisions of the U.S. Constitution. Remember, however, that when this document was written in 1787, the founders could not possibly envision our modern society with its cars and computers and commerce.

On the other hand, most changes in Missouri's constitutional interpretation have occurred not by government action but rather by the people’s votes on explicit amendments to make their constitution grow to keep up with the needs of modern society. For instance, the Missouri Constitution forbade gaming until the 1990s, when it was changed – not by legislators or judges, but by voters in popular elections. Missouri's constitution ultimately is controlled directly by the votes of its people. As noted earlier, the same is not true at the federal level.

Federal law now mandates that we study the U.S. Constitution in observance of Constitution Day. But let us not forget the importance of the Missouri Constitution as well. Both constitutions are worthy of study and celebration.

**Follow-up Activity:**

1. Create a two-column chart listing the similarities of the two constitutions and the differences.

2. In your own words, explain why we need a Missouri Constitution in addition to the U.S. constitution. Support your answers with specific examples.

**Teacher notes/modifications:**
“Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.” (ARTICLE IV, SECTION 1, U.S. CONSTITUTION)

An essential purpose of the Full Faith and Credit Clause is to assure that the courts of one state will honor the judgments of the courts of another state without the need to retry the whole cause of action. It was an essential mechanism for creating a "union" out of multiple sovereigns. The first sentence of the Full Faith and Credit Clause appeared almost verbatim in Article IV of the Articles of Confederation, which read: "Full faith and credit shall be given in each of these States to the records, acts and judicial proceedings of the courts and magistrates of every other State."

At the Constitutional Convention, the originally proposed article also specifically required each state to enforce the other states' judgments regarding debts, but that portion was dropped. There was little discussion of the constitutional provision during the Convention and ratifying period, but it was commonly assumed that the clause was at least in part intended to ensure that debtors could not escape their creditors by crossing into other states. Moreover, the "public Acts" requirement was apparently added to force state courts to enforce each other's Insolvency laws.

Because the clause was drawn from the Articles of Confederation, there is very little discussion of it in the The Federalist, although James Madison asserted in No. 42 that its clarity was a great improvement over the version in the Articles. He listed the clause as one of several that "provide for the harmony and proper intercourse among the States."

The Supreme Court has invoked the clause to police state-court proceedings in three contexts: (1) determining when a state must take jurisdiction over claims that arise in other states; (2) limiting the application of local state law over another state's law in multistate disputes; and (3) recognizing and enforcing judgments rendered in sister-state courts. First, the Court has used the clause to oblige state courts to hear claims that arise under sister-state laws. Thus, the Court has stated that a court cannot categorically refuse to hear claims that arise under another state's laws, at least where the courts recognize the equivalent claim based on local law. Hughes v. Fetter (1951). Nor may a state attempt to monopolize litigation by requiring that enforcement actions be heard solely in local courts. Tennessee Coal, Iron & Railroad Co. v. George (1914); Crider v. Zurich Insurance Co. (1965).

Second, the Supreme Court has also restricted state courts' ability to apply their own laws to multistate disputes. State courts may almost always apply their own procedural rules, including their own statutes of limitations, but there are times when a state's substantive law should give way to the substantive law of another state. It was Justice Joseph Story who first seriously explored this issue in 1834, and the first Supreme Court cases did not appear until the early twentieth century. Initially, the Court required the states to adhere to the traditional territorial principles for the choice of law to apply. That is, if particular legally designated events of a dispute happened in a particular state, says Massachusetts, but if the dispute came to trial in Pennsylvania, the Pennsylvania court had to apply Massachusetts's law. Western Union Telegraph Co. v. Brown (1914); New York Life Insurance Co. v. Dodge (1918).

Later, the Court allowed a state to apply its own substantive law whenever it had a legitimate interest in the outcome of the case. Pacific Employers Insurance Co. v. Industrial Accident Commission (1939). The most recent Supreme Court cases have collapsed the Due Process and Full Faith and Credit Clause inquiries into a single requirement for the application of forum law: "that state must have a significant contact or significant aggregation of contacts, creating state interests, such that choice of its law is neither arbitrary nor fundamentally unfair." Allstate Insurance Co. v. Hague (1981).

With this shift in tests, the Court has backed away from constitutional scrutiny of state-court choice-of-law decisions. In fact, the Court has allowed one state to sue another state in the first state's courts despite the defendant state's sovereign-immunity laws. State of Nevada v. Hall (1979); Franchise Tax Board of California v. Hyatt (2003). Moreover, the Court has only once in the last fifty years limited a state's ability to apply its own law. Phillips Petroleum Co. v. Shutts (1985).

Third, although the Court has largely backed away from policing state choice-of-law decisions, it has imposed stringent requirements regarding recognition and enforcement of sister-state judgments. Practical interests usually require each state to recognize and enforce almost all final court judgments rendered by sister states, even those that offend the public policy of the enforcing state. Pursuant to Congress's implementing statute, the enforcing state's courts must give judgments at least as much effect as the rendering state would. Nonetheless, states can still apply their own statutes of limitations when enforcing judgments by other states' courts, and state administrative decisions that are not reviewed by a court are not entitled to respect in other states.

The Court has recognized a few relatively narrow policy-based exceptions to the states' obligations to enforce the judgments of other states' courts. First, a defendant who did not appear in the first proceeding can collaterally attack a judgment against him on the grounds that the first state's courts lacked personal jurisdiction over the defendant. Second, states are not permitted directly to affect land titles in other states by, for example, issuing a deed to land located in another state. Third, judgments based on purely penal claims (i.e., criminal or administrative fines) need not be enforced by other states. To fall into this penal exception, the judgment must be for the purpose of punishment rather than compensation, and the recovery must be in favor of the state, not a private individual. But tax judgments, judgments for punitive damages in favor of private plaintiffs, and compensatory tort judgments in favor of the state all fail to qualify for this penal exception. Fourth, states can apply their own evidentiary rules. For example, the enforcing state may accept testimony that would have been illegal under the rendering state's law. Finally, if a state court issues a divorce decree in an ex parte proceeding (where only one spouse appears) the absent spouse can collaterally attack the validity of the present spouse's domicile within the rendering state.

Congress has invoked its full faith and credit authority in certain specific contexts related to marriage, divorce, and children. A state court may modify a sister-state court's child-custody and support orders to suit "the best interests of the child." The Parental Kidnapping Prevention Act (28 U.S.C. § 1738a) attempts to fix jurisdiction over child-custody determinations and requires states that lack jurisdiction under the Act to enforce valid custody orders. The Full Faith and Credit for Child Support Orders Act (28 U.S.C. § 1738b) allocates jurisdiction over the rendering of child-support orders and specifies states' enforcement obligations. When it appeared that Hawaii was recognizing the validity of same-sex marriages, Congress responded with the Defense of Marriage Act (DOMA) (28 U.S.C. § 1738c). DOMA enables each state to refuse to recognize other states' acts, records, and judicial proceedings purporting to validate same-sex marriages. Moreover, the Act specifically enables each state to deny rights and claims arising from same-sex marriages created in other states. These congressional acts presumably work to displace Supreme Court Full Faith and Credit Clause precedent in these areas.
Follow-up Activity:
1. Summarize the purpose of the Full Faith and Credit Clause.
2. If a few of the Framers were to return, would they be happy with the way the Full Faith and Credit Clause is being implemented?
3. Explain how the Full Faith and Credit Clause could cause legal problems between Missouri and another state.
4. If an individual commits a crime in Missouri and is caught in Texas, how would authorities use the Full Faith and Credit Clause to have him/her returned to Missouri?

Enrichment:
Summarize the legal question and opinion of the Supreme Court in the following cases. How do they relate to federalism?
Hughes v. Fetter (1951)
Phillips Petroleum Co. v. Shutts (1985)
State of Nevada v. Hall (1979)
Western Union Telegraph Co. v. Brown (1914)

Document sources:
http://www.heritage.org/constitution/#!/articles/4/essays/123/interstate-rendition-clause
The Heritage Guide to The Constitution

Teacher notes/modifications:
State Nullification

Rumblings from ardent states’ rights advocates grow louder in the wake of perceived federal overreach in such areas as health care, immigration reform, marijuana regulation and gun control.

Indeed, on March 13, 2013 the Oklahoma House voted overwhelmingly to invalidate President Barack Obama’s signature legislation, the Affordable Care Act. That process is known as nullification. But is it constitutional?

In a nutshell: (1) State officials need not enforce federal laws that the state has determined to be unconstitutional; nor may Congress mandate that states enact specific laws. But (2), states may not block federal authorities who attempt to enforce a federal law unless a court has held that the law is unconstitutional. And (3), individuals are not exempt from prosecution by the federal government just because the state where they reside has legalized an activity or pronounced that a federal law is unconstitutional; if convicted, individuals can attempt to vindicate their constitutional rights in court.

Let’s examine each of those questions:
First, are states required to enforce federal laws and enact regulatory programs that Congress mandates? The answer on both counts is “No.”

In the 1997 case, Printz v. United States, the Supreme Court ruled that the federal government could not command state law enforcement authorities to conduct background checks on prospective handgun purchasers.

In the 1992 case, New York v. United States, the Court ruled that Congress couldn’t require states to enact specified waste disposal regulations.

The second question is more difficult: Can a state impede federal authorities from enforcing their own law if the state deems the law to be unconstitutional. The answer is “No,” although more radical nullification proponents would disagree. They point to the Kentucky and Virginia Resolutions of 1798 and 1799, in which Thomas Jefferson and James Madison asserted a state’s right to nullify the Alien and Sedition Acts.

But consider those resolutions in context: Jefferson and Madison had argued that the states must have the final word because the Constitution had not expressly established an ultimate authority on constitutional matters.

Four years later in Marbury v. Madison, Chief Justice John Marshall resolved that oversight. He wrote: “It is emphatically the province and duty of the judicial department to say what the law is.” Since then, instead of 50 individual states effecting their own views regarding constitutionality, we have one Supreme Court establishing a uniform rule for the entire nation.

The Framers concurred. In Federalist 78, Alexander Hamilton had written: “limited constitution … can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the constitution void.” Madison shared that view. He wrote: “(l) independent tribunals … will be an impenetrable bulwark against every assumption of power in the legislative or executive.”

Even before Marbury, the Virginia General Assembly had passed Madison’s Report of 1800. It acknowledged that states can declare federal laws unconstitutional; but the declaration would have no legal effect unless the courts agreed. Here’s what Madison wrote: State “declarations … are expressions of opinion, (intended only for) exciting reflection. The expositions of the judiciary, on the other hand, are carried into immediate effect.”
Madison also published *Notes on Nullification* in 1834. There, he wrote that an individual state cannot unilaterally invalidate a federal law. That process requires collective action by the states. Similarly, Jefferson’s Kentucky Resolutions had described nullification as an act by “the several states” that formed the Constitution.

Moreover, seven states rejected resolutions similar to Virginia’s and Kentucky’s; six states passed alternate resolutions holding that constitutionality was for courts to decide; four states took no action. No other state went along with Virginia or Kentucky. Since then, nullification attempts have failed on three occasions: In 1828, South Carolina tried to nullify two national tariffs. President Andrew Jackson proclaimed nullification to be treason; Congress authorized Jackson to send troops, and the state backed down. In 1859, the Supreme Court rejected nullification in *Ableman v. Booth*.

Sherman Booth, an abolitionist newspaper editor, had frustrated recapture of a slave in violation of the Fugitive Slave Act. Wisconsin’s Supreme Court held the act unconstitutional, but the U.S. Supreme Court reinstated the conviction. In 1958, after southern states refused to integrate their schools, the Supreme Court in *Cooper v. Aaron* held that nullification “is not a constitutional doctrine … it is illegal defiance of constitutional authority.”

Fans of nullification count on the states to check federal tyranny. But sometimes it cuts the other way; states are also tyrannical. Indeed, if state and local governments could invalidate federal law, Virginia would have continued its ban on inter-racial marriages; Texas might still be jailing gay people for consensual sex; and constructive gun bans would remain in effect in Chicago and elsewhere.

**Follow-up question:**

1. Summarize in your own words the nullification argument.

2. Explain how state nullification may be in conflict with the Supremacy Clause?

3. Colorado recently passed legislation allowing for recreational use of marijuana. Is this constitutional? Is this a conflict with the supremacy clause?

4. Arizona has passed its own immigration laws because of the large influx of illegal immigrants. Is this constitutional? Is this a conflict with the supremacy clause?

5. If residents of Missouri feel the Affordable Health Care Act is unconstitutional, what legislative or legal options are available?

**Resources:**

For best results, copy web link and paste into browser.

Wikipedia
http://en.wikipedia.org/wiki/Enumerated_powers

Tenth Amendment Center
http://tenthamendmentcenter.com/historical-documents/united-states-constitution/thirty enumerated-powers/

Liberty Classroom
http://www.libertyclassroom.com/nullification/

The heritage Foundation
http://www.heritage.org/research/factsheets/2012/02/nullification-unlawful-and-unconstitutional

The Week

**Document source:**

Cato Institute
President Ronald Reagan used to say that the "13 colonies created the federal government, not the other way around." Well, he is right—but the federal government created, or purchased, most of the other 37 states.

Federalism. We all know it is there but we don’t talk about it. When we do, it's usually only as a last resort in an argument in which we have exhausted other appeals. Federalism is complex and confusing (for a brief history, see http://www.thisnation.com/federalism.html), and becoming more so every year.

Federalism is heralded as both the blessing and the curse, the cause and the solution, the question and the answer to many of America’s governing challenges. Federalism underlies the education standards debate surrounding No Child Left Behind, the Hurricane Katrina aftermath, the Electoral College, the contested 2000 presidential election, parallel tax systems (without an Internet sales tax), the control of the National Guard, highway safety and the Civil War.

There are state-local intergovernmental issues such as state regulating CAFOs (Concentrated Animal Feeding Operations), local home rule, and state funding of local school districts, but usually the acrimonious debates involve the national government (the “Feds”).

Federalism will be at the heart of legislative debates once again this year due to states’, especially California’s, budget shortfall and the national health care debate. In 2009, at least ten state legislatures considered resolutions intended to protect their state sovereignty from a variety of national regulations and it is likely there will be even more in 2010.

At least 50 state legislators over the past 20 years have told me of being greeted by a neighbor on the town square with, "Why aren’t you in Washington, DC?" This is not the town drunk who greets them but, "the bank president, the minister, or a school teacher." Certainly all of these citizens have noticed two different flags in the school gym and heard about the "layer cake" and "marble cake" metaphor—but it is not second nature to them.

Federalism, an American invention, is a political system with several levels of sovereign government, i.e. governments that have their own legitimacy, independence, authority, and their own constitutions (see Missouri’s). While states sometimes serve as administrative regions of the national government for implementing federal programs, states have their own legitimacy, their own sovereignty.

US federalism evidently sprang from the realization by Roger Sherman of Connecticut during the Constitutional Convention era that citizens could have dual sovereignty, that we did not need to choose between 13 colonies or one union—but that we could have both.

President Ronald Reagan used to say that the "13 colonies created the federal government, not the other way around." Well, he is right—but the federal government created, or purchased, most of the other 37 states.

We hear alternately about "federal grants" and "unfunded mandates" but few citizens people seem to ask about the link between the two. Currently, almost one-third of state spending comes from the federal government. Some states are net importers of federal dollars; Missouri gets about $1.30 in federal spending for each dollar Missourians send to Washington. Ironically, so called Red States often do better on their return on federal taxes than do Blue States. (See National Tax Foundation.).
Here at home, few Missouri citizens complain about federal funds for extending highways (Highway 63, for example), pedestrian bridges between parking lots and football stadiums (such as that at Mizzou over Providence Road), or federal disaster funds (due to drought, tornadoes, and winter storms).

A significant accomplishment of US federalism is that it has maintained sub-national fiscal discipline by not assuming state debts. (Yes, there is an irony here!) Compared to Germany and Brazil, for example, the US government does not bail out states. Despite this history, a temptation to do so will be California’s $20 billion budget shortfall. California is too big, politically and economically, to fail. (My hunch is that the federal government will not officially bail out California but it will increase federal grants similar to Nebraska’s sweetheart Medicaid deal.)

Federalism is shared powers and responsibility. After that statement, everything else is rather murky. The Founding Fathers had competing ideas about the role of the new government they were creating; the 10th Amendment is unclear and largely ignored until rediscovered in about 1995 by the Supreme Court under Chief Justice William Rehnquist (see more about that here).

The **prevailing academic view** is that we are in an era of "representational federalism" (rather than dual federalism or "cooperative federalism") where the balance between the national government and states is a matter for political debate and development rather than application of a clear legal principle. In that light, state legislative resolutions concerning health care, the federal deficit or gun control are all means for states protecting their interest. President Woodrow Wilson wrote:

“The question of the relation of the States to the Federal Government is the cardinal question of our constitutional system. At every turn of our national development, we have been brought face to face with it, and no definition either of statesmen or of judges has ever quieted or decided it."

We are better off as a nation with a perennial debate about the balance between states and the national government. There is not a secret legal formula that will be discovered by the Supreme Court but rather a dynamic adjustment of a changing society, a shifting global economy, increased communications and greater population mobility. Either by design or by compromise, the Founding Fathers built a lot of vagueness into the Constitution with which succeeding generations could struggle.”

**Follow-up Activity:**

1. According to the author, why is federalism such a complex issue?
2. Make a list of problems that have developed over the decade between the federal government and the states.
3. Does the author think federalism is working, or is change needed? Explain.
4. What do you think the Framers could have done to prevent some of these problems regarding federalism?

**Document source:**

David Webber (Associate Professor of Political Science at the University of Missouri, Columbia)
F-6

Hypothetical Cases

Federalism

Hypothetical Case #1
Dateline-Our State, 20xx

Last year, during the legislative session, the House and Senate passed a bill regarding the buying, possession and consumption of beer. The Governor immediately signed the bill.

This bill lowered the age limit to 19 from 21, for the buying, possession and consumption of beer. The rationale for this legislation was that over the past few decades, 18 year olds have been asked to defend their country, (some making the ultimate sacrifice) engage in the political process and assume other “adult responsibilities.”

Shortly after the Governor signed the bill into law the Secretary of Transportation wrote a letter to the state legislature and the Governor informing them that the law was in direct conflict with federal law and under the provisions of the Constitution and federalism, needed to be revoked. Failure to do so would result in monetary consequences.

The Governor and leadership from the House and Senate met jointly to discuss the issue. The consensus was that Missouri had every legal right to pass such legislation and agreed to let the law stand.

One week later the Governor received a letter saying 10 percent of federal funds earmarked for Missouri highways would be withheld until the law was changed. Undaunted, the Governor responded to the Secretary of Transportation, saying the law will stand.

Two weeks later, another letter arrived at the Governor’s desk indicating the amount withheld was now 20 percent.

(Although the legal drinking age was traditionally a purely state matter, The National Minimum Drinking Age Act of 1984 was passed on July 17, 1984. It was a controversial bill that punished every state that allowed persons below 21 years to purchase and publicly possess alcoholic beverages by reducing its annual federal highway apportionment by ten percent. The law was later amended, lowering the penalty to eight percent. The act actually did not outlaw consumption of those under 21, only its purchase. The act was expressly upheld as constitutional in 1987 by the United States Supreme Court in South Dakota v. Dole.)

Follow-up Activity:
Working in groups, respond to the following questions using specifics from the U.S Constitution or the Missouri Constitution.

1. Was the state within its constitutional right to pass this legislation?

2. Do you feel the federal government has the authority to withhold federal highway money to force states into compliance with federal law?

3. You and your team represent the Governor and leadership of the House and Senate. Draft a letter explaining your argument and what action you plan to take as a state. Be prepared to read your response to the rest of the class.
Hypothetical Case #2
Dateline-Our State, 20xx

Financially, the last five years have been difficult for not only the state of Missouri but also many cities and local communities. The loss of revenue from sales tax, declining property values and foreclosures has placed a huge strain on the public schools, hospitals and public services. Additionally, the number of illegal aliens moving into the state has increased the strain on these public facilities.

The city council of Kanlouis recently passed an ordinance they feel will help remedy the problem. Unanimously, the council felt the federal government was ignoring its delegated power to establish a uniform rule of naturalization (U.S. Constitution, Article I, Section 8) and they decided to act themselves.

The new ordinance went into effect immediately and makes it unlawful for any business owners to recruit, hire or continue to employ undocumented workers. In addition, every business entity that applies for a business license must sign an affidavit prepared by the city attorney, affirming that they do not knowingly utilize the services or hire any person who is an undocumented worker. Failure to sign the affidavit will result in the suspension of the company’s business license.

Additionally, any student entering the public schools must produce an American birth certificate or a federal document proving they are living in the country legally. Hospital emergency rooms will collect the names of all people being treated and turn the information over to the local prosecutor. Finally, all city law enforcement officers may now ask for proof of citizenship when a driver is stopped for a moving violation.

The American Civil Liberties Union feels this law is unconstitutional and has filed suit against Kanlouis to end this ordinance.

Follow-up Activity:
Working in groups, respond to the following questions using specifics from the US Constitution or the Missouri Constitution.
1. Was Kanlouis within its legal right to pass this legislation?
2. Under the concept of federalism, who should address issues dealing with illegal immigrants?
3. Do you feel the federal government has the Constitutional authority to force Kanlouis to rescind this ordinance?
4. You and your team represent the city council and have just received notice that the city is being sued. Draft a letter either rescinding the city ordinance or explaining your constitutional argument for keeping the ordinance. Be prepared to read your response to the rest of the class.

Teacher notes/instructions:
F-7
Enrichment-Federalism
Executive Order 13132

Federal Register: August 10, 1999 (Volume 64, Number 153)
Presidential Documents
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
Title 3--
The President
Executive Order 13132 of August 4, 1999

Federalism
By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to guarantee the division of governmental responsibilities between the national government and the States that was intended by the Framers of the Constitution, to ensure that the principles of federalism established by the Framers guide the executive departments and agencies in the formulation and implementation of policies, and to further the policies of the Unfunded Mandates Reform Act, it is hereby ordered as follows:

Section 1. Definitions. For purposes of this order:
(a) "Policies that have federalism implications" refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.
(b) "State" or "States" refer to the States of the United States of America, individually or collectively, and, where relevant, to State governments, including units of local government and other political subdivisions established by the States.
(c) "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).
(d) "State and local officials" means elected officials of State and local governments or their representative national organizations.

Sec. 2. Fundamental Federalism Principles. In formulating and implementing policies that have federalism implications, agencies shall be guided by the following fundamental federalism principles:
(a) Federalism is rooted in the belief that issues that are not national in scope or significance are most appropriately addressed by the level of government closest to the people.
(b) The people of the States created the national government and delegated to it enumerated governmental powers. All other sovereign powers, save those expressly prohibited the States by the Constitution, are reserved to the States or to the people.
(c) The constitutional relationship among sovereign governments, State and national, is inherent in the very structure of the Constitution and is formalized in and protected by the Tenth Amendment to the Constitution.
(d) The people of the States are free, subject only to restrictions in the Constitution itself or in constitutionally authorized Acts of Congress, to define the moral, political, and legal character of their lives.
(e) The Framers recognized that the States possess unique authorities, qualities, and abilities to meet the needs of the people and should function as laboratories of democracy.
(f) The nature of our constitutional system encourages a healthy diversity in the public policies adopted by the people of the several States according to their own conditions, needs, and desires. In the search for enlightened public policy, individual States and communities are free to experiment with a variety of approaches to public issues. One-size-fits-all approaches to public policy problems can inhibit the creation of effective solutions to those problems.

(g) Acts of the national government—whether legislative, executive, or judicial in nature—that exceed the enumerated powers of that government under the Constitution violate the principle of federalism established by the Framers.

(h) Policies of the national government should recognize the responsibility of-and should encourage opportunities for—individuals, families, neighborhoods, local governments, and private associations to achieve their personal, social, and economic objectives through cooperative effort.

(i) The national government should be deferential to the States when taking action that affects the policymaking discretion of the States and should act only with the greatest caution where State or local governments have identified uncertainties regarding the constitutional or statutory authority of the national government.

