Principles and Precepts of Government

This chapter requires a companion activity book in which students respond to questions on text content. Answers are found in the Teacher's Resource Kit.



Chapter 3 Text

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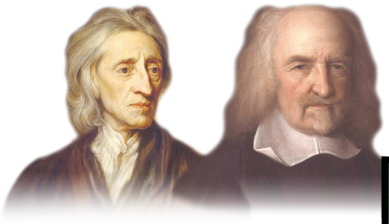
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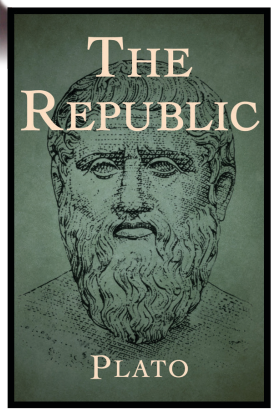
Topic 1
Exploring US Government

Chapter 3

Section One
Topics 1-5

Understanding Citizenship in a Republic





The first section of this Chapter will address the various forms of US Government—local, State, and National—and demonstrate the various components of our lives and activities that function within the custody and restraints of each of these governing systems.

The terms, *citizen* and *citizenship,* are vital to the understanding of Government since we live in a Nation in which the Government begins with individual citizen rights, which flow toward the formulation of laws, and then to government structures designed to protect and energize citizens to maximize their potential as individuals. It is this system of transcendent values, laws, and governing bodies that produce '***American Exceptionalism***', which in turn has enabled the '***American Dream***' to emerge.

The pledge of fidelity that US citizens make to America, states: "*I pledge allegiance to the flag of the United States of America, and to the* ***Republic*** *for which it stands, one nation under God, indivisible, with liberty and justice for all.*"

A Republic is operated by democratic *principles*, but it is *not* a democracy. In a Republic, sovereignty is vested in each individual person; whereas in a democracy, sovereignty is vested in the *majority* group, while the *minority* has only privileges granted by the directives of the majority.

The Founding Fathers were very explicit in their choice of words to describe the government they were formulating. Our Constitution (Article 4, Section 4) does not allow a State to join the United States unless it be a Republican form of government, as this Republic is dedicated to "liberty and justice for all"—both minority as well as majority. US citizens possess ***natural rights,*** not just civil rights, and minority persons are protected from majority rule by the Bill of Rights. For example, one vote in a jury can stop the majority decision from depriving one minority person of his rights.

VOCABULARY

American Exceptionalism: the concept that America's founding, values, and Constitutional Republic are inherently unique; different from other nations

American Dream: the ideal by which equality of opportunity is available to all Americans, allowing the highest goals to be reached

Republic: A form of government in which power is explicitly vested in the people, who in turn exercise their power through elected representatives, who govern according to the law

Natural rights: unalienable, God-given rights

Magnum Opus: an author's largest, most important work

Patriarchal: a social system in which males hold primary power, moral authority, social privilege and control of property

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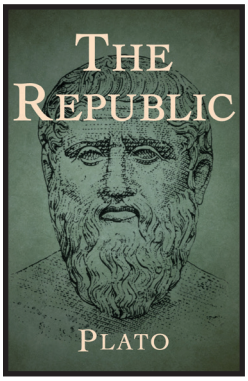
As this Republic was being formed, the term *democracy* was often used; but as the framing of the Constitution drew near, arguments defining the difference between democracy and republic were strengthened. Number ten of *The Federalist Papers* made a distinction between "pure democracy" and a "republic." The term "representative democracy" became common among Founders and writers in demonstrating the differences.

Evolution of the Term, Republic

The definition of the term *republic* has had a long evolution from ancient republics to its classical meaning, and finally to its Americanization in the Constitutional United States of America. We will take a brief bird's eye view of this rather long period to foster a deeper understanding of the term as applied to the US Constitutional Republican form of government. Note: we are not referring to a political party; we are describing a *Republic*.

Ancient 'Republican' Governments. The English word *republic* is used to identify both Greek and Roman concepts of government, although we do not have an ancient equivalent of the modern term as we have defined it in America.

The ancient terms did describe a form of government different from a monarchy or state ruled by a king; and Greek philosophers including Plato and Aristotle addressed many of the essential features of our Constitutional concept of "republican government".



Plato, in his ten-book literary masterpiece, The Republic, presented a political theory in which he rejected Greek democracy, and through his ***magnum opus*** developed his own thesis of justice and freedom by viewing how each was treated in most competing forms of government.

Plato also rejected Greek ***patriarchal*** democracy and developed a system of government in which women and men served together as ruling guardians. He placed importance on both civic virtue and personal virtue in government, without which there can be no civic peace and happiness.

The Greek city states of Athens and Sparta have been considered classical republics, simply because citizens participated in government. However, their major contribution was a defining of *democracy*. This came from their word "demos", the people; and "kratos" meaning to rule. Government by aristocracy or oligarchy was the rule of the few over many; but democracy was the rule of many over few.

The Roman experiment in republican government began for the city-state of Rome in 510 BC when the last king was overthrown and a republican government was formed that was designed to represent the desire of its citizens. It introduced different levels of government, elected representative bodies, and was developed over a significant period of time. Also, over time, tensions developed between the upper classes of citizens and the lower-class plebeians. Although citizens, plebeians could hold no political or religious office, but were still expected to go to war when the city was threatened. Finally, they gained political power. A Council of the Plebs was formed and granted a role in the workings of government. Ultimately, all classes of male citizens had a stake in some political power, enhancing stability in governance.

Explosive growth became the norm for over a century of expansionistic wars which extended the Republic far beyond the confines of the Italian peninsula. Many peoples of the defeated countries were

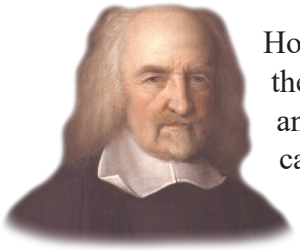
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allowed to become Roman citizens. Romans believed in the value of family and religion. They also believed that citizenship was a sign of a civilized nation; but as conquered territories and people multiplied, the influx of other values, religions and cultures brought division rather than unity. Plagued by internal problems and the inability to adjust to the demands of a constantly expanding empire, the Republic collapsed giving way to rule by Caesars, beginning with Julius Caesar in 49 BC.

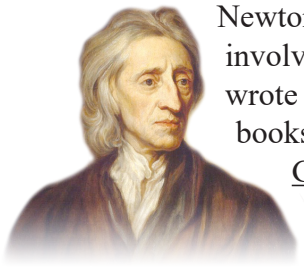
Influence of Political Philosophers

Two premier political theorists of Seventeenth Century England contributed to the crystallization of political thought that drove the American Revolution and framed the Constitutional Republican Government of the United States.



Thomas Hobbes. Hobbes held that due to the nature of man and society, civil war can only be avoided by an absolute sovereign ruler and a strong undivided government. He believed that man had only one natural right: the right of self -preservation. Hobbes also believed man to be basically self-centered, cruel, and brutish. Man, in his natural state, without any form of government, would be in a perpetual state of warfare with other humans. He therefore needed a strong government, and the only government strong enough to control humanity's cruel attributes was an absolute monarchy. He did, however, believe that a ruler must have an implicit contract with his subjects requiring him to reign fairly. Later this would become known as a *social contract*.

John Locke. Locke's colleagues were some of the greatest minds of the 17th Century, including Robert Boyle and Isaac Newton. Locke became involved in politics and wrote two significant books: Two Treatises of Government and Essay Concerning Human Understanding. He believed in a creator God and based his views of man and government upon that basic reality. Thus, man possessed inalienable rights, granted by the Creator, including life, liberty, and ownership of property. Furthermore, he believed that all men are created equal in worth, with inalienable rights and opportunity. Based on these two realities, man has the right to be governed only with his own consent; thus, government had limited sovereignty in three major ways: First, it was bound by the natural laws and inalienable rights and must not violate them; second, legislative powers of law-making and executive powers of law-enforcement must be separated to prevent abuses of power; and third, if government becomes tyrannical, the citizens must have a final right to remove and replace said government.



Capturing the Republic Concept in the Constitution

Although the views of Hobbes and Locke are quite different, they both had a resounding impact on the Revolution, the Declaration of Independence, and the creation of the American Republic. Each had begun his focus on government from a monarchial view, and both presented a form of social contract to temper sovereign, autocratic power. Hobbes saw it only from the kindness of the king, while Locke described it as empowered by the will and consent of the governed. Hobbes never sanctioned rebellion, but Locke defined when it might be the only solution against tyrannical government.

As the framers of the Constitution began to shape a Republican form of

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Government based on Locke's view of man and government, they defined three centers of power ranging from sovereign to limited powers. The will and consent of the people was sovereign; the State was *delegated* sovereignty through representatives of the people.

At the end of the Constitutional Convention, Benjamin Franklin was asked by a person on the street, "What kind of government did you give us?" He answered, "A Republic, if you can keep it!" Two other Founding Fathers issued concerns on maintaining the new Republic: Charles Carroll counseled,

> "*Without morals a republic cannot subsist any length of time; they therefore who are decrying the Christian religion… are undermining the solid foundation of morals, the best security for the duration of free governments."*

Alexander Hamilton warned,

> "*As riches increase and accumulate in few hands, as luxury prevails in society, virtue will be in a greater degree considered as only a (decoration), and the tendency of things will be to depart from the republican standard."*

The Constitution states the pattern of power from citizens to government in Article I, Section 8: Government powers are referenced as the *enumerated* powers, granted to the Federal Government by the Constitution. Congress may exercise these powers granted to it, subject to the rights of citizens, as stated in the Bill of Rights. In The Tenth Amendment, all other powers not delegated by this listing are defined: *"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people*."

Summation

The US Government is not housed in the Halls of Congress, nor the Oval Office of the President, nor in chambers of the Supreme Court. It is housed in the homes of people throughout the Nation. We, the people, are the sovereign governors of this Republic, the United States of America.

***LIFE PRINCIPLE*:**



"Public virtue is the only foundation of republics… (without which) there can be no republican government, nor any real liberty."

– John Adams (Founding Father, 2nd US President)

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Principles and Precepts of Government

Topic 2
Exploring US Government

Chapter 3

Section One
Topics 1-5

The Role of State Government



The original colonies that had banded together as a confederacy created a constitutional federal government and granted to it certain enumerated powers but reserved to the State and to their citizens all other powers of government. Our Founding Fathers were distrustful of the tyranny of large government and therefore limited the powers of a federal government. This is further demonstrated in the name of our Republic: The United *States* of America. The focus of government is on the States.

Governments of the Original States

The 13 original colonies represented three different governmental types: Royal, Charter, and Proprietary. The seven Royal colonies were New York, Virginia, North and South Carolina, Georgia, New Hampshire and New Jersey. Royal colonies did not have corporate or proprietary charters, since their main function was to benefit the Crown. They were governed by the King through a governor who represented the king. A local legislative assembly was generally permitted, but all major legislation had to be ratified by the Governor.

The Chartered colonies included Connecticut, Massachusetts and Rhode Island. Charters were written contracts between colonists and the British King. These colonies were corporate colonies or joint-stock companies supported by investors hoping to make a profit. The charters guaranteed American colonists the general rights and privileges of Englishmen and allowed them to be mostly self-governed.

The three Proprietary colonies were Maryland, Delaware and Pennsylvania. The Crown granted territories to a person or family who were given more liberties than other colonies and with the privilege to govern as they desired.

Although these original colonies had the above differences of founding, they all became somewhat democratic and operated

VOCABULARY

Unicameral: a one-House legislative body (as opposed to a *bicameral* body, having two branches, chambers, or houses)
Probate court*:* establishes validity of a person's last will and testament whereby the estate is settled
Municipal court: a city court of law; jurisdiction limited to a city or municipality
Vets: thoroughly investigates or examines a person or thing.
Jacksonian period: the years between about 1824-1840, referring to partisan politics instigated by Andrew Jackson

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by the same basic principles. A governor, usually appointed by the King, represented the Crown of England. An assembly was elected by the citizens as a self-governing body; they also had a court system. A power struggle usually erupted between the governors and the assemblies. As the colonies gained in self-governance, most of them began writing constitutions; and after the revolution began, all of them were encouraged to develop written constitutions. The constitutions provided three elements of government—executive, legislative, and judicial branches.



Overview of State Governments

The average American has much more contact with his or her state and local governments than with the federal government. Schools, law enforcement, libraries, driver's licenses, and local taxes are just a few of our nearly daily contacts with state and local governments. Recall the Tenth Amendment, which states that powers not granted to the federal government are reserved for the states and the people—these responsibilities are divided between state and local governments.

Constitutional Governments. Each of the 50 states has a government system based upon its state constitution, demonstrating that it is a Constitutional Republican government. State constitutions itemize governmental purpose and structure, political and judicial processes, the scope and duties of their officials, relations of the state with other governmental bodies, and limitations on the use of power by a state. State constitutions are considerably longer and more detailed than the national Constitution and undergo frequent revisions.

Organizational Structure. All state governments are modeled from the same views of government as our federal government and consist of three branches: executive, legislative, and judicial.

The executive branch of each state government is responsible to execute laws created by the state legislature and defined by the state judicial branch, and to veto undesired legislation. The operations of the executive branch are performed by the Governor and other elected officials, including the Lieutenant Governor, State Attorney General, State Auditor, and Secretary of State.

The legislative branch of each state government is elected by the people of the state, and is responsible for creating state law, approving the state budget, initiating tax legislation, and having the power of impeachment. All states, except one, has a bicameral system of legislation with an upper house called a senate and a lower chamber called by different names in different states: State Assembly, House of Delegates, or House of Representatives. Nebraska is the one exception, it has a ***unicameral*** legislature called The Senate, which was enacted in 1937. The rationale for this was that we have only one class of citizens (not elite nor common), and is claimed to be more efficient, more transparent, and nonpartisan.

The judicial branch of each state is based upon their constitutions and laws and

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the state courts, as established thereby. The jurisdiction of state courts, as defined by the US Constitution, includes cases categorized as family law, property issues, violations of state law, professional malpractice trials, personal injury lawsuits, probate concerns, and traffic violations. Civil rights trials and crimes that violate both state and federal law can be tried in either court system.

The system of state courts is designed by its constitution as the court of last resort (usually named Supreme Court of the state) and is the highest state court. Some states have a Court of Appeals and below it are the state trial courts, often referred to as circuit or district courts. States may also have courts that handle specific legal matters, such as ***probate court***, juvenile court, family court, and ***municipal court***.

Parties that are dissatisfied with decisions of trial courts may appeal to the intermediate court of appeals or the state supreme court.



State Selection of Judges

Five main methods exist for the selection of state judges, with each state having unique guidelines to steer the procedures. States, by their own discretion, use these five methods or a combination of them.

Elections. Elections may be either partisan or nonpartisan, with a notation of party affiliation for the partisan elections, and no designation of affiliation in nonpartisan elections.

Selection and Appointment. Certain judges may be selected by state legislatures, or appointed by the governor, sometimes with approval from a legislative body.

Merit Selection. A nominating commission ***vets*** a list of candidates for judges and submits the list of recommendations to the governor who makes an appointment from that list. Following an initial term, the judge is usually confirmed or rejected by the people through an election process.

Rationale for Judicial Selection

The United States has struggled to create a fair and impartial judiciary. Since it is expected to be impartial in its application of law, it must be independent, but at the same time accountable. The founders had witnessed significant conflict between the judges and the king and determined to create an independent judiciary. An early decision of the Supreme Court in 1803 confirmed the authority of the judiciary as equal to the other two branches. The early practice of states was to select judges by gubernatorial or legislative appointments; but in 1832, Mississippi became the first state to elect judges. This was followed by a shift in several other states, so that nearly all states utilize elections for at least some of their judges.

As the major political parties became entrenched in American politics, most judges were selected by political party. However, during the ***Jacksonian period,*** judicial reform was based on the understanding that the courts should be above politics. Nonpartisan judicial elections were seen as a way to clean up corruption. This issue has gone back and forth in state courts.

Summation

The interlinking of the US Court System and the State Judiciary Systems yield a massive portrayal that the United States is a nation based on and ordered by the system of Constitutional Law. It is this system of law that has been largely responsible

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for the orderly development of a strong nation for more than two hundred years. It is vital for citizens who will be responsible for formulating the future of America to thoroughly understand this Constitutional System and labor to keep it intact.

***LIFE PRINCIPLE*:**



"We, the people, are the rightful masters of both Congress and the Courts, not to overthrow the Constitution, but to overthrow men who pervert the Constitution."

– Abraham Lincoln (16th US President)

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Principles and Precepts of Government

Topic 3
Exploring US Government

Chapter 3

Section One
Topics 1-5

Local Governments



Local governments within the states of the United States are of two types: *territorial* and *corporate* and are generally organized on four levels: *Counties* (or their equivalent), *Townships, Municipalities, and Districts*. The territorial are geographic divisions and the corporate are based on charters granted by the state. Local government became a state responsibility by the authority of the Tenth Amendment to the Constitution. Although the units of local government are organized differently in each state, they all have common features, and impact people's lives more than the state or federal governments.

VOCABULARY

Precedent*:* an earlier event or action that is regarded as an example or guide to be considered in subsequent similar circumstances.

Ordinances: authoritative orders or decrees.

Sanctioned: approved

Eminent domain: a right of government to take private property for public use with payment of compensation

Quasi-judicial: exercising powers or functions that resemble those of a court or a judge.

Organization of Local Governments (overview)

Counties. Forty-eight states are organized into counties with their primary function to administer state laws within their borders. Two states, Louisiana and Alaska are organized into *parishes*, and *boroughs* respectively. These governmental units are responsible to keep the peace, maintain jails, collect taxes, build and repair roads, record deeds, provide oversight and keep records of marriages and deaths, and manage the business of the county. These are managed by elected supervisors or commissioners.

Townships. Townships are divisions of the counties, existing in about half of the states, and have various responsibilities in different states.

Municipalities. Municipal government is granted to towns, cities, and boroughs by their states. Nearly 80 percent of the US population resides in municipalities which are usually governed by elected mayors or managed by city councils and appointed city managers.

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Special Purpose Districts. Districts are units of government with one or more special functions. The school district is the best-known example of this type of government with a singular function. Other special districts occur in the more populated areas of county and city governments.

History of Local Governments

Municipalities. The American Colonies were planted as small communities and towns with little control from governments in Europe. Authority was largely vested in either the sponsoring shareholders or the king himself. However, the settlers had to be responsible for themselves and to guard against Indians, wild animals, plagues, and other hostile elements of the New World. The settlers of each community usually were of one culture and attended the same church. The males worked out problems, meeting from time to time to discuss taxes, local laws, and elect officers. In larger communities, three to nine "select men" were chosen to manage the business of the town as officers functioning as moderator, clerk, treasurer, law officer, assessor, and overseer of the poor. Self-government simply became the norm, and most city governments operate in similar fashion today.



The basic elements of republican government were practiced and became the accepted norm for conducting business. Voting became a ***precedent*** and was practiced as early as Jamestown. Male property owners were the usual participants. Taxation was viewed as a necessary obligation of property holders. Representative government began spontaneously in several colonies and became normal procedure in later charters. Legislative sessions were brief, since most legislators could not afford missing much work. Office holders served out of a sense of duty, rather than financial benefit.

Following the American Revolution, city councils became normal government operatives in most American municipalities and were granted charters from the states. Therefore, states can place any desired restrictions upon municipalities as long as the state's constitution is not violated. For example, the constitutions of ten states (Alaska, Iowa, Massachusetts, Montana, New Jersey, New Mexico, Ohio, Oregon, South Carolina and Utah) provide *home rule* authority for counties and municipalities, which means they can enact ***ordinances*** without the State's permission.

Within local governments, political power is shared with the state government. Following are the normal discretional authority granted by the state to local units of government.

- Structural authority to choose the form of government.
- Functional authority to exercise local self-government within limits.
- Fiscal authority to determine revenue sources, set tax rates, borrow funds, conduct additional financial activities—all within certain limits.
- Personnel and employment regulations.

Dillon's Rule is a national law (first issued as a decision by Judge J.F. Dillon in 1868) that addresses the above authority regulations and affirms that "*a substate government may engage in an activity only if it is specifically* ***sanctioned*** *by the state government."* Application of this law differs as 39 states apply it to all of their municipalities, eight to certain municipalities, and one applies Home Rule, but reserves all taxing authority to the State.

