



# *Exploring Government*

Ray Notgrass



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Ray Notgrass

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*Inside the North Carolina State Capitol Senate Chamber*

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*Columbia County Courthouse in St. Helens, Oregon*

## Introduction

*We must consider that we shall be as a city upon a hill,  
the eyes of all people are upon us.*

—John Winthrop,  
*from his sermon “A Model of Christian Charity,” given in 1630  
to those who were about to establish the Massachusetts Bay colony*

When Governor John Winthrop led his small band of settlers to the shores of America, he understood that the entire world would be watching the outcome of this experiment in the wilderness. As it has turned out, it was not just the people of that generation who watched. For almost four hundred years, the world has studied the American experiment in governing. In many ways the experiment has been a source of inspiration for learning how humans can live together in a civil society in peace and harmony.

The purpose of *Exploring Government* is to educate and inspire you concerning the government of the United States as well as the governments of the individual states and our local communities. We place special emphasis on the Biblical basis for government and on helping you appreciate the U.S. Constitution. We hope that you will come to understand the background, purpose, and operation of American government on all levels. We also hope that you will remain prayerful, thoughtful,

informed, and involved with regard to government throughout your life. We pray that you will be a better Christian and a better citizen as a result of studying this material.

The curriculum has three parts: *Exploring Government*, a 75-lesson text; *We Hold These Truths*, a volume of historic documents, essays, and speeches that you should read in conjunction with the lessons; and an optional Student Review Pack that has review questions over the lessons and readings, quizzes, and exams. By working through the entire curriculum, we believe that you will gain a good understanding of the purpose and function of government.

For this edition we have added the option of a half-credit for English/composition as well. A student can read four books related to government, read the literary analysis in the *Student Review*, and answer questions about the books. A student should also write an essay or complete another creative project every week.



We include historical information on government before the founding of the United States in 1776 and the formulation of the Constitution in 1787. Our purpose in doing this is to help you understand not only what government does but why our government came to be the way it is and why it does what it does. Ideas and events have causes. The American system did not just appear, nor was it inevitable. We have to understand the *why* in order to understand *what* and *how*. When you understand why things happen (1) you learn something about how events and ideas influence each other; (2) you are better able to discuss the subject with others, some of whom may not share your assumptions; and (3) you will be better able to bring about changes that need to take place.

Government is not the same as politics. Politics involve power: getting and maintaining power in government (which includes the election process), and influencing the actions and policies of government. Politics form governments, and people in government can be and often are political (concerned about power) in their actions. Government officials often make decisions based on the political impact that those decisions will have; namely, how popular those decisions will be with voters, which can affect their power. Government officials do not always make decisions by determining what is the best thing to do.

Government, on the other hand, involves defending the nation, building roads, operating schools, collecting taxes, and other practical activities. Since politics and government are two different functions, this explains why sometimes politicians who win elections and acquire power aren't good at actually governing and why the best government workers are not necessarily concerned about politics.

We need to understand the difference between what is and what should be. The Bible sets forth what government should be. The U.S. Constitution, state constitutions, and local laws have established how things should operate in our country. However, centuries of history show us that people in government do not always do what they should.

For example, for many years African Americans did not have the equal protection under the law that the Constitution guarantees. What existed was not what should have existed. Also, the federal government has in recent decades taken oversight of areas that were originally reserved to the states. It is not what should be, but nonetheless it is what is happening. When we describe what government does today, we do not mean to say that everything it does is right and what it should be doing. We try to point out the differences we see between what the founding documents say and what government actually does today.

God, the Creator of government, has given us a wonderful system of government in our country. The American system of government has provided the most personal freedom and the greatest economic opportunity for the most people of any government in history. The government that God gave to Israel in the Law of Moses was a wonderful system, but the Israelites did not carry it out well nor did it affect as many people as the American system has. Our government deserves our respect, our involvement, and our prayers.

At the same time, our governments (local, state, and national) have not always been the bright and shining city upon a hill that they should have been. Sometimes the people involved in government have done things that were embarrassing and wrong. When people in government commit wrongs, Americans and people in other countries can see it. We should help our country to be an example of truth, love, righteousness, and compassion.