Sec. 3. Federalism Policymaking Criteria. In addition to adhering to the fundamental federalism principles set forth in section 2, agencies shall adhere, to the extent permitted by law, to the following criteria when formulating and implementing policies that have federalism implications:

(a) There shall be strict adherence to constitutional principles. Agencies shall closely examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and shall carefully assess the necessity for such action. To the extent practicable, State and local officials shall be consulted before any such action is implemented. Executive Order 12372 of July 14, 1982 "Intergovernmental Review of Federal Programs") remains in effect for the programs and activities to which it is applicable.

(b) National action limiting the policymaking discretion of the States shall be taken only where there is constitutional and statutory authority for the action and the national activity is appropriate in light of the presence of a problem of national significance. Where there are significant uncertainties as to whether national action is authorized or appropriate, agencies shall consult with appropriate State and local officials to determine whether Federal objectives can be attained by other means.

(c) With respect to Federal statutes and regulations administered by the States, the national government shall grant the States the maximum administrative discretion possible. Intrusive Federal oversight of State administration is neither necessary nor desirable.

(d) When undertaking to formulate and implement policies that have federalism implications, agencies shall:

1. encourage States to develop their own policies to achieve program objectives and to work with appropriate officials in other States;
2. where possible, defer to the States to establish standards;
3. in determining whether to establish uniform national standards, consult with appropriate State and local officials as to the need for national standards and any alternatives that would limit the scope of national standards or otherwise preserve State prerogatives and authority; and
4. where national standards are required by Federal statutes, consult with appropriate State and local officials in developing those standards.
Sec. 4. Special Requirements for Preemption. Agencies, in taking action that preempts State law, shall act in strict accordance with governing law.

(a) Agencies shall construe, in regulations and otherwise, a Federal statute to preempt State law only where the statute contains an express preemption provision or there is some other clear evidence that the Congress intended preemption of State law, or where the exercise of State authority conflicts with the exercise of Federal authority under the Federal statute.

(b) Where a Federal statute does not preempt State law (as addressed in subsection (a) of this section), agencies shall construe any authorization in the statute for the issuance of regulations as authorizing preemption of State law by rulemaking only when the exercise of State authority directly conflicts with the exercise of Federal authority under the Federal statute or there is clear evidence to conclude that the Congress intended the agency to have the authority to preempt State law.

(c) Any regulatory preemption of State law shall be restricted to the minimum level necessary to achieve the objectives of the statute pursuant to which the regulations are promulgated.

(d) When an agency foresees the possibility of a conflict between State law and federally protected interests within its area of regulatory responsibility, the agency shall consult, to the extent practicable, with appropriate State and local officials in an effort to avoid such a conflict.

(e) When an agency proposes to act through adjudication or rulemaking to preempt State law, the agency shall provide all affected State and local officials notice and an opportunity for appropriate participation in the proceedings.

Sec. 5. Special Requirements for Legislative Proposals. Agencies shall not submit to the Congress legislation that would:

(a) directly regulate the States in ways that would either interfere with functions essential to the States’ separate and independent existence or be inconsistent with the fundamental federalism principles in section 2;

(b) attach to Federal grants conditions that are not reasonably related to the purpose of the grant; or

(c) preempt State law, unless preemption is consistent with the fundamental federalism principles set forth in section 2, and unless a clearly legitimate national purpose, consistent with the federalism policymaking criteria set forth in section 3, cannot otherwise be met.

Sec. 6. Consultation.

(a) Each agency shall have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. Within 90 days after the effective date of this order, the head of each agency shall designate an official with principal responsibility for the agency's implementation of this order and that designated official shall submit to the Office of Management and Budget a description of the agency's consultation process.

(b) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has federalism implications, that imposes substantial direct compliance costs on State and local governments, and that is not required by statute, unless:

(1) funds necessary to pay the direct costs incurred by the State and local governments in complying with the regulation are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of the regulation,

(A) consulted with State and local officials early in the process of developing the proposed regulation;
(B) in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of the Office of Management and Budget a federalism summary impact statement, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of State and local officials have been met; and
(C) makes available to the Director of the Office of Management and Budget any written communications submitted to the agency by State and local officials.
(c) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has federalism implications and that preempts State law, unless the agency, prior to the formal promulgation of the regulation,
(1) consulted with State and local officials early in the process of developing the proposed regulation;
(2) in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of the Office of Management and Budget a federalism summary impact statement, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of State and local officials have been met; and
(3) makes available to the Director of the Office of Management and Budget any written communications submitted to the agency by State and local officials.

Sec. 7. Increasing Flexibility for State and Local Waivers.
(a) Agencies shall review the processes under which State and local governments apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes.
(b) Each agency shall, to the extent practicable and permitted by law, consider any application by a State for a waiver of statutory or regulatory requirements in connection with any program administered by that agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the State or local level in cases in which the proposed waiver is consistent with applicable Federal policy objectives and is otherwise appropriate.
(c) Each agency shall, to the extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency. If the application for a waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefor.
(d) This section applies only to statutory or regulatory requirements that are discretionary and subject to waiver by the agency.

Sec. 8. Accountability.
(a) In transmitting any draft final regulation that has federalism implications to the Office of Management and Budget pursuant to Executive Order 12866 of September 30, 1993, each agency shall include a certification from the official designated to ensure compliance with this order stating that the requirements of this order have been met in a meaningful and timely manner.
(b) In transmitting proposed legislation that has federalism implications to the Office of Management and Budget, each agency shall include a certification from the official designated to ensure compliance with this order that all relevant requirements of this order have been met.
(c) Within 180 days after the effective date of this order, the Director of the Office of Management and Budget and the Assistant to the President for Intergovernmental Affairs shall confer with State and local officials to ensure that this order is being properly and effectively implemented.
Sec. 9. Independent Agencies. Independent regulatory agencies are encouraged to comply with the provisions of this order.

Sec. 10. General Provisions.
(a) This order shall supplement but not supersede the requirements contained in Executive Order 12372 ("Intergovernmental Review of Federal Programs"), Executive Order 12866 ("Regulatory Planning and Review"), Executive Order 12988 ("Civil Justice Reform"), and OMB Circular A-19.
(b) Executive Order 12612 ("Federalism"), Executive Order 12875 ("Enhancing the Intergovernmental Partnership"), Executive Order 13083 ("Federalism"), and Executive Order 13095 ("Suspension of Executive Order 13083") are revoked.
(c) This order shall be effective 90 days after the date of this order.

Sec. 11. Judicial Review. This order is intended only to improve the internal management of the executive branch, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

[Signed by President William J. Clinton]
THE WHITE HOUSE,
August 4, 1999.

Follow-up activity:
Working in small groups, discuss the question and then formulate a response.

1. In your own words, define all terms in bold.
2. Explain why President Clinton would issue this executive order.
3. What are unfunded mandates? Cite a current example.
4. According to the president, how should states deal with unfunded mandates?
5. Section 5 refers to federal grants. What is a federal grant and what impact should they have on the states.
6. Prepare an oral report for the class addressing the following:
   How federalism is being defined
   The purpose of federalism
   How this executive order will positively or negatively affect the state of Missouri

Resources for activity:
For best results, copy web link and paste into browser.
Wikipedia-Executive order
http://en.wikipedia.org/wiki/Executive_order
Wise Geek
http://www.wisegeek.org/what-is-an-unfunded-mandate.htm
Business Dictionary
http://www.businessdictionary.com/definition/unfunded-mandate.html
Wikipedia-Federal Grants
http://en.wikipedia.org/wiki/Federal_grants_in_the_United_States
Formative Assessment
Federalism

Working in small groups, carefully read the following scenario and then refer to the questions listed below. After you have completed your research, you and your team will provide a brief oral and visual argument supporting either the prosecution or non-prosecution of John Smith. Your decision must be based on specifics not just opinion.

(Dateline - 2012 Our Town, Missouri)

John Smith has a terminally ill mother by the name of Jane Doe. Mrs. Doe has been fighting lung cancer for the past five years and has seen ten different oncologists, hoping for a miracle.

Last week, Mrs. Doe went in for a check-up and was told she was in stage IV, and that there was nothing more that could be done for her medically. Mrs. Doe was advised to go home, get her affairs in order and special pain medication would be provided to help her through the pain of her final days.

On the way home, Mrs. Doe was listening to the radio and they were discussing Oregon’s law regarding assisted suicide and the right to die with dignity.

As soon as she got home, she discussed the issue with her son and told him she was going to Oregon and he had two choices. He could be supportive and drive her to a participating physician in Oregon, or he could stay home. Mrs. Doe said, “I will take the bus by myself if you don’t want to be a good son and drive.”

John, full of guilt, gave in and said he would drive and help her find a participating physician. As John was packing the car he told his neighbor about the upcoming trip and asked him to keep an eye on the house. After some thought, the neighbor came over and made the following statement. “I understand your feelings but do you know that assisted suicide is illegal in Missouri and you could be arrested when you return home? Additionally I this is a violation of federal law and you are crossing a state line to commit a crime.”

John responded, saying, “The authorities don’t enforce such laws and in all probability would do the same thing if they were in my shoes. Secondly, crossing the state line to commit a crime only applies to felonies. In any case, I am just the driver.”

Three days later, John returned to Missouri. He was alone. His mother’s remains would arrive in two days at the local funeral home.
Follow-Up activity:
1. Define all terms
2. Research Missouri law, Oregon’s law, federal law and crossing state lines to commit a crime.
3. We have a right to life, liberty and property. Can we choose to end our own life?
4. Did anyone in the story commit a state or federal crime?
5. Are there exceptions to the law?
6. What happens when state law conflicts with federal law?
7. Are states obligated to enforce federal law? Can federal officials enforce state law?
8. Should the police arrest John Doe?
9. Should the attorney General prosecute?
10. Has a crime been committed?

Research sources:
For best results, copy web link and paste into browser.
Missouri Euthanasia
1970 Federal Controlled Substances Act
http://en.wikipedia.org/wiki/Controlled_Substances_Act
The Bridge-Recent court Cases
http://cyber.law.harvard.edu/bridge/Philosophy/asuicide1.htm
Findlaw-Is there a constitutional Right…
http://healthcare.findlaw.com/patient-rights/is-there-a-constitutional-right-to-physician-assisted-suicide.html

Note:
This scenario is hypothetical and is not based on any actual event. Created by Russ Sackreiter, for educational purposes only.

Teacher notes and/modifications:
Thematic Essay
Federalism

**Topic:**
Power of the central government

**Directions:**
Carefully read the “Guiding Question” and then compose a three-paragraph essay, responding to the guiding question and subsequent questions stated below. Your essay must include the following: thesis statement, supporting evidence and conclusion. Throughout the process, you may use your notes and other resources. Refer to the “Scoring Rubric” for grading standards. If you have questions regarding the prompt or rubric, see your instructor.

**Guiding question:**
After the failure of the Articles of Confederation and the ratification of the Constitution, the Anti-Federalists had two major concerns. One was the fear that the states could not protect the rights of its citizens. The second concern was domination by the central government over the states, leaving them with no power.

• How does Missouri’s constitution protect the rights and liberties of its residents?

• Has the central government abused its “delegated powers” at the expense of the states?

**Research resources:**
For best results, copy web link and paste into browser.
Map-Slide Share
http://www.slideshare.net/bmtoth/federalists-vs-anti-federalists-1306985

**Teacher notes and/modifications:**
F-10

Thematic Essay
Federalism

**Topic:**
Application of Federalism

**Directions:**
Carefully read the “Guiding Question” and then compose a three-paragraph essay, responding to the guiding question and subsequent questions stated below. Your essay must include the following: thesis statement, supporting evidence and conclusion. Throughout the process, you may use your notes and other resources. Refer to the “Scoring Rubric” for grading standards. If you have questions regarding the prompt or rubric, see your instructor.

**Guiding question:**
Over the past few years many states have agreed to adopt the Common Core standards in an effort to improve student scores on standardized exams and better prepare them for the workforce. Originally, Missouri supported such adoption, but in 2014 rejected the standards because education is a power reserved to the states and the General Assembly refuses to be dictated to by the federal government.

- Do you feel “national educational standards” are better than state and district standards, and will they better prepare students for the workforce?

- Was the federal government overstepping its power by encouraging states to accept the Common Core standards? Was Missouri in line with the concept of federalism by refusing the standards?

**Research resources:**
For best results, copy web link and paste into browser.
Dbaron- [http://dbaron.org/views/federalism.html](http://dbaron.org/views/federalism.html)
Fiu.edu- [http://www2.fiu.edu/~ganapati/3003/federalism.html](http://www2.fiu.edu/~ganapati/3003/federalism.html)
Paul Shippy- [http://www.tpaulshippy.com/Federalism&Education.htm](http://www.tpaulshippy.com/Federalism&Education.htm)
History Learning Site-http://www.historylearningsite.co.uk/fed.htm

**Teacher notes and/modifications:**
The Legislative Department

Class periods:
Three to eight 50-minute class periods.

Purpose:
The emphasis of this unit is to provide an overview of the purpose and operation of the General Assembly. However, the goal is to demonstrate that the residents of the state are the ultimate power behind the legislative process through the use of the initiative and referendum.

Essential questions:
1. What role does the General Assembly play in the law making process?
2. What happens when the House and Senate do not agree on a bill?
3. Who represents the residents from the various parts of the state?
4. What are term limits and do they work?
5. May the residents of Missouri submit their own ideas for state law?
6. What is Gerrymandering?

Essential measureable objectives:
1. The student can explain the Missouri law making process, emphasizing the initiative petition.
2. The student can explain the workings of and purpose of a joint conference committee.
3. The student can explain the organization of House and Senatorial districts.
4. The student can explain the advantages and disadvantages of term limits.
5. The student can explain the difference between an initiative and referendum petition.
6. The student can explain the redistricting process in Missouri.

Material and technology:
This curriculum is based upon Internet access. However, several of the document-based activities may be implemented without web-based services. Therefore, all students have web access or access to the school server (if material has been previously uploaded).

Handouts or up-load readings, activities and assessments to the school server
Lesson openers/bell ringers
Computer or tablet
Word processing software
Microsoft Power Point or Prezi
Internet access
Optional-Smart board or data projector

Key vocabulary:
appropriations bill
amendment
bill
calendar
caucus
committee
conference committee
The Missouri General Assembly is the name of Missouri’s legislative body and is a bicameral body composed of two chambers: the House of Representatives and the Senate. The General Assembly, according to the Missouri Constitution is responsible for creating laws for governing the State of Missouri.

The House of Representatives has 163 members and the Senate 34. Members of the House serve for two years and are limited to a total of four two-year terms. Members of the Senate are limited to two four year terms. These restrictions on the number of terms members of both houses may serve are referred to as term limits.

Even though the Missouri Constitution specifies the General Assembly as the law making body, qualified Missouri voters may also participate in proposing laws to the general public or removing them. The initiative and referendum powers allow the voters to be actively involved.

As with all state governments, conflict, differing political agendas and the will of the people often demonstrate a realistic view of representative government.
Alphanumerical guide to content:
Unit 3 General Assembly Introduction
Overview of General Assembly GA-2
Conference Committee GA-3
Reading/activity, term limits GA-4
Amending the Missouri Constitution GA-5
Editorial Initiative process GA-6
Redistricting/Gerrymandering GA-7
Thematic essay “bullying” GA-9
Thematic essay, “term limits” GA-10
Formative Assessment, “Educators with Guns” GA-8
Supplemental resources/enrichment
   a. MO House district map
   b. MO Senate district map
   c. MO How a Bill Becomes Law

Alignment:

<table>
<thead>
<tr>
<th>Objective</th>
<th>Learning Goals (CC)</th>
<th>GLEs/CLEs</th>
<th>DOK</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The student can explain the Missouri law making process, emphasizing the initiative petition.</td>
<td>R.1: Read closely to determine what the text says explicitly and to make logical inferences.</td>
<td>SS1 3.5, 1.10</td>
<td>3</td>
</tr>
<tr>
<td>2. The student can explain the workings of and purpose of a joint conference committee.</td>
<td>R.1: Read closely to determine what the text says explicitly and to make logical inferences.</td>
<td>SS1 3.5, 1.10</td>
<td>3</td>
</tr>
<tr>
<td>3. The student can explain the organization of House and Senatorial districts.</td>
<td>R.1: Read closely to determine what the text says explicitly and to make logical inferences.</td>
<td>SS1 3.5, 1.10</td>
<td>3</td>
</tr>
<tr>
<td>4. The student can explain the advantages and disadvantages of term limits.</td>
<td>R.1: Read closely to determine what the text says explicitly and to make logical inferences.</td>
<td>SS1 3.5, 1.10</td>
<td>3</td>
</tr>
</tbody>
</table>
5. The student can explain the difference between an initiative and a referendum petition.

R.1: Read closely to determine what the text says explicitly and to make logical inferences.

SS2 1.10 2/3

6. The student can explain the redistricting process in Missouri.

R.1: Read closely to determine what the text says explicitly and to make logical inferences.

SS2 1.10 2/3

Optional instructional strategies:

<table>
<thead>
<tr>
<th>Objective</th>
<th>Instructional Strategies and Student Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-3</td>
<td>Using GA-1: read the document explaining the organization and function of the General Assembly. Complete the application activity at the end of the reading.</td>
</tr>
<tr>
<td>1-3</td>
<td>Using GA-2: After reading the Missouri legislative process and viewing the law making PowerPoint, complete the application activity at the end of the reading.</td>
</tr>
<tr>
<td>1-3</td>
<td>Using GA-3: read the document Missouri Conference Committee. Working in small groups, complete the simulation on E-cigarettes.</td>
</tr>
<tr>
<td>4</td>
<td>Read GA-4, Missouri Term Limits, and complete the follow-up questions. In your own words summarize the advantages and disadvantages of term limits.</td>
</tr>
<tr>
<td>1-4</td>
<td>The students will read GA-5, Amending the Missouri Constitution and summarize the process. Students will complete the application questions.</td>
</tr>
<tr>
<td>5</td>
<td>Read GA-6, Crowd of Initiative Petitions. Working in small groups, summarize the editorial and complete the application questions. Write a three paragraph summary explaining the relationship of popular sovereignty to the initiative process.</td>
</tr>
<tr>
<td>6</td>
<td>Reading GA-7 read the summary of redistricting and gerrymandering in Missouri and complete the hypothetical maps.</td>
</tr>
<tr>
<td>1-6</td>
<td>Reading RF-9&amp;10 contain thematic essays that can be used to support the application of content regarding the Missouri General Assembly.</td>
</tr>
</tbody>
</table>

Formative Assessment:

Educators & Guns

This formative assessment involves the analysis of a current issue plaguing public schools.

“Due to the recent number of threats, shootings and killings in public schools, legislation has been introduced into the Missouri Senate to stop intruders from hurting or killing students in Missouri public schools. This bill allows a school district to designate a teacher or administrator to qualify as a school protection officer and carry a firearm on school property, with the proper training.

You are a member of the Senate committee on general laws and must decide if you will allow this bill to proceed to the Senate floor for debate, modify the bill or let it die in committee.”
Thematic Essays:

Essay 1 - Bullying

Guiding question:
Bullying has become a major problem to the health, safety and welfare of children, and adolescents because it is taking place in the schools, public areas and even local neighborhoods. Bullying is more than off-handed comments; its intent is to mentally hurt the other person, destroy self-esteem and to ostracize from social clubs and organizations.

Therefore, the Missouri House and Senate are debating the following bill: Any individual that targets another from kindergarten to age 25, and makes that person feel "terrorized, frightened, intimidated, threatened, harassed or 'molested" with no legitimate purpose, may be charged with a class A misdemeanor. Targeting may be done verbally, socially and or in written form, including such Apps as Facebook, Twitter, etc. First time offenders will be fined $200; a second infraction may result in a $1000.00 fine and/or one year in jail.

Guiding question:
As a member of the General Assembly would you support this bill as written?
• Is this bill a violation of your constitutional rights (Missouri Constitution) to free speech?
• Are there alternate ways to eliminate bullying?

Essay 2 - Term limits

Guiding question:
In 1992, the Missouri Constitution was amended (Article 3, Section 8), putting term limits into effect for all members of the General Assembly. The intent of this constitutional change was to prevent individuals from serving in the House or Senate for an indefinite period, regardless of the feelings of their constituents. Do you feel term limits have been good for the people of Missouri?

• What are the advantages and disadvantages of term limits?
• Do you feel Missouri should amend its constitution to eliminate term limits?

Enrichment:
Research the topic of your choice and submit it as an initiative petition.

Resources:
For best results, copy web link and paste into browser.
Jason Kandor
Institute.gov
Missouri Extension
http://extension.missouri.edu/p/DM5361
The Missouri General Assembly

The legislative branch of Missouri government is known officially as the General Assembly. The General Assembly is a bicameral, or two-house, legislature. The U.S. Congress in Washington, D.C., is bicameral, as are the legislatures of all fifty states except for Nebraska, which changed to a unicameral system in the early 1930s.

The Missouri Senate has 34 members who are elected to overlapping terms of 4 years (17 senators are elected in every even-numbered year). Senators must be at least 30 years of age and be registered voters in the districts they represent. Senate districts are reapportioned after every census and must be roughly equal in population (approximately 162,000 people as a result of the 2000 Census). Senate districts vary enormously in area. In the 1990s the largest area district was the 12th in the northwest part of the state— it consisted of 16 sparsely populated rural counties and almost 10,000 square miles!

The Missouri House of Representatives has 163 members, who are elected to terms of two years. Representatives must be at least 24 years of age and be registered voters in the districts they represent. Like the Senate, House districts are reapportioned after every census and must be roughly equal in population (approximately 34,000 following the 2000 Census).

As a result of a constitutional amendment approved by Missouri voters in 1992, there are now term limits on members of the General Assembly. No one can serve more than eight years in one house, or more than sixteen years total in both. This stands in stark contrast to the unlimited terms that U.S. Senators and members of the U.S. House of Representatives may serve.

Like the U.S. Congress, Democrats and Republicans dominate the General Assembly. However, there was a big change in 2000. As a result of the 2000 election, there was a shift in party control of the Missouri Senate to the Republicans (18-16) for the first time since 1948. The House remained Democratic by a margin of 87-76. So, Missouri began to experience what some describe as divided government. Some feared that the state government might suffer gridlock. These fears persist. Today, both houses of the legislative branch are dominated by the Republicans and the governor (Jay Nixon) is a Democrat.

The General Assembly meets every year from early January until late May. Many legislators are businesspersons or attorneys and are able to maintain their regular occupations while serving in the Assembly. Currently, the salary is about $35,000, which is above the national average for state legislators. In addition to their salaries, legislators are provided a number of benefits including offices, secretarial assistance, Per Diem allowances ($98.40), mailing privileges, and pensions.

Like the U.S. Congress, the General Assembly could be described as the "law-making" branch of government. It also has powers of oversight and confirmation, among others. And like the U.S. Congress, committees are very important in organizing the work of the General Assembly. Every year, hundreds of bills are introduced to the General Assembly. Each of these will be assigned to a specific standing committee, depending on its subject matter. Committees with the most members include Appropriations, Agriculture, Education, and Banks. Each house operates independently of the other and just because a bill is introduced in the House does not mean it is necessarily introduced in the Senate, or vice-versa.

The party that controls the House or Senate appoints the chairpersons of every committee for that body. This means that all Senate and House chairpersons ("chairs") are Republicans.

The most powerful person in the House is the Speaker. He or she appoints the committee chairs and decides who in his/her party gets to serve on which committees. The Speaker is also the presiding officer of the House.
In the Senate, the most powerful person is the President Pro Temp (pore). This person appoints committee chairs in the Senate. However, the technical leader of the Senate is the Lieutenant Governor of Missouri. The Lieutenant Governor is not a member of any Senate committee and may not vote, except to break a tie.

In many respects, the Missouri Senate and House operate in a similar manner. However, the Senate tends to be more informal, less partisan and somewhat more conservative in appropriating funds. The Senate allows "unlimited" debate, including the filibuster device.