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Counties. County government also has a long history in the United States. The first counties were created in Virginia to handle the load of administrative duties in Jamestown. Four divisional incorporations were enacted in 1617, and then eight shires or counties in 1634. Shortly thereafter, Maryland, Massachusetts, Pennsylvania and New York established a similar pattern for most of the states. As the Constitution was framed, it did not provide for local governments and left this concern up to the states.

Unique differences exist as to the authority and function of counties in most of the states. County governments usually have elected bodies known as County Commissions, Board of Supervisors, County Councils, County Executives, or similar titles. These bodies hold authority that blends all the traditional branches of government. They have power to enact ordinances for the county, manage the details of government, and exercise certain limited judicial powers.

Operations of a county government are usually managed by elected officials, such as a County Executive, County Clerk, County Treasurer, County Sheriff, and County Attorney.

Duties and responsibilities vary greatly across the United States, depending upon the state, its location and history, its density of population, and many other factors. In New England, counties have mostly law and order and judicial functions, with the remainder of local government functions handled by municipalities.

In Mid-Atlantic and Midwest states, in addition to normal government operations, counties usually provide public utilities, fire departments, hospitals and health services, libraries, vital statistics, property and tax services, roads, parks, law enforcement. and jails. The officers usually include a clerk, treasurer, assessor, auditor, comptroller, medical examiner, sheriff, and attorney—all of which may have differing titles.



In more populated states, many counties provide facilities such as zoos, museums, recreation centers, libraries, airports, convention centers etc.; as well as services for family welfare, mental and health services, general welfare, elderly, animal control, veterans, public transportation, county police and county fire departments. They may also have additional personnel such as public defenders, human rights officers, and food safety regulators.

One common denominator of nearly all US states is that state courts and local law enforcement agencies are organized on the bases of county boundaries.

Townships. 'Township' is a designation that applies both to a geographic area (based on the original surveying format) and the oldest and most basic form of local government, sometimes called *precincts*.

Township government is reputed to have been the original format of government operating by the consent of the governed. It began in England during the Anglo-Saxon period and was usually comprised of a small town containing a church which was the central authority of the area. The terms *township* and *parish* both come from this configuration which gave rise to a self-governing group of people, determining much of their own rules of order, and featuring the local town-hall with an annual town-hall meeting.

Township government came to America through the charter of the

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Massachusetts Bay Company, directing that governance of the company would be a general court of free men and their right to elect a governor and a court of assistance. Six years later Providence, Rhode Island, was established as a self-governing town with a township government. Most of the towns populating early America began as largely self-governing units practicing the elements of township government. Many historians believe township government was the most democratic form of civil government, as the citizens had a direct voice in the affairs of their government, and it was usually administered by a representative board.

Today in the United States more than 16,500 townships of organized local government operate in twenty states, as listed below:

States with Township Government

Connecticut · Illinois · Indiana · Kansas Maine · Massachusetts · Michigan Minnesota · Missouri · Nebraska · New Hampshire · New Jersey · New York North Dakota · Ohio · Pennsylvania Rhode Island · South Dakota · Vermont Wisconsin

The responsibilities and form of government are authorized from the state and are primarily funded through property taxes. These authorizations include government service, as well as community benefit services. Government services include elections and administration, property tax administration, land use and planning, and zoning. The community service authorizations include road and bridge maintenance, fire and police protection, emergency medical services, garbage collection, cemetery management, environmental protection, shelters, operation of parks and recreation centers, and senior centers.

Citizens in the states with township government have the most direct opportunity to participate directly in basic government that greatly affects daily life and liberty, and have a gigantic impact on all the political structures of state and federal government.

Districts. Districts are independent governmental units that exist separately from general local governments of municipal, county and township; but their boundaries may overlap other governmental units. These special purpose districts are authorized by state law and must perform a public service with public accountability. There are two major types of Districts: School Districts and Special Districts.

School Districts. School Districts in the United States are separate and independent local units of government with powers similar to county and towns including taxation and ***eminent domain*** as authorized by state government, Virginia being the lone exception. There, school districts have no taxing authority and must depend on other units of local government for funding.



The governing body of school districts is a local governing board, known as school board, board of trustees, board of education etc., and elected by citizens of the school district. The school district is a geographic area with defined boundaries containing at least one school, but usually has primary or elementary schools, middle or junior high schools, and high schools.

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School Boards are the operational government for local schools regulated and empowered by the state, which provides general laws for operation. However, authority is delegated to the local board to levy taxes, formulate educational policies and curricula, and legislate rules and regulations governing local schools, school employees, and students. They also have authority for planning, construction, and maintenance of educational equipment and facilities. Most districts employ a superintendent as the executive officer, and other officers, faculty, and staff to carry out the mission of the district. Hence, the board is granted powers of the three branches of government: executive, legislative, and even ***quasi-judicial*** authority in dealing with matters of discipline in both employee and student cases.

More than half of all district educational costs are borne by the local district, with state and federal revenues paying the remainder. Most states allow the district to levy local taxes for educational purposes within a limit imposed by state legislation. If a district wants to go beyond this limit, it must pass a *referendum* by the voters of the district to allow for these expenditures, usually funded by bonds.

Special Districts. Special Districts or Special Purpose Districts are defined by the Census Bureau as follows: *"All organized local entities (other than counties, municipalities, townships, or school districts) authorized by state law to provide only one or a limited number of designated functions, and with sufficient administrative and fiscal autonomy to qualify as separate governments; known by a variety of titles, including districts, authorities, boards, and commissions."*

Special Districts may be created by legislative action of a government unit, courts, or public referendum. The processes for these creations may include petitions, hearings, voter approval or government approval. Pursuant to state law, Tribal governments may also create special districts.

All Special Districts must perform a public service and must provide public accountability. To sustain this accountability states must maintain oversight and control, but states may delegate special powers and a high level of autonomy.

Special Districts are governed by a Board with various titles, who are appointed by public officials, private entities, or elected by benefited citizens. This Board manages the District, and usually appoints a chief executive and other employees to achieve its central purpose. The various public purposes that may be achieved by Special District governmental units can include (for example): irrigation, conservation, electric power, wastewater treatment, libraries, stadiums, hospitals, airports, and mass transit.

Summation

The magnitude of US Government includes the Federal Government, State Governments, and the four major units of local government: Counties, Townships, Municipalities, and Special Districts.

LIFE PRINCIPLE:



"There is nothing government can give you that it hasn't taken from you in the first place."

– Winston Churchill (Prime Minister of Great Britain During World War II)

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Principles and Precepts of Government

Topic 4
Exploring US Government

Chapter 3

Section One
Topics 1-5

Representative Government



We have studied how a government of the people, by the people, and for the people is conducted to provide governance by the consent of the people. In a large nation, all of the people cannot be involved in every decision; therefore, to accomplish our objectives we must rely upon representation in government. Through the process of elections, we can select those with similar values, worldview, and political convictions who will be our representatives in the work of government.

Representative Government defined

A *representative* is defined as a person chosen or appointed to act or speak for his or her ***constituents*** in carrying out their best interests and achieving their desired outcomes; and it is ***incumbent*** on those elected or appointed to determine how they can best represent the interests of the citizens who selected them.

In America, this concept of representative government can be traced back to John Locke, who stated, in his Second Treatise of Government (1690), *"For no government can have a right to obedience from a people who have not freely consented to it... to which they have by themselves or their representatives given their free consent."*

Thomas Jefferson, in the Declaration of Independence, declared that *"governments are instituted among men, deriving their just powers from the consent of the governed."*

How Citizens are Represented in the Federal Government

The House of Representatives, which is also known as the Peoples' House or the Lower Chamber of the Congress, directly represents a distinct group of citizens. Every state is divided into Congressional Districts which average 700,000 people. Each state has at least one representative, and more as state population expands. Districts are recalculated based on the US Census

VOCABULARY

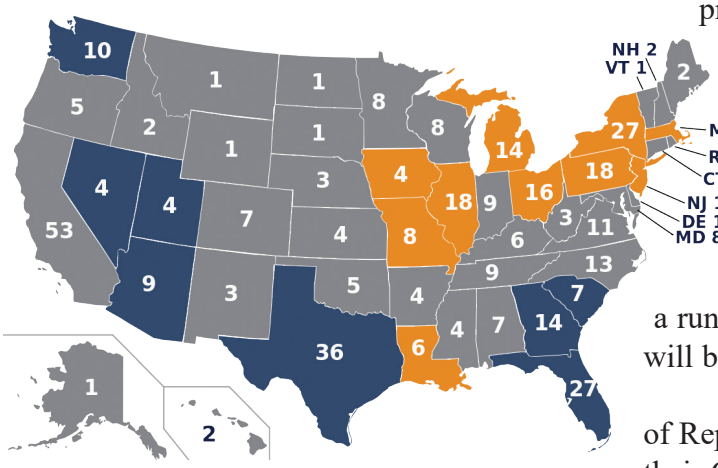
Constituents: voting members of a community with the power to elect public officials
Incumbent: pertaining to a necessary responsibility or duty
Disparity: a great difference, discrepancy, or inconsistency between entities
Plurality vote: an electoral process in which the candidate who polls more votes than any other candidate is elected
Inherent: existing in someone or something as a permanent and inseparable element, quality, or attribute

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every ten years. Presently there are 435 representatives and the number for each state ranges from one, in seven states, to 53 in California.

The term, *apportionment*, references the way the number of representatives for each state is determined. The size of the House and how fairly it represents the people has been a major concern of Congress for our entire history. Beginning with the first census following the ratification of the Constitution, and in each census thereafter, Congress passed a law that specified the actual number of representatives and the increase in the ratio of representatives to the population. In 1911, membership of the House changed from 391 to 433, and with the addition of New Mexico and Arizona as states, this number became 435. There were many concerns voiced by Congress concerning the ***disparity*** of representation of urban versus rural areas, and there was no reapportionment following the 1920 census. In 1929 the Permanent Apportionment Act was adopted which set the maximum number of representatives at 435 and established a procedure for automatically reapportioning following each census.



State apportionment from 2010 - 2020.

In addition to the representatives from each state, there are several Delegates and a Resident Commission. The Delegates represent voters in Washington DC, American Samoa, Guam, The Commonwealth of the Northern Mariana Islands and the Virgin Islands. The Resident Commission is the title of a representative from Puerto Rico. These representatives serve on committees and function as the state representatives, but do not have voting rights.

Representatives are elected every two years, in even-numbered years, on national election day: the first Tuesday following the first Monday in November. Most states hold *primary elections* to place major political party candidates for office on the November ballot; however, in some states, nominations are made through a party caucus or convention.

Candidates from minor political parties, or who are independent, must meet requirements unique to each state and usually require a petition signed by a designated number of registered voters in order to be placed on the general election ballot.

A ***plurality vote*** of a Congressional District is required for election in most states, but the states of Alabama, Arkansas, Georgia, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas require a candidate to receive a majority vote in primary elections, otherwise the two top candidates face a runoff primary election to determine candidacy. Louisiana requires all candidates to compete in an "open primary", on general election day in which party designation is not required; and if no candidate receives a majority vote, a runoff election for the two top candidates will be held a few weeks later.

Once elected, members of the House of Representatives represent the people of their Congressional District by participation in the work of Congress. This work includes serving on committees, participating in hearings, and in the passage of legislation in conjunction with the Senate. The House has certain exclusive powers including initiation

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of all bills related to revenue, proceedings of impeachment of federal officers, and to elect a President if no candidate garners a majority vote in the presidential election.

How the State is Represented by the Senate

As the Framers of the Constitution grappled with the challenge of building a Representative Democracy, they wanted to protect the Republic from two great historic fears of government. They feared an overly powerful federal government, and they feared pure democracy. These two extremes influenced every architectural decision they made to formulate a government "with liberty and justice for all". Just as they had formulated three branches of government, each with checks and balances on the other branches; so, they designed checks and balances of representation. The House is based on a popular election of a defined population with a short term of office directly representing the people. The Senate, with two from each state, is not based on population and has a six-year term with the responsibility of representing the interests of the state. The six year term is to protect senators' independence from temporary political pressures and provide greater stability; but to keep it from becoming an aristocracy, the terms are staggered so that one-third of the membership is elected in each of the two year elections, providing both continuity and rotation of terms. Furthermore, in the language of the original Constitution, the senators were elected by the state legislators, thus creating in the Congress a direct representation of individual States and thus preserving the authority of individual states. James Madison provided the rationale for these Senate regulations in his notes, stating the perceived role of the Senate: *"first to protect the people against their rulers (and) secondly to protect the people against the transient impressions into which they themselves might be led."*



To protect the people from their government, the Senate was given certain powers by which they provide a check and balance system upon both the executive and legislative branches of government. First, both the House and the Senate must work together and approve all legislative bills and submit them to the President for his signature. Thus, all legislation has an ***inherent*** check and balance system between the Houses of Congress, and the Executive.

Secondly, the President has the authority to nominate ambassadors, ministers and consuls, justices of the Supreme Court, and other Officers of the United States; but the Senate has the power of *"advise and consent"* to finalize those appointments.

Thirdly, the President has authority to make treaties between the United States and other governments, but they must be confirmed by the Senate by a two-thirds vote. The Senate may also amend or adopt changes to a treaty.

Fourthly, although the House of Representatives has the power to impeach a governmental official, the Senate has the sole power, as both judge and jury, to conduct trials and render the verdict for persons impeached.

Fifthly, If the Electoral College fails to elect a President and Vice President, and the House selects a President, the Senate has the power to select the Vice President.

Conclusion

We began this lesson with a reminder that our Government is built upon the premise that a Republican Government must be by the consent of the people. Furthermore, we have

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seen that our consent is carried out through the process of representation in the halls of Congress by the decisions of those we have elected to represent us in the actual process of legislation and governance.

Representative Government is not a passive role but an active participation in government on the part of the representative to understand the desires and outcomes that the voter wanted when he voted for that representative, to communicate to the voter that the representative is a trusted official, and to understand even more clearly the will of the voter.

***LIFE PRINCIPLE*:**



"We have staked the whole future of our new nation…upon the capacity of each of ourselves to govern ourselves according to the moral principles of the Ten Commandments of God."

– James Madison (Father of the Constitution)

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Principles and Precepts of Government

Topic 5
Exploring US Government

Chapter 3

Section One
Topics 1-5

The Election of a President



In Retrospect

We have used the phrase "check-and-balance" several times in describing the systems of balances the Founding Fathers embedded in the United States Constitution. By means of review, a general definition of checks-and-balances reads: *A system whereby each branch of an organization can limit the power of other branches to prevent any one branch from dominating policies.*

We have previously studied how the three branches of Government exercise this system through the power of the veto, veto override, and Judicial Review. However, other types of checks-and-balances exist within the Constitution.

Recall how representation within the Republic sought to balance the process of democracy on one hand, and the power of centralized government on the other hand, in the representative systems of the House and the Senate. The House directly represents the general public based on population, and the Senate is a representative of the States; and since both Houses must concur on all legislation, it forms a very significant system of balancing power.

In this lesson, we will study the details of how the President of the United States is elected, and how the system of checks-and-balances operate to guard the limited and balanced powers of government, while the greatest officer of power is selected to head the Executive Branch of Government.

VOCABULARY

Electoral College: a body of people representing the states of the US, who formally cast votes for the election of the president and vice president
Vestige: a remnant of something that is disappearing or no longer exists
Pure democracy: a form of government in which all laws are created by a majority vote of society
Opined: stated his opinion

The Process for Election of the President

Although the names of persons nominated for the Presidency are printed on the ballots that voters mark for the November Presidential Elections, those votes are not *directly* counted for the President and Vice-President. The Constitution (Article II, Section 1) states:

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Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

This election process is called an *indirect election*, and the group thus designated as electors from all the states and the District of Columbia, is called an ***Electoral College***.



The Purpose for the Electoral College

There are many voices today clamoring for the abolishment of the Electoral College, claiming that it is an archaic ***vestige*** of government, useful only when communication and travel was dependent on horse-speed. This is a false concept and demonstrates the degree of ignorance of many citizens concerning the weighty concepts of government embedded in our Constitution.

Recall how the Founding Fathers endeavored to build a Republic with a *Republican* form of government. It was to operate *democratically* but it was not a ***pure democracy***. A pure democracy can change its government whenever the majority changes. Hence, there is no constitutional authority and the rights of minorities are nearly non-existent, which leads to intolerance, injustice, and oppressive governance.

Ponder the ingredients the Founders had as they began to formulate a Republic: *First*, they had the history of many nations and the writings and theories of several classical writers and researchers; *secondly*, they had 13 independent sovereign States with existing operational governments; and *thirdly*, they had rapidly expanding populations of immigrants seeking life, liberty, and justice. Therefore, they had to provide a system of checks-and-balances between democratically inclined people and multiple states ranging from small to quite large. We have already studied how they achieved a balance of representation in Congress by providing a House with members each representing a similar sized number of people, and the Senate with two members representing each state, whether it was small or large. Thus, a check-and-balance system was provided between the democratic representatives of the people and the governmental representatives of sovereign states concerning every legislative enactment created by Congress.

Then, in the selection of a President, a system of checks and balances needed to be operative. Hence, they devised an *indirect election* system for the President and Vice-President, completely controlled and counted state-by-state with four phases. *First*, the selection of electors for each set of candidates; *second*, the people's vote for the electors representing a set of candidates; *third*, the vote of the electors for a specific president and vice-president; and *fourth*, the final tally of the votes of states' by a joint session of Congress and the official declaration of the elected President and Vice-President.

The Plan and Procedures of Operation of the Electoral College

Constitutional scholars have described

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the Electoral College as a *process,* not a place. The Founding Fathers created it as a compromise between large and small states, as well as election of the President by popular vote of the people versus election by the Congress. Although the national popular vote does not *directly* determine the winner of a presidential election, it strongly correlates with who wins. Of the 58 presidential elections held as of 2016, 53 (about 91 percent) evidenced the national popular vote also carried the Electoral College vote.

Members of the Electoral College within each state are governed by the state's law. A slate of electors is generally selected by the political party for each candidate, previous to the General Election. This selection is usually made by the state convention or by the central committee of the candidate's party. The original Constitutional qualifications for electors stated that no Senator or Representative or Person holding an Office of Trust or Profit under the United States shall be appointed. Additionally, the 14th Amendment to the Constitution states that no state officials who have engaged in insurrection or rebellion against the United States or given aid and comfort to her enemies may serve as Electors. Electors are persons who are state officials, members of the political party, and have given dedicated service to the party.

There is no Federal law that dictates how electors may vote, but the Supreme Court has allowed states and political parties to bind the electors by pledges, and some states even have fines or replacement procedures for those who break their pledge. However, no elector has ever been prosecuted for failing to vote according to his pledge; but he is labeled as a "faithless" elector. Most states have a "winner take all" system and select the slate of electors of the winning candidate to be the state's appointed electors. Two states, Nebraska and Maine, provide a proportional representation of electors. They achieve this by selecting one elector within each congressional district by popular vote and selecting the remaining two electors by a statewide vote.

In addition to the states, the 23rd Amendment to the Constitution provided that the District of Columbia be treated as a state (for electoral purposes) with three electors in the Electoral College. The number of electors for each state presently ranges from three to fifty-five, giving a total of 538; 270 electoral votes are necessary for election.