I want to express my thanks to my wife, Charlene, who was the project manager for revising the curriculum; to our daughter Mary Evelyn, for her excellent graphic design of the covers and for her layout work with the text; to our daughter Bethany, for her editing work and for choosing the literature; to our son John, who developed (with Bethany's help) the new edition of *We Hold These Truths*; and to our son-in-law Nate, for his work on the *Student Review* material. I appreciate my family's support, encouragement, and assistance for this project.

Those of us who follow the Lord are citizens of the kingdom of God even as we live as citizens of the country in which He has placed us. God has already assured us that His kingdom will win in the end, regardless of the form that human governments take. May God bless us in doing good for His glory.

Ray Notgrass  
Gainesboro, Tennessee  
June 2016  
ray@notgrass.com

### Dedication

I dedicate this curriculum to my sweet wife and life companion, Charlene.

God brought us together when we were both work-study students in the Political Science Department at college.

Your study and work in Urban Planning gave us both a sense of what government is and what it should be.

Your heart for God has helped us both see what people should be able to expect from leaders in government and from governmental policies.

We have seen people and events in government that have inspired us and that have discouraged us. We have learned not to put our trust in princes.

You have selflessly served our family and others as we have worked on this curriculum. I especially appreciate your work in laying out the documents for the original edition of *We Hold These Truths*, your editing and improving the lessons in this edition, and working with Nate on the *Student Review*, the *Quiz and Exam Book*, and the *Answer Key*. I could not have done this without you. This is a much better publication because of your involvement. You are as much a part of it as I am.

*Many daughters have done nobly,  
but you excel them all.  
Proverbs 31:29*





*Inside the Cochise County Courthouse in Tombstone, Arizona*

## How to Use This Curriculum

*Exploring Government* is a one-semester high school course that provides a half-year credit in government. Many states consider that to be one-half credit, but in states that assign two credits for each full-year of high school work, the course counts for one credit. With 75 lessons, you can complete the material in one semester even with field trips, testing days, and other activities.

**Assignments.** The curriculum clearly outlines what you are to do for each unit and for each daily lesson. We have put each day's assignments at the end of each lesson.

**English Credit.** The curriculum offers a half-credit in English as well, if you read the books and literary analyses in the *Student Review*, answer the questions on each book, and complete a project assignment for each unit. The curriculum will tell you when to begin a book and when you should finish it. It will also give you a choice of projects for each unit.

**Readings in the Bible and in *We Hold These Truths*.** The assignments at the end of lessons include the readings in *We Hold These Truths*. During Unit 1, you will be assigned readings from the Bible which

you can read from any translation. During Unit 4 through 9, while you are studying the Constitution, you will be assigned sections of the Constitution to read at certain times while you are reading an individual lesson. The Constitution begins on page 58 in *We Hold These Truths*.

**Reading Your State Constitution.** Unit 10 teaches about state government. During this unit, you will read all or portions of your own state Constitution. You can find a copy of it at [www.notgrass.com/egov](http://www.notgrass.com/egov).

**Student Review Pack.** The optional *Student Review Pack* provides review questions over the lessons; a quiz at the end of each unit; and three government exams, each of which covers five units. It also includes literary analysis of each of the four titles we suggest that students read along with this course and questions over the books. The pack includes an answer key to all of these exercises.

You should allow one hour per day to read a lesson and any relevant documents and answer the review questions. You will need more time to complete the writing assignment, read the literature, and take the unit quizzes and the three exams.



*President Calvin Coolidge with Native Americans Outside the White House, 1927*

## Assigned Literature

Units 1-4	<i>Mornings on Horseback</i>	David McCullough
Units 5-6	<i>The Autobiography of Calvin Coolidge</i>	Calvin Coolidge
Unit 7-11	<i>Born Again</i>	Charles Colson
Units 12-15	<i>God and Ronald Reagan</i>	Paul Kengor





## Part 2: The United States Constitution

# 4

### Article 1: Congress (Part 1)

- Lesson 16 - To Serve in the House
- Lesson 17 - Choosing the Senate
- Lesson 18 - The Congress Shall Assemble
- Lesson 19 - Who They Are and What They Do
- Lesson 20 - Committee and Political Party Organization

*Statue of George Washington Beneath the U.S. Capitol Dome, Washington, D.C.*

## Introduction

The Constitution begins by establishing Congress. The methods for choosing members of Congress have changed over the years. Congress has developed its own rules and traditions by which it operates. It is helpful to understand who the members of Congress are, what Congress does, and how it does it. The committee system and political party alignments are crucial to an understanding of how Congress works—and sometimes why it doesn't work.