Unless bills deal with appropriations, they must contain only one subject. The great majority of bills die in committee--that is, they never become law. Bills that enjoy the support of the party leaders and/or have strong interest group or overwhelming public backing have the strongest chance of reaching the governor's desk. Among the more influential interest groups in Jefferson City are farm groups, trucking groups, the Chamber of Commerce, Associated Industries, Anheuser-Busch, MADD, the NFIB (National Federation of Independent Business), the National Rifle Association, the AFL-CIO, teacher organizations and "right to life" groups.

Public hearings are normally scheduled for most bills. When a hearing has concluded, a committee will convene in "executive session." If a bill receives a majority committee vote, it is placed on the calendar for final floor debate. If both houses report out a bill favorably but the versions are different, a conference committee composed of both Senators and Representatives meets to "iron out," or compromise, the differences. Thus, if a Senate bill appropriates $12 million for a new state university building while the House bill allows $14 million, a possible compromise bill would allow $13 million. If the changes are acceptable, the revised bill is then sent back to both houses for another vote. If this vote is positive, the bill goes to the governor for signature or veto. A vetoed bill requires a two-thirds majority to override. Overrides of gubernatorial vetoes in Missouri are very rare (only seven from 1821 to 2001!).

Compromise is very important in the legislative process in a democracy. Deals are made; favors are often exchanged and, of course, friendships are also important. Legislators who are flexible, friendly and dependable are at a distinct advantage.

**Follow-up activity:**
1. In your own words, define all terms in italics.
2. Explain the advantages of a bicameral legislation to a unicameral system.
3. What are the qualifications to become a Missouri Senator or member of the House of Representatives? Suggest why they are not the same.
4. Senator Doe introduces a bill dealing with extending the school year and the repeal of the helmet law. Is this allowed under the Missouri constitution?
5. What is the purpose of a public hearing?
6. How do the duties of the Speaker of the House and the president pro tem differ? Why aren’t they similar?
7. What role does the Lt. Governor play in the law making process?

**Enrichment:**
1. Create a chart listing all the steps a bill must go through in the Missouri General Assembly and the U.S. Congress.
2. Write a paragraph explaining how they are alike and how they are different.

**Source of document:**
http://courses.missouristate.edu/dennishickey/mogov.htm

Special note: some items were modified to reflect current salary and per diem.
The Legislative process in Missouri

The General Assembly

Legislative power is vested by Section 1, Article III of the Missouri Constitution in the General Assembly, more commonly known as the Legislature, composed of the Senate and the House of Representatives.

Time of Meeting

The General Assembly convenes at the State Capitol in Jefferson City annually on the first Wednesday after the first Monday of January. It adjourns on May 30, with no consideration of bills after 6:00 p.m. on the first Friday following the second Monday in May. No appropriation bill may be considered after 6:00 p.m. on the first Friday after the first Monday in May. If the Governor returns a bill with his objections after adjournment sine die, the General Assembly is automatically reconvened on the first Wednesday following the second Monday in September for a period not to exceed ten days to consider vetoed bills.

The Governor may convene the General Assembly in special session for a maximum of 60 calendar days at any time. Only subjects recommended by the Governor in his call or a special message may be considered. The President Pro Tem and the Speaker may convene a 30-day special session upon petition of three-quarters of the members of each chamber.

Organization of the General Assembly

Following the general election in November of even-numbered years, the majority and minority members of each house caucus separately to nominate candidates for the offices to be elected by each body and to organize their parties for the coming session. Each party names its floor leader, assistant floor leader, whip, caucus chairman and caucus secretary.

Both houses of the General Assembly convene in their respective chambers at noon on the opening day of the session. The Senate is called to order by the Lieutenant Governor. Temporary officers are named and the roll of new and carryover senators is read. Newly-elected senators are then sworn in, usually by a judge of the Supreme Court. The President Pro Tem and other permanent officers are then elected and take an oath of office administered by the President of the Senate.

The House of Representatives is called to order by the Secretary of State and the oath is administered to all members, usually by a judge of the Supreme Court. After the swearing-in ceremony a Temporary Speaker is elected. The Temporary Speaker presides for nomination and election of the Speaker, Speaker Pro Tem and other permanent officers. Temporary rules, usually the rules in force for the preceding session, are adopted.

After each house notifies the other that it is duly organized, a House Resolution is adopted inviting the Senate to a joint meeting to receive the Governor's message. The joint session is usually held in the second week of the session. Under the Constitution, the Governor, at the beginning of each session, delivers a message concerning state government with recommendations for the enactment of legislation.

Each house determines its own rules and procedures and rules may not be dispensed with except by unanimous consent or concurrence by a constitutional majority in the House (82) or by a vote of at least a majority of the Senate following at least one day's notice. Both the Senate and House of Representatives are required to keep a daily journal of their proceedings. The journals record motions and votes. No record is made of debate. At the end of the session the journals are published by the House and Senate.
How Bills Become Laws
No law is passed except by bill. Bills may be introduced in the House or Senate, except appropriations bills, which by tradition originate in the House. No bill (except general appropriations bills) may contain more than one subject, which is to be expressed clearly in its title. No bill can be amended in its passage through either house so as to change its original purpose. No bill other than an appropriation bill can be introduced in either house after the 60th legislative day of a session, unless consented to by a majority of the elected members of each house or requested by the Governor in a special message.

The legislative procedure is virtually the same in both houses. The following is the path a bill follows when introduced in the House.

I. INTRODUCTION OF A BILL
Members may prefile bills beginning December 1 preceding the opening of the General Assembly session. Bills prefiled are actually introduced on the first day of the session. Members may introduce bills through the 60th legislative day of the session.

II. FIRST AND SECOND READINGS
When introduced a bill is assigned a number and read the first time by its number and title only by the House reading clerk. It then goes on the calendar for second reading; following second reading it is assigned to committee by the Speaker of the House.

III. PUBLIC HEARING
A public hearing before the committee to which a bill is assigned is the next step in the legislative process. The bill is presented to the committee by its sponsor, and both proponents and opponents are generally heard in a single hearing. In the case of unusually controversial, complex or lengthy bills, several hearings may be held.

IV. COMMITTEE EXECUTIVE SESSION
After a hearing is held, a committee may meet to vote and make its recommendations. These executive sessions are also open to the public, but no testimony is taken. The committee may vote to:
1. Report the bill to the House with the recommendation that it "do pass."
2. Report the bill to the House with the recommendation that it "do pass" with committee amendments.
3. Report the bill to the House with the recommendation that a committee substitute for the bill "do pass."
4. Report the bill with the recommendation that it "do not pass." (Such a bill will not be taken up by the House unless 82 members vote to take it up.)
5. Report the bill to the House without recommendation.
The state constitution allows a bill to be taken from committee by one-third of the members of the House. Such a bill is placed on the calendar for consideration by the House.

V. PERFECTION OF A BILL
If a bill is reported favorably out of committee or a committee substitute is recommended, the bill or committee substitute is placed on the "perfection calendar." When its turn comes up for consideration it is debated on the floor of the House. If committee amendments are recommended, they are first presented, debated, and voted on. Further amendments can then be proposed by any House member. When all amendments have been debated and voted on, a vote is taken on whether to have the bill "perfected and printed," with any amendments incorporated into the bill. If a committee substitute is recommended, the House, after considering any amendments to the committee substitute, will vote on whether to adopt the committee substitute, before taking the vote to have the bill perfected and printed.
The affirmative vote of a majority of the members present is sufficient to order a bill perfected and printed. The vote is usually a voice vote but may be by roll call and must, like any other motion, be by roll call if at least five members request it. The newly printed bill carries the word "Perfected" above the bill number.

VI. THIRD READING AND FINAL PASSAGE
After perfection and re-printing, a bill goes on the calendar for Third Reading. Only technical corrective amendments may be introduced at this stage, but members may debate the bill. At the conclusion of debate, a recorded vote is taken. Approval by a constitutional majority of the elected members (82 in the House) is required for final passage. If the bill receives the required minimum of 82 votes, it is sent to the Senate, where it is again read a first and second time; referred to a committee for a public hearing; reported by committee; amended on the floor and offered for final approval. If the Senate changes the bill in any way, it is sent back to the House with the request that the changes be approved. If they are, the bill is Truly Agreed to and Finally Passed and sent to the Governor for his consideration. If one or more Senate changes are rejected, a conference may be requested and five members from each house are designated as a conference committee. Upon agreement by the conference committee (usually a compromise of differences), each reports to its own house on the committee's recommendation. If both houses approve the conference committee report, the bill is declared Truly Agreed To and Finally Passed. The bill is reprinted and the words "Truly Agreed To and Finally Passed" are printed above the bill number. If either house rejects the conference committee report, it may be returned to the same or a newly appointed conference committee for further conferences.

Consent Bills: There is a procedure in both the House and the Senate for expedited treatment of bills of a non-controversial nature. In the House the procedure is this: By unanimous vote any House committee may report a bill which neither increases state costs nor reduces state revenues to the consent calendar. The bill remains on the Consent Bills for Perfection Calendar for five days. At the end of that time, as long as at least five members have not objected to it being on the Consent Calendar, it is considered perfected and is placed on the Consent Bills for Third Reading Calendar. On Third Reading such bills may not be amended. They may, however, be amended in the Senate.

VII. SIGNING BY THE GOVERNOR
Bills Truly Agreed To and Finally Passed are signed in open session by the Speaker of the House and the President Pro Temp of the Senate. At the time of signing, any members may file written objections, which are sent with the bill to the Governor. The Governor has fifteen days to act on a bill if it is sent to him during the legislative session; and forty-five days if the legislature has adjourned or has recessed for a thirty-day period. The Governor has four options:
1. Sign the bill, making it become part of Missouri law.
2. Veto the bill. In this case, the bill is returned to the General Assembly where a two-thirds vote of both houses is required to override the veto.
3. Not sign the bill. Should the Governor take no action within the prescribed time, the bill goes to the Secretary of State, who then enrolls the bill as an authentic act. It then becomes law.
4. Veto line-items in an appropriation bill. On appropriation bills only, the Governor may choose to veto selected items within the bill. The General Assembly may override this veto by a two-thirds majority of both houses.

VIII. EFFECTIVE DATE OF LAWS
No law passed by the General Assembly can take effect until ninety days after the end of the session at which it was enacted (August 28 for regular sessions). However, if a bill was passed with an emergency clause attached, it takes effect immediately upon the Governor's signature. In addition, some bills specify the exact date when they are to take effect, which is usually a period of time longer than ninety days.
IX. PUBLICATION OF LAWS
All bills that become law are reported to the Secretary of State. The Joint Committee on Legislative Research publishes each year's bills in a book entitled Laws of Missouri. In addition, the Revisor of Statutes updates another publication, the Revised Statutes of Missouri, to reflect the changes made in the law each year.

Follow-up Activity:
1. Diagram each step a bill must go through before becoming a law.
2. If you had the authority to alter or change the process, which steps or actions would you change or delete?
3. Using the source listed, explain how the federal law making system and the Missouri law making system are alike and different.

Project Vote Smart http://votesmart.org/education/how-a-bill-becomes-law#.U-ugCPldWoM

Teacher notes and/modifications:

A conference committee is a temporary, ad hoc panel composed of House and Senate conferees, which is formed for the purpose of reconciling differences in legislation that has passed both chambers. Conference committees are usually convened to resolve bicameral differences on major and controversial legislation.

There are three required steps for sending a bill to a conference committee.

**Step One:** Stage of disagreement. This is where the Senate and House agree that they disagree.
A. The Senate insisting on its own amendment(s) to a House-passed bill or amendment.
B. The Senate disagreeing on the House’s amendment(s) to a Senate-passed bill or amendment.

**Step Two:** Once the House and Senate agree to disagree, they must agree that they want to create a conference committee to resolve the legislative disagreement they acknowledged in step one. This step is accomplished by either requesting a conference with the House and the House agreeing to the offer, or by accepting the House’s request for conference.

**Step three:** is where each house appoints its conference members. The Speaker appoints the House’s conferees. The Senate elects its conferees, or the Senate can authorize, by formal floor action, for the presiding officer to appoint the conferees.

Once a conference committee has successfully completed its work, two documents are produced.

**Conference Report**- A conference report includes the legislative language that the conference committee has agreed on.

**A joint explanatory statement or statement of managers:** explains the conferees’ agreement while addressing the disagreements that led to the creation of the conference committee.

Each document must be signed by the majority of both House and Senate conferees.

**Follow-up activity:**
1. In your own words, define all words in italics.
2. What role does the conference committee play in the practice of checks and balances?

**Application:**
Step one: Your teacher will assign you to either the Missouri Senate or Missouri House of Representatives.

Step two: Create a profile for either a fictional Senator from one of Missouri’s 34 districts or a fictional member of the Missouri House of Representatives from one of the 163 districts. This profile must include political affiliation (Democrat or Republican), education, occupation and number of years in the Missouri senate/house.
Step three: You will be divided up equally by party and assigned to a conference committee. There will be approximately an equal number of Democrats and Republicans in each conference.

Step four: the task:
The Democrats want to place a $5.00 tax on all E-cigarettes, limit sales to individuals who are 21 and over and make it a class A misdemeanor ($1000.00 fine) for anyone selling to a minor.

The Republicans want to place a $2.00 tax on all E-cigarettes, limit sales to individuals who are 18 and over and make it a class C misdemeanor ($300.00 fine) for anyone selling to a minor.

It is your job as a conference committee to resolve this issue and then present a joint press conference explaining your decision and the rationale for the decision. Visual aids are required.

Activity resources:
For best results, copy web link and paste into browser.
How Things Work
Wikipedia
FDA
http://www.fda.gov/newsevents/publichealthfocus/ucm172906.htm
Forbes
Scientific American
→Infographics
http://dailyinfographic.com/are-e-cigarettes-healthy-infographic?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+DailyInfographic+%28Daily+Infographic%29

Teacher notes/modifications:

Source of document:
http://www.senate.gov/general/common/generic/committee_faq.htm#conference_committee
ST. LOUIS • Twenty years after state voters passed Missouri's term limits law; political scientists, activists and legislators are deeply split on whether the caps on legislative service are a bane or a boon.

On the positive side, the law prevents a lawmaker from accumulating too much power and regularly brings in new members with fresh ideas.

But on the down side, inexperienced legislators have less knowledge of complicated issues and often start looking for their next political post soon after they arrive in the Capitol.

How to balance the pros and cons was the question weighed Saturday by participants at a daylong conference at the University of Missouri-St. Louis. It was hosted by the university's fledgling Center for Ethics in Public Life.

"We're probably not going to be getting rid of term limits any time soon, and the center's not advocating that," said Wally Siewert, the center's executive director. "But what can we do... to preserve the legislative process?"

The law, approved in November 1992, caps service at eight years in the House and eight years in the Senate. Missouri is one of 15 states with term limits, though the laws differ. One key question is whether, by cutting down on entrenched incumbents, the law is meeting its original goal of limiting lobbyists' influence. The answer is no, according to David Valentine, a senior fellow at the Institute of Public Policy at the University of Missouri-Columbia.

Though they have to work harder, lobbyists have adjusted their strategies, and now they "front-load" by recruiting candidates and helping in their campaigns, said Valentine, a former Senate staffer.

Valentine said term-limited legislators lose the ability to become specialists, with deep knowledge of a particular issue such as taxation or the environment. Without legislative veterans around for colleagues to consult, lobbyists become the main source of "insider information" about the history of an issue, Valentine said.

The executive branch and political consultants help fill the vacuum, too, said former state Sen. Franc Flotron, a Republican from Creve Coeur who is now a lobbyist. "In a complicated government, knowledge is power," Flotron said.

Taking the other side of the issue was former House Speaker Steve Tilley, who would have been term-limited out in January 2013 but left early to begin a lobbying career. He said that without term limits, the seat he represented for nearly eight years would not have been up for grabs and he would never have had a chance to serve.

Noting that members of Congress in Washington are not subject to term limits, Tilley asked: "How many of you think D.C. is functional? I really think you lose touch with what it's like to be a normal person. With term limits, you can't make a career out of it."

Tilley, however, said that eight years was "pretty short." He said he began preparing to run for a leadership post by courting fellow legislators during his first legislative session. He became majority floor leader in his second term.

Some have suggested lengthening the cap to 12 years in each chamber or a total of 16 years in one chamber. Valentine said 12 years would be "vastly, vastly better" than eight. But two of the law's original backers strongly opposed those — or any — changes.
Greg Upchurch, former president of Missourians for Limited Terms, and Paul Jacob, former president of U.S. Term Limits, said that although career politicians and academics dislike term limits, voters embrace them by wide margins. Missouri's law carried with a 75 percent majority.

Before term limits became law, two House speakers went to prison for corruption, Upchurch noted. No speaker has been to prison since the law took effect.

"Do I think it gave us a more ethical and responsive Legislature? Yes, I do," said Upchurch, of Creve Coeur.

Jacob said Missouri should improve mentorship and training programs for new legislators instead of trying to fight term limits.

"Term limits are good because politicians are just like you and I, and any of us, given too much power, have a propensity to misuse it," Jacob said.

**Document source:** BY VIRGINIA YOUNG, St. Louis Post Dispatch (10.7.12)

**Follow-up activity:**
1. What do we mean by an *entrenched incumbent?*
2. Make a list of reasons for and against term limits.
3. Do you agree with Franc Flotron, that knowledge is power in the Missouri General Assembly?
4. What questions would you like to ask the author?
5. Write a three-paragraph paper, either supporting or refuting term limits for Missouri lawmakers.

**Research sources:**
For best results, copy web link and paste into browser.

Ballotpedia
http://ballotpedia.org/Missouri_State_Legislative_Term_Limits,_Amendment_12_(1992)

Focus, St. Louis
http://www.focus-stl.org/?page=MOTermLimits

Politic MO

NCSL

St. Louis Beacon
https://www.stlbeacon.org/#!/content/25227/term_limits_shaped_legislative_session

Columbia Daily Tribune
http://www.columbiatribune.com/opinion/oped/term-limits-have-corrupted-our-legislature/article_31f8605a-7ff2-11e3-bb9a-10604b9f6eda.html

**Teacher notes and/modifications:**
Amending the Missouri Constitution

(Article XII, Sections 1, 2a and 2b)

Essentially, the Missouri Constitution may be amended in three different ways.

1. A proposal may be made by a member(s) of the General Assembly. If both houses approve it by a majority vote it is then submitted to the voters. If the voters approve it by majority vote in a general election it becomes an amendment to the Missouri Constitution.

2. A registered voter may propose an amendment by a popular initiative petition. The petition must follow strict guidelines and contain signatures of 8% of the registered voters in two-thirds of the U.S. congressional districts within Missouri. After the signatures have been verified (they must be registered voters), it then goes to the voters for ratification (majority of popular vote) in a general election.

3. If a state convention is called and one of the elected delegates makes a proposal, it is then submitted to all of the convention members and put to a vote. If a majority of delegates approve, it must then be ratified by a majority of the popular votes in a general election.

Follow-up activities:
1. Why is it necessary to occasionally amend the Missouri Constitution?
2. What is an initiative petition and why is it not found in the U.S. Constitution?
3. Would you agree or disagree that Missouri’s amendment process places the ultimate decision power in the hands of the people?

Enrichment:
Read the editorial (L-6) from St. Louis Public Radio and respond to the questions.

Activity resources:
For best results, copy web link and paste into browser.
Initiative information
Ballotpedia
http://ballotpedia.org/Laws_governing_the_initiative_process_in_Missouri

Teacher notes and/modifications:
L-6

Crowd Of Initiative Petitions Will Soon Compete To Get On Ballot

(By Jo Mannies: St. Louis Public Radio)

As soon as the snow melts, Missourians may find themselves confronting a horde of people stopping them outside stores, on the streets or at their front doors.

The object: to get their signatures on petitions that would put a variety of issues – such as early voting, income taxes and teacher tenure – on the August or November ballot.

So far, almost 40 such initiative petitions, covering at least 24 different topics, have been cleared by Secretary of State Jason Kander for circulation. That’s a huge number for a non-presidential election year. In 2010, the last such non-presidential year, 23 initiatives were approved for circulation.

All the petitioners have until 5 p.m. May 4 to collect and turn in the required tens of thousands of signatures from registered voters. Many are proposed constitutional amendments, which require signatures from at least 157,788 registered Missouri voters from six of the state’s eight congressional districts. The exact number needed depends on the districts where they are collected.

Initiative petitions approved by voters have played major roles in the creation of many Missouri laws. For example:

The state's restriction on how much state and local governments can collect in revenue without a public vote -- known as the Hancock Amendment -- is the product of an initiative petition drive in 1980.

Missouri's legislative term limits are a product of an initiative petition campaign in 1992.

The state constitution's protections for certain types of embryonic stem cell research are the result of an initiative-petition effort in 2006.

But most of this year’s initiatives, like most of their predecessors, won’t go anywhere. In 2010, for example, only three initiative-petition proposals made it onto the ballot. The other ballot issues were placed by the General Assembly.

In fact, many of the sponsors who filed petition proposals this time around have no plans to hit the streets in search of signatures.

Herman Kriegshauser, a St. Louis County resident who frequently files such petitions, is among them. He says his hope is that somebody else “latches on” to his petition to curb the state’s income tax credits.

Ditto for Ron Calzone, head of Missouri Citizens for Property Rights, who has no plans to circulate any of his initiative petitions calling for restrictions on the use of eminent domain. He initially had higher hopes.

Calzone says he’s been unable to raise the minimum amount of money – roughly $1 million or so – to pay for signature gatherers. “It’s still an expensive, risky process,” Calzone said.
But some petitions are expected to hit the streets shortly. Those considered most likely to be circulated would:

Authorize early voting for any reason;

Eliminate teacher tenure and make other changes to the state’s public-school system when it comes to hiring and retaining teachers;

Reduce or revamp the state’s income taxes;

Restore campaign-donation limits in Missouri, which has had no contribution limits since 2008;

Do away with Missouri’s judicial-selection system, and require judges for the state’s appellate and Supreme Court to run as partisan candidates for the posts. The state Supreme Court also would be expanded to nine judges from the current seven.

Create a permanent student position among the state’s Board of Curators, which oversees the University of Missouri system.

Set up a special 1-cent sales tax statewide to fund transportation projects, including the reconstruction of Interstate 70.

Eliminate the state’s constitutional ban against using public money for religious purposes, such as school vouchers that could be used at parochial schools.

There also are competing initiative proposals aimed at the payday loan industry or banks. One initiative would bar restrictions on the interest rate that could be charged on loans; another initiative proposal would impose limits on the interest rate that could be charged.

Koster aids early-voting petition
The early-voting initiative petition, which just got approved for circulation a few weeks ago, has begun to attract attention because of rumors of its support from Missouri Attorney General Chris Koster, a Democrat running for governor in 2016.

Koster’s former chief of staff, Matt Dameron, filed the initiative and said in an interview that he launched the process himself because of his desire to improve Missouri’s voting process. Missouri is among only 15 states with no form of early voting other than absentee voting – which, in Missouri, requires the voter to meet certain criteria before being allowed to cast an early ballot.

"The goal is to make voting more convenient and accessible for Missourians," said Dameron, now a Kansas City lawyer in private practice.

Dameron played down Koster’s involvement, emphasizing that the proposal is not getting any help from either major political party. But Koster was less reticent.

In a statement, Koster’s campaign arm said, "Attorney General Koster has provided advice to supporters of the early vote initiative petition in his political capacity. General Koster strongly supports allowing registered voters greater opportunities to participate in the voting process."

A campaign committee has been set up to collect donations to pay for the signature collections, Dameron said. When asked about the chances that a signature drive will get underway, he added, “I would put us in the ‘absolutely very serious’ category.”
The effort to eliminate teacher tenure is also a serious one, said lawyer Marc Ellinger, who is overseeing that initiative-petition drive. Wealthy financier Rex Sinquefield -- who opposes tenure and calls for changes in public schools -- recently contributed $750,000 to Teachgreat.org, the political action committee set up to run the campaign.

In 2010, Sinquefield spent about $11 million in his successful effort to put on the ballot an initiative -- now law -- that bars any other Missouri cities from adopting earnings taxes, as St. Louis and Kansas City did decades ago. Sinquefield sought to duplicate his success with a planned 2012 initiative to phase out the state's income tax and replace it with a higher sales tax. But he opted to delay that push because of perceived public resistance, based in part on internal polls that his campaign conducted.