The Process for Electing the President and Vice-President

A Presidential Election is scheduled the first Tuesday following the first Monday in November every four, even-numbered years. The process leading up to this election follows a general cycle:

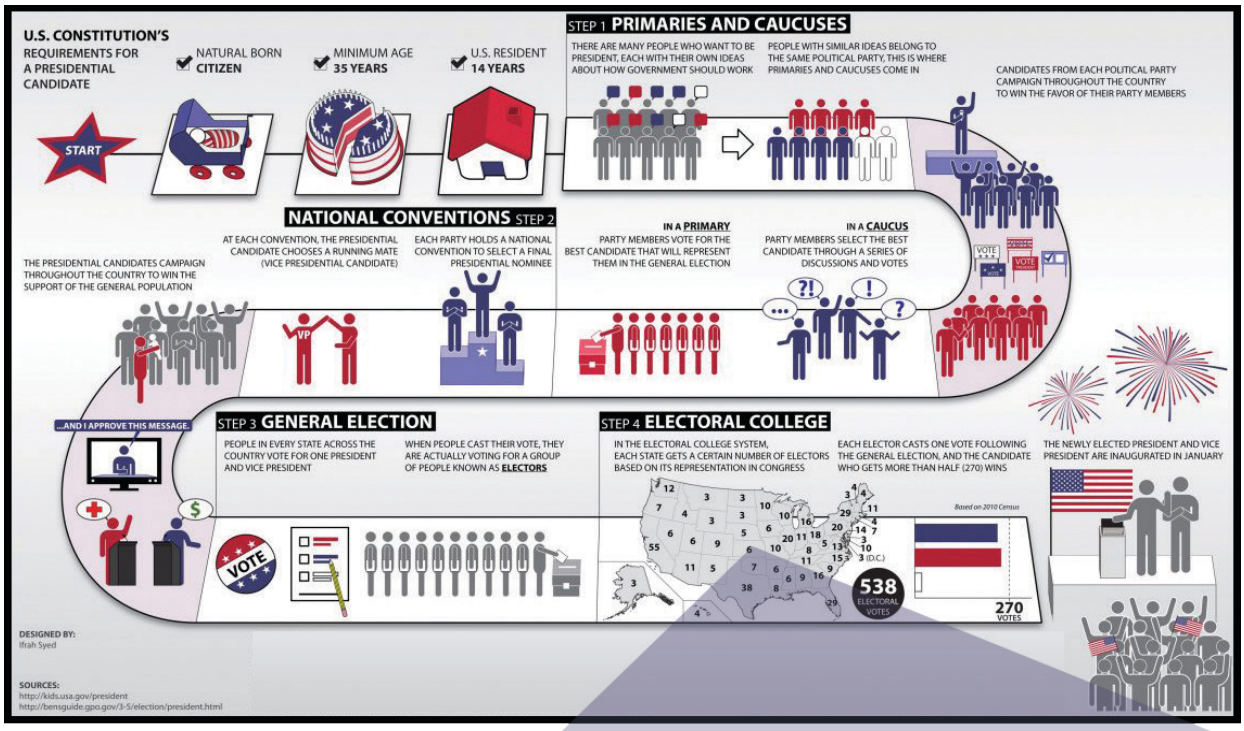
- During the Spring of the year before the election, candidates announce their intentions to run for president, and campaigns are launched.
- In the Summer of that year, primary elections and caucus are begun.
- Between January and June of the election year, states and party primaries and caucuses continue.
- From July to September, political party conventions nominate a candidate; a vice president is named by the presidential candidate.
- By September and October, Presidential debates reach their apexes
- In early November, candidates are elected.

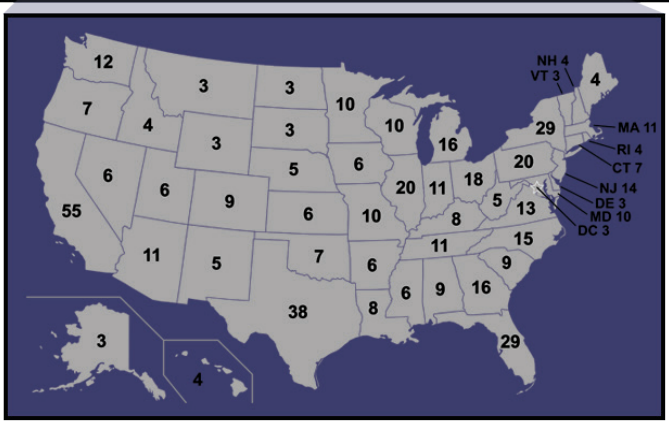


On Election Day, the people select the Electoral College electors by casting votes for the President and Vice President. In some states, the candidates are named, and in others states the slate of electors are also named.

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Following the elections, the governor of each state prepares a Certificate of Ascertainment, listing all candidates who ran in the state with the names of the electors for each. This Certificate also declares the winning candidate and the state electors who will represent candidates in the Electoral College. These Certificates are then sent to the Congress and the National Archives.

The meeting of each state's Electors is held in each respective state the first Monday following the second Wednesday in December, following the Election. Electors cast separate ballots for the President and the Vice President. These votes are then recorded on a Certificate of Vote and sent to the Congress and the National Archives.

On the following sixth day of January Congress convenes in a joint session in the House chamber to conduct the official tally of the electoral votes. The Vice President, as President of the Senate, presides over the business of counting and declaring the President and Vice President elect of the United States. The inauguration is held January 20 in the year following the election.

The Office of the Federal Register is responsible for coordinating and facilitating the functionary details of the Electoral College as an intermediary between the state governors, secretaries of states, and the Congress. It is also responsible for determining the legal status of the Certificates before presenting them to Congress.

Summation

When we seek to understand a particular function of government, we must reconsider what form of governance we have and its significance. Notice the name of our

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Country—The United States of America—50 states standing together as a one-nation *republic*—that form of government in which the powers of sovereignty are vested in, and exercised by, the people either directly or through elected representatives to whom those powers are specially delegated. The checks-and- balances herein described are the built-in safeguards to the sovereignty of the people and equality for the States. As was once observed in an analogy in a Washington Times article, "*What the wolves want matters, but so does what the sheep want. The Electoral College ensures that no one winds up on the menu."*

A major example of these principles at work is seen in the election of a US President, with the details being carried out by equal representation of the separate states and the people. If the outcome of a national election were to be based solely on the popular vote, smaller and less populated states would lose their representation (as Founder James Madison ***opined***), to *"the tyranny of the majority"*. The Electoral Colleges preserves equity among the states.

LIFE PRINCIPLE:



"....if the manner of (the election of the President) be not perfect, it is at least excellent...."

– James Madison (Founding Father, in Federalist Paper No. 68)

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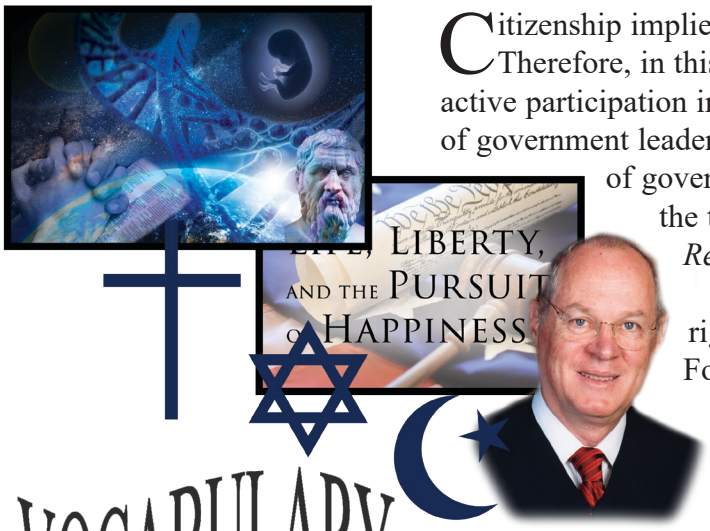
Principles and Precepts of Government

Topic 6
Rights and Responsibilities of US Citizens

Chapter 3

Section Two
Topics 6-10

Understanding the Rights and Responsibilities of US Citizens



Citizenship implies participation of citizens in their government. Therefore, in this Section, we will encourage preparation for active participation in government, from voting in the elections of government leaders to actual participation in the operations of government. We will seek to do this by probing the three Rs of Citizenship: *Rights*, *Rules*, and *Responsibilities*.

We will deeply consider our "unalienable rights" granted to us at birth by One, the Founders called, "Our Creator". Therefore, it is not government that grants these rights, but government that must protect these rights for its citizens. Our *Rights* have been largely defined within the first 10 Amendments of the Constitution: the US Bill of Rights. Our *Rules* are the laws imprinted within the Constitution as well as the laws enacted by Congress, which are incumbent upon each citizen. Our *Responsibilities* require us to demonstrate our commitment to a government of and by the people.

Citizenship has been defined as a *participatory* role of a member of a political community. It is gained by meeting the legal requirements of a national, state, or local government, and becomes the beneficiary of certain rights and privileges. In return, citizens are obligated to obey the laws and regulations of the government and to defend it against all enemies. Therefore, for every right and privilege of citizenship, a corresponding citizen *responsibility* is established.

A *right* is a moral or legal ***entitlement*** to have or obtain something or to act in a certain way. A *privilege* is a right or "immunity" granted as a peculiar benefit, advantage, or favor usually attached to a position or an office. These three—rights, privileges, and responsibilities are congruent and inseparable elements of proper citizenship. At this time, we will focus on personal rights, public rights, legal rights, and political rights; and carefully ponder their corresponding responsibilities.

VOCABULARY

Entitlements: the belief that one is inherently deserving of privileges or special treatment.
Guarantor: a person or organization which is obligated to secure another in the possession or enjoyment of something.
Unimpinged*:* not obstructed or hindered.
Civic responsibility: The responsibility of citizens in a society to exhibit certain attitudes and actions related to participation in society and democratic governance.
Hedonistic: the belief that pleasure or happiness is the sole or chief good in life.
Aggrandizement: gratification

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The Rights of Personhood

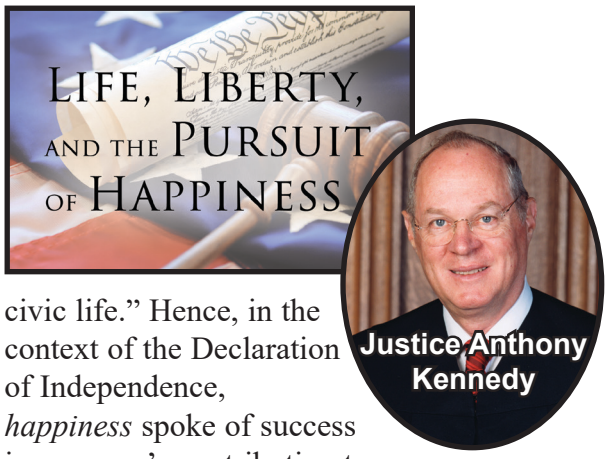
"*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.*"

This opening paragraph from the Declaration of Independence defines the source and foundational rights of personhood, and defines the role of government, not as the *source* but the *custodian* and ***guarantor*** of these rights.

The first right named is the right of *equality* of worth of each individual. To be treated without bias or discrimination due to race, color, ethnicity, age, disability, religion, or gender is an unalienable right of each citizen and which we, as a government of and by the people, must continue to secure.

The next statement of Personal Rights is an intertwined grouping of life, liberty, and the pursuit of happiness. Life, the very essence of personhood, was understood as an endowment by the Creator, with the freedom to live that life to the fullest extent for both self and society and was deemed a basic right of each person. Liberty is ***unimpinged*** autonomy to live, think and act as one chooses. However, the pursuit of happiness embodied a different connotation to the Founders in 1776 than understood by a Twenty-first Century mindset.

US Supreme Court Justice Anthony Kennedy, in a lecture at the National Conference on Citizenship in 2005, explained the original word meaning. He noted that the modern connotation has a ***hedonistic*** component within the meaning of happiness; but for the framers of the Declaration of Independence, "happiness meant the feeling of self-worth and dignity you acquire by contributing to your community and to its



civic life." Hence, in the context of the Declaration of Independence, *happiness* spoke of success in a person's contribution to society, rather than the pursuit of self-***aggrandizement***.

The Bill of Rights continued identifying the rights of personhood by stating "*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof....*", ensuring citizens the freedom of a personal belief system concerning God and a continuum of life after death. This right is then expanded to a freedom of worship, conduct, and lifestyle congruent to that belief system. Such a huge concept of freedom has often been limited by misguided political, religious, and academic biases—a far cry from the Era of the Enlightenment and the Founding Fathers who based their concepts of liberty on Biblical Christianity, as exemplified in the new Testament book of II Corinthians, which states, *"Where the spirit of the Lord is, there is liberty."* The first Amendment continues with the prohibition of Government to curtail or limit, the right and privilege of the freedom of speech or expression.

Two other Personal Rights are expressed in the Bill of Rights: the right of self-defense and protection in the Second Amendment, and the right of security of person and property in the Fourth Amendment.

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Responsible Management of Personal Rights

We have said that citizenship is a *participatory* role. The government is responsible to "secure" the *unalienable rights* granted to the people of this nation. Therefore, ***civic responsibility*** implies that my decisions and responses must not be guided only for the fulfillment of self but must also be tempered for the good of the Republic. This might be achieved in relation to each of these personal rights in the following ways:

The Right of Equality. This right is based on the assumption that equality is a natural right of man and that everything done by government or individuals must honor this *unalienable* right. The concept not only places limitations on government to honor this equality, but it also binds each of us as individuals to honor the equality of every one of our fellow citizens. Each of us as individuals have personal differences—some genetic, some environmental, and some that are socially acquired. However, true equality simply means "of equal worth". Hence, we all possess common and equal rights. If this concept of "equal worth" were to become our guide to relationships with others, all of the prejudices, criticisms, and intolerances would undergo a massive, positive transformation. This is the initial key to civic responsibility.

The Right of Life, Liberty, and the Pursuit of Happiness. Life is an asset granted to us, and according to the foundation document of our Government, it has been deposited in our personal asset account by our "Creator." The question: "*What is Life?"* is probably the most controversial question ever contemplated by homo sapiens. Proponents of the major worldviews have reached drastically different conclusions. The scientific worldview has developed dozens of definitions similar to the following: the condition that distinguishes animals and plants from inorganic matter, including the capacity for growth, reproduction, functional activity, and continual change preceding death.



The philosophic worldview usually accepts life as a "given" and does not major in defining life, but rather attempts to describe the elements that constitute life and the purpose and goals for living. The Greek philosopher, Plato, believed any object, animal or man, has a natural function and maximizing that function results in achieving the good life. Achieving this function also results in justice. In his "Republic", Plato argues that the justice of the city consists in all citizens "doing their own proper work". For man, the highest function results in the highest morality, and a person's virtues provide the skills necessary to attain a desired level of morality. Happiness results from achieving the perfection of function.

The religious worldview defines life and the purpose of life from an extra-terrestrial spiritual reality, with both life and purpose defined by the Deity of that worldview and the proper life and lifestyle evaluated and recompensed by the afterlife.

Since we live in a nation that provides the freedom for every citizen to formulate his own understanding of life, purpose, and resultant achievement or success; "What is life" becomes one of the most essential questions we must face: Why am I here? What ought I do to validate my existence? What function, purpose, or anticipated outcome ought to drive my decisions and my

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actions? These are questions, framed by our guaranteed rights and liberties, that we must answer to demonstrate that we are responsible individuals and citizens.

We have been granted Life and Liberty, as resources to achieve happiness, success, and fulfillment. These are doors of nearly unlimited opportunities leading to pathways of achieving optimum wellbeing and personalized success. This is what has been termed the *American dream*—you have an equal opportunity to claim it through good choices and hard work.

The Right of a Personal Belief System. The Constitution grants us the right and privilege to determine a personal belief system, which may or may not involve a faith-based interpretation of reality, in which a sovereign deity rules and regulates the universe.





As previously implied, each freedom we enjoy must be treated with responsible actions on the part of each citizen to manage this liberty and extend it without bias or prejudice to others who may not share the same beliefs.



Those who do not claim a faith-based viewpoint might benefit from studying various belief systems to understand why religious rights were considered such a vital part of the laws of our land and included in the Constitution.

The Right of Free Speech and Expression. The First Amendment's Freedom of Speech has become the right of freedom of expression. Multiple court verdicts have clarified that government does not have the right to forbid saying and writing what we like, criticizing what we do not like, forming clubs and organizations to express a point of view, and taking part in demonstrations and rallies. In so-doing, however, the first responsibility is to ascertain that our free expressions do not violate another person's right of free expression.

The First Amendment has been broadly interpreted and protects virtually all speech, no matter how unorthodox, offensive, or distasteful. However, certain types of speech are not protected and fall into two classification—content and conduct regulations.

Following is a listing of items that courts will usually rule outside of free expression protection.

- Child pornography
- Defamation — An intentional and false statement about an individual that is publicly communicated in written or spoken form, causing injury to the individual.
- Extortion — Obtaining property by wrongful use of force or fear.
- Extreme Obscenity outside the limits of community standards, and lacks literary, scientific, or artistic value.
- False advertising — A knowingly untruthful or misleading statement about a product or service.
- Harassment — A severe and pervasive course of conduct directed at an individual causing that person substantial emotional distress.
- Incitement which is likely to produce imminent lawless actions or physical retaliation.
- Perjury — A knowingly false statement given under oath in court.
- Plagiarism of copyrighted material
- Symbolic actions, if the actions are otherwise illegal, such as graffiti, littering, burning a cross on private property.
- Threat — A communicated intent to inflict death or great bodily harm to a person with an apparent ability to carry out the threat.

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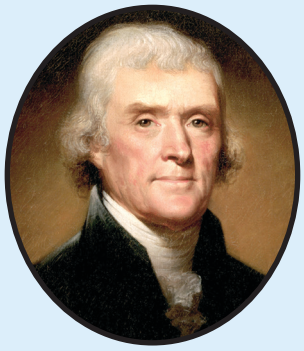
The Right to protect the security of Person and Property. The Second Amendment and the Fourth Amendment provide the personal right of physical self-defense and provide security of person and property, respectively. Although the Second Amendment relates to the right and usage of guns, it has been highly controversial based on the disclarity of language. However, the Supreme Court ruled in 2008 that although the right to keep and bear arms is subject to regulation, the Second Amendment to the US Constitution confers an individual right to possess a firearm for traditionally lawful purposes, such as self-defense.

The Fourth Amendment is very narrow and provides security of persons and property against unreasonable searches and seizures by the Government. It is not a protection against all searches or seizures, but only those that do not have a reasonable purpose.

Summation

In briefly exploring and understanding the personal rights, privileges, and expansive freedoms we have all been guaranteed by the Constitution of the United States, we have attempted to encourage active and responsible participation in government since this is a Government by the consent of the governed. As citizens entrusted with these freedoms, we must understand that we also bear significant responsibility for *continued* life and liberty—both our own and future generations.

***LIFE PRINCIPLE*:**



"Republican(ism) is the only form of government which is not eternally at...war with the rights of mankind."

– Thomas Jefferson (3rd US President, Founding Father)

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Principles and Precepts of Government

Topic 7
Rights and Responsibilities of US Citizens

Chapter 3

Section Two
Topics 6-10

Public Rights and Responsibilities





The second category of Constitutional Rights afforded US Citizens is what we term *Public Rights*. These are rights that define our liberties in relation to other people. In Topic 6 we studied Personal Rights, and it is true that every right has a personal element, but when these rights include relationships with other people, we will refer to them as *public*. Some Public Rights relate more to Legal or Political Rights, so we will cover them under those categories.

VOCABULARY

Secular: beliefs, attitudes, activities, etc. that have no religious or spiritual basis
Postmodernism: believes there is no scientific, religious, or historical truth (objective truth); example: stealing, arson, and other criminal activities seen as justifiable and non-punishable
Antithesis: the direct opposite of a concept
Ideology: a system of values, beliefs and theories, often political, held by an individual or a group.
Sophistry: the use of fallacious arguments, especially with the intent of deceiving
Chicanery: the use of trickery to achieve a political, financial, or legal purpose
Transmogrifies: to change or alter greatly and often with bizarre or abnormal effect.

First Amendment Public Rights

<u>Freedom of the Press.</u>

Within the First Amendment is the statement *"Congress shall make no law... abridging the freedom of speech, or of the press...."* Freedom of the Press has been a controversial right and has spawned numerous court cases. Many writers, instructors, and attorneys have attempted to discern the *original intent* of the Founders who wrote this Amendment.

One historic document written by the First Continental Congress in 1774 involves an Appeal to Inhabitants of Quebec, which demonstrates that those early officials had a high view of the value of the Press:

> *"The last right we shall mention regards the freedom of the press. The importance of this consists, besides the advancement of truth, science, morality, and arts in general, in its diffusion of liberal sentiments on the administration of Government, its ready communication of thoughts between subjects, and its consequential promotion of union among them, whereby oppressive officers are shamed or intimidated into more honorable and just modes of conducting affairs."*

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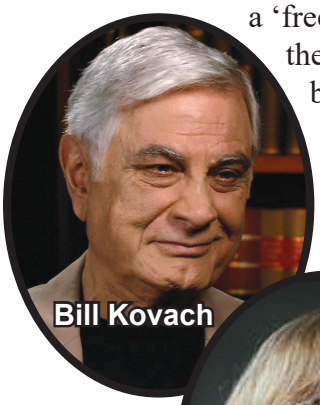
Despite many attempts to determine original intent, it is quite clear that the Free Press regulations have not been distinctively influenced by that thinking. Recall John Adams' admonition that *"Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."* Therefore, to understand original intent, one must enter into the Founders' mindset and worldview. Further, investigators bearing a ***secular*** mindset and worldview would be at odds with the Founders' intent, as evidenced by the values and views of the late twentieth and early twenty-first centuries, known as ***postmodernism,*** which is highly critical of universally-held ideas of objective reality, morality, truth, human nature, reason, language, and social progress. It is, indeed, the very ***antithesis*** of the Enlightenment and Reformation philosophies (studied in Chapter One) that birthed Western Civilization. As such, postmodernism is an exceptionally harmful ***ideology*** and a grave threat to Western Civilization. Beginning with its anti-rationality roots to its hostility to logic and reality, history and religion, law and order, it is, by extension, the very essence of "Cancel Culture": an ideology that will destroy the West if it continues unopposed.