## Books Used

*We Hold These Truths*

*Mornings on Horseback* by David McCullough

## Project (choose one)

1. Write 300 to 500 words on one of the following topics:
  - Imagine that you are serving in the United States House of Representatives. Compose a persuasive speech to deliver to your colleagues on a cause about which you are passionate.
  - Do you believe that elected positions should have term limits? Give examples of the limits you believe should apply to various offices and give reasons for your opinions.
2. Watch at least one hour of C-SPAN programming with one or both of your parents and discuss what you learned.
3. Choose one of your relatives that you think would make a good congressman or congresswoman. Design a campaign brochure for him or her, including photos, positions, and campaign promises.

## Special Assignment

In addition to the other readings in *We Hold These Truths*, in Units 4-9 students will also read the U.S. Constitution. Portions are interspersed in the daily lessons. The U.S. Constitution begins on page 58 in *We Hold These Truths*.





*Sign Outside the United States Capitol in Washington, D.C.*

## Lesson 16

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# To Serve in the House

*You can not possibly have a broader basis for any government than that which includes all the people, with all their rights in their hands, and with an equal power to maintain their rights.*

*—William Lloyd Garrison (1889)*

Read Sections 1 and 2 of Article I of the U.S. Constitution in *We Hold These Truths*, pages 58-59, before you study this lesson.

Article I, the first main section of the Constitution after the Preamble, is the longest section of the document. The framers expected Congress, as the branch of the federal government closest to and most representative of the people, to be the most important and most powerful part of the new national government. As a result, they outlined in great detail the duties, expectations, and limitations of Congress.

### The Bicameral Congress

---

The Constitution vests the legislative or lawmaking power of the national government in Congress. Congress has two parts, the House of Representatives and the Senate. It is therefore bicameral. A legislative branch made up of two bodies or houses is called bicameral, from the Latin meaning two chambers.

Congress has two houses for several reasons. The first is tradition. The British Parliament and most

colonial governments set the precedent by having two houses. Only Pennsylvania and Georgia had unicameral legislatures before the United States adopted the Constitution. Both states switched to the two-house approach by 1790. Today Nebraska is the only state in the country that has one legislative house.

Second, the presence of the House and Senate reflects the political realities of the early national period. The two bodies gave representation both to the people as a whole and to the states. The support of both was critical for the success of the new government.

Third, bicameralism enables the two bodies to act as a check on each other as they consider legislation. Both houses of Congress are less likely to take impulsive action in the heat of the moment than a single legislative body might.

### Voting for and Serving as a Member of the House of Representatives

---

The more numerous of the two houses of Congress is the House of Representatives. Its members are also called congressmen, or members of

the House. In the original Constitution, the House was the only element of the national government that the people elected directly.

Everyone who can vote for the most numerous branch of a state's legislature can vote for that state's representatives in the House. This qualification was significant in the early days of the country, when states placed more limits on voting rights; but today almost every citizen who is eighteen or older can vote in the United States. The Constitution uses the term electors to describe voters.