Over the past year, Sinquefield has been the prime funder of Grow Missouri, a campaign committee that was part of the unsuccessful effort by conservatives seeking to override Gov. Jay Nixon's veto of a tax cut bill. He gave more than $1.3 million to the group this summer.

Initiatives to revamp the state's income tax structure and, among other things, allow an increase in the state's sales taxes to make up for any lost revenue. Another Grow Missouri initiative would cap the state's tax credits at a combined total of $200 million a year -- about a third of what the credits have cost the state annually in general revenue.

Sinquefield donated $495,000 in December to Grow Missouri, a signal that it's gearing up to begin a signature-collection drive. "We're going to be collecting in January," Willard said.

If legislators appear to be taking up some of the issues covered by the initiatives, "we may take the foot off the pedal," Willard added. "Our intention is that we're going to be engaged in the legislative process."

Meanwhile, Brad Ketcher, a prominent Webster Groves lawyer with ties to top Democrats, is overseeing an initiative to institute a number of ethics standards on politicians, including the restoration of some form of campaign-donation limits.

The next few weeks, a decision will be made” whether to circulate either proposal, Ketcher said. He put the odds as “fair to good” on the ethics proposal, particularly if it appears that General Assembly is cool to ethics changes sought by Gov. Jay Nixon and Secretary of State Kander.

Ketcher emphasized that, in any case, time also is of the essence. Gathering signatures becomes more expensive, he explained, when there is less time to collect them. More field workers must be hired in order to get the job done quickly.

Lawsuits can derail initiatives, even if backers win in court
Another threat comes from lawsuits. So far, several of the initiative proposals are embroiled in court fights as opponents challenge the ballot language or the “fiscal note” – the estimated costs to state and local governments if the particular initiative is approved by voters.

On Thursday, for example, both sides squared off in court over the Missouri Roundtable for Life’s initiative petition effort to restore campaign donation limits in the state. Sinquefield is among those bankrolling the opposition, with Ellinger among the opposition’s lawyers. Their fight centers on a dispute over the accuracy of the "fiscal note" provided by state Auditor Tom Schweich.

Such court fights can be financially draining and delay signature collection. In fact, some activists contend that the real aim of many lawsuits over initiatives -- whether or not they are successful -- is to make it impossible for the petition backers to have enough time to collect all the necessary signatures and meet the submission deadline.
Calzone said that the threat of lawsuits was a key reason he and other petitioners have filed several slightly different versions of the same initiative. The general aim, he said, is to have at least one uncontested version to circulate while another version may be tied up in court.

Calzone noted that his group has been trying to get an anti- eminent domain proposal on the ballot since 2006. In 2010 and 2012, he said, “we were held up in court for months and months.”

Although his side won the legal fights both years, Calzone said, the cost in time and money kept his proposals off the ballot. He suspects that some of this year’s embattled initiatives will suffer a similar fate.

Chuck Hatfield, a Jefferson City lawyer with close ties to many Democrats, is representing Missourians For Fair Taxation, which has filed suit against Grow Missouri’s initiatives to reduce the income tax and curb tax credits. Hatfield said the suits are challenging the ballot descriptions, and added that delaying the signature-collection has nothing to do with his group’s lawsuits.

Rather, the aim is to provide Missouri voters with accurate descriptions of what the initiatives' real effects would be, if they are passed and become law.
"Any time you're talking about amending the constitution of the state of Missouri," Hatfield said, "there ought to be a rigorous analysis."

**Follow-up activities:**
1. Do you feel the author is supportive of the Missouri initiative process?
2. Select one of the laws created through the initiative process and speculate why the members of the General Assembly avoided the topic?
3. What legal issues may arise from an initiative petition?
4. Do you feel it is too easy for the voters to change the constitution through the initiative process?

**Teacher notes and/modifications:**
Upon completion of the national census (every 10 years), each state’s population is evaluated to determine growth (increase in population) or decline (decrease in population). According to the U.S. Constitution this must be done to determine the number of representatives allotted to each state. This concept is known as proportional representation. Each state is allowed one representative regardless of population. This leaves a remainder (435 members in the House) of 385 seats to be divided among the states.

Over the past ten years, the population within Missouri did not grow as quickly as many other states, thus forcing a reduction from 9 to 8 U.S. House of Representative seats. Consequently, the Missouri General Assembly is charged with Congressional redistricting.

In order to carry out this mandate two bi-partisan committees are created, one for the Senate and one for the House. To help insure fairness both the Democrats and the Republicans submit a list of candidates to the Governor. The Senate will submit 10 names and the House 18 (two are required from each congressional district.) The Governor will then select one Democrat and one Republican from each of the existing districts to form two commissions; one on the Senate side and the other on the House side.

The two commissions now have six months to research, discuss and come to a compromise. If a compromise plan has not been achieved within this time period, the job is turned over to a panel of six appellate judges. This new panel has 90 days to complete the redistricting process.

If the state commission does its job without political bias, the new districts are politically equal so no district has a “party” advantage over others. If the districts are drawn in such a way as to give either the Democrats or Republicans an advantage at the polls, this is called gerrymandering.

Gerrymandering may be accomplished two ways. The first is referred to as packing. This technique is accomplished by putting as many Democrats or Republicans into one district, thus increasing their political power in other districts. A second method of gerrymandering is called cracking. This technique distributes voters of one party among all of the districts to insure they will always be in the minority politically.

Follow-up activity source:
**Follow-up activity:**

1. Let us assume there are 8 congressional districts, each has 8 counties, and the population for each is the same. A non-partisan plan would be to combine contiguous districts without regard to party affiliation. See example below: R=majority of voters vote Republican, D=majority of voters vote democratic and individual letters represent counties.

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2. Your activity is to redraw district lines using the “packing” technique, giving the Democrats the voting advantage in as many districts as possible. Remember, counties within each district must be *contiguous*. (Boundary lines need to be in bold or “dense” lines.)

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3. In this scenario, redraw district lines using the “packing” technique, giving the Republicans the voting advantage in as many districts as possible. Remember, counties within each district must be *contiguous*. (Boundary lines need to be in bold or “dense” lines.)

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4. Working in small groups, compare your new district lines. What conclusion can you draw? What can be done to prevent gerrymandering?
Working in small groups, carefully read the following scenario and then refer to the questions listed below. After you have completed your research, you and your team will provide a brief oral and visual argument supporting either the prosecution or non-prosecution of John Smith. Your decision must be based on specifics, not just opinion.

Due to the recent number of threats, shootings and killings in public schools, legislation has been introduced into the Missouri Senate to stop intruders from hurting or killing students in Missouri public schools. This bill allows a school district to designate a teacher or administrator to qualify as a school protection officer and carry a firearm on school property, with the proper training.

You are a member of the Senate committee on general laws and must decide if you will allow this bill to proceed to the Senate floor for debate, modify the bill or let it die in committee.

Step one: Create a written personal and professional profile for the “character” you wish to play. This profile must include Missouri Constitutional requirements to be a senator, occupational training/background and political affiliation (Republican or Democrat).

Step two: Research the bill and write a three-paragraph paper explaining your position on the bill. You may justify its acceptance, rejection or explain how it should be modified.

Step three: You and four of your classmates will be placed into a group for deliberation. It is the job of the committee to listen to each member’s position on the bill, hold an open debate and vote to accept, reject or modify the bill. During this hearing you must keep a journal listing of points debated and your position on the points or topics.

Step four: On the assigned date, your teacher will collect your essay and journal for evaluation.

Research sources:
For best results, copy web link and paste into browser.
Governing
NBC
http://www.nbc-2.com/story/20388681/should-teachers-carry-guns
Casper Star Tribune
NRA
http://www.thedonion.com/articles/nra-calls-for-teachers-to-keep-loaded-gun-pointed,34336/

Teacher notes/modifications:
L-9

Thematic Essay
The Legislative Department

**Topic:**
Legislation to prevent and stop bullying

**Directions:**
Carefully read the “Guiding Question” and then compose a three-paragraph essay, responding to the guiding question and subsequent questions stated below. Your essay must include the following: thesis statement, supporting evidence and conclusion. Throughout the process, you may use your notes and other resources. Refer to the “Scoring Rubric” for grading standards. If you have questions regarding the prompt or rubric, see your instructor.

**Background:**
Bullying has become a major problem to the health, safety and welfare of children and adolescents because it is taking place in the schools, public areas and even local neighborhoods. Bullying is more than off-handed comments; its intent is to mentally hurt the other person, destroy self-esteem and to ostracize from social clubs and organizations.

Therefore, the Missouri House and Senate are debating the following bill: Any individual that targets another from kindergarten to age 25, and makes that person feel "terrorized, frightened, intimidated, threatened, harassed or 'molested' with no legitimate purpose, may be charged with a class A misdemeanor. Targeting may be done verbally, socially and/or in written form, including such Apps as Facebook, Twitter, etc. First time offenders will be fined $200; a second infraction may result in a $1000.00 fine and/or one year in jail.

**Guiding question:**
As a member of the General Assembly would you support this bill as written?

- Is this bill a violation of your constitutional rights (Missouri Constitution) to free speech?
- Are there alternate ways to eliminate bullying?

**Research resources:**
For best results, copy web link and paste into browser.
Missouri Constitution - [http://ballotpedia.org/Article_I_Missouri_Constitution](http://ballotpedia.org/Article_I_Missouri_Constitution)

**Teacher notes/modifications:**
L-10
Thematic Essay
The Legislative Department

**Topic:**
Term limits

**Directions:**
Carefully read the “Guiding Question” and then compose a three-paragraph essay, responding to the guiding question and subsequent questions stated below. Your essay must include the following: thesis statement, supporting evidence and conclusion. Throughout the process, you may use your notes and other resources. Refer to the “Scoring Rubric” for grading standards. If you have questions regarding the prompt or rubric, see your instructor.

**Guiding question:**
In 1992, the Missouri Constitution was amended (Article 3, Section 8), putting *term limits* into effect for all members of the General Assembly. The *intent* of this constitutional change was to prevent individuals from serving in the House or Senate for an indefinite period, regardless of the feelings of their constituents. Do you feel term limits have been good for the people of Missouri?

- What are the advantages and disadvantages of term limits?

- Do you feel Missouri should amend its constitution to eliminate term limits?

**Research resources:**
For best results, copy web link and paste into browser.
What Are Term Limits?
http://ballotpedia.org/Article_I_Missouri_Constitution
NCSL
CATO Institute
Our Generation
http://ourgeneration.org/term-limits/

**Teacher notes/modifications:**
The Executive Department

Class periods:
Three to ten 50-minute class periods.

Purpose:
Missouri's executive branch is comprised of five major offices, each independently elected, in addition to the Governor. The purpose of this specific unit is to give students a broad picture of the executive branch, citing the duties and powers of each office. Additionally, students will see how the citizens of Missouri benefit from these offices.

This unit contains a variety of activities such as Web Quest, readings, small group activities, thematic essays and a formative assessment. It is not essential to use all of the activities for your students to obtain a working knowledge of the executive branch.

Essential questions:
1. Who is in the executive branch and what do they do?
2. What are the duties and powers of elected officials and departments of the executive department?
3. What role does the executive branch play in the concept of checks and balances?
4. Who becomes chief executive if the governor dies or is unable to serve?
5. What is a line item veto and how does it work?

Essential measurable learning objectives:
1. The student can explain the role and purpose of Missouri’s executive branch in relationship to separation of power and checks and balances.
2. The student can create a flow chart identifying and listing the responsibilities of the elected officials, which comprise Missouri’s executive branch.
3. The student can summarize and give examples of the duties and powers of the governor.
4. The student can outline and explain the succession of office in case the governor dies or is unable to perform his/her constitutional responsibilities.
5. The student can define and explain a line item veto and its impact on a proposed budget.

Suggested material/technology:
This curriculum is based upon Internet access. However, several of the document-based activities may be implemented without web-based services. Therefore, all students have web access or access to the school server (if material has been previously uploaded).
Handouts or upload readings, activities and assessments to the school server
Lesson openers/bell ringers
Computer or tablet
Word processing software
Microsoft Power Point or Prezi
Internet access
Optional: Smart board or data projector
Key vocabulary:
- advisory opinion
- attorney general
- adjourn
- appropriation bill
- balanced budget
- budget
- chief executive
- commutation
- deficit spending
- executive branch
- governor
- lieutenant governor
- military powers
- national guard
- pardon
- reprieve
- revenue
- secretary of state
- state auditor
- succession of governor
- term limits
- line item veto
- veto

Media resources:
For best results, copy web link and paste into browser.
Missouri’s Executive Branch
https://www.youtube.com/watch?v=AJQhsc7OAN4&index=7&list=PL111C79294B019F04
Powers of Governor
https://www.youtube.com/watch?v=AJQhsc7OAN4&list=PL111C79294B019F04&index=8
Lt. Governor
https://www.youtube.com/watch?v=DDYpnEA7054&list=PL111C79294B019F04&index=9
Role of Governors
Executive Department
http://www.annenbergeclassroom.org/page/the-role-of-the-governor
Revised Missouri Constitution

Commentary:
Article IV of the Missouri Constitution, Executive Department, identifies and lists the powers and duties of departments within this branch of state government. The executive branch, headed by the governor, is given the duty of carrying out laws made by the General Assembly. In addition, the governor, under the philosophy of separation of powers, serves as a check on laws made by the General Assembly.
As the state’s chief executive, the Missouri Constitution (Article IV) gives the governor specific powers, such as appointment of individuals to boards and commissions, veto power, recommending laws and serving as a liaison between Missouri and the federal government.

The other major departments with the executive branch would include lieutenant governor, secretary of state, attorney general and state auditor. The qualifications, duties and responsibilities are outlined within Article IV of the Missouri constitution. According to Amendment 12 of the Missouri Constitution, the only individuals affected by “term limits,” are the governor and state auditor: “…no person shall be elected governor or treasurer more than twice, and no person who has held the office of governor or treasury for more than two years of a term to which some other person was elected to the office of governor or treasurer, shall be elected to the office of governor or treasurer more than once.”

**Alphanumerical Guide To Content:**

Overview of Missouri’s Executive Branch *(Web Quest)* E-1
Reading, overview of Missouri’s Executive Branch E-2
Who Would You Go To? Matching duties and power E-3
Executive Powers of Governor E-4
Editorial, checks and balances E-4
Editorial, line item veto E-5
Governor, Lt. Governor succession E-6
Reading, Who Is Governor? E-7
Formative Assessment, “State of The State address.” E-8
Thematic Essay, “Political Parties, Governor v. Lt. Governor.” E-9
Thematic Essay, “Line item veto, who has the power?” E-10
Writing Response Rubric (revised for formative assessment) E-11

**Alignment:**

<table>
<thead>
<tr>
<th>Objective</th>
<th>CCS</th>
<th>Learning Goals</th>
<th>GLEs/CLEs</th>
<th>DOK</th>
</tr>
</thead>
<tbody>
<tr>
<td>The student can explain the similarities between Missouri’s government and</td>
<td></td>
<td>R.1: Read closely to determine what the text says explicitly and to make logical</td>
<td>SS3 1.6, 1.8</td>
<td>2</td>
</tr>
<tr>
<td>the federal government in their function and powers.</td>
<td></td>
<td>inferences.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The student can define and explain the powers associated with Missouri’s</td>
<td></td>
<td>R.1: Read closely to determine what the text says explicitly and to make logical</td>
<td>SS3 1.6, 1.8</td>
<td>2</td>
</tr>
<tr>
<td>executive department.</td>
<td></td>
<td>inferences.</td>
<td></td>
<td></td>
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<tr>
<td>The student can identify and explain the powers and duties delegated to</td>
<td></td>
<td>R.1: Read closely to determine what the text says explicitly and to make logical</td>
<td>SS3 1.6, 1.8</td>
<td>2</td>
</tr>
<tr>
<td>the governor of Missouri</td>
<td></td>
<td>inferences.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The student can explain the role of Missouri’s executive departments in relationship to checks and balances.

R.1: Read closely to determine what the text says explicitly and to make logical inferences.

SS1 3.5, 1.10

3

The student can define and explain the advantages and disadvantages of the line item veto.

R.1: Read closely to determine what the text says explicitly and to make logical inferences.

SS2, 1.10

2

The student can understand the importance of constitutionally stated transition of executive power.

R.1: Read closely to determine what the text says explicitly and to make logical inferences.

SS2, 1.10

2

Optional instructional strategies:

<table>
<thead>
<tr>
<th>Objective</th>
<th>Instructional Strategies and Student Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Using RE-1:</strong> students will explore the requirements, duties and powers of the six major departments of the executive department through a Web Quest.</td>
</tr>
<tr>
<td>1</td>
<td><strong>Using RE-2:</strong> read the document, <em>Overview of Missouri’s Executive Branch</em> and complete the activity.</td>
</tr>
<tr>
<td>1-2</td>
<td><strong>Using RE-3:</strong> match the problem scenarios with the proper executive department.</td>
</tr>
<tr>
<td>1-2</td>
<td><strong>Using RE-4:</strong> read <em>Powers and Duties of the Executive Departments</em> and complete the closing activity.</td>
</tr>
<tr>
<td>1-3</td>
<td><strong>Using RE-5:</strong> read <em>Editorial Line Item Veto</em>. Working in small groups, discuss and complete the culminating activity.</td>
</tr>
<tr>
<td>1-3</td>
<td><strong>Using RE-6:</strong> read <em>Editorial Succession Unresolved After Governors Veto</em>. Working in small groups, discuss and complete the culminating activity.</td>
</tr>
<tr>
<td>4-5</td>
<td><strong>Using RE-7:</strong> read <em>Who Is Governor?</em> Working in small groups, respond to and defend the questions at the end of the reading.</td>
</tr>
</tbody>
</table>

Formative Assessment:

State of the State Address

You, with the help of your chief of staff, are to prepare a three-minute speech in which you state your opinion regarding the overall economic, social and political health of Missouri. In addition, you will select two issues of concern on which to focus your speech. After you have identified two issues, you will explain why they are of concern and what should be done to resolve the problem. Your issue and proposal must affect a large majority of Missourians and fall into the category of *public policy*. As you deliver your speech, you will call upon the General Assembly to support these issues, identify executive powers you will use and executive departments to research and execute the bill if signed into law.
Thematic Essays:
Essay 1-Political party differences
The Missouri Constitution currently requires a candidate for the governor or lieutenant governor to meet the same constitution requirements. The minimum requirements are: the candidate must be at least 30 years old, a U.S. citizen for at least 15 years and live in Missouri for at least 10 years. Each candidate may come from a different party. Since the lieutenant governor would assume the governorship in case of death or disability of the governor, should the Missouri Constitution be changed to require both candidates to come from the same political party and run on one ticket?

• What are the advantages and disadvantages of having both candidates represent the same political party and run on one “ticket?”

• In what ways would having both the governor and lieutenant governor from the same party affect the legislative process and the concept of checks and balances?

Thematic Essays:
Essay 2-Balanced budget
The powers given the governor of Missouri in regards to money appropriated for approved budgeted items is not common among the majority of state governors. Once the budget has been approved, the governor has the authority to withhold funds or reduce funds for many departments and budgeted items whenever revenue is less than estimated. Other states granting this authority to their governor place restrictions on this power to prevent it from being used as a political weapon. Should the Missouri Constitution be amended to place restrictions on this executive power?

• What are the advantages and disadvantages of this power in relationship to a required balanced budget?”

• What state historical evidence can be cited to indicate proper use of this power? What state historical evidence can be cited to indicate abuse of this power?

Enrichment:
Select a past State of the State Address and do the following:
Identify the governor and his political party
Determine which political party controls the House of Representatives
Determine which political party controls the Senate
Make a list of proposed topics for future bills
Make a list of the governor’s goals for the next year
Research to determine how many ideas for bills were submitted and disclose their fate
Research to determine how many of the governor’s goals were accomplished

Write a four paragraph essay defending or refuting the following prompt: The governor's State of the State Address is effective in carrying out his promises made to the citizens of Missouri.
Directions: Answer the following survey questions over Missouri’s executive departments. The web sources listed below will help you answer the question, but you are free to use additional sources/sites.

→ Which branch of government does the Governor lead?

http://www.moga.mo.gov/const/r04.htm
http://ballotpedia.org/Governor_of_Missouri

→ What is the main responsibility of the executive branch?

http://ballotpedia.org/Lieutenant_Governor_of_Missouri
http://ballotpedia.org/Governor_of_Missouri
http://www.moga.mo.gov/const/r04.htm

→ What officer is the chief executive in Missouri? List three qualifications to be a candidate for this office.

http://ballotpedia.org/Lieutenant_Governor_of_Missouri
http://ballotpedia.org/Governor_of_Missouri
http://www.moga.mo.gov/const/r04.htm

→ Identify four informal qualifications that Missouri voters look for in a candidate for governor.

http://books.google.com/books?id=mP4Qs6NKX_sC&pg=PA111&dq=What+are+the+informal+qualifications+to+be+a+governor&hl=en&sa=X&ei=p05RVJfPHdPesSr0CAWw&ved=0CCoQ6AEwAigK#v=onepage&q=What%20are%20the%20informal%20qualifications%20to%20be%20a%20governor&f=false
http://www.moga.mo.gov/const/r04.htm

→ What is the purpose of the State of the State Address given to the General Assembly by the governor.

http://ballotpedia.org/Governor_of_Missouri
http://www.moga.mo.gov/const/r04.htm

→ Identify three administrative powers of the governor. Identify and explain the one you feel is most important.

http://ballotpedia.org/Governor_of_Missouri
http://www.moga.mo.gov/const/r04.htm
List and explain four judicial powers of the governor. Identify and explain the one you feel is most important.

http://www.mobar.org/
http://www.moga.mo.gov/const/t04.htm

What is a veto? What must accompany each bill vetoed by the governor? Why is this important?

http://ballotpedia.org/Governor_of_Missouri
http://www.moga.mo.gov/const/t04.htm

Explain the purpose of a “line item veto” and its impact on the concept of checks and balances.

http://ballotpedia.org/Governor_of_Missouri
http://www.moga.mo.gov/const/t04.htm

Can the governor use the “line item veto” on all legislation submitted to the governor?

http://ballotpedia.org/Governor_of_Missouri
http://www.moga.mo.gov/const/t04.htm

Explain the process to “override” a governor’s veto.

http://ballotpedia.org/Redistricting_in_Missouri
http://www.moga.mo.gov/const/t04.htm

Who is the commander of the Missouri National Guard?

http://en.wikipedia.org/wiki/Missouri_National_Guard
http://www.moga.mo.gov/statutes/C000-099/0440000022.HTM
http://www.moga.mo.gov/const/t04.htm

Under what conditions can the governor call-up the Missouri National Guard?

http://en.wikipedia.org/wiki/Missouri_National_Guard
http://www.moga.mo.gov/statutes/C000-099/0440000022.HTM
http://www.moga.mo.gov/const/t04.htm
Explain the difference between pardons, reprieves and commutations. Who has the power to grant these clemencies in Missouri?

http://www.moga.mo.gov/statutes/C000-099/0440000022.HTM
http://ballotpedia.org/Governor_of_Missouri
http://www.moga.mo.gov/const/t04.htm

What are the qualifications of the lieutenant governor?

http://www.sos.mo.gov/kids/gov/?up=y&pID=ltgov#read
http://www.moga.mo.gov/const/t04.htm

List and explain the three primary jobs of the lieutenant governor? Identify and explain the one you feel is most important.

http://www.sos.mo.gov/kids/gov/?up=y&pID=ltgov#read
http://www.moga.mo.gov/const/t04.htm

Are the candidates for governor and lieutenant governor required to be of the same political party? Predict what impact this might have on the balance of power.

http://ltgov.mo.gov/faqs.htm
http://www.moga.mo.gov/const/t04.htm

List the first four offices in line of succession upon the death of the governor.

http://www.moga.mo.gov/const/A04011a.HTM
http://ballotpedia.org/Missouri_Governor_Order_of_Succession,_Amendment_1_(August_1968)
http://www.moga.mo.gov/const/t04.htm

What qualifications are required to be a candidate for secretary of state?

http://www.sos.mo.gov/kids/gov/?up=y&pID=sos#read
http://www.moga.mo.gov/const/t04.htm

Briefly, explain the duties of the secretary of state. Identify and explain the one you feel is most important.

http://ballotpedia.org/Missouri_Secretary_of_State
http://www.moga.mo.gov/const/a04014.htm
→ List the required qualifications to be a candidate for state attorney general.

http://attorney-general.laws.com/missouri-attorney-general
http://www.moga.mo.gov/const/t04.htm

→ What are the main responsibilities of the state attorney general? Identify and explain the one you feel is most important.

http://www.sos.mo.gov/kids/gov/?up=y&pID=attgen#read
http://attorney-general.laws.com/missouri-attorney-general
http://www.moga.mo.gov/const/t04.htm

→ Is the attorney general subject to term limits?

http://www.moga.mo.gov/const/t04.htm

→ What are the constitutional qualifications required to be a candidate for state treasurer?

http://www.sos.mo.gov/kids/gov/?up=y&pID=treas#read
http://www.moga.mo.gov/const/t04.htm

→ Briefly, explain the duties of state treasurer.

http://www.sos.mo.gov/kids/gov/?up=y&pID=treas#read
http://www.moga.mo.gov/const/A04015.HTM
http://www.moga.mo.gov/const/t04.htm

→ Is the state treasurer subject to term limits?

http://www.sos.mo.gov/kids/gov/?up=y&pID=treas#read
http://www.moga.mo.gov/const/t04.htm

→ List the qualifications required to be a candidate for state auditor.

http://www.sos.mo.gov/kids/gov/?up=y&pID=audit#read
 Explain the duties and responsibilities of the state auditor. Identify and explain the one you feel is most important.

http://www.moga.mo.gov/const/A04013.HTM

Is the state auditor subject to term limits?

http://www.moga.mo.gov/const/t04.htm

Teacher notes/modifications:
Overview

Executive Department

The executive branch is the part of government responsible for enforcing the law. Like many other state governments, Missouri has a "plural executive." In other words, the logical counterparts to numerous officials appointed at the national level of government are elected independently of the governor in Missouri. Brief descriptions of some officials are provided below.