Most of the free speech limitations we studied in the previous lesson, also apply to freedom of the press and have been created by court cases. Following are some additional restrictions that can be added to the free expression and free press restrictions:

- The guarantee restricts only government actions, not actions by other entities.
- This law applies equally to all levels of government and the three branches of government.
- This law applies equally to all speakers and writers whether or not, they are official members of the institutional press, and regardless of the media type.
- This law protects all viewpoints, whether good or evil.
- False statements of facts are usually punished if they are known lies, but not if mistakes.
- There are conditional situations where mistakes can be punished, and a few situations exist when intentional lies are protected.
- Misleading commercial advertising may be restricted, but misleading political speech cannot be restricted.

In 1938 two Supreme Court decisions expanded Freedom of the Press to mean "a fundamental personal right" and redefined "press" to encompass "every sort of publication which affords a vehicle of information and opinion" This certainly opens the door to include every type of media publishing information and opinion.

Responsibility of the Press. The right of a free press must be balanced by a responsible press. Three guardian elements will validate a responsible press. All reports must be honest, accurate, and purposeful. To understand this right we must understand that a 'free press' ought to be free, not only from the control of government, but it ought to be free from ideological bias that skews or perverts the news.


Bill Kovach


Ellen Hume

What is the purpose for a free press? Bill Kovach, in his book The Elements of Journalism defined the purpose of journalism: *"The purpose of journalism is thus to provide citizens with the information they need to make the best possible decisions about their lives, their communities, their societies and their governments."* Ellen Hume,

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Director of the Center on Media and Society at the University of Massachusetts Boston, summarized the essential role of a free press in four responsibilities:

1. Holding Government accountable to the people.
2. Publicizing issues that need attention.
3. Educating citizens so they can make informed decisions.
4. Connecting people with each other in a civil society.

Hence, we can understand that the purpose for a free press in a republic is not determined by modern technological advances, nor by the biases and ideology of the reporters, but by the function of news in the lives of its citizens.

Thomas Jefferson said: *"Our Liberty cannot be guarded but by the freedom of the press...."* Ideally, then, the press must be free from governmental control, free from specific ideological control, free from global financial business control, and free from distortions of both truth and meaning. However, this often has not been the case: John Adams opined, *"Abuse of words has been the great instrument of* ***sophistry*** *and* ***chicanery****, of party, faction, and division of society."*

President Franklin Roosevelt maintained that, *"Freedom of the press is essential to the preservation of a democracy; but there is a difference between freedom and license. Editorialists who tell downright lies in order to advance their own agendas do more to discredit the press than all the censors in the world."*

Right to Assemble. The right of the people peaceably to assemble has been defined as the right to convene public meetings and form associations without interference from the government. This was a right that had not been named in the early documents of English history. Neither the Magna Carta, the Petition of Right, nor the English Bill of Rights had included it. The French also had not mentioned it in the Declaration of the Rights of Man and of the Citizen. This right had been excluded by monarchs and church bodies since such assemblies of persons were often viewed as plotting opposition to the authorities.

The Pennsylvania Declaration of Rights in 1776, stated: "The people have a right to assemble together, to consult for their common good" and was the first governing document to include such a phrase. Participants in the Revolutionary War era used the assembly constantly in meetings, town halls, and flagpole gatherings to plot and plan their courses of action.



Freedom to assemble has been scrutinized by numerous court cases, and Government can only abridge the right of peaceable assembles if a "clear and present danger" to the peace of society exists. From this right has grown another right, the right of association, which means the right to associate with other persons or groups for the purpose of engaging in constitutionally-protected activities. Based on these freedoms is the right to demonstrate, plan sit-ins, participate in marches, and similar assemblies, to present a special point of view, provided such assemblies do not infringe on the safety of people or property.

Civic Responsibility for Assemblies. We have used the word "responsibility" several times. To be responsible means having an obligation to do something or having control over or care for someone or something, as part of one's job or role. Civic Responsibility means that a citizen is trusted

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with an obligation or trusted to have control over an action.

Every right Americans enjoy as citizens of this great republic implies a responsible response from each citizen. Within the right of assembly and association is a key word which commands responsibility. It is the word *peaceably*, and it constitutes the difference between expressing a right, and engaging in criminal activity. When a demonstration turns violent against persons or property, the assembly erodes from a constitutionally-protected and profitable activity to a destructive criminal activity, and the assembly ***transmogrifies*** into an irresponsible mob.

One other key to responsible action implied within each of our rights and freedoms is the concept of equality. Although we may have a right to present our point of view, persons around us may have opposite viewpoints. Civic Responsibility also entails equal rights of expression. If a citizen attempts by loudness, rudeness, or physical restraints to limit or suppress another citizen of that right—it fails the test of civic responsibility.

The Right of Domestic Privacy. The Third Amendment flowed directly to government excesses during the Revolutionary era as British soldiers took over personal Colonial property for their own usage. The Amendment states: "No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

The old adage, "a man's home is his castle", set a precedent in English law for both Amendments III and IV. In 1604, Sir Edward Coke, an English judge and jurist established limits on how a sheriff may enter a person's house to issue writs. He declared that "the house of everyone is to him as his Castle and Fortress as well for defense against injury and violence, as for his repose", which over the years has been simplified to "a man's home is his castle."

Although this Amendment addresses only the quartering of soldiers it provides a broad guarantee of privacy and security against government intrusion, as well as the right of a homeowner to defend his property.

Freedom of Equality. Although Freedom of Equality was expressed in the Declaration of Independence, it was not truly extended until the Thirteenth Amendment was ratified near conclusion of the Civil War. This freedom was stated in the following words: **Section 1.** Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Although this amendment is usually thought of in conjunction with African-American slavery, it also applies to other types of human trafficking which violate the understanding that all persons are created equal.

***LIFE PRINCIPLE*:**



""If we do not maintain justice, justice will not maintain us."

– Francis Bacon (1561-1626
British philosopher, author)

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Principles and Precepts of Government

Topic 8
Rights and Responsibilities of US Citizens

Chapter 3

Section Two
Topics 6-10

Legal Rights and Responsibilities



We have expressed previously that the government of the United States of America is a Rule of Law. The US Army Field Manual defines "the rule of law":

> *The rule of law refers to a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly* promulgated, *equally enforced, and independently* ***adjudicated****, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of* ***arbitrariness*** *and procedural and legal transparency.*

The US Constitution and subsequent laws created by Congress, thus established, form the law of the land and present the legal rights stated therein. Hence, all of our rights could be called legal, but herein we will study those rights that are part of the legal *process* provided in our laws.

The Fifth Amendment is the first statement defining legal processes that are guaranteed rights of US citizens:

> *No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.*

VOCABULARY

Adjudicated: an issue or dispute settled judicially.
Arbitrary: a course of action not based on reason or judgment but on personal will without regard to rules or standards.
Epitome: a person or object that is defined as a perfect example of something

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This Amendment presents the rights of persons accused of a capital or infamous crime. US Courts have defined an *infamous crime* to be a crime that is punishable by imprisonment for more than one year. Furthermore, indictment by a Federal Grand Jury must be the basis for a criminal trial.

Due-Process of Law. The role of government is to protect the rights of life, liberty, and pursuit of happiness which have been granted to its citizens, and now the right of property has been added with the guarantee of "*due process of law*." This right was first granted in British law by King John's Magna Carta in 1215, which provided that no freeman will be seized, dispossessed of his property, or harmed except "*by the law of the land.*" King Edward III restated the Magna Carta's guarantee using the phrase, "*due process of law*" for the first time.

Due process of law is a Constitutional guarantee that prevents governments from infringing upon the rights of citizens by providing procedural standards that courts must uphold to protect citizens' personal liberty, as well as liberty interests, that statutes and regulations must neither limit nor infringe.

Double-Jeopardy. The Fifth Amendment provides protection from multiple jeopardy for the same crime. It is one of the oldest legal doctrines of Western Civilization, dating back to the Greek and Roman judicial systems. Five types of protections are embedded in this statute.



1. It prevents the government from employing greater resources to wear down innocent persons.
2. It protects individual from financial, emotional, and social consequences of multiple prosecutions.
3. It preserves the finality and integrity of criminal proceedings.
4. It restricts *prosecutorial* discretion over the charging process by eliminating judicial discretion to impose cumulative punishments.
5. It eliminates *judicial* discretion to impose cumulative punishments that are not clearly prohibited by law.

Self-Incrimination. The language of this Amendment is that in a criminal case, no witness can be compelled to testify against himself. Self-incrimination may occur directly through interrogation when information of a self-incriminatory nature is disclosed by one's response to the interrogation; or indirectly when information of self-incriminatory nature is disclosed voluntarily. No person can be compelled to provide this personal information; but they can voluntarily divulge it.



When a person invokes this right, it is often referred to as "*Pleading the Fifth,*" and it allows a witness to decline to answer questions that might incriminate him, without being penalized for asserting his right.

Property-Rights. The private right to own property has been linked in our historic development to the pursuit of happiness. The Fifth Amendment provides restraints on Government against taking private property for public use. The Supreme Court has ruled that both federal and state governments have the right of *eminent domain*, which means they have the authority to take private property for public use, with *just compensation* – fair market value for the property.

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Originally, the states were not required to provide just compensation, but passage of the Fourteenth Amendment extended it to the state governments also. The most controversial issue concerning this Amendment is that states have been given liberty by the courts to seize some private property for the good of other private properties, which have an indirect benefit to the public good. This issue is still active in the courts.

The Fourteenth Amendment (Section 1) also addresses "due process" in an enlarged application mandating that the states must not abridge the legal privileges or immunities of citizens of the United States nor deny equal protection of the laws:

> *All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

The Right of Trial by Jury. Article III, Section 2, introduced the Right of Trial by Jury. "*The Trial of all Crimes, except in Cases of Impeachment; shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.*"

By the time this Article was drafted, the Right of Trial by Jury was a treasured right in the minds of the drafters. In had been a basic law of the Magna Carta, and British Common Law. All thirteen original Colonies had written it within their constitutions. Noted British Jurist, Sir William Blackstone, in his eighteenth-century Commentaries on the Laws of England described the institution:

> *A strong and two-fold barrier... between the liberties of the people and the prerogative of the crown" because "the truth of every accusation... [must] be confirmed by the unanimous suffrage of twelve of his equals and neighbors indifferently chosen and superior to all suspicion.*



The Sixth Amendment to the Constitution addresses all criminal prosecutions and adds the following rights: The accused shall have the right to a speedy and public trial by an impartial jury in the district where the crime was committed. He will be informed of the nature and cause of the accusation. He will be confronted with witnesses and be granted the right of a process for obtaining witnesses in his favor, and he will have the right to legal counsel in his defense.

The Seventh Amendment continued the right of trial by jury, but it was applied to Civil Cases. As we have seen criminal cases are brought by local, state or federal governments for an alleged violation of law and the penalty will be a fine, a jail sentence, or both. A Civil case is brought by private persons or corporations seeking to collect money or monetary damages. This Amendment states the following:

> *In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall*

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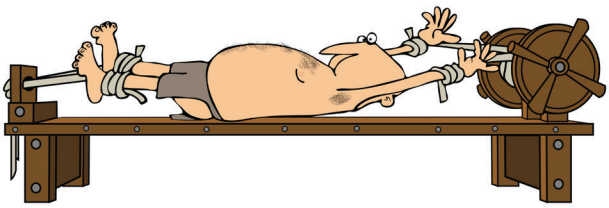
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be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

The last clause has been quite controversial, but in 1935 the Supreme Court ruled that the Amendment was to be interpreted according to the Common Law of England at the time the Amendment was ratified, in 1791.

The Rights of Bail, Fines, and Unusual Punishment. The Eighth Amendment continued to address Legal Rights, stating: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

This Amendment seeks to balance the punishment to fit the crime. Bail is an amount of money that an accused person was required as ***collateral*** to guarantee his appearance in court. If he failed to appear, the money was forfeited. The freedom from excessive bail caused the court to levy reasonable bail in relation to the seriousness of the crime and the ability of the defendant to pay it.



The Amendment also sought to balance the punishment rendered by the court and required that any fine levied by the court would be reasonable, and that no cruel and unusual punishment would be imposed. There was a legal precedent since the British Parliament had amended its English Bill of Rights in the 1680s, to include similar language concerning cruel and unusual punishment: One Titus Oates had been found innocent of a crime but was retried and found guilty of perjury by the Judge. He was sentenced to life imprisonment, along with five days of whipping on the streets of London each year for life. These whippings were so terrible, they obviously intended to kill him; but he survived and was released after the third year. His public punishment was so cruel and unusual that Parliament changed the law.

Purpose of and Responsibility with our Legal Rights

1. **To Establish Standards of Acceptable and Unacceptable Behavior.** A society determines, by its values and worldview, what behavior it accepts as right or constructive to its society, and what it determines wrong or socially destructive behavior. It then creates laws through its legislative process to uphold and maintain socially accepted behaviors.
2. **To Maintain Social Order**. Human nature has demonstrated that it is inclined to be greedy, selfish, and violent—hence there must be social contracts agreed upon by the majority of a social group to provide an orderly community. Law becomes a social contract agreed upon by a social group to provide an orderly process for living life, enjoying our liberties, and pursuing our wellbeing.
3. **To Resolve Disputes.** In a social group, comprised of persons with differing needs, wants, values, and views, disputes will persistently occur. Laws are formalized by a given society as a recognized procedure to address and resolve conflict.
4. **To Protect the Rights and Immunities of Citizens.** This protection of the citizen is from other persons or groups, government, and other governments.

We have used the term *social contract* in several statements concerning the purpose and function of our laws. *A Social Contract is an implicit agreement among individuals by which an organized society is formed and invested with the right to secure mutual*

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protection, welfare, and to regulate relations among its members. This is the basis of all people groups and governments.

The endurance, strength, and longevity of such a social group is dependent upon how well its individual members consistently make all their decisions and choices congruent with their social contract agreement. Conversely, any society, country, or government will fail when a segment of their population fails to keep the social contract that unifies them. The question becomes, how large a lawless segment can be before the society collapses? When a given percentage of society fails to obey its laws, the society will fail. Hence, our greatest responsibility to our Republic is to obey its laws. If we do not like a certain law, there are prescribed peaceful Constitutional methods for changing it. Therefore, understanding these vital reasons, and realizing our binding social contract upon which the United States of America is based, we must demonstrate responsible compliance to its laws. This is the ***epitome*** of civic responsibility.

LIFE PRINCIPLE:



"The primary objects of government are the peace, order, and prosperity of society...."

– Oliver Ellsworth (Former Chief Justice of the Supreme Court)

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Principles and Precepts of Government

Topic 9
Rights and Responsibilities of US Citizens

Chapter 3

Section Two
Topics 6-10

Political Rights



Political Rights provide citizens the privilege of participating in the formation, application, and evolution of their government.

Participation in Formation of Government

Such formation of government is primarily accomplished by voting for representatives and officials that perform the functions of government. Since we have reviewed the Constitution in defining the rights of citizens, we must first realize that the Constitution does not provide US citizens with a *right* to vote; rather, the Tenth Amendment places authority for voting laws within the states. Hence, voting laws can be changed by the states, by acts of Congress, and by Constitutional amendments.

When the Constitution was ratified, voting rights were constrained by regulations pertaining to status, age, gender, and race or ethnicity. Hence, voting was not a right, but a legal *privilege* extended largely to white, protestant men over the age of 21 as heads of families and/or who owned property, as evidence of being responsibly invested in their communities. The religious restriction was removed from all the states by 1828. The property restriction was removed state by state from 1792 to 1856. The limitations of race and ethnicity became more complicated by naturalization laws.

The Naturalization Act of 1790 proclaimed all persons of Asian descent were ineligible to vote; only "free white" immigrants were qualified. In 1848, when present-day Arizona, California, New Mexico, Texas and Nevada became a US Territory, all resident Mexicans became US citizens, but were only allowed to vote based on English proficiency, literacy, and property ownership.
In 1857, the Dred Scott v. Sanford verdict by the Supreme Court declared that all African Americans were disallowed the right of

VOCABULARY

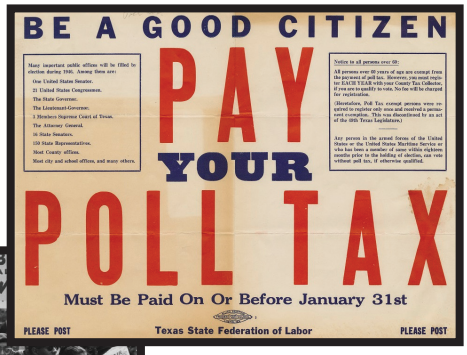
Poll tax: a per-capita tax of a fixed amount charged each person to register to vote or to vote
Scriptures: literally means 'writings' but usually refers to the Christian Bible.
Pertenaciously: keeping a firm grip on an object or idea
Non-frivolous: that which is serious, important, vital.
Venue: a statement showing that a case is brought before the proper court or authority

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citizenship and the right to vote. Part of the issue was that Blacks in the South, prior to the Civil War, were deprived of an education, and therefore illiterate. In 1866, the first Civil Rights Act was passed: "*That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States....*" This provided all the stated rights of the Constitution but did not provide the privilege of voting.





In 1870, the Fifteenth Amendment to the Constitution was ratified which was the first Amendment addressing voting and granted all Black male citizens the right to vote, by these words: "*(that the) right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.*"

In the mid-1880s, women began to organize, demonstrate, and petition for the right to vote; but decades passed before the Constitution's Nineteenth Amendment was adopted and ratified in 1919-1920. Referred to as the Women's Suffrage Law, this Amendment stated: "*The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex....*"

In 1882, Congress passed the *Chinese Exclusion Act* which placed quotas on Chinese immigration and excluded Chinese persons from citizenship and voting. It was repealed in 1943.

In the 1890s, the ***Poll Tax*** was introduced in several Southern states, thus presenting another restriction to voting for those who were otherwise qualified. In this same time frame, *The Indian Naturalization Act* allowed Native Americans to acquire citizenship; and in 1924, the Indian Citizenship Act allowed all Native Americans born in the US to be citizens with the privilege of voting.

Underlying the various voting restrictions over time was the concern that those who were electing government leaders should be invested in their communities, be literate, educated, and persons of integrity with a good understanding of, and appreciation for, political issues at hand and the American form of government.

In the late 1950s, the courts became active with civil rights cases and began a movement that was crystallized by the *Civil Rights Act of 1964* and the *Voting Rights Act of 1965*. In 1957, and again in 1960, Congress adopted two Civil Rights Acts which permitted the Justice Department to file for any African American who was denied the right to vote, and to authorize him or her to collect all state voter records necessary to carry out this litigation. In 1964 the Constitution was again amended by the adoption and ratification of the Twenty-fourth Amendment, which outlawed the Poll Tax nationwide.

Also, that year, discrimination and segregation issues in America, historically stoked by the Democrat political party, had deteriorated into violence. On June 11, one state Governor blocked the door of a university to prevent admittance of two black students, even though the court had ordered the university to allow enrollment. That same evening, President John F. Kennedy went before the American public via radio and television to call for a new Civil Rights

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Law. He began with the description of confrontation events across the Nation. He referred to international problems where American soldiers were sent to defend freedom without ethnic considerations. He called for Congress to adopt new laws and then summarized:

> *We are confronted primarily with a moral issue. It is as old as the* ***Scriptures*** *and is as clear as the American Constitution. The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities, whether we are going to treat our fellow Americans as we want to be treated. If an American, because his skin is dark, cannot eat lunch in a restaurant open to the public, if he cannot send his children to the best public school available, if he cannot vote for the public officials who will represent him, if, in short, he cannot enjoy the full and free life which all of us want, then who among us would be content to have the color of his skin changed and stand in his place?*

On July 2 Congress adopted the landmark *Civil Rights Act of 1964*. The preamble of this act stated its purpose and provided an overview of the details:

> *To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes....*

Even though the Fifteenth Amendment and the Civil Rights Act had addressed the equality of voting rights for all citizens, the voting laws of several southern states held ***pertenaciously*** to discriminatory voting practices. Accordingly, in 1965, Congress passed *The Voting Rights Act,* which banned all discriminatory laws and practices that limited the full intent and application of the Fifteenth Amendment. This Act, has been amended several times by Congress, addressing changes, such as voter registration, treatment of disabled voters, and changes in state voting laws. It has also had minimal modifications by rulings of the Supreme Court.