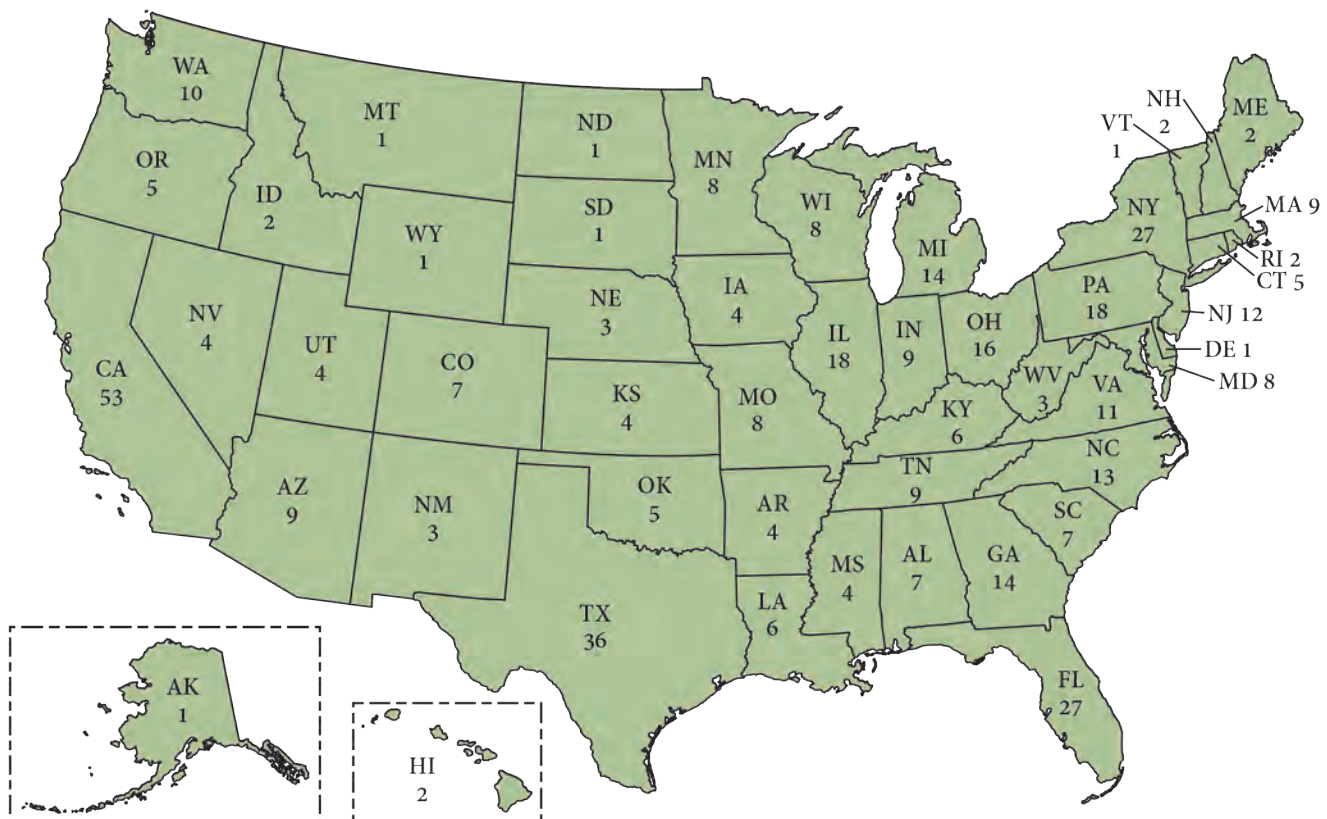
To serve as a member of the House, a person must be at least 25 years old and have been a citizen for seven years. The age provision is fairly young and probably reflects the relative youthfulness of the delegates to the Constitutional Convention. In actual practice, congressmen in their twenties have been rare. A representative does not have to have been born in the United States. He or she can be a naturalized citizen.

A congressman must also be a resident of the state from which he or she is elected. At first, some

states elected all of their congressmen on an at-large basis; in other words, all the voters in the state elected all of that state's representatives. Other states divided their population into districts and elected representatives on the basis of those districts. In 1842, Congress began requiring that all states elect congressmen by districts and gave state legislatures the responsibility for drawing district boundaries. Neither the Constitution nor federal law requires a representative to live in the district he or she represents. However, a candidate who does not live in a district would have a hard time convincing voters that he or she really understands their situation and their problems.

A congressman's term is for two years. This means that the entire membership of the House faces election every two years, in even-numbered years. When a vacancy occurs in a House seat between elections through death or resignation, the governor of that state calls a special election for the voters in that district to choose a new congressman.

## Apportionment of House Seats as of 2016







*President Barack Obama delivers the State of the Union address in the House Chamber of the U.S. Capitol, 2012.*

## Apportionment of House Seats

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The Constitution assigns or apportions seats in the House to the states on the basis of state population. States with more people have more representatives and thus have more influence in the House. The Constitution said that states were originally to have no more than one representative for every thirty thousand people. The Constitution also set out the number of representatives for the thirteen original states and provided for a census to take place every ten years to determine how any changes in the states' populations would change their representation in the House. The first census took place in 1790, and the federal government has taken a census every ten years since then.