Missouri Governor

The governor, elected statewide every four years, is the person who heads the executive branch. The governor must be a U.S. citizen, at least 30 years old, and a Missouri resident. Until 1965, Missouri governors could not be elected to a second consecutive four-year term. Today however, the governor may be elected twice—but only twice. Like the U.S. president, the governor cannot be elected to a third term. Interestingly, several states, including Illinois and New York, do not place term limits on their governors.

Of the people who have become governor since statehood, none (since 1940) has come from the heavily populated St. Louis area and only one, Joseph Teasdale (1977-1981), in the entire history of the state has come from Kansas City. This tendency to elect individuals from smaller cities and towns in outstate Missouri shows a distrust of "big city" politicians. The great majority, as might be expected, have had some previous service in state, county or municipal government.

In terms of formal powers, the Missouri governor is one of the more powerful chief executives in the fifty states. He/she appoints most state judges (described in more detail in the next section of this article), has the general veto and line item (partial) veto for appropriation bills, has the ability to call special legislative sessions, can control the rate of state spending, and must give a "State of the State" address to the General Assembly each January.

The state constitution requires an annual budget message from the governor and it requires that the legislature act on all appropriations recommended in the budget. Although the Office of Administration plays an integral role in the preparation of the budget, all executive departments participate in this cumbersome process.

Other gubernatorial powers include appointment and removal of officials; granting of reprieves, commutations and pardons; calling of elections (e.g., statewide issues, vacancies); and serving as commander-in-chief of the state militia.

Although the governor appoints thousands of state employees, most persons who work as state bureaucrats are employed under a civil service system. The personnel division of the Office of Administration administers competitive examinations. All divisions of the state bureaucracy that receive federal funds must hire its employees through a merit, rather than a patronage system.

In organization terms, in Missouri the major executive divisions for which the governor appoints the heads (with the concurrence of the Senate) consist of ten departments. The departments are: Revenue, Agriculture, Economic Development, Insurance, Social Services, Mental Health, Natural Resources, Public Safety, Labor and Industrial Relations, and Higher Education.
In addition to these formal powers, the governor also wields some "informal" powers. The "threat to veto" can be especially important. Moreover, the governor is one of the state's foremost public opinion leaders.

**Missouri Lieutenant Governor**
The Lt. Governor is acting governor when the governor is out of state and ex-officio president of the senate. Unlike the Vice President of the U.S. who is elected on the same ticket as the President of the U.S., the Lt. Governor is elected independently of the Governor. As you might imagine, this can make for some interesting divisions in state government! Like the governor, the Lt. Governor serves a four-year term.

**Attorney General**
The Attorney General is the state's chief law enforcement official, representing the state in legal action and providing an opinion on legal matters. Once again, like the Governor, the Attorney General is elected to a four-year term.

**Missouri Auditor**
The Auditor oversees state expenditure and determines whether state funds are being spent properly. The Auditor is elected to a four-year term. Unlike other members of the plural executive, this officer is elected in "off-year" elections (2002, 2006, etc.)--elections that do not coincide with the presidential election.

**Secretary of State**
Unlike the U.S. Secretary of State, Missouri's Secretary of State is not responsible for foreign policy. In fact, many people had no idea what powers a secretary of state might wield until the controversial 2000 presidential election. The Secretary is the state's chief elections officer. This means that he or she is responsible for certifying signatures on initiative and referendum petitions and oversees elections. The Secretary also registers corporations and maintains official state records. Like the other officers, this member of the plural executive is elected to a four-year term.

**State Treasurer**
The State Treasurer is the custodian of state funds. As such, he or she is responsible for depositing state money in Missouri banks. The Treasurer is elected to a four-year term. Like the Governor, this officer is limited to only two terms of office.

**Summary**
Besides the departments and other divisions under the control of the governor, the executive branch also consists of five statewide elected officials who are independent of the governor. Those officials are the lieutenant governor, the secretary of state, the attorney general, the treasurer, and the auditor. A brief description of the duties of these officers is provided in the box below. Note that all of these persons serve four-year terms and, except for the auditor, are elected (as is the governor) in presidential years.

Source: [http://courses.missouristate.edu/dennishickey/mogov.htm](http://courses.missouristate.edu/dennishickey/mogov.htm)
STATEWIDE ELECTED EXECUTIVES IN MISSOURI

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Governor</td>
<td>$133,821</td>
<td>Chief executive, spokesperson for state; limited to two terms</td>
</tr>
<tr>
<td>Lieutenant Governor</td>
<td>$86,484</td>
<td>Acting governor when governor cannot assume duties; ex-officio president of Senate; ombudsman for state residents</td>
</tr>
<tr>
<td>Attorney General</td>
<td>$116,437</td>
<td>Principal legal representative for the state and state residents</td>
</tr>
<tr>
<td>Auditor</td>
<td>$90,471</td>
<td>Broad powers to audit public accounts, primarily focuses on state offices/institutions</td>
</tr>
<tr>
<td>Secretary of State</td>
<td>$107,744</td>
<td>Chief elections officer; registers corporations; keeper of official records and seal</td>
</tr>
</tbody>
</table>

Follow-Up Questions:
1. Define and explain (in your own words) the concept of a “plural executive”. Summarize how a plural executive contributes to the concept of separation of powers and checks and balances.
2. The governor of Missouri is “more powerful” than many other governors. Should some of this power be redistributed to other state offices? If not, justify leaving it in the hands of the governor.
3. Explain the purpose of the civil service system. Summarize what would happen if it were removed.
4. Summarize and explain what might happen if the governor and lieutenant governor were required to be of the same party.
5. Summarize the role the state treasurer plays in the concept of checks and balances.

Resources:
For best results, copy web link and paste into browser.
plural executive
civil service system
http://en.wikipedia.org/wiki/Civil_service
separation of power/checks and balance

Teacher notes/modifications:
PART ONE: Read each scenario statement and then identify which branches of Missouri’s executive branch would be the best source to hear your complaint or statement.

→ To report an error in the recent state publication, Code of State Regulations

→ To report a company dumping sewage into the Lake of the Ozarks

→ To encourage the use of touch-screen voting machines

→ To report your grandparents being “scammed” for $5000.00

→ To permit the use of Internet voting

→ To report a telemarketing company for violating the “no-call” policy

→ To report cracks in a bridge over Interstate 70 and Highway 63

→ To determine if the State Department of Elementary and Secondary Education is staying within its budget

→ To encourage the state to lower its sales tax

→ To ask for all budgeted funds allocated to the public schools be released

→ To get an opinion as to the legality of a proposed law

→ To determine if an insurance company is licensed in Missouri

→ To force a hearing on a company providing natural gas to central Missouri

→ To encourage an increase in spending to next year’s proposed budget

→ To help a town in southern Missouri partially destroyed by a tornado, where looting is occurring

→ To lobby for stricter regulations on early childhood education and the parents-as-teachers program
PART TWO: Create one scenario/problem for the six offices listed under “Web-Based Resources”. You may use as many sentences as you wish to develop the scenario/problem. Additionally, you must include “web-based resources” to solve the problem or scenario.

When your instructor calls “time”, you are to share your problems/scenarios with the person to your right to see if they can determine the correct answer. If you are at the end of a row, give the problems/scenarios to the person behind you in the next row. If you are the last person in the last row, give your problems/scenarios to the first person on the left, of the first row.

Web-based Resources:
For best results, copy web link and paste into browser.
Governor
http://ballotpedia.org/Governor_of_Missouri
Lieutenant Governor
http://ltgov.mo.gov/responsibilities.htm
Secretary of State
http://www.sos.mo.gov/office.asp
Auditor
http://www.auditor.mo.gov/AboutUs/Overview.aspx
Treasurer
http://www.moga.mo.gov/const/A04015.HTM
Attorney General
http://www.moga.mo.gov/statutes/C300-399/3130000310.HTM
Departments and offices of Missouri executive branch

Teacher notes/modifications:
Section 1
Executive power--the governor
The supreme executive power shall be vested in a governor.

Section 2
Duties of governor
The governor shall take care that the laws are distributed and faithfully executed, and shall be a conservator of the peace throughout the state.

Chapter 44
Civil Defense, Section 44.022  (August 28, 2013)
44.022. 1. The governor shall have general direction and control of the state emergency management agency, and shall be responsible for the carrying out of the provisions of sections 44.010 to 44.130. In the event of disaster beyond local capabilities, the governor may assume direct operational control over all or any part of these emergency functions within this state through the director.

2. In performing duties pursuant to sections 44.010 to 44.130, the governor is authorized to cooperate with the federal government, other states, and private agencies in all matters pertaining to the emergency functions of this state and the nation.

3. In performing duties pursuant to sections 44.010 to 44.130 and to effect its policy and purpose, the governor is further authorized and empowered:

(1) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of sections 44.010 to 44.130 within the limits of the authority conferred upon the governor pursuant to the provisions of sections 44.010 to 44.130, with due consideration of the policies and plans of the federal government;

(2) To require and direct the cooperation and assistance of agencies and officials of the state, economic and geographic areas, and local political subdivisions to assist in performance of emergency functions;

(3) On behalf of this state, to enter into mutual aid arrangements with other states, and to coordinate mutual aid plans between political subdivisions, and economic and geographic areas of this state, and of this state and other states;

(4) To delegate any administrative authority vested in the governor pursuant to sections 44.010 to 44.130, and to provide for the sub delegation of this authority; (5) Unless prohibited by law, any political subdivision may appropriate funds, or contribute services, personnel and facilities to special committees, subcommittees or task groups organized for the economic or geographic area within which it is situated;

(5) To cooperate with the president, the Federal Emergency Management Agency, executive office of the president, other appropriate federal officers and agencies, and the officers and agencies of other states;
(6) To create, establish and appoint such volunteer disaster or state agency committees or both as may be needed to assemble and evaluate information that deals with emergency matters.


Chapter 44 Civil Defense

TITLE V MILITARY AFFAIRS AND POLICE

Section 44.032. Emergency powers of governor, uses—Missouri disaster fund, funding, expenditures, procedures, purposes—aid to political subdivisions, when, procedure—expenditures in excess of $1,000, governor to approve. Emergency powers of governor, uses—Missouri disaster fund, funding, expenditures, procedures, purposes—aid to political subdivisions, when, procedure—expenditures in excess of $1,000, governor to approve.

44.032. 1. The general assembly recognizes the necessity for anticipating and making advance provisions to care for the unusual and extraordinary burdens imposed on this state and its political subdivisions by disasters or emergencies. To meet such situations, it is the intention of the general assembly to confer emergency powers on the governor, acting through the director, and vesting the governor with adequate power and authority within the limitation of available funds in the Missouri disaster fund to meet any such emergency or disaster.

2. There is hereby established a fund to be known as the "Missouri Disaster Fund", to which the general assembly may appropriate funds and from which funds may be appropriated annually to the state emergency management agency. The funds appropriated shall be expended during a state emergency at the direction of the governor and upon the issuance of an emergency declaration, which shall set forth the emergency and shall state that it requires the expenditure of public funds to furnish immediate aid and relief. The director of the state emergency management agency shall administer the fund.

3. Expenditures may be made upon direction of the governor for emergency management, as defined in section 44.010, or to implement the state disaster plans. Expenditures may also be made to meet the matching requirements of state and federal agencies for any applicable assistance programs.

4. Assistance may be provided from the Missouri disaster fund to political subdivisions of this state which have suffered from a disaster to such an extent as to impose a severe financial burden exceeding the ordinary reserve capacity of the subdivision affected. Applications for aid under this section shall be made to the state emergency management agency on such forms as may be prescribed and furnished by the agency, which forms shall require the furnishing of sufficient information to determine eligibility for aid and the extent of the financial burden incurred. The agency may call upon other agencies of the state in evaluating such applications. The director of the state emergency management agency shall review each application for aid under the provisions of this section and recommend its approval or disapproval, in whole or in part, to the governor. If approved, the governor shall determine and certify to the director of the state emergency management agency the amount of aid to be furnished. The director of the state emergency management agency shall thereupon issue his voucher to the commissioner of administration, who shall issue his warrants therefor to the applicant.

5. When a disaster or emergency has been proclaimed by the governor or there is a national emergency, the director of the state emergency management agency, upon order of the governor, shall have authority to expend funds for the following:

→(1) The purposes of sections 44.010 to 44.130 and the responsibilities of the governor and the state emergency management agency as outlined in sections 44.010 to 44.130;
(2) Employing, for the duration of the response and recovery to emergency, additional personnel and contracting or otherwise procuring necessary appliances, supplies, equipment, and transport;

(3) Performing services for and furnishing materials and supplies to state government agencies, counties, and municipalities with respect to performance of any duties enjoined by law upon such agencies, counties, and municipalities which they are unable to perform because of extreme natural or man-made phenomena, and receiving reimbursement in whole or in part from such agencies, counties, and municipalities able to pay therefor under such terms and conditions as may be agreed upon by the director of the state emergency management agency and any such agency, county, or municipality;

(4) Performing services for and furnishing materials to any individual in connection with alleviating hardship and distress growing out of extreme natural or man-made phenomena, and receiving reimbursement in whole or in part from such individual under such terms as may be agreed upon by the director of the state emergency management agency and such individual;

(5) Providing services to counties and municipalities with respect to quelling riots and civil disturbances;

(6) Repairing and restoring public infrastructure;

(7) Furnishing transportation for supplies to alleviate suffering and distress;

(8) Furnishing medical services and supplies to prevent the spread of disease and epidemics;

(9) Quelling riots and civil disturbances;

(10) Training individuals or governmental agencies for the purpose of perfecting the performance of emergency assistance duties as defined in the state disaster plans;

(11) Procurement, storage, and transport of special emergency supplies or equipment determined by the director to be necessary to provide rapid response by state government to assist counties and municipalities in impending or actual emergencies;

(12) Clearing or removing from publicly or privately owned land or water, debris and wreckage which may threaten public health or safety; and

(13) Such other measures as are customarily necessary to furnish adequate relief in cases of catastrophe or disaster.

6. The governor may receive such voluntary contributions as may be made from any source to aid in carrying out the purposes of this section and shall credit the same to the Missouri disaster fund.

7. All obligations and expenses incurred by the governor in the exercise of the powers and duties vested by the provisions of this section shall be paid by the state treasurer out of available funds in the Missouri disaster fund, and the commissioner of administration shall draw warrants upon the state treasurer for the payment of such sum, or so much thereof as may be required, upon receipt of proper vouchers provided by the director of the state emergency management agency.

8. The provisions of this section shall be liberally construed in order to accomplish the purposes of sections 44.010 to 44.130 and to permit the governor to cope adequately with any emergency which may arise, and the powers vested in the governor by this section shall be construed as being in addition to all other powers presently vested in the governor and not in derogation of any existing powers.

9. Such funds as may be made available by the government of the United States for the purpose of alleviating distress from disasters may be accepted by the state treasurer and shall be credited to the Missouri disaster fund, unless otherwise specifically provided in the act of Congress making such funds available.
10. The foregoing provisions of this section notwithstanding, any expenditure or proposed series of expenditures which total in excess of one thousand dollars per project shall be approved by the governor prior to the expenditure.

SOURCE: L.1985 H.B.355 44.030, A.L. 1998 S.B.743, Annotation Copyright Missouri Joint Committee on Legislative Research

**Follow-up Questions/Activity:**
1. In your own words, define and give an example of executive authority.
2. What is your interpretation of the phrase, “the governor shall take care that the laws are distributed and faithfully executed, and shall be a conservator of the peace throughout the state. Why is the Missouri Constitution not more specific?
3. Explain the term “civil defense.” Outline the “areas covered” under this statute.
4. Before action may be taken or funds allocated from the Missouri Disaster fund, the governor must declare an emergency. What conclusion can be drawn from this authority?
5. Section 44.010 to 44.13, list thirteen situations in which state funds may be used. Create an example for each of the 13 categories.
6. Under Section 44.010 to 44.13, the state of Missouri can accept financial help from the federal government but it must be deposited in the state treasury. Cite and explain reasons for and against giving it directly to the state department in need.

**Activity Resources:**
For best results, copy web link and paste into browser.
- Powers of the governor
  http://ballotpedia.org/Governor_of_Missouri
- Powers and duties of Missouri Governor
  http://www.moga.mo.gov/statutes/C000-099/0440000022.HTM
- Missouri Constitution and Governor
  http://www.sos.mo.gov/kids/gov/?up=y&pID=gov
- State Executive Lawmaking In Crisis

**Teacher notes/modifications:**
JEFFERSON CITY — When balancing the budget, Missouri Gov. Jay Nixon has some of the most expansive powers among his peers. He can reduce spending for anything he chooses, and has done so repeatedly.

But a proposal on the Nov. 4 ballot would flip that around. If approved, proposed Constitutional Amendment 10 would give Missouri lawmakers the final say on state spending by allowing them to override a governor's budget cuts.

The ballot measure is rooted in a six-year spat between the Republican-led Legislature and the Democratic governor who during his tenure has blocked billions of dollars of budgeted spending — in some cases, even as tax revenues have exceeded projections.

If passed, the amendment would allow legislators to try to override more than $700 million of spending restrictions that Nixon has imposed on the budget that runs through June 30. It also could affect budget decisions for years to come.

Nixon opposes the amendment. He says it could "lessen the fiscal strength" of the state.

"I don't think it's right for us to limit the power of the chief executive, the power that's been used by governors over the years ... to maintain that fiscal balance," Nixon said.

Republican lawmakers who referred the amendment to the ballot contend Nixon has abused his budget-balancing powers, especially when he has temporarily frozen spending as leverage to persuade legislators not to enact tax breaks.

"What Amendment 10 ultimately does is it restores that appropriate legislative role of setting the state's spending priorities," said Rep. Todd Richardson, R-Poplar Bluff, who sponsored the amendment.

The Missouri Constitution allows governors to slow the rate of spending on programs. It also says governors can reduce spending whenever actual revenues are less than the estimates upon which the budget was based. Nixon has cited the first provision to justify spending freezes based on his concerns about the state's financial future, even when current revenues are fine.

Most states allow governors to reduce spending, but often with more limitations than Missouri, according to information compiled by the National Association of State Budget Officers.

Connecticut and Vermont, for example, limit their governors to spending reductions of 1 percent without legislative approval. Maryland and Nevada bar their governor from reducing spending for K-12 education.

When revenues fall short of expectations during the first half of the fiscal year in Georgia, the governor can require agencies to slow spending until the legislature can meet to consider budget reductions. Several other states also grant lawmakers some say in spending reductions.

Missouri's proposed constitutional amendment appears to be unique in that it would essentially treat gubernatorial spending reductions the same as line-item budget vetoes. It would allow the House and Senate to override a budget restriction by a two-thirds vote of both chambers — the same mark already used to override vetoes.
Currently, when lawmakers override line-item vetoes, a governor can still block the spending by imposing a restriction upon it. That's exactly what Nixon did after legislators overrode 47 of his line-item vetoes in September. The ballot measure would give lawmakers the power to lift those spending restrictions, as well as others imposed by the governor.

Former Democratic Rep. Chris Kelly, who has criticized many of Nixon's spending restrictions, nonetheless believes the amendment poses a "serious problem." He said legislators could override gubernatorial spending restrictions that are essential to keeping the budget in balance.

"This is very, very un-conservative to do this," said Kelly, of Columbia, a former House Budget Committee chairman who is barred by term limits from seeking re-election.

Richardson said he trusts his colleagues not to plunge the state into deficit spending by overriding too many gubernatorial spending cuts. He contends Nixon currently has "unchecked power."

The proposed constitutional amendment is based on "a very conservative notion — that our government is supposed to work on a system of checks and balances," Richardson said.

Follow-Up Activity:
1. In your own words, define and summarize the concept of “check and balance”.
2. “The powers of government shall be divided into three distinct departments—the legislative, executive and judicial—each of which shall be confided to a separate magistracy, and no person, or collection of persons, charged with the exercise of powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in the instances in this constitution expressly directed or permitted.”
   (Article II, Section 1, Missouri Constitution) Explain how this section of the Missouri Constitution fits your definition and concept of check and balance.
3. The author states… “He (governor) can reduce spending for anything he chooses, and has done so repeatedly.” Does the Missouri Constitution give the governor the power to withhold funds or reduce spending?
4. The article references a “six-year spat between the Republican-led Legislature and the Democratic governor”. What conclusions can be drawn from this statement? What reasons can you give for this “spat”?
5. “The Missouri Constitution allows governors to slow the rate of spending on programs. It also says governors can reduce spending whenever actual revenues are less than the estimates upon which the budget was based.” Why does the Missouri Constitution give this power to the governor? Is this executive power a form of check on the state legislature? Explain.
6. Summarize what the author is advocating.
7. What conclusions can be drawn from Democratic Rep. Chris Kelly’s comments?

Resources:
For best results, copy web link and paste into browser.
Check and Balance
http://americanhistory.about.com/od/usconstitution/a/checks_balances.htm
Distribution of Power, Missouri Constitution
http://www.moga.mo.gov/const/a02001.htm
Veto Power, Missouri Governor
Succession Issue Unresolved After Governors Veto

Source: Columbia Daily Tribune July 14, 2013

JEFFERSON CITY (AP) — No definitive answer will be immediately forthcoming on how Missouri replaces a lieutenant governor who leaves office partway through a term.

Gov. Jay Nixon vetoed legislation this past week that would have required a new lieutenant governor be selected during the next general election while an aide for the departing officeholder handles ministerial duties in the meantime. Under the vetoed bill, the lieutenant governor's responsibilities as Senate president were to be handled by the Senate president pro tem, who is a state senator.

Nixon said it "would have created a confusing and untenable process for filling the vacancy in the office of lieutenant governor" while turning over constitutional responsibilities to a "vaguely defined staff member". He said there would be ambiguity and confusion. The veto means no definitive answer to a question that reverberated around the Missouri Capitol early this year as Lt. Gov. Peter Kinder sought the Republican nomination to replace U.S. Rep. Jo Ann Emerson, who resigned from Congress in January. Urgency to resolve the query dissipated after Kinder did not win the GOP nomination. Nixon's veto was the issue's final fizzle.