In 1970, Congress began a practice of mandating periodic review of voting laws by extending the *Voting Rights Act* for five years, then 25 years in 1982 and another 25 years 2006. In 1971, the Constitution was amended by the Twenty-sixth Amendment, which changed the voting age from 21 to 18.

Participation in Application of Government

The health and wellbeing of any democratic nation can largely be determined by the active participation of informed citizens, as we elect representatives and officers to handle the affairs of governing.

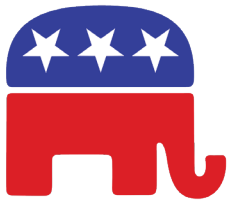


Voting. In all probability, knowledgeable voting is the highest responsibility one can assume to preserve the welfare of our Republic. It is a privilege of high value, since the leadership of our Government, be it local, state, or national government, is elected by the vote of citizens.

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It is disappointing to review the voting habits of Americans. The presidential elections, held every four years, draw the highest number of voters; and for the past twenty years, the percent of eligible voters who cast ballots in each of these elections was dismal at only fifty to sixty percent. Based on official Census Data, more than 97 million eligible citizens did not exercise the privilege of voting for their President and Representatives in government in the 2016 elections.











Considering the millions of people around the world who have not the privilege of voting for their leaders, it behooves every US citizen to seize the opportunity to participate in Government. Elections have consequences. Neglecting to vote or voting for unprincipled people often produces bad laws that we are forced to obey. Many citizens offer the excuse, "What difference can one vote make?" One vote can change history. Examples include: Three Presidents were elected by one-vote margins; one vote saved President Andrew Jackson from being removed from office; California, Washington, Oregon, and Idaho each became states by one vote; the Nineteenth Amendment, giving women the right to vote, was ratified by a one-vote margin; one vote made gay marriage legal in all 50 states.

Following are the requirements to determine your eligibility for voting:

- You must be a US citizen.
- You must meet your state's residency requirements.
- You must be 18 years old on or before Election Day.
- You must register to vote by your state's voter registration deadline (which can even be done online).

Support A Political Party. A political party is an organized group of people with similar political views, which seeks to influence public policy by helping its candidates be elected to public office. The general functions of a political party are recruitment of candidates, fundraising, campaign support, advocacy of political issues and government organization. More than 30 political parties, including Socialist and Communist parties, presently operate in the United States; but 19 are operative in only one state. Democrat and Republican are the major political parties. Three minor parties (Libertarian, Green, and Constitution) operate in 37, 22, and 13 states respectively. A growing number of independent voters do not register by political party.

Citizens are advised not to select a party on the basis of family or friends, but rather through study of the political views and doctrines of each party as set forth in their party platforms, and determine which political party compliments personal conscience and worldview.

Support Candidates. Following are several types of ways citizens can help a particular candidate:

- Attend your candidate's town hall meetings and rallies
- Popularize the name of your candidate by bumper stickers, yard signs, buttons, and social media.
- Volunteer at your party's local campaign office to see what you can do to pass out fliers, canvass your neighborhood, etc.
- Participate in phone bank calls to voters.
- Write a concise letter to the editor of your local paper, with positive reasons

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for supporting your candidate—rather than just being negative about your candidate's opponent.

- Help people register to vote and then vote.

Personal Participation in Government. As the Constitution provides the right of trial by jury, and juries are comprised of peers, it is therefore necessary that individual citizens prepare themselves to serve on juries. This is an essential function that citizens need to fulfill by being informed about social issues. Prospective jurors are randomly selected and notified by mail.

Serving in the military is another vital service performed by citizens. Today, we are protected by a voluntary military. Therefore, it is important for each citizen to consider carefully what role he or she may fill in this civic responsibility.

Lastly, our nation needs a constant supply of competent leaders to fill all offices for local, state, and national government. These are vital to our future, and each citizen, especially in early adulthood, should consider these privileges and rights to participate in government, by candidating for positions in government.

Participation in Evolution of Government

The US government has changed in an orderly fashion by amendments to the Constitution, which was formulated to allow for non-violent change. Every new law, and even the Supreme Court's clarification of our laws, make subtle changes to the government.

The First Amendment guarantees "the right to petition the government for a redress of grievances." This right dates back to the Magna Carta of 1215. The Supreme Court has defined this clause in the Amendment as the right to institute lawsuits and mobilize popular support to change existing laws in a peaceful manner, which in turn opens the door to a broad range of activities for all citizens, including simple petitions, lobbying, *peaceful* demonstrations, and ***non-frivolous*** lawsuits.

Rights of Political Freedom

The next three rights addressed in the First Amendment were probably thought of as political rights in the minds of the Founders, since they included rights that had been denied to them as British citizens living in the Colonies.

They had already declared that Governments are instituted among men to secure their unalienable rights, and *"that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it."* Thus, the People had to have the rights of free speech, a free press, the right to *peaceably* assemble, and the rights and ***venue*** for petitioning its government. However, given the present secular culture, we must not confuse *unalienable rights*, made secure by our Constitution, with wants or comforts.

LIFE PRINCIPLE:



"If we are to guard against ignorance and remain free, it is the responsibility of every American to be informed."

– Thomas Jefferson (Founder, 3rd US President)

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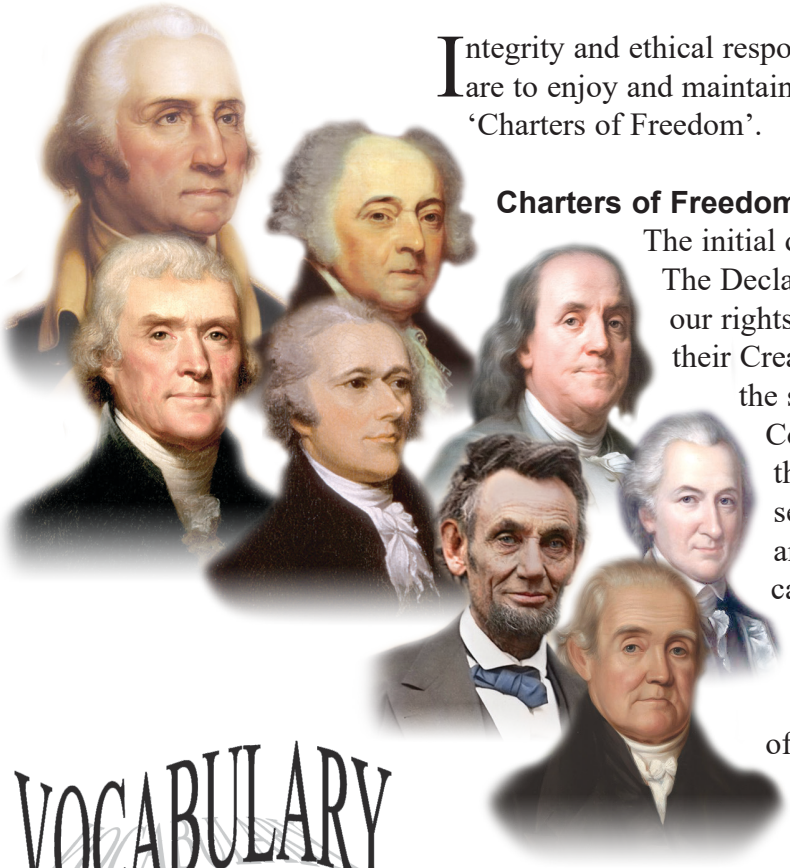
Principles and Precepts of Government

Topic 10
Rights and Responsibilities of US Citizens

Chapter 3

Section Two
Topics 6-10

Integrity and Ethical Responsibilities



Integrity and ethical responsibilities rest upon each citizen if we are to enjoy and maintain our rights, as set forth in America's 'Charters of Freedom'.

Charters of Freedom

The initial document of our Charters of Freedom, The Declaration of Independence, identified our rights as *unalienable Rights,* endowed by their Creator. By *the consent of the governed*, the second Charter of Freedom, The Constitution, was authored to secure these unalienable rights. Then finally, the separate rights providing Life, Liberty, and the Pursuit of Happiness were carefully defined in the third Charter of Freedom—the Bill of Rights. Thus, the Founders described the *kind and source* of our rights, the *source of security* of these rights, and the *source of the definition* of our rights.

VOCABULARY

Avarice: greed
Factions: small, organized groups within larger political groups
Detriment: harm
Wresting: forcefully taking away
Abrogation: repudiating, negating, voiding
Despotism: the exercise of absolute power, especially in a cruel and oppressive way.

The Equality of Citizens

In a previous lesson we studied the statement from the Declaration of Independence which is truly a pillar in our Charters of Freedom: *We hold these truths to be self-evident, that all men are created equal....* Every right defined in the Constitution is based upon this self-evident understanding that all men are equally qualified to claim that right. This may be the most fundamental right defined by our Constitution, and it has been the most troublesome and most difficult to apply fully.

As homo-sapiens, we are self-oriented beings, demanding our own way, desiring our own fulfillment, and seeking our own satisfaction. Much early training and discipline in the home, the churches, and the schools deal with the socializing quest to treat other people as we would like to be treated. Personal rights extend

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only to the limits of personal environment; and other's rights begin and end within the limits of their personal environments—whether that right is the right of expression, the right to vote, or the right to own property. The equality of rights must be the foundation of our civilization.

Citizen Integrity and Ethical Responsibilities

As the Constitution was written, several inherent expectations of citizens would comprise this Republic. Paramount among these expectations was that citizens would demonstrate integrity and be ethically responsible. These expectations formed a pillar to support a democratic republic.



John Adams

Integrity is the quality of character demonstrating honesty and strong moral principles. Founding Father and the Second President, John Adams, stated this about moral principles:

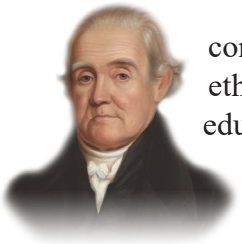
*"We have no government armed with power capable of contending with human passions unbridled by morality and religion. **Avarice**, ambition, revenge,... would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."*

Ethics is defined in The Business Dictionary as:

"*The basic concepts and fundamental principles of decent human conduct. It includes ...universal values such as the essential equality of all men and women, human or natural rights, obedience to the law of land, concern for health and safety and, increasingly, also for the natural environment."*

Thomas Jefferson placed ethical responsibility squarely upon the shoulders of US citizens, and upon the educational systems of this new Republic:

"I know no safe depository of the ultimate powers of the society but the people themselves, (and) if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power."



Noah Webster

Adding to Jefferson's concept of fashioning an ethical citizenry through education, Noah Webster, author of the first American dictionary, stated:

"It is an object of vast magnitude that systems of education should be adopted and pursued which may not only diffuse... knowledge...but may implant in the minds of the American youth the principles of virtue and of liberty and inspire them with just and liberal ideas of government and with an inviolable attachment to their own country."

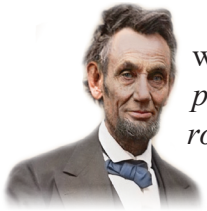
Hence, the purpose of education was to provide new generations of Americans with the moral excellence and liberating education to instill within them the allegiance and devotion to take responsibility for the ongoing welfare of the Republic. In the above quotation, Webster used the terms concerning proper education: '*implant in the minds of American youth the principles of virtue and liberty.'* Virtue means "behavior showing high moral standards." He also admonished that education should inspire the new generation with '*just and liberal ideas of government.'*

The term, 'liberal' has a far different meaning today than in early America.

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Today, we often mean those on the political 'left', espousing big government, socialism, abortion, etc.; however, the original meaning was *liberating*—that which provides greater liberty. You have undoubtedly heard of Liberal Arts Colleges, meaning a program of education that 'liberates' the mind. "Liberal ideas of Government" to Webster meant understanding more clearly the concepts of government that provided an even greater liberty for the people. He also coupled this with the educational purpose of inspiring young Americans to a greater patriotic attachment to their country.

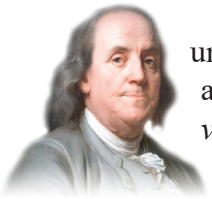

Abraham Lincoln

Abraham Lincoln wisely asserted that *"The philosophy of the school room in one generation will be the philosophy of the government in the next."* To that end, it is incumbent upon students to ponder the rights, privileges, and opportunities afforded by the sacrifice, labor, and intent of the Founders, and choose to take responsibility to guard future freedoms of this Republic by informed political action. Recall President Reagan's warning: *"Freedom is never more than one generation away from extinction. It has to be fought for and defended by each generation."* The same charge extends to our day and summons citizens to constant vigilance in recognizing dangers from within.

The Danger of Self-Centeredness

We have observed that equality is a pillar of our rights and liberties. The gravest enemy of equality is self-centeredness or narcissism: preoccupation with one's self and one's affairs to the ***detriment*** of others and the nation. Any right a citizen claims must not invade or diminish the right of another person.

Pure democracy, fueled by self-centeredness, in an enemy of the conviction that all men are created equal. A democracy thrives by pressuring 51 percent of the people to agree on any subject, including ***wresting*** any right from a minority. Thomas Jefferson said it this way: *"A democracy is nothing more than mob rule, where fifty-one percent of the people may take away the rights of the other forty-nine."*


Benjamin Franklin

Benjamin Franklin uniquely defined democracy as "*two wolves and a lamb voting on what to have for lunch. Liberty is a well-armed lamb contesting the vote!*"

The Danger of Ignorance and Apathy

To participate in government, we must know the rights, regulations, and role of government provided by the Constitution. Further, we must know our laws and system of laws. By comparison, for example, not knowing and implementing the rules of a sport keeps one on the sidelines. Not knowing our laws and system of laws also makes one vulnerable, as in being stopped for speeding because the speed limit was unknown or ignored. Additionally, it is easy to criticize various actions if we are ignorant of the rules and regulations that drive them.

The first serious responsibility we hold as citizens is to learn and understand the rights, regulations, and role of government. Then, based upon that knowledge we can campaign, vote, elect responsible leaders, and intelligently participate in the government of and by the people. Without such knowledge, we drift into apathy which is what has led to a huge percentage of the population becoming non-voters. ***Abrogation*** of responsibility, apathy and lethargy open the door for liberties to exit and tyranny to enter,

The Danger of Division

Unity is a most essential characteristic of our Government, as demonstrated in John Dickinson's pre-Revolutionary song,

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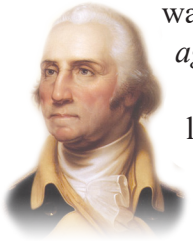
published in 1768:

Then join hand in hand,
Brave Americans all,
By Uniting we stand
By dividing we fall!



John Dickinson

This song has given rise to hundreds of quotations in speeches, publications, and mottoes: *"United we stand; Divided we fall!* The same sentiments were made famous by Abraham Lincoln prior to the Civil War, when he warned, "*A House divided against itself cannot stand."*



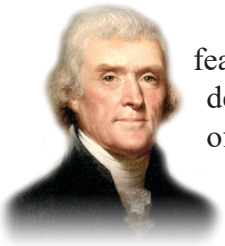
George Washington

Unity does not imply lack of disagreement; rather, it means we have a system to overcome differences and determine the will of the majority while protecting the rights of minorities. The danger of divisions becoming permanent was one of the Founder's greatest fears. George Washington spent a major portion of his Farewell Address warning against disunity caused by political party activism he termed as 'spirit'. He described the dangers of regional ***factions*** as well as factions in government; and in the following quote from this farewell speech, pointed to these grave dangers:

"The alternate domination of one faction *over another, sharpened by the spirit of revenge, ...which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful* ***despotism****. But this leads at length to a more formal and permanent despotism. The disorders and miseries, which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual, (who) sooner or later…turns this disposition to the purposes of his own elevation, on the ruins of public liberty."*

John Adams, who feared the creation of two political parties and the ensuing dangers of stronger allegiance to a party rather than the Republic, stated:

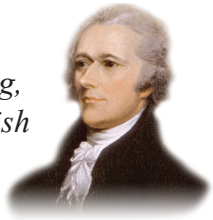
"There is nothing which I dread so much as a division of the republic into two great parties, each arranged under its leader, and concerting measures in opposition to each other. This, in my humble apprehension, is to be dreaded as the greatest political evil under our Constitution."



Thomas Jefferson

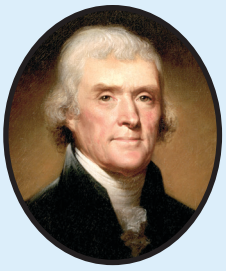
Thomas Jefferson feared that party 'spirit' would develop within the branches of government and result in one branch usurping power over the others: *"The great object of my fear is the federal judiciary. That body,... gaining ground step by step and holding what it gains, is engulfing insidiously the governments into the jaws of that which feeds them."* Jefferson was expressing that he feared the federal judiciary would gain power and gradually usurp power from the states by striking down state laws and granting it to the Federal Government.

Alexander Hamilton declared: *"We are attempting, by this Constitution, to abolish factions, and to unite all parties for the general welfare."*



Alexander Hamilton

LIFE PRINCIPLE:



"The price of liberty is eternal vigilance."

– Thomas Jefferson (3rd US President, Founding Father)

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Principles and Precepts of Government

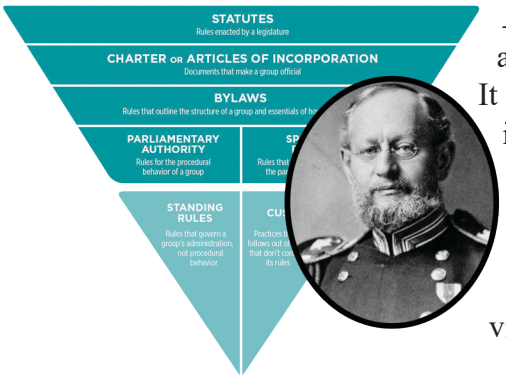
Topic 11
Parliamentary Procedure

Chapter 3

Section Three
Topics 11-15

Understanding Parliamentary Procedures

Rules of Order



P**arliamentary procedure* constitutes the rules of conduct that guide a ***deliberative assembly to conduct its business and make adequate changes in the most efficient way possible. It is an operating system to form an orderly process for introducing business to be discussed, modifying the business as stated, and either adopting or rejecting those proposals. These rules form an orderly process for achieving change through a democratic process of ascertaining the will of the majority, on any business proposal, while allowing minority views to be stated and debated.

The term, "Parliamentary procedure", gained its name from the English Parliament's rules of conduct. As the Constitution was framed in America, each branch was to determine its own rules of procedure. Thomas Jefferson compiled his *Manual of Parliamentary Practice*, based upon the rules of Parliament and *Precedents of Proceedings in the House of Commons* by John Hatsell, clerk of the House of Commons from 1768 to 1820. Jefferson's Manual, published in 1801, was the first to compile parliamentary principles for the legislative process for the United States.

In 1845, Luther S. Cushing, Clerk of the Massachusetts House of Representatives, wrote his Manual of Parliamentary Practice: *Rules of Proceeding and Debate in Deliberative Assembles*, which was designed for assemblies which were not legislative in character.

History of Robert's Rules of Order

In 1863, Henry Martyn Robert, an army engineering officer, was stationed in New Bedford, Massachusetts. He had been transferred there for recuperative relaxation due to a recurrence of tropical fever. Beside his military duties, he was quite active in church and community educational work wherever he was stationed. On one occasion, he was asked to preside at a church business meeting, but he knew nothing of parliamentary procedures. His pride did not let him decline, and the meeting turned from bad

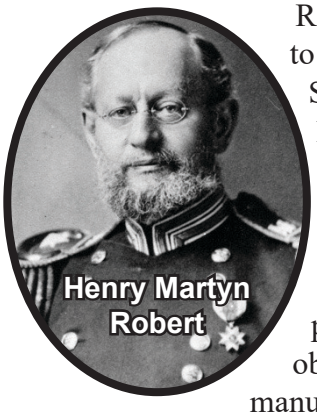
VOCABULARY

Parliamentary procedure: an orderly and efficient democratic process to ascertain the will of the majority while protecting the right of any minority to be heard and to debate.
Deliberative assembly: a group of people who have convened a meeting to determine carefully and consciously a course of action they will take.
Beneficiary: a person who derives advantage from some action.
Decorum: behavior in keeping with good taste and propriety
The Chair: the presiding person or official over a business meeting or organization

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to worse—He wrote: "My embarrassment was supreme...." He vowed never to attend another meeting until he knew something of parliamentary law.



Robert was promoted to Major and sent to San Francisco, where he found people from all sections of the country, each with differing concepts of parliamentary procedures. He obtained Cushing's manual, Jefferson's manual, Rules of the House of Representatives, plus two other writings on the subject and began to compile data for a book; but demands of army life left him little time for writing. In 1874, he was transferred to Wisconsin where a severe, January storm delayed Army engineering activities for about three months. Thus, he was able to complete his manuscript of 176 pages. Printing was a slow and costly process, but on February 19, 1876, the first edition was published. The editor had titled it, *Robert's Rules of Order*. Mr. Robert gave away 1000 copies to parliamentarians across the country; the remaining 3000 sold in six weeks. Robert continued to edit and add to his *Rules of Order,* with the Tenth and Eleventh editions being published in 2000 and 2011. Before his death, Robert established a process and an organization for updating his rules which have been followed for 88 years and several editions.

Over five million copies have been sold, and it is estimated that 95 percent of the deliberative assemblies of America depend upon Robert's Rules of Order.

What is Parliamentary Procedure?

We have stated that a deliberative assembly describes a certain characteristic of a group of people. To *deliberate* means to studiously consider a course of action and to make a decision. Hence, a deliberative assembly is a group of people who have convened a meeting to carefully and consciously determine a course of action to be taken.

Such an assembly must have a compelling interest to produce some product, or provide some service for the group, or some **beneficiary** of the group. The deliberative process will determine responses to three main questions: (1) What shall we do? (2) How shall we do it? (3) When will it be done?

The types of deliberative assembly may range from a club, a community organization, a church or church group, state and national organizations, a legislative body, a business, or an international corporation. Each of these groups need an agreed upon system of rules defining their process of parliamentary procedure or rules. Without such rules, all human assemblies would disintegrate into chaos as participants talk louder and louder to outshout one another.

Hence, to achieve any definitive goals, procedures must be followed. Just as teams must have rules and referees in playing major sports to avoid chaos, we must have rules and a type of 'referee' to keep us on one subject, provide order to debate, and a methodology for making decisions.

Rules of Order

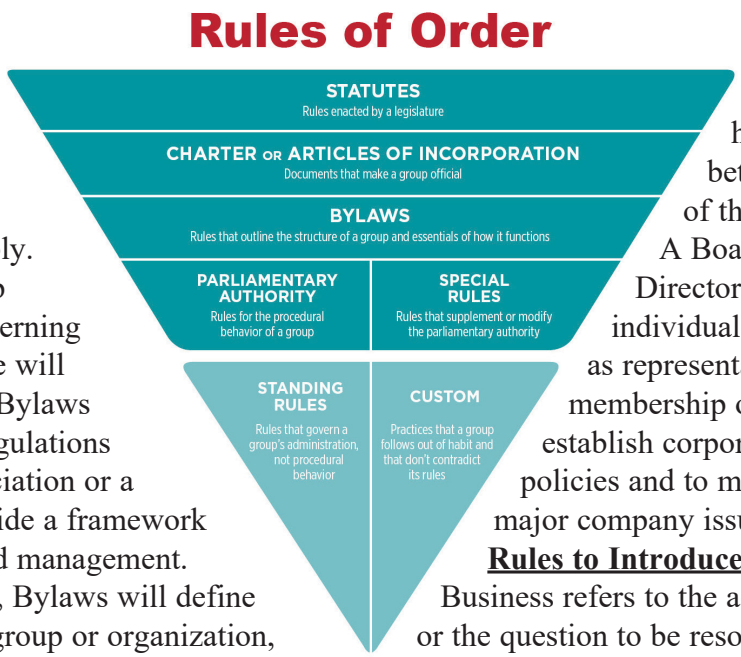
Recall that Robert's book was called *Rules of Order*, implying that the rules are to keep the meeting orderly. Various types or categories of rules needed to provide an orderly meeting.

Ground Rules for the Assembly. A Ground Rule, especially in sports, is a special *rule* about how a game is played on a particular field, court, or course. A ground rule for a business meeting will be those rules about the deliberative assembly itself and the ***decorum*** for its meeting. First, the assembly

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will have a *membership*, which includes all those that have identified as belonging to this deliberative assembly. Secondly, the group needs a written governing document which we will refer to as *Bylaws*. Bylaws are the rules and regulations enacted by an association or a corporation to provide a framework for its operation and management. Among other items, Bylaws will define the purpose of the group or organization, its officers, and its meetings. It will state the percentage of the membership or *quorum* which must be present in a meeting for it to be declared an official meeting. It will also include the *parliamentary authority* by which the meetings will be conducted. The parliamentary authority will also contain certain ground rules such as standing when you are addressing ***the Chair***, the type of language to be used, and other rules that will be discussed later.



Officers of the association will be chairperson, vice-chairperson, secretary and treasurer. There may be other officers in certain organizations or corporations, such as parliamentarian, and sergeant-at-arms. In most smaller organizations, the chairperson will be equipped to provide the parliamentary rules of order. Hence, it is incumbent upon citizens who desire to participate in government to be familiar with parliamentary rules of order.

Bylaws of many organizations will also include standing (permanent) committees, appointed from the membership of a larger group to do a specific function, such as a special study or research to obtain special information for the members.

Many organizations will also have a Board, or an Executive Committee, to handle business between meetings of the membership. A Board, or Board of Directors, is a group of individuals who are elected as representatives of the membership or stockholders to establish corporate management policies and to make decisions on major company issues.

<u>Rules to Introduce Business</u>.

Business refers to the action to be taken, or the question to be resolved. Only one item must come before the assembly at one time, and when it is before the assembly, we speak of it as being *"on the floor"*. A *motion* is the parliamentary vehicle for introducing business to the floor (group).

<u>Rules For Recording Business</u>.

A written record of the proceedings of a meeting is called the "Minutes of a Meeting". A secretary keeps these written records. Following is a list of the usual contents of Minutes of a Meeting.

- Designation of kind of meeting, such as monthly, regular, or special.
- The name of the organization or assembly.
- The date, time, and place of the meeting.
- A notation as to whether the regular chairman and secretary are present, and if not, who is acting in charge.
- A notation whether the minutes of the last meeting were read, corrected, and adopted.
- A separate paragraph for each point of business, the exact wording of all motions, if adopted, and a record of the vote. Only in a roll-call vote do the names of the voters need to be entered. Usually, the maker of the motion is named, but the name of the seconder

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does not need to be entered.

- A paragraph description of any special report given to the meeting.
- The final paragraph should note the time of adjournment, and any notation that may affect a future meeting.
- The minutes should be signed by the Secretary, although some organizations may also require the signature of the Chairperson.

Rules To Strengthen Efficiency.

One of the major values for parliamentary rules is to facilitate efficiency. When we study the different categories of motions, we will see how using the proper motion can greatly streamline meetings, and how rules for decorum and proper speech can facilitate business.

An *Agenda* is a list of the topics to be discussed in a business meeting, in order of their planned occurrence. Although the assembly has the right to determine its own agenda, the officers should plan a proposed agenda to present to the meeting, such as illustrated below.

★★★★★ AGENDA ★★★★★

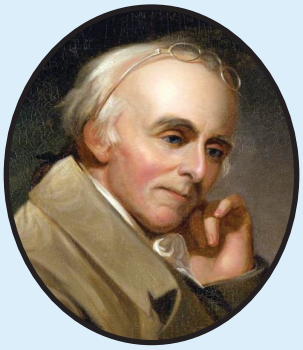
1. Call to Order
2. Roll Call
3. Invocation and/or Pledge of Allegiance (Faith Based or Patriotic Meetings)
4. Reading of Minutes
5. Treasurer Report (If appropriate)
6. Adoption of Agenda
7. Reports by Executive or Special Committees
8. New Business
   a. Item One
   b. Item Two
   c. Item Three
9. Unfinished Business
10. Announcements.
11. Adjournment

If a meeting bogs down in the midst of debating a motion with questions and details not available from the membership, the chair can suggest the appointment of a special study committee to research the issue and report back at a future meeting. This can save time for the full membership, and usually provides new details and understandings not readily available in the regular meetings.

Summation

We have just engaged in a brief overview of Parliamentary Rules and their purpose. Proper parliamentary procedure guiding the conduct of a deliberative assembly is both a science and an art. It is a 'science' since there are carefully formulated rules and regulations governing the conduct of an assembly; and the proper application of these procedures by a skillful presiding officer can qualify as an 'art form'.

LIFE PRINCIPLE:



"Where there is no law, there is no liberty."

– Benjamin Rush (Founding Father)

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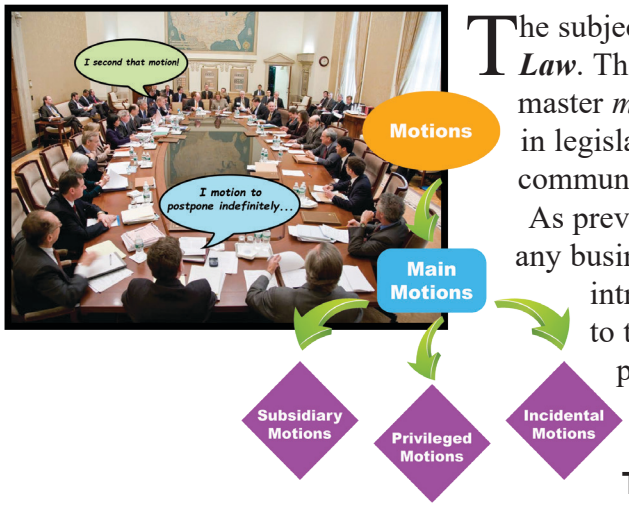
Principles and Precepts of Government

Topic 12
Parliamentary Procedure

Chapter 3

Section Three
Topics 11-15

Introducing Business to a Deliberative Assembly



The subject of *motions* is the heart of ***Parliamentary Law***. Therefore, to master parliamentary law, you must master *motions*. This will enable you to be comfortable in legislative, business, or any deliberative body in your community.

As previously stated, a *Motion* is the vehicle for introducing any business to a deliberative body; and when a motion is introduced to the assembly, it is called presenting it to the ***Floor***. When a member has been granted the privilege of speaking on any issue, that person has 'the floor'.

Types or Classes of Motions

- Main Motions
- Subsidiary Motions
- Privileged Motions
- Incidental Motions
- Motions to Readdress Business

VOCABULARY

Parliamentary Law: the body of rules, usages, and precedents that governs proceedings of deliberative assemblies.
Floor: The right to address an assembly.
Main Motion: A motion to introduce new business to an assembly.
Rank: the status of a motion determining whether it takes precedence over a pending motion.
Parliamentarian: a person who is expert in the formal rules and procedures of deliberative assemblies

Main Motions. A ***Main Motion*** can be presented only when there is no other business before the assembly. The procedure for this motion is to obtain the floor by standing, when no one else has the floor, and address the chair as "Mr. Chairman," or "Madam Chairwoman." When recognized by the Chair, simply state: "I move" and then state your motion. The chair will ask for a second by another member of the assembly, when seconded the chair will restate your motion which is now the property of the assembly and is ready for debate.

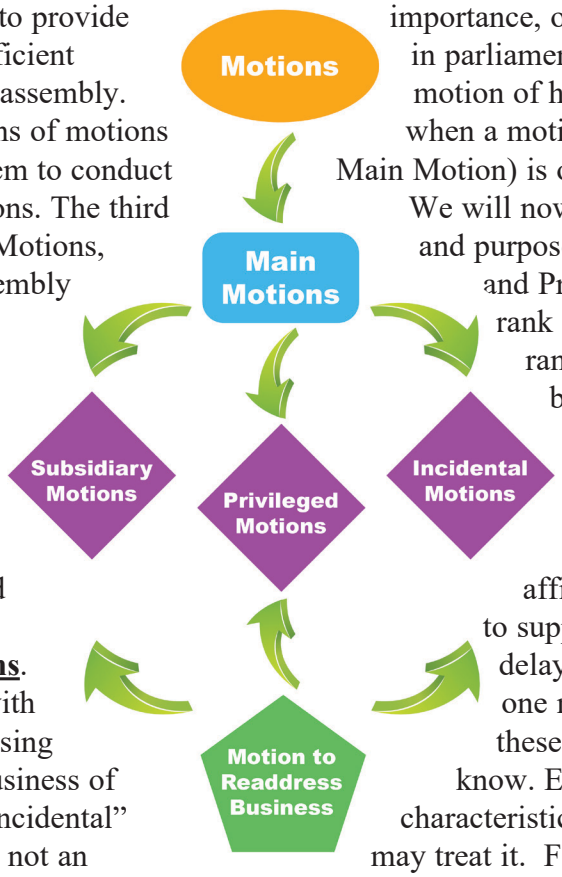
Subsidiary Motions. A Subsidiary Motion is one which is affixed or applied to a Main Motion to suppress it, alter it by amending, to study it, delay it, or adopt it. It is classified as a Subsidiary Motion, since it can be made while the Main Motion is pending. There are seven different Subsidiary Motions which we will study shortly.

Privileged Motions. Recall that the purpose of parliamentary rules is to ascertain the will of the majority of the members while protecting the right of the minorities to be heard

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in an orderly manner and to provide an environment for the efficient conduct of business in an assembly. The first two classifications of motions provide an operating system to conduct business and make decisions. The third classification, Privileged Motions, provides ways for the assembly to immediately address matters of importance relating to the rights or welfare of the members of the assembly, or to the better conduction of assembly business. Later, we will address Privileged Motions in detail.



Incidental Motions. Incidental Motions deal with questions of procedure arising out of other motions or business of an assembly. The word "incidental" means accompanying, but not an integral part of something. Since they deal with business, they usually have to be resolved before the business can continue. Although we refer to incidental motions as a group, each is applicable only in its own scope of special circumstances. Later, we will study ten Incidental Motions.

Motions to Readdress Business. Motions to Readdress are for the purpose of bringing a question that has previously been acted upon, back to the floor of the assembly. There are four motions in this grouping.

Rank and Precedence of Motions

Each motion has a ***Rank*** that determines which motions may take precedence over other pending motions. A *Pending Motion* is a motion that is already on the floor. Refer to page 58 for a list of all Subsidiary and Privileged Motions in descending order, meaning those with higher rank are at the top of the list. The word *precedence* means to take priority in importance, order, or rank. Precedence in parliamentary law means that a motion of higher rank may be made when a motion of lower rank (the Main Motion) is on the floor.

We will now explore the meaning and purpose of each Subsidiary and Privileged motion in rank order above the lowest ranked motion, which is by classification, a M*ain Motion*.

Subsidiary Motions. Recall that a Subsidiary Motion is a motion affixed to a Main Motion to suppress, change, study, delay, or adopt it. There is one more thing about each of these motions that we need to know. Each motion has certain characteristics that determines how we may treat it. Following are six questions (in rank order), that will determine characteristics of each motion.

1. Interrupt: Can a speaker who has the floor be interrupted to make this motion?
2. Second: Does this motion require a second?
3. Debate: Can this motion be debated?
4. Amend: Can this motion be amended?
5. Vote: What percentage vote does this motion require for adoption?
6. Reconsider: Can this motion be reconsidered after it has been adopted or rejected?

As we study each Subsidiary Motion, you should refer to the rank order list of each motion (Page 58). Above the top are the six characteristics we just described. You will find a check mark or notation if the motion has that characteristic.

Postpone Indefinitely. A *Motion to Postpone Indefinitely* is used to remove the Main Motion from the floor and can be made

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only while the Main Motion is on the floor. It is useful to dispose of a badly chosen motion that the assembly seems unlikely to pass or which may have negative consequences if pursued.



In checking the characteristics chart, you will see that it cannot interrupt a speaker, it requires a second, it is undebatable, it cannot be amended, and it requires a majority vote to adopt; but it can be reconsidered if it has been adopted.

Amend. A *Motion to Amend* is used to change, or modify, the Main Motion in some way. These changes may be made by the following four methods:

1. Adding or inserting
2. Striking-out part of the motion
3. Striking-out part of the motion and inserting other words
4. Substituting a similar motion.

Once the amendment is adopted, the motion as amended becomes the Main Motion.

The characteristics of a *Motion to Amend* can be seen on the rank order list and are as follows.: It cannot interrupt; it requires a second; it is debatable when the motion to which it applies is debatable; an amendment can be amended, but an amendment to an amendment cannot be amended; it requires a majority vote and can be reconsidered.

Commit or Refer. A *Motion to Commit* or *Refer* is used to remove a question (a motion) from consideration for the purpose of study or investigation until it is discussed further.

The characteristics of this motion can be seen on the Rank Order List, but following are special conditions to the characteristics:

1. Debate of this motion can address only the desirability of referral, and to details, such as to whom it is referred, length of time, etc.
2. It can be reconsidered only if the committee, or other body, has not begun consideration of the question.

Postpone to a Certain Time. A Motion to *Postpone to a Certain Time* (or postpone definitely) is used to postpone debate on the pending Main Motion to a better time. The characteristics can be reviewed on the Rank Order Chart, but the following special conditions must be observed:

1. Debate is limited to the merits of the postponement and the time to which it is postponed.
2. Amendments are limited to changing the time to which they are postponed, and whether or not they should be made a special order, which means it would interrupt pending business, to be considered at the time to which it was postponed.
3. A majority vote is required unless it is made a special order, if so, the voting requirement becomes a two-thirds vote.

Limit or Extend Debate. To limit or extend debate requires a motion to set the time limits for length and number of speeches, or to set a future time for closing debate. If an assembly has no stated time provisions for debate, parliamentary rules dictate that each speech shall not exceed 10 minutes, and that a member may speak no more than twice on a given subject during the same day.

The characteristics of motions have special conditions. They may be amended, but any amendment is also undebatable, although

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it may be reconsidered, without debate, at any time before the order limiting time is exhausted. If the order had been partially fulfilled, only the remaining part that has not been carried out may be reconsidered.

Previous Question. A M*otion of Previous Question* is to stop debate and force an immediate vote on the pending motion. This is a very important motion as well as quite interesting. The form of the motion is "I move the Previous Question!" It requires a second, but once it is seconded, all debate must cease, and a vote must be taken immediately. If two thirds of the members vote in the affirmative, thus supporting the motion of Previous Question, then an immediate vote must be taken on the motion that was pending when the Previous Question was called. If the vote on the Previous Question was less than two-thirds, it is defeated, and debate continues on the pending motion.

This is an extremely useful and important motion which should be thoroughly understood and mastered. Check the characteristics of this motion and note special conditions are attached to its characteristics:

1. If an amendment, or other Subsidiary Motions are pending, it will apply only to the immediately pending question, unless qualified. To qualify a Previous Question means that it can stop debate and bring to a vote all, or part of, the pending motions. However, they must be voted on in reverse order than they had been introduced to the floor. Hence, you begin with the last one that had been introduced and proceed to the first.
2. We have been discussing the formal *Motion of Previous Question*, but there is also an informal usage. Perhaps a person in a meeting calls out "Question!" It should be treated as a suggestion that debate stop and a vote be taken on the pending motion. If debate is either lagging or repeating the same issues, the chair may ask, "Are you ready for the question?" If a member desires to continue debate, the informal call for the question is not binding.

Lay on the Table. A *Lay on the Table Motion* (Tabling) is used to postpone the pending question, temporarily, to deal with a more urgent matter; and yet, be enabled to take the motion back from the table either during the same or future meeting. Since this motion takes precedence over all other Subsidiary and Incidental Motions on the floor when it is made, it may be moved until the last vote of a Previous Question Motion has been taken. The effect of this motion is to remove from consideration, for the period of Tabling, all that adheres to the subject being Tabled. If an amendment is Tabled, it carries with it the Main Motion which it proposes to amend. This motion has only two characteristics: it must be seconded, and it requires a majority vote. Further, this motion is often misused as a means to suppress or remove a motion from consideration.

Summation

As motions are the heart of Parliamentary Law, we have examined the Main Motion and all Subsidiary Motions including their definitions, description of purpose and usage, the ranking order and precedence, plus the special characteristics of each. In the next Topic, we will cover the same issues concerning Privileged and Incidental Motions.

LIFE PRINCIPLE:



"The greatest danger to American freedom is a government that ignores the Constitution."