Jason Smith, who now represents southeastern Missouri in Congress after winning a special election to succeed Emerson, sponsored the lieutenant governor measure in the Missouri Legislature. He criticized the veto Friday.

"It's a shame that Gov. Nixon continues to claim power for himself instead of allowing Missouri voters a voice," said Smith, a Republican. "If the lieutenant governor's office has a vacancy, voters should be able to elect a new lieutenant governor — that's how a Democracy works."

Nixon, a Democrat, cited several concerns in a three-page veto message. He said the legislation called for the departing lieutenant governor's "chief administrative assistant" to handle the ministerial duties but does not define "ministerial duties" nor does it spell out the process for identifying the aide and formally appointing him or her. The governor also questioned whether an unelected staff member should replace a statewide elected official. He said it could be an even bigger issue if the lieutenant governor vacancy arises from a criminal investigation involving the office or an impeachment. In addition, Nixon said the measure called for a general election but did not authorize a primary. He said that means political parties would have selected nominees and not voters.

The Missouri lieutenant governor runs for office separately from the governor. The lieutenant governor presides over the 34-member Senate while breaking tie votes, serves on several state commissions and takes over if the governor must be replaced.

Missouri law allows the governor to appoint a replacement if the secretary of state, attorney general, treasurer, auditor or a U.S. senator leaves office. But there has been disagreement about how the lieutenant governor should be succeeded.
**Follow-Up Questions:**
1. In your own words, summarize both sides of this argument.

2. “Missouri law allows the governor to appoint a replacement if the secretary of state, attorney general, treasurer, auditor or a U.S. senator leaves office.” Would you agree or disagree with the idea that it is assumed this includes the lieutenant governor?

3. Write a three paragraph essay either supporting a state-wide election to fill the office of lieutenant governor or allowing the governor to make a temporary appointment.

   In your paper, consider the following:
   - What are the powers and duties of the lieutenant governor?
   - Who benefits from an election?
   - Who benefits from a temporary appointment?
   - Could a temporary appointment change the political balance of power?

**Resources:**

For best results, copy web link and paste into browser.

Power of Missouri governor
http://ballotpedia.org/Governor_of_Missouri

Power of Missouri lieutenant governor
http://www.moga.mo.gov/const/A04010.HTM

Balance of political power

Advantages and disadvantages of political appointments
http://www.academia.edu/1491946/Effects_of_patronage_appointments_to_the_public_sector

**Teacher/notes/instructions:**
Who is Governor?
Succession of the Governor

Source: ex rel Ashcroft v, Blunt 813 S.W. 2d 849 (Mo. Banc 1991)

Starting from February 12, 1990, through February 27, 1990, Governor John Ashcroft was out of the state of Missouri.

During this time, he traveled to Japan in hopes of improving international trade. Upon completing his talks with Japanese officials, flew to Washington D.C. to attend the National Governor's Association Conference. While in Washington D.C., he met with federal officials regarding the Head Start program and to deliver a grant application to the United States Department of Health and Human Services.

Before leaving for his trip on February 12, Governor Ashcroft informed Lieutenant Governor Carnahan and Secretary of State Blunt by letter that he would be out of the state during this time.

On February 26, a letter bearing the facsimile (FAX) signature of Governor Ashcroft was sent from his office to the Lieutenant Governor, cancelling the earlier letter and terminating this special salary arrangement effective midnight February 25.

However, from February 12, until midnight February 25, the Lieutenant Governor did receive a salary equal to that of the Governor Ashcroft. This money came from special budgetary fund created for such a purpose. However, Governor Ashcroft terminated this special salary arrangement effective midnight February 25, even though he was still out of the state.

On February 26, 1990, Governor Ashcroft, still in Washington D.C., sent instructions (via FAX) to the Director of Governmental Operations and Legislation directing that his facsimile signature be affixed to various documents, including eleven appointments, two proclamations, two commissions, one appointment as special commissioner or referee and one extradition order.

As instructed by the "fax" letter and telephone conversations with Governor Ashcroft, the director delivered these documents to Secretary Blunt for his authentication and attestation, but the Secretary informed the director by letter of February 26 that he refused to “authenticate and attest the documents”. On February 27, Governor Ashcroft filed a petition for writ of mandamus.

When Governor Ashcroft left the state April 21, 1990, to address the Republican National Committee, the Lieutenant Governor signed documents otherwise identical to those previously signed by the Governor and on April 23 sent them to the Secretary of State, who again refused to authenticate and attest, returning the documents to the Lieutenant Governor.
“On the failure to qualify, absence from the state or other disability of the governor, the powers, duties and emoluments of the governor shall devolve upon the lieutenant governor for the remainder of the term or until the disability is removed.” Missouri Constitution, Article IV, Section 11(a)

Follow-Up Questions/Activity:
Working in small groups-
1. Define the following terms: succession, facsimile signature, affixed, authenticate and attest the documents and writ of mandamus.
2. A portion of Article IV, Section 11(a) of the Missouri Constitution states… “On the failure to qualify, absence from the state or other disability of the governor, the powers, duties and emoluments of the governor shall devolve upon the lieutenant governor for the remainder of the term or until the disability is removed.” Paraphrase this section of the Missouri Constitution into your own words.
3. In your opinion, based upon Article IV, Section 11(a) of the Missouri Constitution, do the powers of the governor transfer to the Lieutenant Governor if the sitting governor is out of the state or country? You must support your opinion with specific examples.

Resources:
For best results, copy web link and paste into browser.
Order of succession
http://www.moga.mo.gov/const/A04011a.HTM
succession
http://dictionary.reference.com/browse/succession
facsimile signature
affixed
http://www.merriam-webster.com/dictionary/affix
authenticate
http://www.merriam-webster.com/dictionary/authenticate
attest the documents
http://thelawdictionary.org/attest/
agog
http://legal-dictionary.thefreedictionary.com/writ+of+mandamus

Teacher notes/modifications:
You have been the governor of Missouri for one year and as required by Article IV, section 9, you must deliver the “state of-the-state address” in two weeks. Your speech will be delivered in Jefferson City before a joint session of the General Assembly. Your goal is to demonstrate leadership by identifying issues of concern within the state and to propose a bill to address the issues.

Directions:
You, with the help of your chief of staff, are to prepare a three-minute speech in which you state your opinion regarding the overall economic, social and political health of Missouri. In addition, you will select two issues of concern on which to focus your speech. After you have identified two issues, you will explain why they are of concern and what should be done to resolve the problem. Your issue and proposal must affect a large majority of Missourians and fall into the category of public policy. As you deliver your speech, you will call upon the General Assembly to support these issues, identify executive powers you will use and executive departments to research, and execute the bill if signed into law.

Listed below is a list of possible topics (feel free to select one of your own) and a list of executive departments that will be involved in helping you research and execute the proposed bills.

For complete standards and expectations, refer to the assessment rubric.

Potential public policy issues:
unemployment
high school drop out rate
Medicaid eligibility
revision of state income tax code
Minimum wage
immigration
use of drones by law enforcement
regulation of fracking
privacy (such as but not limited to, social media, red light cameras)
bullying within public and private schools
lethal injection protocol and disclosure of drugs used
state issued voter identification cards
high school dropout rate sales
taxing out of state sales (example Amazon)
creation of health insurance exchange
→ **Potential supporting executive offices/departments:**
Lieutenant Governor
Secretary of State
Attorney General
Treasurer
State Auditor

**Getting started:**
Define all terms- state of the state address, general assembly and public policy
Identify an issue affecting a large number of Missourians
Research the issue and make a list of reasons why this issue is a problem
Brainstorm a list of potential solutions to the issues
Research each possibility and select the one that offers the simplest solution
Phrase your issue and solution in the form of a bill
Research and make a list of ways to resolve the issue
Reformulate the data on the issue into a thesis statement and a two paragraph supporting argument
Repeat the process for the second issue and merge both paragraphs and thesis statements into one speech.
Practice speech and incorporate any visual aids or Power Points

**Research sources:**
For best results, copy web link and paste into browser.
Five Step Problem Solving Strategies
https://academic.cuesta.edu/acasupp/as/407.htm
Public policy
http://en.wikipedia.org/wiki/Public_policy
Missouri State of the state address
Missouri executive officers
Powers/duties of Missouri Governor
http://ballotpedia.org/Governor_of_Missouri
20 Public speaking Tips

**Teacher notes/modifications:**
Thematic Essay
Executive Department

Topic:
The Missouri governor and lieutenant governor

Directions:
Carefully read the “Guiding Question” and then compose a three-paragraph essay, responding to the guiding question and subsequent questions stated below. Your essay must include the following: thesis statement, supporting evidence and conclusion. Throughout the process, you may use your notes and other resources. Refer to the “Scoring Rubric” for grading standards. If you have questions regarding the prompt or rubric, see your instructor.

Guiding Question:
The Missouri Constitution currently requires a candidate for the governor or lieutenant governor to meet the same constitutional qualifications: the candidate must be at least 30 years old; the candidate must have been a United States Citizen for 15 years; each candidate may come from a different party. Since the lieutenant governor would assume the governorship in case of death or disability of the governor, should the Missouri Constitution be changed to require both candidates to come from the same political party and run on one ticket?

• What are the advantages and disadvantages of having both candidates represent the same political party and run on one “ticket?”

• In what ways would having both the governor and lieutenant governor from the same party affect the legislative process and the concept of checks and balances?

Resources:
For best results, copy web link and paste into browser.
Ballotpedia- http://ballotpedia.org/Governor_of_Missouri
Lieutenant Governor- http://ltgov.mo.gov/faqs.htm

Teacher notes/modifications:
The Judicial Department

Class periods:
Three to six 50-minute class sessions

Purpose:
The goal of this unit is to introduce students to Missouri’s Judicial Department and to explain the role of the judiciary in a system of checks and balances.

All of the activities, readings, small group activities, thematic essays and formative assessments have been developed to engage students in an application scenario. This unit contains enough material for approximately a six-week unit of study. It is not essential to use all of the activities for students to obtain a working knowledge of the Judicial Department.

Essential questions:
1. Is the organization and operation of Missouri’s Judicial Department the same as the federal judiciary?
2. What type of courts can be found within Missouri’s Judicial Department?
3. Are Missouri judges selected and confirmed the same way as federal judges?
4. How does Missouri’s Non-Partisan Court Plan operate?

Essential measurable learning objectives:
1. The student can compare and contrast the organization and operation of Missouri’s Judicial Department with the federal system.
2. The student can compare and contrast Missouri’s process for selecting judges with the federal process.

Suggested material/technology:
- This curriculum is based upon Internet access. However, several of the document-based activities may be implemented without web-based services if the documents have been previously uploaded.
- Handouts or up-loaded readings, activities and assessments to the school server
- Lesson openers/bell ringers
- Computer or tablet
- Word processing software
- Microsoft Power Point or Prezi
- Internet access
- Smart board or data projector

Key vocabulary:
- adversary system
- judicial review
- original jurisdiction
- appeal
- jurisdiction
- precedent
- appellate jurisdiction
- judge
- Missouri Court of Appeals
- Associate Circuit Court Judge
- municipal court
- Supreme Court of Missouri
- circuit court
- Non-Partisan Court Plan
**Media/video resources:**
For best results, copy web link and paste into browser.

- Missouri Government and Politics-Judiciary structure
  [https://www.youtube.com/watch?autoplay=1&v=9VBhOaPcTwCw&app=desktop](https://www.youtube.com/watch?autoplay=1&v=9VBhOaPcTwCw&app=desktop)
- The Missouri Plan
  [https://www.youtube.com/watch?v=Fddusqm7NyM](https://www.youtube.com/watch?v=Fddusqm7NyM)
- Missouri Court of Appeals-HEC TV
- Missouri Judicial System
- Case argument-Missouri Supreme Court
  [https://www.youtube.com/watch?v=MAned9leQco](https://www.youtube.com/watch?v=MAned9leQco)
- Judicial Independence (Justices Kennedy and Breyer)

**Resources:**
For best results, copy web link and paste into browser.

- Missouri Courts
- Courts
- Discover Missouri courts-Overview
  [https://www.courts.mo.gov/civiceducation/pages/our_courts.html](https://www.courts.mo.gov/civiceducation/pages/our_courts.html)
- CSP-Overview
  [http://www.courtstatistics.org/Other-Pages/State_Court_Structure_Charts/Missouri.aspx](http://www.courtstatistics.org/Other-Pages/State_Court_Structure_Charts/Missouri.aspx)
- Missouri Non-partisan Court Plan-Missouri Bar
- The Missouri Bar

**Introductory Commentary on the Judicial Department:**

What will you find at the center of every county in Missouri? The answer, of course, is the county courthouse, where on a regular basis people come to the circuit courts asking judges for justice or to solve problems that require an application of the law. These circuit courts are the first rung of the judiciary in Missouri's court system.

Missouri has forty-five judicial circuits. The origin of “circuit” courts dates back to England where there were no courthouses when the Magna Carta established a right for people to be heard by a judge and the right to a jury trial. The judges rode a “circuit” from town to town, hearing cases in whatever building was available, most often a  

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12 Source: Millie Aulbur, Director, Department of Citizenship Education, The Missouri Bar
tavern. This also was the system used in United States frontier territories and states. Although judges today, for the most part, conduct their business in courtrooms in courthouses, the circuit label is still used.

In large circuits, there are several divisions that handle only particular matters, such as probate and juvenile cases. However, in most of Missouri’s circuit courts, the judges handle all kinds of cases from serious felonies to uncontested wills. Sometimes matters are decided by juries and sometimes they are decided by the judges. This decision whether to have a jury or a judge decide the case is left up to the parties and their lawyers in civil cases. In criminal cases, the decision is up to the defendant and the defense lawyer. Municipal courts are also under the umbrella of the circuit courts.

After a case is decided at the circuit level, in some circumstances, the losing party may appeal the case. In a criminal case, the state may not appeal a finding of not guilty. Only the defendant may appeal a guilty conviction and the defendant has an absolute right to appeal that conviction. The appellate court must take the case. In other matters, the appellate court judges decide whether or not they will take an appeal on a case. The judges decide to take a case if they think there was an error in the procedure of the case or if the law was not properly followed. Often the appellate judges will let the trial court judgment stand.

Missouri has four appellate courts — the Supreme Court of Missouri and three intermediate appeals courts — the Eastern District in St. Louis, the Western District in Kansas City and the Southern District in Springfield. Most appellate cases first go to one of the intermediate courts before the Supreme Court will consider taking the case. However, if the case involves the death penalty in a murder case or the constitutionality of either a state or federal law, the Supreme Court will hear the appeal for the first time.

The losing party in an appellate case from one of the intermediate courts may ask the Supreme Court to hear the case again and the judges will decide which cases they want to hear. The Supreme Court will take the case if there is confusion among the intermediate courts regarding the issue in the case or if the judges feel the law was not properly applied. If the case involves the constitutionality of the United States Constitution, the losing party may ask the Supreme Court of the United States to hear the case.

ALPHANUMERICAL GUIDE TO CONTENT:
Missouri’s judicial branch (Web Quest) J-1
Reading/activity, overview of Missouri’s Judicial Department J-2
Flow chart, Missouri and federal courts J-3
Judicial independence J-4
Justice Matters (editorial, Chief Justice Mary R. Russell) J-5
Missouri’s non-partisan court plan J-6
Formative Assessment, (Missouri Non-Partisan Court Plan) J-7
Thematic Essay (judicial independence) J-8
**Alignment:**

<table>
<thead>
<tr>
<th>Objective</th>
<th>CCS Learning Goals</th>
<th>GLEs/CLEs</th>
<th>DOK</th>
</tr>
</thead>
<tbody>
<tr>
<td>The student can compare and contrast the organization and operation of Missouri’s Judicial Department to the federal system.</td>
<td>R.1: Read closely to determine what the text says explicitly and to make logical inferences.</td>
<td>SS3 1.6, 1.8</td>
<td>2</td>
</tr>
<tr>
<td>The student can compare and contrast Missouri’s selection of judges to the federal process using Missouri Non-Partisan Court Plan.</td>
<td>R.1: Read closely to determine what the text says explicitly and to make logical inferences.</td>
<td>SS3 1.6, 1.8</td>
<td>3</td>
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**Optional instructional strategies:**

<table>
<thead>
<tr>
<th>Objective</th>
<th>Instructional Strategies and Student Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Using J-1:</strong> students will explore the duties, powers and jurisdiction of the Judicial Department, as they apply to residents in Missouri, through a Web Quest.</td>
</tr>
<tr>
<td>1-2</td>
<td><strong>Using J-2 &amp;2B:</strong> read the document, Missouri Courts and complete the follow-up activity.</td>
</tr>
<tr>
<td>2-3</td>
<td><strong>Using J-4:</strong> read excerpts from Chief Justice Robert’s confirmation hearing on judicial fairness.</td>
</tr>
<tr>
<td>2-3</td>
<td><strong>Using J-5:</strong> read editorial Justice Matters, Working in small groups, discuss and complete the culminating activity.</td>
</tr>
<tr>
<td>2</td>
<td><strong>Using J-6:</strong> read Missouri’s Non-Partisan Court Plan. Working in small groups, discuss and complete the culminating activities.</td>
</tr>
</tbody>
</table>

**Formative Assessment:** Responsibility of Missouri Courts

Explain how Missouri’s selection of Circuit Court and Supreme Court judges protects the rights of both the majority and minority.

Using Chief Justice Robert’s comments, the concepts of judicial independence, rule of law, and Canon 5 (Missouri Clerks Handbook13), write a three-paragraph essay explaining how Missouri’s selection of Circuit Court and Supreme Court judges protect the rights of both the majority and minority.

---

13 Canon 5, Missouri Clerks Handbook
**Thematic Essays**

**Essay - Standards and responsibilities of judges**

Interpret the quotation by Thomas Jefferson and respond to the prompt.

As the Constitution was being considered, it was Thomas Jefferson’s belief that judges should be held to a high “moral standard”. Does Article V of the Missouri Constitution meet Thomas Jefferson’s standards? Explain.

- What is the relationship of “exemplary morals, great patience, calmness and attention, to being an impartial judge?
- In Missouri, how does the Constitution attempt to keep judges from “being dependent upon any man or body of men?”
**Web Quest Missouri Judicial Department**

**Directions:** Answer the following questions over Missouri’s Judicial Department. The web sources listed below will help you answer the questions but you are free to use additional sources/sites.

→ According to Article V, Section 1, what three courts hold the judicial power within the state?
  - [http://ballotpedia.org/Article_V__Missouri_Constitution](http://ballotpedia.org/Article_V__Missouri_Constitution)
  - [http://www.courts.mo.gov/page.jsp?id=258](http://www.courts.mo.gov/page.jsp?id=258)

→ Define the term jurisdiction and explain how it pertains to Missouri’s court system?

→ The Supreme Court of Missouri is the highest court. As such, what is its jurisdiction?
  - [http://ballotpedia.org/Article_V__Missouri_Constitution](http://ballotpedia.org/Article_V__Missouri_Constitution)

→ What is judicial review and what court holds that power?
  - [http://judiciallearningcenter.org/the-power-of-judicial-review/](http://judiciallearningcenter.org/the-power-of-judicial-review/)

→ What is the role of a judge during a trial?

→ What is the role and responsibility of the following Missouri courts: Supreme Court, Court of Appeals and Circuit Court?
  - [http://www.courts.mo.gov/page.jsp?id=27](http://www.courts.mo.gov/page.jsp?id=27)
  - [http://judgepedia.org/Missouri_Supreme_Court](http://judgepedia.org/Missouri_Supreme_Court)
  - [http://www.courts.mo.gov/page.jsp?id=261](http://www.courts.mo.gov/page.jsp?id=261)

→ Under what conditions may a judge be removed from his/her position?
  - [http://judgepedia.org/Missouri_Supreme_Court](http://judgepedia.org/Missouri_Supreme_Court)

→ Compare and contrast the qualifications and term limits for judges on the Supreme Court of Missouri, Court of Appeals and Circuit Courts?
  - [http://www.courts.mo.gov/page.jsp?id=27](http://www.courts.mo.gov/page.jsp?id=27)
  - [http://judgepedia.org/Missouri_Supreme_Court](http://judgepedia.org/Missouri_Supreme_Court)
  - [http://www.courts.mo.gov/page.jsp?id=261](http://www.courts.mo.gov/page.jsp?id=261)
Explain why judicial independence is essential for the court system.  
http://en.wikipedia.org/wiki/Missouri_Plan

Explain the relationship between Missouri’s Non-Partisan Court Plan and judicial independence.  
http://en.wikipedia.org/wiki/Missouri_Plan  
http://www.mobar.org/nonpartisancourtplan/  
http://www.courts.mo.gov/page.jsp?id=297  
http://www.courts.mo.gov/index.nsf/516c7664fda1528a862565ec00504473/3febf2e901768abe862564ce004ba8a1?OpenDocument

You are given a ticket within your city for running a red light. You feel the officer was wrong. Which court would hear your challenge?  
http://www.dmv.com/mo/missouri/pay-traffic-ticket  
https://www.gocolumbiamo.com/Court/

Do Missouri Supreme Court judges serve for life? Explain.  
http://www.courts.mo.gov/page.jsp?id=133  

The following cases originated in Missouri, were initially appealed to the Supreme Court of Missouri and later heard by the Supreme Court of the United States. How did the Supreme Court of Missouri rule? Summarize the opinion and point of law in the case.

**General sources:**
For best results, copy web link and paste into browser.

*Dred Scott v. Sandford* (1857)  
http://www.oyez.org/cases/1851-1900/1856/1856_0/  

*Cruzan v. Missouri Department of Health* (1990)  
http://en.wikipedia.org/wiki/Cruzan_v._Director,_Missouri_Department_of_Health  

*Shelley v. Kraemer* (1948)  

http://en.wikipedia.org/wiki/Roper_v._Simmons

http://en.wikipedia.org/wiki/Missouri_v._Seibert

Missouri ex rel. Gains v. Canada (1938)

http://www.law.cornell.edu/supremecourt/text/305/337
http://en.wikipedia.org/wiki/Missouri_ex_rel._Gaines_v._Canada
J-2
Missouri Courts

Source: http://www.mobar.org/mediacenter/introlegalmaterials.htm#CO1

Supreme Court of Missouri:
The Supreme Court reviews decisions made by the trial courts and certain administrative agencies and writes opinions published in the Southwestern Reporter Court. (The Supreme Court of Missouri website also has this information: www.courts.mo.gov/index.nsf) In addition, it resolves conflicts between opinions of the districts of the Court of Appeals.

There are seven judges of the Supreme Court. They are appointed under the nonpartisan court plan. They serve 12-year terms, and if the voters approve may serve additional 12-year terms.

The Supreme Court may sit en banc (all seven judges) or in divisions of not less than three judges. A majority of a division constitutes a quorum, and all orders, judgments, and decrees of a division have the force and effect of those of the court.

A case in the Supreme Court is transferred to the court en banc when the members of a division are equally divided in opinion, or when the division orders the transfer. It also transfers cases to the court en banc when the losing party requests it and when a member of the division dissents from the opinion.

The Supreme Court has exclusive appellate jurisdiction (meaning the cases must be appealed to it) in cases involving: 1: Validity of a treaty or statute of the United States or Missouri statute; 2: Construction of the state's revenue laws; 3: Title to a state office; 4: All criminal cases where the punishment imposed is death.

The Supreme Court has superintending and supervisory authority over all other courts in Missouri. The Chief Justice is the chief administrative officer of the judicial system and supervises the administration of the courts. Unlike the Chief Justice of the U.S. Supreme Court, the Chief Justice of the Missouri Supreme Court is elected by the other judges on the Supreme Court for a term of two years. The Court follows the practice of rotating the office of Chief Justice. When judges finish a term of Chief Justice, they remain on the Court unless they retire. The Court exercises its supervisory powers through the office of the State Courts Administrator. That office performs many clerical and research tasks for the state judicial system.

The Court may, if it believes it necessary for the proper administration of justice, assign circuit and appellate court judges to sit on any court as a special judge. Retired judges may be specially assigned as senior judges.

Routine transfers of judges between circuits, numbering in the thousands each year, are handled on a case-by-case basis by the Office of the State Courts Administrator.