– Thomas Jefferson (Founding Father, 3rd US President)

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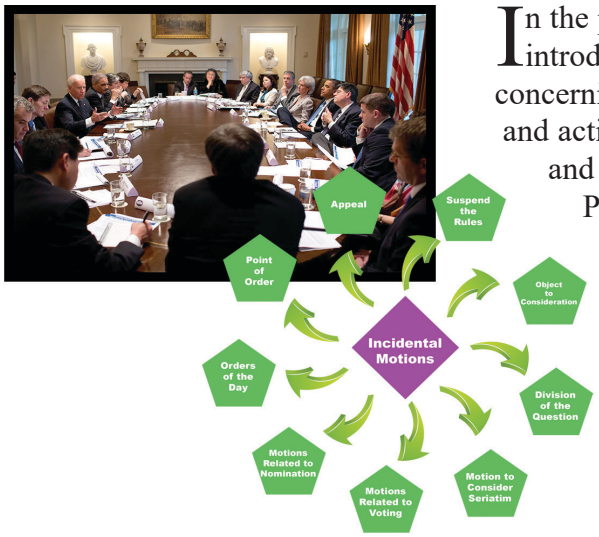
Principles and Precepts of Government

Topic 13
Parliamentary Procedure

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Maintaining a Business Atmosphere



In the previous Topic, we studied Main Motions which introduce ideas and concepts to the assembly; and concerning Subsidiary Motions which shape every decision and action by suppressing, amending, researching, rerouting, and adopting. Here, we will direct our attention to Privileged Motions, which are designed to provide a favorable atmosphere for the deliberative assembly relating to the rights and welfare of its members, and a beneficial environment in which profitable decisions can be formulated. They are also ranked in a continuing order of precedence above the Subsidiary Motions.

Privileged Motions

Orders of the Day. *Orders of the Day*, is a motion to call an assembly back to the schedule of the agenda, or when a special order for a particular time has not been brought to the Floor. It may interrupt a speaker, does not require a second, is not debatable nor amendable, and cannot be reconsidered. It yields to Privileged Motions of higher rank, and to a Motion to Reconsider (which we have not yet studied) that has been scheduled for that time. The Chair can either affirm *the Orders of the Day* and go to the scheduled business or place *the Orders of the Day* before the assembly for a vote. A majority upholds O*rders of the Day*, but a two-thirds vote may set aside the rules so that the pending business may continue.

Question of Privilege. Raising a Question of Privilege is a parliamentary device to protect the rights and privileges of the assembly, or of its individual members. Questions of Privilege relating to the assembly as a whole usually pertain to its organizational existence, the comfort of its members relating to heating, cooling, disturbances, etc., conduct of officers or members, or accuracy of published reports. Questions of Privilege relating to individual members may relate to correction of reports, minutes, or other printed matters concerning the member, or to correct charges circulated about the member.

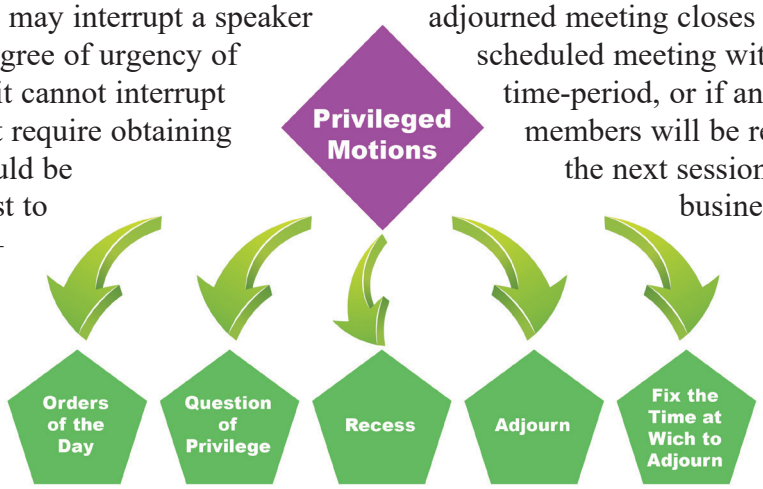
VOCABULARY

***Infraction*:** an infringement or violation
***Indecorum*:** failure to conform to good taste, propriety, or etiquette
***Seriatim*:** to have a report or long motion be considered section by section
Rising vote: an assembly vote whereby voters stand up to be counted

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Whether it may interrupt a speaker depends on the degree of urgency of the Question and it cannot interrupt voting. It does not require obtaining the Floor and should be treated as a request to the Chairperson—needing no second, is not debatable, cannot be amended, and requires no vote. If, however, it is a matter that needs the permission of the assembly as a whole, it may be stated as a motion, and if it does, it has the characteristics of a Main Motion.



Recess. A recess is a short intermission in the business meeting, after which business will immediately be resumed at the point it was interrupted. It is Privileged only when business is pending and is treated as a Main Motion when no business is pending. It has one special condition: it can be amended only as to its length.

Adjourn. A *Motion to Adjourn* is a Privileged Motion designed to close a meeting immediately, made under conditions where there is provision for another meeting of the assembly, and in which no previous time for adjournment has been set by action of the assembly.

Under these conditions a *Motion to Adjourn* is in order even when other business is still pending. It may not interrupt a speaker, it requires a second, it is not debatable, cannot be amended, requires a majority vote, and cannot be reconsidered. The effect of adjournment on unfinished business differs with the type of assembly being adjourned. If the adjournment is for a meeting of a monthly or quarterly regular meeting schedule of a continuing assembly, the unfinished business is placed as the first business item on the next agenda. If the adjourned meeting closes a session with no scheduled meeting within a quarterly time-period, or if any or all of the members will be replaced before the next session, then unfinished business dies.

Fix the Time at Which to Adjourn. The motion to *Fix the Time at Which to Adjourn* is the motion of highest privilege, and is designed to set the time, and sometimes the place, for the next meeting. This motion loses its privilege and is treated as a Main Motion if it is made when no business is pending. It is not in order if provision already exists for another meeting, either the same day or the following day.

Note the characteristics of the motion to *Fix the Time at which to Adjourn*. It cannot interrupt a speaker, it must be seconded, it is not debatable, amendments are limited to changes of time and/or place, requires a majority vote and may be reconsidered.

Incidental Motions

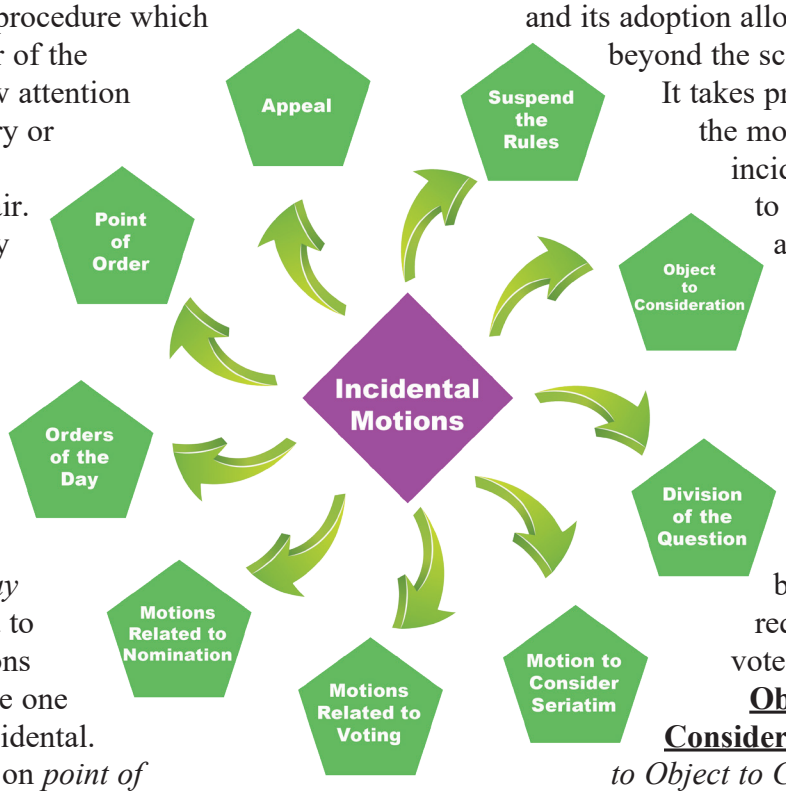
Incidental Motion***s*** deal with questions of procedure arising out of other motions or business of an assembly. Since they deal with the procedure of business, they usually have to be decided before the business can proceed.

Although we refer to incidental motions as a group, each is applicable only in its own type of special circumstances. They have no rank nor assigned order of precedence, but when an Incidental Motion is legitimately incidental to the pending business, it then takes precedence over any other pending motions. As a group, they are usually undebatable and cannot be amended.

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Point of Order. *Point of order* is a parliamentary procedure which allows a member of the assembly to draw attention to a parliamentary or procedural error made by the Chair. It is in order only at the point of ***infraction*** and may interrupt pending business and a speaker. It requires no second and yields only to L*ay on the Table* and to Privileged Motions of higher than the one to which it is incidental. There is no vote on *point of order*, but the Chair must rule on its validity.



Appeal. The *Motion Appeal* is to appeal a decision made by the Chair. It must be made immediately after the Chair has made the questioned ruling, and if seconded requires that the Chair submit his ruling to a vote of the assembly. This motion requires a second; it cannot be amended; it is debatable unless it relates to ***indecorum***, the priority of business, or is made when the immediately pending question is undebatable. During debate on this motion the Chair may speak first, answer questions concerning his ruling, and speak last; but other members can speak only once. The vote is taken to sustain the ruling by the Chair. A majority or tie vote sustains the Chair.

Suspend the Rules. A *Motion to Suspend the Rules* is to set aside a regular rule of order or procedure of the assembly to expedite some action desired by the assembly. It cannot violate the organization's constitution or bylaws, any governmental law, or a fundamental principle of Parliamentary law. The motion must state its full purpose and its adoption allows nothing beyond the scope of the motion. It takes precedence over the motion to which it is incidental but yields to Lay on the Table and to Privileged Motions, with one exception. If it relates to a priority of business, it does not yield to Orders of the Day. It must be seconded and requires a two-thirds vote.

Object to Consideration. The *Motion to Object to Consideration* is to enable the assembly to avoid an undesirable motion. It must be made before debate begins, or before a Subsidiary Motion has been stated by the Chair. It yields to Lay on the Table, all Privileged Motions, and any Incidental Motion arising from the Object to Consideration Motion. Following are the characteristics of this motion:

1. It can interrupt one who has the Floor, but before consideration of the Main Motion has begun.
2. Does not require a second.
3. Cannot be amended.
4. Requires a two-thirds vote.
5. Can be reconsidered if previously defeated.

Division of the Question. The motion *Division of the Question* is designed to divide a question (motion) which, although pertaining to a single subject, has more than one part with each part capable of standing on its own if the other parts of the motion are defeated. It yields to all Subsidiary Motions except Postpone Indefinitely, Amend, Limit or Extend Time of Debate, and to all

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Privileged and applicable Incidental Motions. It must be seconded, may be amended, and requires a majority vote.

If a motion is made containing a series of independent resolutions or, with a series dealing with different subjects, this motion to divide the question is not needed, since those motions can be divided upon the request of a single member.

Motion To Consider *Seriatim*. The word *seriatim* comes from a Latin word meaning *"*in a series or sequence*."* The purpose of this motion is to permit debate and amendments, section by section. After each part has been debated and amended, the question as a whole is opened for amendments before the final vote.

The *Motion to Consider Seriatim* may not interrupt a speaker, requires a second, may be amended, and requires a majority vote. It yields to all Subsidiary Motions except Postpone Indefinitely, Amend, and Limit or Extend Time of Debate, as well as to all Privileged Motions and applicable Incidental Motions.

Motions Related to Voting. Two different motions relate to voting. The first is D*ivision of the Assembly* (house). The purpose of this motion is to substantiate the accuracy of a voice or raised hand vote by a ***rising vote***. It may be called by any member of an assembly immediately after the vote on any motion has been taken, and before any other business has begun. It yields to no motion, it can interrupt, does not require a second, cannot be debated nor amended, does not require a vote, and cannot be reconsidered.

A second type of motion relating to voting is to call for a vote in some other form than a voice or raised hand vote. These motions include voting by counted standing vote, ballot, or roll call. This motion can be made immediately following a non-counted vote and can be moved while an order for previous question is in effect on the votes to which they apply. It yields to Lay on the Table and Privileged Motions, and requires a second, may be amended, requires a majority vote and may be reconsidered.

Motions Relating to Nominations. These motions are for the purpose of directing how nominations are to be made when the bylaws or rules of order do not prescribe a process. They take precedence over the pending election to which they apply, and yield to Lay on the Table and Privileged Motions. Motions Relating to Nominations require a second, may be amended, and require a majority vote. The one exception is that a Motion to Close a Nomination requires a two-thirds vote. These motions may be reconsidered, with the exception of Motions to Close Nominations, and an affirmative vote to reopen nominations.

Requests and Inquires. There are several types of requests or inquires, that a member may seek, such as the following: point of information, parliamentary inquiry, permission to withdraw a motion, permission to read a paper, to be excused from duty, or any other privileges and are usually entertained when no business is pending. These are usually granted by common consent. If an objection is voiced, then a motion can be made to grant a request. These motions require a second, and a majority vote is required.

The request to be excused from duty is debatable and amendable. The request to withdraw a motion can be made before the Chair has stated the Question, but once the Chair has stated the motion, it belongs to the assembly and can be withdrawn only by a majority vote of the assembly.

LIFE PRINCIPLE:



"Whoever would overthrow the liberty of a nation must begin by subduing the freeness of speech."

– Benjamin Franklin (Founding Father)

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RANK AND PRECEDENCE OF MOTIONS

MOTIONS WITH RANK (From Highest to Lowest Rank)	Interrupt	Second	Debate	Amend	Vote	Reconsider
Privileged Motions						
Fix the time to which to adjourn		✔		✔	M	✔
Adjourn		✔			M	
Take a recess		✔		✔	M	
Raise a question of privilege	✔				Chair	
Call for the orders of the day	✔				Chair	
Subsidiary Motions (When Main Motion is Pending)						
Lay on the table		✔			M	
Previous question		✔			2/3	✔
Limit or extend debate		✔		✔	2/3	✔
Postone definitely		✔	✔	✔	M	✔
Commit or refer		✔	✔	✔	M	✔
Amend		✔	✔	✔	M	✔
Postpone indefinitely		✔	✔		M	✔
Main motion		✔	✔	✔	M	✔
Motions That Readdress Business (Same Rank as Main Motion)						
Take from the table		✔			M	
Rescind or amend something previously adopted		✔	✔	✔	*	✔
Discharge a committee		✔	✔	✔	M	✔
Reconsider		✔	✔		M	

NON-RANKING INCIDENTIAL MOTIONS (Procedural)						
Appeal the decision of the chair	✔	✔	✔		M	✔
Consider Seriatim		✔		✔	M	
Division of the question		✔		✔	M	
Division of the assembly	✔				None	
Objection to Consideration					2/3	✔
Parliamentary Inquiry	✔				None	
Point of Information	✔				None	
Point of Order	✔				Chair	
Request to withdraw a motion	✔				M	**
Suspend the rules		✔			2/3	

* Majority if previous notice, otherwise 2/3

**Only negative vote may be reconsidered

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Principles and Precepts of Government

Topic 14
Parliamentary Procedure

Chapter 3

Section Three
Topics 11-15

Taking a Second Look to Improve Business



Before proceeding to the final kind of motions, a review of those we have previously studied is in order—what they are and what they do. ***Main Motions*** have the lowest rank yet introduce every business item to a meeting. ***Subsidiary Motions*** work to suppress, change, study, delay, or adopt Main Motions. They have individual rank, which tells when they may be used, and individual characteristics that determine what you can do *with* them and what you can do *to* them. ***Privileged Motions*** are operating systems to make the assembly work well to get business efficiently accomplished. They also have rank and individual characteristics. ***Incidental Motions*** are only incidental to the business but deal with the procedural methodology to keep business moving along. The final motions in this Topic constitute ways to upgrade something already done to make it better.

VOCABULARY

Main motions: motions to introduce business.
Subsidiary motions: motions attached to main motions to annul, change, study, delay, or adopt main motions.
Privileged motions: motions that are granted precedence over ordinary business because it concerns matters of great importance or urgency
Incidental motions: motions which address procedural methodology and occur by chance or without intention: coincide with business.
Motions to readdress: motions to bring a question that has previously been acted upon, back to the floor
Taxonomy: an orderly classification of data, organisms, etc.
Tellers: persons appointed to count ballots

Motions that Readdress Business

Motions to Readdress business are for the purpose of bringing a question (that was previously acted upon) back to the Floor of the assembly.

Take from the Table. The purpose of the *Motion to Take From the Table* is to bring before the assembly a motion, or series of adhering motions, that previously had been Tabled. This motion has the same rank as a Main Motion. It is not debatable and cannot be amended or reconsidered. It is in order in the same session in which the matter was Laid on the Table, or in the next regular business session, provided that no more than three months have elapsed. Otherwise, the Tabled motions die.

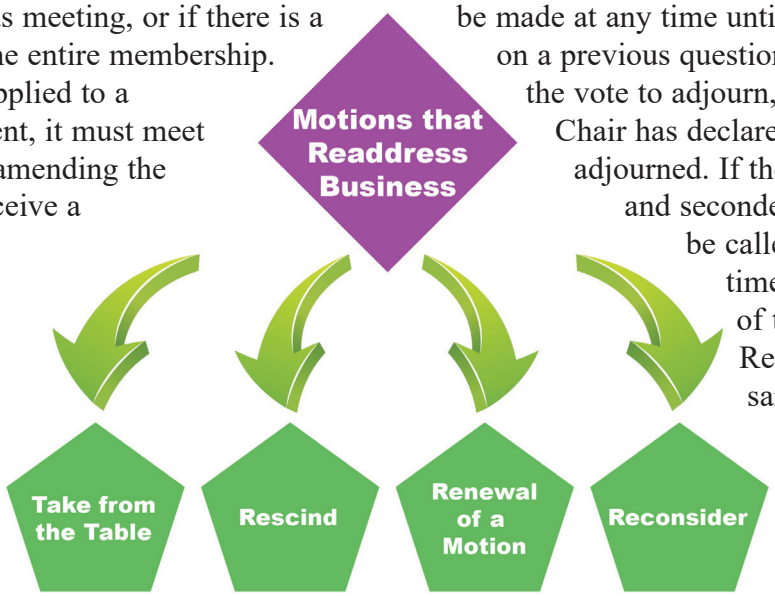
Rescind. The *Motion to Rescind* is to strike out, or repeal or annul, part or all of a motion previously adopted. If the desire is to change or modify what has been adopted, then a variation of this motion is to amend something previously adopted.

This motion has the same rank as a Main Motion; it must be seconded, it is debatable, it can be amended and only a negative vote on this motion can be reconsidered. A two-thirds vote is required to rescind, unless a complete notice of intent has been

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stated in a previous meeting, or if there is a majority vote of the entire membership. If this motion is applied to a governing document, it must meet all provisions for amending the documents and receive a two-thirds vote.



Renewal of a Motion. If a motion has been disposed of by an assembly, without being adopted, it is a Renewed Motion. No motion can be renewed during the same session in which it was considered, unless circumstances have changed sufficiently to make the question substantially different. Any motion that is still applicable can be renewed at a later session unless it was Tabled, referred to a committee, or in some other way not fully disposed by the assembly. When renewed, it becomes a new Main Motion.

Reconsider. The purpose of the *Motion to Reconsider* is to bring back to the assembly a question that has been previously voted on. To protect against the misuse of this motion, it can be made only by a member who voted with the prevailing side, meaning that the member voted "aye" if the motion was adopted, or "no" if the motion lost.

The characteristics of this motion are that it is debatable if the motion proposed to be reconsidered was debatable; it is not amendable, it requires a majority vote, and cannot be reconsidered except by unanimous consent. It is also true that no question can be reconsidered twice unless it was materially amended during its first reconsideration. The Motion to Reconsider can be made at any time and takes precedence over any other motion but cannot interrupt a speaker. It can be made at any time until a vote is begun on a previous question, and after the vote to adjourn, but before the Chair has declared the meeting adjourned. If the motion is made and seconded, it can then be called at another time. Consideration of the Motion to Reconsider has the same rank as that of the motion to be reconsidered and outranks any new motion of equal rank until such a motion has been stated by the Chair. Any member may call up consideration of a Motion to Reconsider when it is appropriate, and since it was seconded when it was made, no second is required for calling it up. If the Motion to Reconsider is make when no other motion is pending, it may be considered at any time.

The Taxonomy of Parliamentary Law

Having completed the classification of *Motions*, we move on to ***taxonomy,*** to help understand what we have been doing and how best to use the information. (The term is most prevalent in biology as the science of naming, describing, and classifying organisms).

In developing a taxonomy of any discipline, common words are often given different meanings in relation to the field being studied. For example, 'question' usually refers to a request for information, but in parliamentary law *Question* is a word we substitute for *Motion*. (Technically, a motion becomes a Question once it has been stated by the Chair, but it often is used interchangeably with motion.) Or take the word *floor,* which usually refers to the lower surface of a room on which to walk; but in

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parliamentary terms, *Floor* means the right of a person to address the assembly.

Taxonomy of a Business Meeting. The Chairperson convenes or *calls the meeting to order*. He then initiates a *roll call* of members, who are noted as present or absent. The Chairperson announces whether a *quorum* is present. Next, the Secretary, or Clerk, is requested to read the *Minutes*—the record of business conducted at the previous meeting. If it is appropriate to the business of the meeting, the Treasurer provides a *financial report*. Next, a *proposed agenda* is presented, and members are asked to offer *amendments* to it before it is *adopted*. The agenda is the schedule of events that the assembly will consider. Amending the agenda means the members may add new or strike-out items on the proposed agenda. Adoption of the agenda is a *vote on the amended agenda* with a majority of members providing an affirmative vote.

The first item on the agenda is a *report from the Standing Committee* on Rules, which is a committee named in the Bylaws and elected at the annual meeting of the assembly. Next, comes a *report from the Special Committee*, appointed to perform special tasks and report to the assembly. The meeting then proceeds to *consider each business item on the agenda*.

When business is concluded, the Chair asks, "Is there *any other business*?" A member may stand to request permission to make *announcements*. Permission is granted by common consent, assuming there are no objections. The announcements are read, and *ensuing questions may be clarified in discussion*. Another member may rise to make a *Motion to Adjourn*. If the motion is adopted, the Chair declares "the meeting is adjourned".



Taxonomy of Nominations and Elections. Nominating is the process of selecting candidates for elections. The Bylaws of an assembly usually state the details of how both the nominating and election are to be carried out. If neither the Bylaws nor rules of order provide election details, the normal parliamentary procedures are as follows.

Nominations may be *made from the Floor* in a regular or special business meeting. The Chair announces that nominations are open for a particular office. Usually, the nominator does not need to obtain permission, but simply stands and calls out a name. Nominations do not require a second. In smaller assemblies the nominator may call out his nominee while seated. The name is usually written on a white board or projected on a screen. Nominations for each office continue until a slate of candidates is complete. Nominations are closed either by the Chair declaring nominations closed without objection, or by a regular motion from the Floor that nominations be closed, which requires a two-thirds vote.

The second method for obtaining nominations is to have a *nominating committee*, which makes nominations previous to the business meeting and provides a report of the nominating slate to the meeting. It is usual for the committee to provide just one candidate for each office unless rules of order of the assembly state otherwise. When the report is submitted to the meeting, the Floor is then opened for nominations to be added to that slate from the floor.

The third method for obtaining nominations is by a *nominating ballot*. This is usually sent to all members by mail in advance of the meeting, and either brought

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to the meeting or collected and tabulated previous to the meeting. All members have a right to place a name in nomination for each office, and all names are placed in nomination.

No matter which method of collecting nominees is used, the process of election may be accomplished by any of the following methods. In all of the election methods, there must be a time determined within the Orders of the Day.

Election by ballot is the usual format for most assemblies, whereby the slate of candidate's names for all of the offices are prepared and printed. The Chair opens the election by passing the ballots to all members, with clear instructions as to completion. After providing sufficient time, the election is closed, and the ballots are collected and given to the ***Tellers*** to count, who in turn report which candidates were elected.

A second method of election, often used in large assemblies, is called by the Latin phrase *viva voce*, meaning "by living voice," The procedure is by voice vote in the same manner as motions are adopted. The Chair states the office and then presents the name of each candidate. Candidates receiving a majority vote are declared elected.

Taxonomy of Voting on Motions. At some point of debating the pros and cons of a motion, the Chair may ask: "Are you ready for the Question?" A member may call Q*uestion* without rising. Another member may rise and continue debate. When finished, the person who had called "Question" may rise and call out, "Mr. Chairman," the Chairman will respond, and the member states: "I move the Previous Question." Another member may call out "Second". The Chair then states, "The Previous Question has been moved", and explains that attendees will be asked to vote as to whether they desire to end debate and vote on the Main Motion. The Chair reminds the assembly that a two-thirds vote is required on the P*revious Question.* The vote is taken, and the motion adopted. The Chair states: "The question of Previous Question has been affirmed and we will move immediately to take a vote on the pending motion."

The Chair has three choices as to how to place the vote. (1) He may ask for a *voice vote* with those in favor of the motion to vote by saying "aye," and then those who were opposed saying "no" or "nay." (2) He may (in smaller meetings) present the Question, and then ask for a *show of hands* for those in favor, followed by a show of hands for those opposed. (3) He, or any member, may ask for a *rising vote* calling on those in favor to stand, followed by those opposed to stand. If this is done by a member, he may request it by simply calling out "division" or "division of the House". This option may also be used when a voice vote is difficult to hear the difference between the two votes.

There are three other forms for voting: a *counted vote*, a *ballot vote*, and a *roll call vote*. These may be by Order of Bylaws or Rules of Order, or they may be requested by a formal motion, and an affirmative majority vote by the assembly. There is also a common consent ruling which may be used to save time when the subject does not appear to have opposition. The Chair simply places the vote by common consent, and if no one opposes it, he may declare it adopted. However, if just one member opposes, the matter must be put to one of the above forms of voting.

LIFE PRINCIPLE:



"A people that values its privileges above its principles soon loses both."

– Dwight D. Eisenhower
(34th US President)

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Principles and Precepts of Government

Topic 15
Parliamentary Procedure

Chapter 3

Section Three
Topics 11-15

The Art of Chairing a Deliberative Assembly



In Topics 11-15, we will have covered details needed to preside successfully over a deliberative assembly. Recall the chart on page 58, which listed all the parliamentary motions with their characteristics and rank. With a glance, a chairman is able to know his next move. Programs are also available for his laptop, allowing instant access to details for every parliamentary action.

Mastering the Art form of Parliamentary Law

The focus of this Topic is familiarization with the rules of order that you have studied and depiction of their uses in a narration of a business meeting from the point of view of the chairperson. As you read, place yourself in the position of the Chair and try to think what he or she should do in each situation. The meeting that you will 'attend, and be seated beside the Chair', is the monthly meeting of the Madison Charter School's Board of Directors. The Chair is George Potter, and the Secretary Karl Jefferson.

Mr. Potter has just called the meeting to order, "Karl" please call the roll." The Secretary proceeds to call the names of each member and they, in turn, respond, "present." Upon completion, he turns to the Chair and states: "Karen and Allen are absent, leaving 10 members present along with two ***ex officio*** members, Superintendent James Kennedy and Principal Shelly Jordan."

"Thank you, Karl, we do have a quorum. "Will you read the minutes of the last meeting?"

"Mr. Chairman," Secretary responds, "The minutes were circulated following the last meeting, and I move that the minutes, as circulated, be approved."

"Thank you, Karl. Are there any additions or corrections? Hearing none, without objection, the minutes are adopted as circulated. Now, let's turn our attention to the agenda. I place before you, on the first page of the packet on your desk, a proposed agenda worked out by our Secretary, Karl; our Treasurer, Joan Collins; our Vice-Chairman, Vincent Meese; and myself. There are

VOCABULARY

Ex officio: a member of a body who is part of it by virtue of his holding another office, position or status; he can participate in parliamentary procedures except for voting
Parliamentary inquiry: motions to obtain information or permission.
Gaveled: to bring a meeting or courtroom to order by use of a gavel

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only two items of new business: (1) Request for equipment in the business office, (2) A request from the Social Studies Department to add a course in Greek Mythology next year. Do you wish to add to the agenda?"

"Mr. Chairman!"

"Yes, Mrs. Fellman."

"I would like to discuss the date of April 22 for the next meeting of the PTA."

"Thank you, are there other items? Hearing none are you ready to adopt this agenda?" (A motion is made, and the agenda is adopted by voice vote.) "Now, Superintendent Kennedy, please give us the background information to this request for new equipment in the business office."

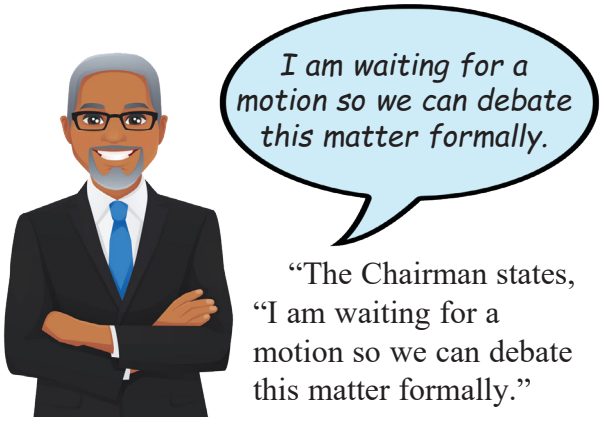
James Kennedy stands and walks to the front, facing the Board members, and glancing toward George Potter, says, "Mr. Chairman, and members of the Board, I am here to present an urgent request for a new computer for Darlene Kirk, our Business Manager. Her computer, which is about eight years old and still running Windows Vista, has crashed and is not responding to resuscitation attempts. One problem is that we neglected to place this in the budget, so we need authorization to purchase it."

"Mr. Chairman," Ted called out, "May I ask a question?"

"Yes, Ted, go ahead."

"Superintendent Kennedy, where will we get the money to pay for this, if it is not in the budget?"

The Superintendent smiles, "I was about to tell you that the State has just recalculated our funding for the year and sent us a little over $25,000 of supplemental funds. I would suggest, since we are currently on target with our budgetary spending, that we fund this computer and its necessary programs from this source." Several other minor questions asked and answered and the Superintendent returns to his seat.

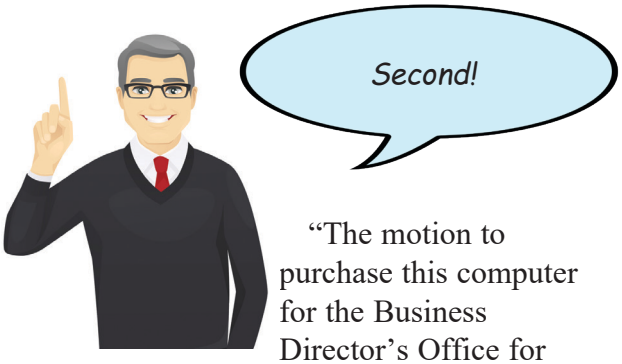


"The Chairman states, "I am waiting for a motion so we can debate this matter formally."



"Yes, Ted."

"Mr. Chairman, I move that we approve the purchase of this computer and programs as described on the memo in our folders, for the purchase price of $1685 dollars." "Second," Karl calls out.



"The motion to purchase this computer for the Business Director's Office for $1685 is before you." (The Chair responds to a raised hand.) "Yes, Principal Jordan, do you have some information, or a question?"

"Yes, it just occurred to me that Darlene's secretary, Sarah, is using the same age computer and it also is running Vista. These two computers must be compatible one with another in the network, so I believe there will be a continued problem."

"Is this correct James?" asks the Chairman. "Yes," the Superintendent

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responds. While the Principle was speaking, I texted Darlene and she confirmed that Sarah's computer was over 8 years old and running Vista."

"Mr. Chairman!"

"Yes, Ted."

"Whereas we will face a compatibility problem by this purchase; and whereas, we must have a Business Office functioning properly: I move that we amend this motion by adding 'and that we purchase a computer and appropriate programs for the secretary's office for a cost not to exceed $1500'." "I second that." Tom calls out.

The Chair states, "We have an amendment to the motions before us, and if adopted, the Main Motion would read: 'I move that we approve the purchase of this computer and programs as described on the memo in our folders, for the purchase price of $1685 dollars; and that we purchase a similar computer and appropriate programs for the office of the Secretary to the Business Director for a cost not to exceed $1500.'"

"Mr. Chairman," it was Marlene's voice, "I am a bit uneasy about two things, I think we should specify that these computers are the same brand and I feel $1500 is a little low. Can I amend this amendment?"

"Yes, Marlene, you can amend an amendment, but let me warn you in advance, you cannot amend an amendment to an amendment. Would you like to make that amendment?"

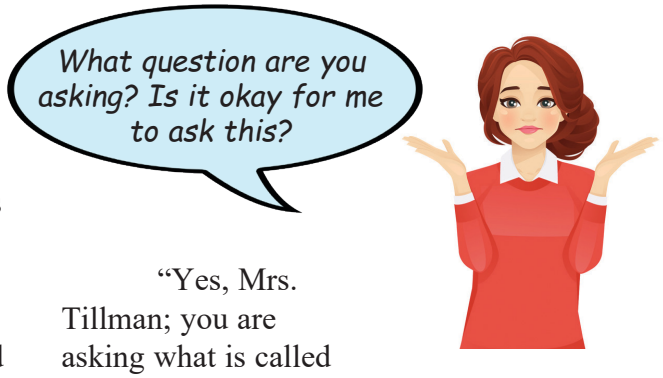
"Yes, Sir: I move to amend the amendment by adding, after the word computer, 'of the same brand as the Business Director's computer;' I would like to strike the word appropriate and insert in its place 'compatible programs' and strike $1500 and replace it with $1700. The amendment would then read: that we purchase a computer of the same brand as the Business Director's computer, for the Business Secretary's office and compatible programs for a cost of no more than $1700.'" The Chair responds, "Amendment to the amendment is appropriately adopted."

Various other questions are asked and discussed for several minutes. "Mr. Chairman, I call for the Question," Ted calls out, but the discussion continues. "Mr. Chairman," Ted spoke forcefully, I move the Previous Question!" "Second," Karl states.

"The Motion of Previous Question has been called," the chairman speaks, "Which means that I must stop this friendly chatter and take a vote on the amendment immediately. First, we will vote on the Previous Question, and we must have a two-thirds vote." The vote is taken, and the motion adopted. The Chairman then places the vote on the amendment, and it is adopted.



The Chairman asks, "Are you ready for the Question?" "Mr. Chairman, I am just a little confused, you just took a vote on the Previous Question, what was that; and now you ask whether we are ready for the question—*what question are you asking? Is it okay for me to ask this?"*



"Yes, Mrs. Tillman; you are asking what is called a ***parliamentary inquiry***, and I admit I was a little careless with my terms. The *Previous Question* is a term which means that a debate is being closed and it forces a vote on the pending motion. It forces the assembly to

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take an action and that is why it requires a two-thirds vote. Now, when I ask, 'are you ready for the Question', I am simply asking whether you are prepared to vote on the Pending Motion that is before us. The term *Question* and the term *Motion* mean the same thing. The Question or Motion before us is the motion as amended, and I am asking are we ready to vote on it. Does that clarify what we are doing Mrs. Tillman." She responds in the affirmative, and the Chair continues and places the motion as amended before the meeting. It is adopted by a unanimous vote.

"The second item on our agenda is the request to add a course in Greek Mythology to our social studies curriculum. Who will place this motion before us?"

"Mr. Chairman", Ted spoke, "Although I am not certain yet whether I favor this action or not, I will move that we add a course in Greek Mythology to our social studies curriculum for next year, just to get it before us." "I second the motion for the same purpose," Frank spoke out.

"The motion is before us."

"Mr. Chairman, I rise to a Personal Privilege: We have been sitting quite a while, and I really didn't get my morning coffee, I would like to move that we take a 15-minute recess before we begin debate on this question."

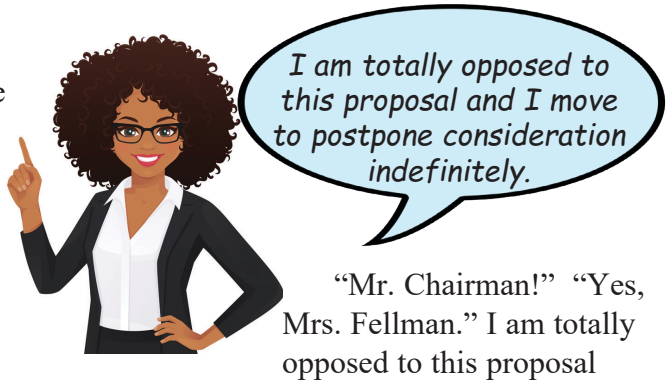
"Jake, you are absolutely right, by common consent we will take a 15-minute break and reconvene at 10:47. Hearing no objection the meeting is in recess." At 10:48 the Chairman ***gavels*** the meeting back to order.

"Mr. Chairman!" "Yes, Ted, you may have the Floor."

"Thank you, and I wish to speak to the Question and then make a motion. I have many questions: How does this course contribute to our stated educational mission? Is this course required by the state or accreditation agency? Do we have a teacher who is qualified to teach this course and on-and-on. Furthermore, I spoke with both the Principal and Superintendent during our break, and I find that this proposal came directly from the Social Studies Division, but the Academic Committee has not studied it. Therefore, I move that we refer this proposal to the Academic Committee and request they study it carefully concerning its compatibility to our mission, how it would contribute to the various majors, the probable student interest, the cost of implementation, and report back to the Board for the May meeting."

"Is there a second?" "Yes, I will second it," was a response from another Board member.

The Chairman continues, "The Motion to Refer this proposal to the Academic Committee for research with a report coming back to the Board for the May meeting is before us. What is your pleasure?"



"Mr. Chairman!" "Yes, Mrs. Fellman." I am totally opposed to this proposal and I move that we postpone consideration indefinitely."



"Mrs. Fellman you are out of order."

"But George, why am I out of order, I'm just asking a question. I think you called it a parliamentary inquiry a little while ago. Why did you call me out of order?"

"Oh, Mrs. Fellman, I appologize. I did not mean that you were out of order, I meant

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to state that the motion you made is out of order. You see, all motions that are attached to a Main Motion have a certain rank, which means that if your motion is of lower rank than the motion that is on the Floor, it cannot be made while that higher rank motion is being discussed. The Motion to Refer has a higher rank than the Motion to Postpone without a certain time to which to postpone. That's all I meant when I said your motion was not in order. Is that clear?" Mrs. Fellman agrees that it is clear, and the Chair moves on to calling for the vote and adopting the Motion to Refer.

The Chairman says, "We will now take up the third agenda Item: We are asked to place the date of April 22 on the school calendar as a meeting of the PTA. Mrs. Fellman, I believe you brought this to our attention. Do you wish to make a motion?"

"Yes, Mr. Potter:" I move that the date of April 22 be placed on the calendar as the PTA meeting." The motion is seconded, and the Chair places it before the members. As a member was rising to address the chair, Mrs. Fellmen began crying "Mr. Potter, Mr. Chairman...."

"Yes, Mrs. Fellman, what is it..." Oh, I hate to tell you that I just received a text on my phone telling me that we have a conflict. April 22 is the date for the organizational meeting of Little League and most of the fathers will be going to that meeting with their boys. We will have to get a different day for PTA. Can I withdraw my motion?"

"Well, Mrs Fellman we have another 'out of order' issue. You see, once there is a second and I have placed the motion before the members, it is no longer your motion. However, let me suggest how we can accomplish this withdrawal. I am going to ask the members by common consent to withdraw this motion. Now if even one person objects this will not work. So let's try it. By common consent this body grants withdrawal of the motion that Mrs. Fellman made and now requests to be withdrawn. Hearing no objection, the motion is withdrawn. I believe this completes our agenda."

From the floor three members call out. "I move to adjourn!"

Mr. Potter responds, "I have heard a motion to adjourn and it is seconded, All in favor—" Mr. Chairman," Karl was rising as he spoke: "I wish to move that our next meeting be held on April 3 at 10 o'clock a.m."

The Chair responds; "Just so you will know what our secretary is doing, He has moved the motion which is called to *Fix the Time at Which to Adjourn*. It is of highest rank, so it takes precedence over the Motion to Adjourn. If someone will second this motion, we will adopt it, and then go back and vote on the Motion to Adjourn." (These steps are taken, and the meeting is adjourned.)

Summation

This hypothetical meeting included many of the motions and procedures we have been studying and were used to demonstrate the real-life issues that they involve. Notice how the Chairman kept the meeting moving, how he was ready to teach correct Parliamentary Law to the members, and how he explained why each thing was done by Rules of Order. These are the rules and procedures enacted every day in Congress, State Legislatures, and countless other business meetings.

LIFE PRINCIPLE:



"A nation of well informed men... taught to know and prize (their God given rights) cannot be enslaved. It is in the region of ignorance that tyranny begins."

– Benjamin Franklin (Founding Father)

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