The Supreme Court has rule-making power with respect to practice, procedure and pleading in all courts and administrative tribunals. Those rules may be annulled or amended by the General Assembly.
The rules adopted are published in Vernon’s Annotated Missouri Rules (.V.A.M.R., published by West Publishing Company, Minneapolis, Minnesota). The rules are also published in ”Missouri Rules of Court-State and Federal,” also by West Publishing. They can also be found on the Supreme Court of Missouri website at www.courts.mo.gov.

The Supreme Court serves as the trial court in impeachment cases involving state officers except in cases where the party is the Governor or a Supreme Court Judge.

**Missouri Court of Appeals:**

The intermediate appeals court reviews the decisions made by the trial courts and certain administrative agencies and writes opinions that are published in the Southwestern Reporter (published by West Publishing Company, Minneapolis, Minnesota). The Missouri Court of Appeals has jurisdiction over all appeals other than those over which the Supreme Court has exclusive appellate jurisdiction.

There are three Districts of the Missouri Court of Appeals are:

1. Eastern District (Wainwright State Office Building, 111 N. 7th Street, St. Louis, Missouri, 63101)
2. Western District (1300 Oak Street, Kansas City, Missouri 64106)
3. Southern District (300 Hammons Parkway, Springfield, Missouri 65806),

The Court of Appeals judges are appointed under the nonpartisan court plan. They serve 12-year terms, and if the voters approve may serve additional 12-year terms. Decisions of the Court of Appeals are final unless the Court of Appeals transfers the case to the Supreme Court or the Supreme Court orders transfer of the case. In jury-tried cases, the appellate court reviews both the law and the facts to see that the evidence supports the jury's verdict and that no reversible error has been committed on the law by the trial court. The appellate court does give deference to the jury's verdict. In cases tried without a jury and in equitable cases, the appellate court must uphold the trial court's decree or judgment unless the appellate court finds that:

1. There is no substantial evidence to support it; or
2. It is against the weight of the evidence; or
3. It erroneously declares the law; or
4. It erroneously applies the law.

**Circuit Court of Missouri:**

The trial court, commonly referred to as the circuit court, has several divisions. These divisions are staffed by circuit judges, associate circuit judges, probate judges, municipal judges and commissioners (juvenile, family and probate division). The presiding judge of a circuit is elected by peers for a two-year term, and is the chief administrative officer over all circuit divisions. All legal cases, except certain administrative proceedings and most cases involving "extraordinary" remedies, originate in the circuit court. It has general jurisdiction of all civil and criminal matters.

**Circuit Division:**

The Circuit Division handles all cases not specifically allocated to one of the other divisions (municipal, associate and probate). These include: All felony cases; misdemeanor cases initiated in this division; civil cases; equity cases, such as domestic relations and injunctions; extraordinary remedy cases; and traffic offenses and matters involving juveniles (persons under 17 years of age). In all counties and in the City of St. Louis there is a probate division. In counties with a population of more than 400,000 the probate judge or circuit judges may also appoint one commissioner of the probate court.
**Family Court:**
Any circuit can by local rule establish a family court. These courts handle legal issues such as dissolution of marriage, legal separation, child custody and modification actions, adoptions, abuse and neglect, and juvenile matters. Family courts have been established in St. Louis City and the following counties: Boone, Callaway, Clay, Franklin, Greene, Jackson, Jefferson, Lincoln, St. Charles, St. Louis City and St. Louis County.

**Drug Court:**
These are treatment-based alternatives to prison; youth services facilities and detention centers, jails and standard probation models. Drug court policies are developed by each jurisdiction to meet the specific needs of the community. Most drug courts are pre-plea courts, meaning charges are deferred while the person is actively participating in the program.

**Circuit Court Personnel:**

**Circuit Judges**
Missouri statutes establish 45 judicial circuits. (See Appendix F). The number of circuit judges in each circuit is set by the legislature, but each circuit must have at least one circuit judge. A circuit judge is elected as presiding judge in each circuit, by vote of the circuit and associate circuit judges in that circuit. In most counties circuit judges are elected by popular vote, but in certain metropolitan counties they are appointed under the non-partisan court plan. They serve six-year terms.

**Associate Circuit Judges:**
Every county must have at least one associate circuit judge. Some larger counties and the City of St. Louis have more than one, as provided by statute. Associate circuit judges are elected by popular vote in most counties, but in certain metropolitan counties they are appointed under the non-partisan court plan. They serve four-year terms.

**Judges of Municipal Divisions:**
Municipal ordinances determine how judges of the Municipal Division are selected in each city that has a municipal division.

**Commissioners:**
Commissioners may be appointed to hear cases in the following circuit court divisions: probate, drug court and family court. Commissioners have the same powers and duties of judges, but their orders, judgments and decrees are confirmed or rejected by a judge. Probate commissioners may be appointed by the judge of the probate division of the circuit court of any county that has a population of more than 400,000. Drug commissioners maybe appointed by a majority of the judges in a judicial circuit having a drug court. Family court commissioners may be appointed by a majority of the circuit and associate circuit judges in circuits having family courts.

**Clerks:**
Circuit clerks are elected in every county. Their role is to maintain the court's records, except in St. Louis County and Jackson County where the clerk's job is performed by a court administrator appointed by the circuit judges. Most circuit clerks have at least one or two deputy clerks; in larger counties and the City of St. Louis, numerous deputy clerks are hired, including those who serve in courtrooms. Clerks serving associate circuit judges are called "division clerks" and generally are hired by the associate circuit judge, though they are technically under the supervision of the circuit clerk. Municipal clerks are selected in accordance with city ordinances.
Follow-up questions/activity:

1. List each court and briefly summarize its purpose and jurisdiction.

2. Paraphrase the following statement: The Supreme Court has superintending and supervisory authority over all other courts in Missouri.

3. What is the “term of office” for a member of Missouri’s Supreme Court? Explain why it is not the same as a member of the U.S. Supreme Court.

4. How many intermediate Courts of Appeals are within Missouri’s Judicial Department? How does this court differ from the Missouri Supreme court?

5. What sorts of cases are heard by municipal courts? Where is your Municipal Court located?

Teacher notes/modifications:
Our Missouri Courts

SUPREME COURT OF MISSOURI • COURT OF APPEALS • CIRCUIT COURTS

The Missouri Judiciary consists of three levels of courts: The Supreme Court of Missouri, the circuit courts and the Missouri Courts of Appeals that is divided into three regional districts.

Source: https://www.courts.mo.gov/civiceducation/pages/our_courts.html
Federal Court System

Supreme Court
- Highest court in the federal system
- Nine Justices, meeting in Washington, D.C.
- Appeals jurisdiction through certiorari process
- Limited original jurisdiction over some cases

Courts of Appeal
- Intermediate level in the federal system
- 12 regional "circuit" courts, including D.C. Circuit
- No original jurisdiction; strictly appellate

District Courts
- Lowest level in the federal system
- 94 judicial districts in 50 states & territories
- No appellate jurisdiction
- Original jurisdiction over most cases

Source: http://pt.slideshare.net/charman212002/2-structure-of-the-federal-court-system
Excerpts from Chief Justice Nominee John J. Robert’s opening statements, September 12, 2005

**Instructions:** Read the following statement and complete the follow-up activity.

“Judges and justices are servants of the law, not the other way around. Judges are like umpires. Umpires don't make the rules; they apply them. The role of an umpire and a judge is critical. They make sure everybody plays by the rules. But it is a limited role. Nobody ever went to a ball game to see the umpire.

Judges have to have the humility to recognize that they operate within a system of precedent, shaped by other judges equally striving to live up to the judicial oath. And judges have to have the modesty to be open in the decisional process to the considered views of their colleagues on the bench.

Mr. Chairman, when I worked in the Department of Justice, in the office of the solicitor general, it was my job to argue cases for the United States before the Supreme Court. I always found it very moving to stand before the justices and say, "I speak for my country." But it was after I left the department and began arguing cases against the United States that I fully appreciated the importance of the Supreme Court and our constitutional system. Here was the United States, the most powerful entity in the world, aligned against my client. And yet, all I had to do was convince the court that I was right on the law and the government was wrong and all that power and might would recede in deference to the rule of law.

That is a remarkable thing. It is what we mean when we say that we are a government of laws and not of men. It is that rule of law that protects the rights and liberties of all Americans. It is the envy of the world. Because without the rule of law, any rights are meaningless.

President Ronald Reagan used to speak of the Soviet constitution, and he noted that it purported to grant wonderful rights of all sorts to people. But those rights were empty promises, because that system did not have an independent judiciary to uphold the rule of law and enforce those rights. We do, because of the wisdom of our founders and the sacrifices of our heroes over the generations to make their vision a reality.

Mr. Chairman, I come before the committee with no agenda. I have no platform. Judges are not politicians who can promise to do certain things in exchange for votes. I have no agenda, but I do have a commitment. If I am confirmed, I will confront every case with an open mind. I will fully and fairly analyze the legal arguments that are presented. I will be open to the considered views of my colleagues on the bench. And I will decide every case based on the record, according to the rule of law, without fear or favor, to the best of my ability. And I will remember that it's my job to call balls and strikes and not to pitch or bat.

Senators Lugar and Bayh talked of my boyhood back home in Indiana. I think all of us retain, from the days of our youth, certain enduring images. For me, those images are of the endless fields of Indiana, stretching to the horizon, punctuated only by an isolated silo or a barn. And as I grew older, those endless fields came to represent for me the limitless possibilities of our great land.
Growing up, I never imagined that I would be here, in this historic room, nominated to be the chief justice. But now that I am here, I recall those endless fields with their promise of infinite possibilities, and that memory inspires in me a very profound commitment.

If I am confirmed, I will be vigilant to protect the independence and integrity of the Supreme Court, and I will work to ensure that it upholds the rule of law and safeguards those liberties that make this land one of endless possibilities for all Americans.

Thank you, Mr. Chairman.
Thank you, members of the committee.
I look forward to your questions.”

Follow-Up Questions/Activity:
1. In your own words, summarize the concept of rule of law.

2. In your own words, summarize the concept of judicial independence.

3. Identify three statements that support the concept of rule of law.

4. Identify three statements that support the concept of judicial independence.

5. Briefly explain why both federal and state courts must follow judicial independence and objectivity.

Teacher notes/modifications:
Justice Matters: Voters retain final say over all Missouri judges

The following reflections of Missouri Chief Justice Mary R. Russell make up her most Justice Matters column from November 24, 2014.

Even though our elections are over, I still hear from friends and family who were confused about why some judges’ names appeared on the ballot in contested partisan elections and other judges’ names reflected no partisan affiliation and were subject to voters deciding if they should be retained.

Since 1850, most judges in outstate Missouri are elected in popular elections in which judges and judicial candidates alike are designated by their political party affiliation. This system continues to work well for the rural areas of our state, where judges and judicial candidates are better known in their communities and, as a result, expensive political campaigns generally do not occur.

But in the 1930s, partisan campaigns for judges on the state’s high court and large metropolitan trial courts fell into disfavor with Missouri citizens as political party bosses exerted increasing control over judicial candidates. Such persons as “Boss” Tom Pendergast of Kansas City handpicked judicial candidates based on their allegiance to political viewpoints as opposed to the law. Large money contributions from Pendergast and other political leaders assured the candidates of their election.

By 1940, the public became disgruntled with this political process for selecting judges. A group of citizens, business and civic leaders, and lawyers circulated an initiative petition to place on the ballot a new process to reform the judicial selection in our state. And voters approved the selection process, as part of our state constitution, in what we now call the Missouri Nonpartisan Court Plan.

This plan originally applied to judges who serve on the Supreme Court of Missouri, the Missouri Court of Appeals and the trial courts in St. Louis city and Jackson County. But the plan also allows citizens in other counties in the state to opt into this selection process by obtaining a required number of signatures on a petition to put the issue before the voters at an election. And over the years, voters in St. Louis County, Clay, Platte and Greene Counties have approved opting into the plan as well.

Under the plan, any lawyer who meets certain constitutional requirements may apply for a judicial vacancy. From the pool of applicants, a merit commission composed of citizens, attorneys and a judge vets the applicants by reviewing their lengthy applications, conducting public interviews and checking references. The commission selects three persons whom the commission agrees are highly qualified. Those persons are then screened by the governor, who has 60 days to name the new judge. After the new judge has served one year, the new judge’s name is placed on the next general election ballot so the voters can have the final say in whether that judge should be retained in office. No partisan labels are attached, and judges must refrain from political campaigning.

Judges are retained to serve terms ranging from four to 12 years depending on the level of court they serve. In Missouri, all judges must retire by age 70.

Under the Missouri plan, political labels are not allowed and wheelbarrows of money thrown into judicial election campaigns are prohibited. As a result, the possibility of political favoritism and corruptness is greatly eliminated.

Yet because there are no campaign commercials on television or radio or in newspapers, I continue to hear many persons say they are uncertain if they should vote to retain the judges who are listed on their ballots.

There are various sources of information available to voters to learn more about the judges whose names are on the
retention ballot. An anonymous survey of people, who have been in the judge’s courtroom, lawyers, jurors, and the public, is taken to evaluate each nonpartisan judge’s performance, and a committee of citizens and lawyers study the judge’s performance. The survey results and performance evaluations are posted at www.YourMissouriJudges.org. Further, opinions written by the appellate-level judges are also available online through the judiciary’s website, www.courts.mo.gov.

Regardless of the manner in which judges are selected, they remain accountable to the voters through the ballot box. Since the inception of the Missouri plan nearly three-quarters of a century ago, our state judges have maintained a high degree of fairness, impartiality and honesty. Judges never should make decisions based on a person’s wealth, status or the popular political views of the times. We all take the same oath to uphold the constitutions and laws of our state and our nation, and that is the only allegiance we should have.

**Follow-Up Questions:**

1. Explain how, before 1940, political parties and influential individuals affected the selection of Missouri Supreme Court judges.

2. Summarize the goal of the Missouri Nonpartisan Court Plan. How did it prevent political parties and influential individuals from determining who would serve on the Missouri Supreme Court?

3. Paraphrase and explain Chief Justice Mary R. Russell’s statement, “political labels are not allowed.”

4. Explain how Missouri voters have the ultimate say on who serves on the Missouri Supreme Court.

**Source:**

For best results, copy web link and paste into browser.

http://www.courts.mo.gov/pressrel.nsf/da1bcbaea6d7c117862567670079a321/b8f3e3d427a83def86257d9a006de4c2?OpenDocument

**Teacher notes/modifications:**
Missouri’s Non-Partisan Court Plan
By Millie Aulbur, Director of Citizenship Education, The Missouri Bar

Objectives:
1. To learn about Missouri’s Non-Partisan Court Plan.
2. To explore how Missouri’s Non-Partisan Court Plan aids the court in its role in a system of separation of powers and checks and balances.
3. To explore how Missouri’s Non-Partisan Court Plan promotes the principle of judicial impartiality.
4. To compare and contrast the federal and state methods of selecting judges.

Materials needed: Handouts for and access to either a writing board or a flip chart.

Procedures:

1. Distribute the student handout—Missouri’s Non-Partisan Court Plan. (Most of this material was reprinted from www.courts.mo.gov with additions and edits by The Missouri Bar.) Have the students read it silently or read it together as a class.

2. Distribute the student handout—Federal Judicial Selection. (Most of this material was reprinted from www.crf-usa.org with edits and additions by The Missouri Bar.)

3. After reading both handouts, distribute student handout—Comparing and Contrasting Missouri’s Nonpartisan Court Plan and Federal Selection of Judges. Do it as a class project or in groups of 3-4.

4. After completing the comparison and contrast charts, discuss the questions.

Possible answers:

<table>
<thead>
<tr>
<th></th>
<th>Missouri</th>
<th>United States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Role of the Executive</td>
<td>Appoints the judge from three chosen by the Nonpartisan Panel.</td>
<td>Nominates a candidate.</td>
</tr>
<tr>
<td>Role of the Legislature</td>
<td>None. Can call for impeachment of a judge.</td>
<td>Has hearings and rejects or approves the nominee. Can call for impeachment of a judge.</td>
</tr>
<tr>
<td>How are politics minimized?</td>
<td>No direct elections. The Nonpartisan Panel has members of both parties. The candidates must apply to be considered.</td>
<td>No direct elections of the judges.</td>
</tr>
<tr>
<td>Role of the people</td>
<td>Retention elections. Elects the governor who makes the appointment.</td>
<td>Elects the president and the Senators who make the selection.</td>
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<td>------------------------------------------------------------------</td>
</tr>
<tr>
<td>Term limits?</td>
<td>Retention elections are 12 years for appellate judges and 6 for circuit judges. Mandatory retirement at age 70.</td>
<td>Serve for life as long as they have good behavior.</td>
</tr>
</tbody>
</table>
Missouri Nonpartisan Court Plan

Missouri’s method for selecting some circuit court judges and all appellate judges is known as the Missouri Nonpartisan Court Plan and has been called A Model for the Nation. The evolution of this plan is an interesting history lesson.

Partisan Elections

In the first 30 years of Missouri's statehood, the governor appointed the judges of the Supreme Court and circuit courts with the advice and consent of the senate. After much public discussion, voters amended the Missouri Constitution in 1850 to provide for the popular election of judges. This system continues in effect for most Missouri courts today. In most areas of Missouri, voters elect judges in partisan elections.

During the 1930s, the public became increasingly dissatisfied with the increasing role of politics in judicial selection and judicial decision-making. Judges were plagued by outside influences due to the political aspects of the election process, and dockets were congested due to time the judges spent campaigning.

Then, in November 1940, voters amended the Missouri Constitution by adopting the "Nonpartisan Selection of Judges Court Plan," which was placed on the ballot by initiative petition. The adoption of the plan by initiative referendum resulted from a public backlash against the widespread abuses of the judicial system by the Pendergast political machine in Kansas City and by the political control exhibited by ward bosses in St. Louis.

The nonpartisan plan provides for the selection of judges based on merit rather than on political affiliation. Initially, the nonpartisan plan applied to judges of the Supreme Court; the court of appeals; the circuit, criminal corrections and probate courts of St. Louis city; and the circuit and probate courts of Jackson County. In 1970, voters extended the nonpartisan plan to judges in St. Louis County, and three years later, voters extended the nonpartisan plan to judges in Clay and Platte counties. These changes are reflected in the Missouri Constitution, as amended in 1976. The Kansas City Charter extends the nonpartisan selection plan to Kansas City municipal court judges as well. Under the constitution, other judicial circuits may adopt the plan upon approval by a majority of voters in the circuit.
A Supreme Court judge must be at least 30 years of age, licensed to practice law in Missouri, a United States citizen for at least 15 years, and a qualified voter of the state for nine years preceding selection. Judges may serve until the age of 70.

**Operation of the Plan**

Under the Missouri nonpartisan court plan, a nonpartisan judicial commission reviews applications, interviews candidates and selects a judicial panel. For the Supreme Court and court of appeals, the appellate judicial commission is composed of the chief justice of the Supreme Court, three lawyers elected by The Missouri Bar (the organization of all lawyers licensed in this state) and three citizens selected by the governor. Each of the circuit courts in Clay, Jackson, Platte and St. Louis counties and St. Louis city has its own circuit judicial commission. These commissions are composed of the chief judge of the court of appeals district, in which the circuit is located, plus two lawyers elected by the bar and two citizens selected by the governor. All of the lawyers and citizens must live within the circuit for which they serve the judicial commission.

Once the judicial commission meets, it selects a panel of the three most qualified applicants and submits that three-person panel to the governor. The governor has 60 days in which to appoint one of these three panelists to fill the vacancy. If the governor does not select one of these three panelists within the 60-day timeline, then the selection of the new judge goes back to the judicial commission.

**How can voters make informed decisions in retention elections?**

Many times voters go to the polls on Election Day and when they get to the section on judicial retention, they realize that they have not learned anything about the judges they are being asked to vote yes or no on retaining. Two of the reasons for this are: 1) Missouri judges cannot campaign as vigorously for retention as others running for elections; 2) Retention elections are held in conjunction with important national and state elections and these overshadow judicial retention elections.

The Missouri Bar is the best source of objective information for retention elections. The Missouri Bar has been evaluating judges appointed under the nonpartisan court plan and providing that information to voters since 1948. The evaluation of judges up for a retention election is conducted as follows:

1. The Missouri Bar conducts an evaluation for every merit-selected judge seeking retention. The people who do the evaluating are the lawyers who practice in front of the judges, and in the case of trial court judges, jurors are asked to evaluate the judges who presided over the trials when they served as jurors.

2. After the evaluation process is completed, the Judicial Performance Review Committee, a statewide committee composed of lawyers, retired judges and lay persons, looks at the evaluations and makes recommendations about whether a judge should be retained. The committee members are appointed by The Missouri Bar Board of Governors. The committee votes on whether or not they believe a judge substantially meets overall judicial performance standards. For more information about the committee and its operation, go to [http://www.yourmissourijudges.org/reviews/](http://www.yourmissourijudges.org/reviews/).

3. The committee members are appointed by The Missouri Bar Board of Governors. The committee votes on whether or not they believe a judge substantially meets overall judicial performance standards. For more information about the committee and its operation, go to [http://www.yourmissourijudges.org/reviews/](http://www.yourmissourijudges.org/reviews/).

4. The findings of the Judicial Performance Review Committee are published by The Missouri Bar and are online at [www.mobar.org](http://www.mobar.org) and are free to anyone who requests them.
Federal Selection of Judges

The president “shall nominate and by and with the Advice and Consent of the Senate, shall appoint . . . judges of the Supreme Court . . . and other officials of the United States." — U.S. Constitution, Article II, Section 2

This is all that the United States Constitution says about the selection of United States Supreme Court justices as well as federal judges at all levels—both appellate and trial judges. Realizing the importance of an effective judiciary, the framers of the Constitution gave both the president and the Senate a role in selecting judges. This was done to assure that the best people would be picked and that neither the executive nor the legislative branch could control the judiciary. But the Constitution did not define how the Senate should give its “advice and consent” on judicial appointments.

The Constitution also says nothing about the qualifications of federal judges. Over the years, presidents have looked for different qualities in their court nominees. One of the most important has been the nominee’s legal training and experience. Presidents have also made nominations so that the justices do not all come from one part of the country. A candidate’s religion—and more recently race and sex—have been additional factors considered by presidents trying to achieve a balanced court. Finally, most presidents want to put people on the court who share their philosophy about government, the law, and the Constitution. But it is not easy to predict how a person will decide cases once he or she gets on the bench.

The president may nominate a person for the court for many different reasons. But what about the other side of the Constitutional equation? For what reasons may the Senate reject a judicial nominee? Again, the Constitution is silent.

Shortly after the Constitutional Convention, Alexander Hamilton wrote in No. 76 of The Federalist Papers that there had to be “special and strong reasons for the refusal” of any presidential nominee. On the other hand, Hamilton recognized that the “advice and consent” requirement “would be an excellent check upon a spirit of favoritism in the President.”

Since 1789, when George Washington made his first Supreme Court appointments, the Senate has rejected 28 out of 139 nominations. Most of these rejections came about because the nominee lacked legal ability, was inexperienced, or had committed some unethical act. Some argue that these should be the only reasons for rejecting a Supreme Court nominee. Others, however, reason that senators should also have the freedom to vote against a nominee because of his or her ideas.

The process of selecting federal judges begins when the president receives recommendations from senators for candidates from their states. The president then makes nominations, which are forwarded to the Senate. The nominations are referred to the Senate Judiciary Committee, chaired by a member of the majority party. Committee members send the nominees questionnaires about their backgrounds and writings, which are scrutinized by the committee. The nominee may go through one or more hearings where they are questioned by the committee. The committee then makes its recommendations to the full Senate, which votes on the appointment.
All federal judges are appointed by the president, confirmed by the U.S. Senate, and serve for life. There is only one way under the Constitution that federal judges can be removed: The U.S. House of Representatives can vote to impeach any federal judge for “treason, bribery or other high crimes or misdemeanors.” The judge is then tried by the Senate. To remove the judge, two-thirds of the Senate must vote to convict. Only 13 federal judges in our history have been impeached by the House and just seven convicted by the Senate. All have been convicted for alleged criminal behavior. None has ever been convicted for making unpopular decisions or for holding an unpopular judicial philosophy.

The founders of our country saw the importance of having judges make decisions about law and the Constitution free from political pressure. Only time will tell if their wisdom will survive.

**Student Handout**

**Comparing and Contrasting Missouri’s Nonpartisan Court Plan and Federal Selection of Judges**

**Fill in the chart below:**

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<thead>
<tr>
<th>Role of the Executive</th>
<th>Missouri</th>
<th>United States</th>
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<tr>
<td>Role of the Legislature</td>
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<td>How are politics minimized?</td>
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<td>Role of the people</td>
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<td>Term limits?</td>
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**Follow-Up Questions/Activities:**
1. Which plan—Missouri or the United States allows for a more independent judiciary? Why?
2. What aspects, if any, of Missouri’s Nonpartisan Court Plan would you like to see the federal government adopt? Why?
3. What aspects, if any, of the federal selection plan would you like to see Missouri adopt? Why?
4. Do you think appellate judges at either level should be elected by the people?
5. How do the ways both Missouri and the federal government currently select judges protect the rights of the minority?
6. How do both systems promote an impartial judiciary?
J-7

Formative Assessment

The Judicial Department

Directions: Carefully read the Chief Justice Roberts opening statement to the Senate Judiciary Committee and Canon 5 (Missouri Clerks Handbook).

Using these sources, explain how Missouri’s selection of Circuit Court and Supreme Court judges protects the rights of both the majority and minority.

Using Chief Justice Robert’s comments, the concepts of judicial independence, rule of law, and Canon 5 (Missouri Clerks handbook14), write a three-paragraph essay explaining how Missouri’s selection of Circuit Court and Supreme Court judges protect the rights of both the majority and minority.

Your essay must include the following: thesis statement, supporting evidence and conclusion. Throughout the process, you may use your notes and other resources. Refer to the “Scoring Rubric” for grading standards. If you have questions regarding the prompt or rubric, see your instructor.

Source #1

Excerpts from Chief Justice Robert’s opening remarks to the Senate Judiciary Committee:

“Judges and justices are servants of the law, not the other way around. Judges are like umpires. Umpires don't make the rules; they apply them. The role of an umpire and a judge is critical. They make sure everybody plays by the rules. But it is a limited role. Nobody ever went to a ball game to see the umpire.

Judges have to have the humility to recognize that they operate within a system of precedent, shaped by other judges equally striving to live up to the judicial oath. And judges have to have the modesty to be open in the decisional process to the considered views of their colleagues on the bench.

That is a remarkable thing. It is what we mean when we say that we are a government of laws and not of men. It is that rule of law that protects the rights and liberties of all Americans. It is the envy of the world, because without the rule of law, any rights are meaningless.

I will confront every case with an open mind. I will fully and fairly analyze the legal arguments that are presented. I will be open to the considered views of my colleagues on the bench. And I will decide every case based on the record, according to the rule of law, without fear or favor, to the best of my ability. And I will remember that it's my job to call balls and strikes and not to pitch or bat.”

14 Canon 5, Missouri Clerks Handbook
B. Campaign Conduct (Political Conduct Of Missouri Judges)

(1) A candidate, including an incumbent judge, for a judicial office that is filled either by public election between competing candidates or on the basis of the non-partisan court plan:

(a) shall maintain the dignity appropriate to judicial office and shall encourage members of the candidate's family to adhere to the same standards of political conduct that apply to the candidate;

(b) shall comply with all applicable election, election campaign, and election campaign fund-raising laws and regulations;

(c) shall not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office;

(d) shall review and approve the content of all campaign statements and materials produced by the candidate before their dissemination;

(e) shall not knowingly or with reckless disregard for the truth make any false or misleading statement or misrepresent the candidate's identity, qualifications, present position, or other fact; and

(f) shall prohibit public officials or employees subject to the candidate's direction or control from doing for the candidate what the candidate is prohibited from doing under this Canon 5; and except to the extent authorized under Canon 5B(2) or Canon 5B(3), such candidate shall not allow any other person to do for the candidate what the candidate is prohibited from doing under this Canon 5.

(2) A candidate, including an incumbent judge, for a judicial office that is filled by public election between competing candidates shall not solicit or accept campaign funds in a courthouse or on courthouse grounds. Such candidate shall not solicit in person campaign funds from persons likely to appear before the judge. A candidate may make a written campaign solicitation for campaign funds of any person or group, including any person or group likely to appear before the judge.

The candidate may establish committees of responsible persons to secure and manage the expenditure of funds for the campaign. Such committees are not prohibited from soliciting campaign contributions in person and may distribute the candidate's written requests for campaign funds.

A candidate shall not use or permit the use of campaign contributions for the private benefit of the candidate or members of the candidate's family.

(3) An incumbent judge who is a candidate for retention in or reelection to office without a competing candidate, and whose candidacy has drawn active opposition, may campaign in response hereto and may obtain publicly stated support and campaign funds in the manner provided in Canon 5B(2).
**Resources:**
For best results, copy web link and paste into browser.
Voting For Missouri Judges (Missouri Bar)
[http://www.mobar.org/uploadedFiles/Home/Publications/Legal_Resources/Brochures_and_Booklets/voting%20judges.pdf](http://www.mobar.org/uploadedFiles/Home/Publications/Legal_Resources/Brochures_and_Booklets/voting%20judges.pdf)
The Court process
Your Missouri Courts-Why Rule of Law?
Missouri Rules of professional conduct
[http://www.law.cornell.edu/ethics/mo/code/MO_CODE.HTM](http://www.law.cornell.edu/ethics/mo/code/MO_CODE.HTM)

**Teacher notes/modifications:**

![Court house-Marshall, Missouri, 1910](image)

**Source:** Missouri Clerks Handbook
**Topic:**
Judicial independence

**Directions:** Carefully read and analyze the following quote by Thomas Jefferson and “Guiding Question.” Then compose a three-paragraph essay, responding to the guiding question and subsequent questions stated below. Your essay must include the following: thesis statement, supporting evidence and conclusion. Throughout the process, you may use your notes and other resources. Refer to the “Scoring Rubric” for grading standards. If you have questions regarding the prompt or rubric, see your instructor.

“The judges…should always be men of learning and experience in the laws. Of exemplary morals, great patience, calmness and attention; their minds should not be distracted with jarring interests; they should not be dependent upon any man or body of men. To these ends, they should hold estates for life in their offices. Or, in other words, their commission should be during good behavior and their salaries ascertained and established by law.  

Thomas Jefferson to George Wythe, 1776

**Guiding Question:**
As the Constitution was being considered, it was Thomas Jefferson’s belief that judges should be held to a high “moral standard”. Do you feel Article V of the Missouri Constitution meets Thomas Jefferson’s standards?

• What is the relationship of “exemplary morals, great patience, calmness and attention, to being an impartial judge?

• In Missouri how does the Constitution attempt to keep judges from “being dependent upon any man or body of men?”

**Resources:**
For best results, copy web link and paste into browser.
Missouri Judiciary-  http://www.courts.mo.gov/
Mo. Gov-Judicial Branch-  
http://www.mo.gov/government/judicial-branch/
Your Missouri Courts-  http://www.courts.mo.gov/
Voting For Missouri Judges-  
http://www.mobar.org/uploadedFiles/Home/Publications/Legal_Resources/Brochures_and_Booklets/voting%20judges.pdf

**Teacher notes/modifications:**
Selective Response Summative Exam
Missouri Constitution

Read each question very carefully and slowly. As you read each question look for the most correct answer. Note: This test has fifty (items). Make sure to answer each of them.

1. Which example best demonstrates the purpose of the Missouri Constitution?
   a. To comply with the United States Constitution
   b. To establish a uniform system of checks and balances
   c. The promotion of the general welfare and equality under the law
   d. To protect the rights of its citizens through orderly elections

2. Which statement best describes your religious freedoms in Missouri?
   a. You may never be declared ineligible for a public office on the basis of religion.
   b. You are free to practice any form of religious practices.
   c. You and your family may participate in religious activities without interference.
   d. The state of Missouri may not place any restrictions on religious practices.

3. Which term best explains the meaning of the following quote?
   “…Laws protecting life, liberty, and property must be respected by all branches and officials of the government.”
   a. Due process
   b. Rule of stated process
   c. Limited government
   d. Federalism

4. Which statement best explains the purpose of eminent domain?
   a. The taking of private land for public improvement or in connection with public improvement
   b. The taking of private land for commercial profit
   c. The taking of private land for private commercial profit
   d. The taking of land to support non-profit organizations

5. Which term best explains the meaning of the following quote?
   “…Each (department) shall be confided to a separate magistracy, and no person. Or collection of persons, charges with the exercise of powers properly belonging to one of these departments, shall exercise any power properly belonging to the others…”
   a. Original jurisdiction
   b. Jurisdiction
   c. Separation of powers
   d. Limited government

6. Identify, which is not a characteristic of Missouri’s General Assembly.
   a. Is composed of the House of Representatives and Senate
   b. Conducts hearings to gain information and public input regarding bills
   c. A bill must pass both houses before going to the governor
   d. Includes the House of Representatives, Senate and governor
7. Which trait is not exclusively associated with criminal due process?
   a. An arrest based upon probable cause
   b. An understanding of Miranda rights by the accused
   c. The state providing private investigators for the accused
   d. The state providing legal counsel for the accused

8. Analyze the statement below on eminent domain; predict how it would impact private ownership of land.
   “Any property within the state, private or public may be taken for the benefit of another private party, if it will generate revenue for the state.”
   a. Residents of Missouri would have their property tax lowered
   b. Residents of Missouri owning property could have their land taken without a hearing
   c. Residents of Missouri would be compensated by receiving more than market value of the property
   d. The price of real estate in Missouri would increase

9. Identify, which phrase best explains constitutional distribution of powers in Missouri?
   a. Specific, non-overlapping powers are assigned to each department within Missouri government.
   b. The separation of powers, within the three branches of Missouri’s government, is far different than on the federal level.
   c. The separation of powers, within the three branches of Missouri’s government, overlap for efficiency.
   d. Missouri’s General Assembly has the constitutional authority to alter or change its powers.

10. Which statement best explains the purpose of term limits for members of the General Assembly?
    a. To prevent one political party from becoming to dominant
    b. To force greater citizen participation in the election process
    c. To maintain a balance of power between Republicans and Democrats
    d. To encourage regular competitive elections and improve citizen access to the process

11. What are the requirements to call the General Assembly into special session special session?
    a. The House and Senate have consent of 3/4 of its members to consider specific business.
    b. The House and Senate have consent of 50% of its members to consider specific business.
    c. The House and Senate have consent of 3/4 of its members as well as the governor’s support, to consider specific business.
    d. The House and Senate have consent of 3/4 of its members to consider specific business.

12. Identify the best example of a bicameral General Assembly.
    a. A legislature comprised of both a House of Representatives and Senate.
    b. A legislature comprised of both a House of Representatives, Senate and governor.
    c. A legislature comprised of both a House of Representatives, Senate and term limits.
    d. A legislature comprised of both a House of Representatives, Senate, term limits and governor.

13. What statement best describes the difference between a regular session and a special session?
    a. The annual gathering of legislators to address unresolved bills versus a gathering of legislators to address specific bills.
    b. The annual gathering of legislators and the governor to address specific bills versus a gathering of legislators to address specific pre-filed bills.
    c. The annual gathering of legislators to address general issues submitted by the governor versus a gathering of legislators to address specific issues.
    d. The annual gathering of legislators to address general issues versus a gathering of legislators to address specific issues.
14. Identify the effect checks and balances have on the legislative process.
   a. It distributes power so that one branch or official cannot dominate others.
   b. It requires revenue bills to start in the Senate.
   c. As specified by the Missouri Constitution, it must follow federal rules.
   d. Legislative supremacy is maintained.

15. Which statement best summarizes why Senators have a longer term of office than members of the House of Representatives.
   a. Senators have legislative skills, while members of the House are learning the process.
   b. The Missouri Framers felt Senators should be older and more experienced while members of the House maintain regular contact with constituents.
   c. The Missouri Framers felt Senators should be free of ever changing public passion, while members of the House must maintain regular contact with constituents.
   d. The Missouri Framers felt Senators should provide stability in the law making process while members of the House must maintain regular contact with constituents.

16. Based on the definition below, what is the purpose of proportional representation?
   “Proportional representation is a democratic system which aims to represent the will of the population in the legislature by proportional support. The goal of proportional representation is to more accurately reflect the political inclinations of the population.”
   a. To ensure the political will of one district is implemented
   b. To better represent the political, social, and economic views in the legislature
   c. To reflect the political views, and ensure passage of laws to benefit a state
   d. To ensure the smaller states equal representation

17. Identify, which phrase best explains why numerous steps are required for a bill to become a law.
   a. Slow down the system, limit laws by requiring serious consideration and provide a record showing why the law was necessary.
   b. Slow down the system, but increase the number of bills under consideration and provide a record showing why the law was necessary.
   c. Maintain a structured system, limit bills by requiring serious consideration and provide a record why the law was necessary.
   d. Maintain a structured system, increase bills by requiring serious consideration and provide a record showing why the law was necessary.

18. Identify the constitutional function of the General Assembly.
   a. Create veto proof legislation with the goal of becoming law
   b. Create legislation with public support that is veto proof
   c. Create legislation in conjunction with the Supreme Court that is veto proof
   d. Create legislation with the goal of becoming law.

19. The state of Missouri feels that the federal government should help pay for the renovations to Interstate 70. Which term best describes this political philosophy?
   a. Implied powers
   b. Delegate power
   c. Shared powers
   d. Eminent domain
20. Identify the best example of a legislative hearing
   a. The Agriculture Committee asks 25 farmers to testify on this year’s crop yield.
   b. The Appropriations Committee visits St. Louis, Springfield and Kansas City to explain this year’s budget
   c. The Banking Committee asks 25 bank managers from across the state to explain a new banking law.
   d. Concerned citizens ask several members of the Agriculture Committee to meet with them in Springfield.

21. Choose the best example illustrating two powers of the Speaker of the House.
   a. Presides over the day-to-day business of the House and acts as ex-officio member of all committees.
   b. Presides over the day-to-day business of the House and decides which bills go to committee.
   c. Presides over the day-to-day business of the House and participates in all committee hearings.
   d. Presides over the day-to-day business of the House and determines which bills come out of committee.

22. What statement that best describes the impact of the supremacy clause?
   a. Allows the Supreme Court to rule that state laws may take precedence over federal laws.
   b. Allows Congress the authority to create state laws.
   c. Allows the president and Congress to create state laws.
   d. Places federal law above individual state laws.

23. Identify the statement that best illustrates one power of a committee chairman.
   a. Required to introduce legislation that comes under the authority of the committee.
   b. Decides which bills will be acted upon.
   c. Requires all members of the committee to vote on each bill.
   d. Requires 2/3 of the committee members be of his/her party.

24. Select the statement, which best explains the quote.
   "The Missouri Constitution provides that new senatorial and representative districts be established after each federal decennial census."
   a. Missouri must provide an election opportunity to voters based upon the federal census.
   b. Elections for Missouri House and Senate members must correspond with federal elections.
   c. After each federal census, the General Assembly must review and adjust districts based upon population changes.
   d. The Missouri constitution requires the federal government to participate in the creation of a new district.

25. Which statement best describes the “perfection stage” of a bill?
   a. The bill first comes to committee for consideration
   b. The bill has passed both houses and is ready for the governor’s response
   c. The bill passed one house, failed in the other and must be reviewed by a conference committee
   d. It is favorably reported out of committee and is ready for floor debate

26. Which sentence best explains why appropriations must start in the House of Representatives?
   a. Urged ratification of the U.S. Constitution and a weak central government.
   b. Urged ratification of the U.S. Constitution because it allowed the states to keep their power.
   c. Urged ratification of the U.S. Constitution and a strong central government.
   d. Were opposed to ratification of the U.S. Constitution because it allowed for a strong central government.
27. Which example best illustrates the principle of judicial review?
   a. A constitutional government governed by the rule of law
   b. A government with a written constitution
   c. A monarchy that allows for rule of law
   d. A government that suggests the Supreme Court use rule of law

28. What term best summarizes this quote?
   “An organization whose aim is to gain control of the government apparatus, usually through the election of its candidates to public office.”

   a. party platform
   b. patriots
   c. political party
   d. equality of opportunity

29. Read and analyze the quote below. Which statement best describes the meaning of the quote?
   "When you have an efficient government, you have a dictatorship." - Harry Truman

   a. The Missouri Constitution identifies and bans dictatorships by name.
   b. The process of making laws and governing is best when elected officials, voters and political parties have differing opinions.
   c. Missouri has not had a dictatorship because political parties create controversy.
   d. Harry Truman was referring to political bosses being elected governor.

30. Which actions best describe the governor’s choices upon receiving a bill?
   a. He/she may sign the bill into law or veto the bill.
   b. He/she may sign the bill, veto the bill, and veto line items in all bills.
   c. He/she may sign the bill, veto the bill, veto line items in all bills, and allow the bill to become law without signing.
   d. He/she may sign the bill, veto the bill, veto line items in appropriations bills, and allow the bill to become law without signing.

31. Which of these is the main function of due process of law?
   a. To increase the political rights of all citizens
   b. To create laws that focus on criminal rights
   c. Gives the right to "ban" all evidence not obtained with a warrant
   d. Gives the right to be treated fairly by government, law enforcement, and the courts

32. Sally Smith has been governor of Missouri for 8 years and wishes to run again. What are her options?
   a. By changing political parties, she is eligible to run again.
   b. Because of term limits, she may not run again.
   c. With enough signatures on her initiative petition, she can run again.
   d. Because of term limits placed on political parties, she may not run again.

33. Identify the best list of the duties of the governor.
   a. Commander-in-chief of the National Guard, appointment of department heads, grant reprieves and pardons
   b. Commander-in-chief of the National Guard, grants reprieves and pardons
   c. Commander-in-chief of the National Guard, appointment of department heads, grant reprieves and select candidates for the Missouri Supreme Court
   d. Commander-in-chief of the National Guard, appointment of department heads, grant reprieves and negotiates treaties with foreign governments
34. Which statement best describes the impact of separate but equal?
   a. It allowed state laws to discriminate against blacks.
   b. It required state law to legally have separate laws for all minorities.
   c. It required states to have separate facilities for blacks.
   d. It required states to have separate facilities for blacks and females.

35. Which statement best explains the purpose of a line item veto?
   a. Remove items from appropriations bill to balance the budget.
   b. Remove items from any bill to balance the budget.
   c. Remove items from any bill conflicting with his political philosophy.
   d. Remove items from appropriations bill suggested by the majority of the General Assembly.

36. Identify the office best described in the quote below:
   “Responsibilities are to ensure the proper use of public funds and to improve the efficiency and effectiveness of Missouri government by performing audits of state agencies, boards and commissions, the circuit court system.”
   a. Secretary of State
   b. Missouri State Banking Department
   c. Missouri Attorney General
   d. State Auditor

37. Governor Mary Lawless has decided to hold a press conference and sign the official forms to grant Thomas Turkey a pardon for his crimes. Which public official is best constitutionally required to register this act?
   a. Missouri Attorney General
   b. Missouri Lieutenant Governor
   c. Missouri Secretary of State
   d. Missouri State Auditor

38. Which action best describes the concept of federalism?
   a. Missouri General Assembly outlaws the death penalty.
   b. Missouri requiring helmets to ride a motorcycle through the state.
   c. The federal government forcing states to set a standard speed limit on the interstate.
   d. Missouri was given 100 million dollars under the federal revenue sharing program.

39. Which statement best explains the US Constitution’s implied powers?
   a. Specific powers that apply to each state
   b. Powers which are granted only the Missouri Senate
   c. Powers which are granted to the states by the president
   d. Powers not expressly stated but are inferred from stated powers

40. Which statement best summarizes the concept of judicial jurisdiction?
   a. The power or authority to hear cases and make decisions.
   b. Courts may choose if they want to hear a federal or state case.
   c. The Missouri Supreme Court assigns all cases to the appropriate court.
   d. Federal courts will always have original jurisdiction over state law.
41. Identify the best description of an interest group/lobbyist.
   a. A group or individual attempting to impact legislation by influencing legislators.
   b. A group of individuals hired by a legislator to research a bill.
   c. A group or individual hired by an organization to promote the common good.
   d. Individuals located in the halls of congress, who are hired to help congressmen.

42. What statement best describes original jurisdiction?
   a. The first court to hear a case from a lower court.
   b. The individual or group who first submits a case for litigation
   c. The authority of a court to initially hear a case
   d. The authority of a court to hold a trial

43. Identify the term that best fits the definition below.
   The General Assembly has passed a bill prohibiting the incorporation of Common Core Standards as part of the mandated academic curriculum. The General Assembly adjourns for the session. The governor has mixed feeling about the bill and allows 45 days to pass. What happens to the bill?
   a. The bill is vetoed.
   b. A pocket veto occurs.
   c. The bill becomes law when the General Assembly meets for the next session.
   d. The bill becomes law.

44. Which statement best illustrates the importance of voter registration?
   a. It prevents people who do not pay property and school tax from voting.
   b. It ensures that the voting process will be efficient and quick.
   c. It prevents a citizen from voting multiple times.
   d. It guarantees only resident U.S. citizens can vote.

45. Which phrase best describes The Missouri Court Plan?
   a. The names of three qualified individuals are placed on the ballot for final approval.
   b. A nonpartisan committee submits the names of three qualified individuals to the governor, who then selects one individual to serve on the Missouri Supreme Court.
   c. A nonpartisan committee submits the names of three qualified individuals to the governor, who then selects one individual to serve on the Missouri Supreme Court.
   d. Individuals interested in becoming a Supreme Court judge place their names on the ballot for election.

46. Which phrase best describes the role of Missouri’s Circuit Courts?
   a. To have original jurisdiction on all cases and matters, civil and criminal
   b. To have appellate jurisdiction on all cases and matters, civil and criminal
   c. To have original jurisdiction on all misdemeanors, civil and criminal
   d. To have appellate jurisdiction on all misdemeanors, civil and criminal

47. Which example best illustrates the concept of eminent domain?
   a. The county of Boone takes private land thinking it may be needed in ten years time.
   b. The state of Missouri takes private land without the owner’s consent to expand the land surrounding the governor’s mansion.
   c. The county of Howard takes private land around the courthouse and is not required to pay the owner.
   d. The federal government requires the state of Missouri to condemn and acquire land around the Cardinal’s stadium for future use.
48. Which phrase best illustrates grounds for impeachment of a state official?
   a. Sam Smart, Governor of Missouri, refused to accept state revenue funds to improve highways.
   b. Sam Smart, Governor of Missouri, issued Executive Order 13-14, allowing same sex couples to file joint tax returns, which violates Article 1, Section 33 of the Missouri constitution.
   c. Sam Smart, Governor of Missouri, vetoes every bill presented to him during the current legislative session.
   d. Sam Smart, Governor of Missouri, appoints an individual to fill the position of State Auditor without his party’s support.

49. Which example best illustrates the process of voter registration in Missouri?
   a. Bart Brute, born in Missouri, a life long resident, 18 years old, asks for a registration form.
   b. Bart Brute, born in Germany, a Missouri citizen for seven years, 18 years old asks for a registration form.
   c. Sam Smith was born in France, lived in Missouri for seven years, a university student asks for a registration form.
   d. Sam Smith immigrated to America, is 18, lived in Missouri for seven years and will be naturalized in 18 months, asks for a registration form.

49. Which phrase best summarizes Missouri General Assembly?
   a. A unicameral legislature based upon each state district population.
   b. A bicameral legislature having veto power.
   c. A bicameral legislature with each state district having equal representation.
   d. A unicameral legislature having law making authority and judicial review.

50. Which phrase best illustrates the mandated actions of the governor when a vacancy occurs in the state senate?
   a. The citizen’s constituents of the senator’s district will select three individuals to the governor who will select one to fill out the position.
   b. Both political parties of the senator’s district will select one individual to the governor, who will select one to fill out the position.
   c. The governor must call for a special election without delay.
   d. The governor will select one individual from a list provided by the General Assembly.
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Bibliography


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