As the population of the country grew and new states came into the Union, the number of representatives in the House increased. The first Congress had 65 members. The first census increased that number to 106. By 1912, the House had grown to 435 members; and effective action with such a large group had become difficult. However, Congress

faced the dilemma of either adding more seats after the 1920 census or reapportioning the existing 435 seats. Reapportionment would have meant that some representatives from states growing more slowly or not at all would have lost their seats. Faced with the need to demonstrate political courage, Congress instead did nothing about the issue after the 1920 census. Finally, in 1929 (just before the 1930 census), Congress passed the Reapportionment Act. This law stated that the permanent size of the House would be 435 members and that the House would apportion those seats among the states as fairly as possible following each census.

The House has made one exception to this total since then. When Alaska and Hawaii became states in 1959, each new state received one House seat. This temporarily increased the membership of the House to 437. Following the 1960 census, the House reapportioned the regular 435 seats among the fifty states for the 1962 election. If the House still followed the original standard of one congressman for every thirty thousand people, the House would now have over 10,000 members!



State populations change constantly. Some change radically, while others change slowly. A general trend has been for urban areas to grow in population while rural areas shrink. Southern and western states have grown significantly in recent years while northern states have grown more slowly or lost population. Michigan lost population between 2000 and 2010, and West Virginia lost population between 2010 and 2014. The House has to take all these changes into account in apportioning its 435 seats among the fifty states. Changes on the basis of a census take effect in the congressional elections two years after a census. For example, apportionment changes based on the 2010 census took effect in the 2012 congressional elections.

The 2010 census showed a U.S. population of 308,745,538 on April 1, 2010. This means that, on average, each congressman represented 709,760 people. However, the Constitution guarantees that

*This poster of Uncle Sam encouraged American citizens to participate in the 1940 census.*



each state has at least one representative, and the populations of the states do not divide out that evenly. Wyoming, the least populous state with a 2010 census of 563,626, had one congressman. Delaware had 897,934 people, but it also had only one representative. California had the most congressmen with 53, meaning that the average district population there was 702,905. Michigan's congressmen each represented an average of 705,974 people. Georgia's district average was 691,975.

## The Redistricting Process

Apportionment is the process of determining how many congressmen each state has, based on the census results. The U.S. Census Bureau uses a formula to determine how many congressmen each state will have and announces the apportionment of the House seats by the end of the census year.

Redistricting is the process within each state of determining the boundaries of the congressional districts it has. Each state's legislature is responsible for drawing the boundaries for that state's congressional districts. Since the least populous states only have one congressman, redistricting is not necessary in those states.

In theory, legislatures would simply draw district lines as fairly and equitably as possible; but politics is not always fair and equitable. Both Democratic and Republican parties within the states work especially hard to win majorities in the legislatures in census years, since the legislatures elected in those years oversee the redrawing of district lines for the states' congressional seats. Having a majority will give a party a better chance of passing a plan that will help that party. Reapportionment of the seats in the state legislature happens at the same time.

The majority party in the legislature wants to protect the congressional and legislative seats that it holds and to gain as many additional ones as possible. Thus, the legislative majority might draw district lines in such a way that scatters voters who might vote against their party into several districts; or the majority party might put as many friendly voters

into the same district as possible to concentrate and thus limit their impact. At the same time, some redistricting plans have resulted in congressmen already holding office (called incumbents) running against each other, sometimes from the same party.

The result of sharply partisan redistricting has been that many seats are safely in the hands of one party or the other. This discourages genuinely contested congressional and legislative races. It also means that many congressmen do not try to collaborate with members of the other party on legislation; but instead they simply vote the party line, knowing that they will likely win again in the next election.

Voters routinely challenge redistricting plans in court as violations of the Constitution's guarantee of equal protection of the law. Courts are generally reluctant to become embroiled in the political activities of legislatures unless they detect an obvious violation of voting rights. Sometimes the challenges can drag on for years and go all the way to the U.S. Supreme Court.

The practice of drawing oddly-shaped district lines for political advantage goes way back in American history. In Massachusetts in 1812, with Elbridge Gerry as governor, the legislature drew an oddly-shaped state senatorial district that looked like a snake or serpent on the map. A political cartoonist added a head, wings, and claws to make it look like a dragon or salamander and called it a "Gerry-mander."

Over the years, Congress and the courts have established guidelines for how legislatures should pursue redistricting. Congressional districts must have as even a population distribution as possible within a state. Each district must be contiguous; this means that a district cannot be separated into two or more areas that are not geographically connected. A district must have compactness, meaning that its borders should be as close together as possible. Districts must maintain community identity as much as possible. A legislature may not divide a city to put urban voters into two or more districts



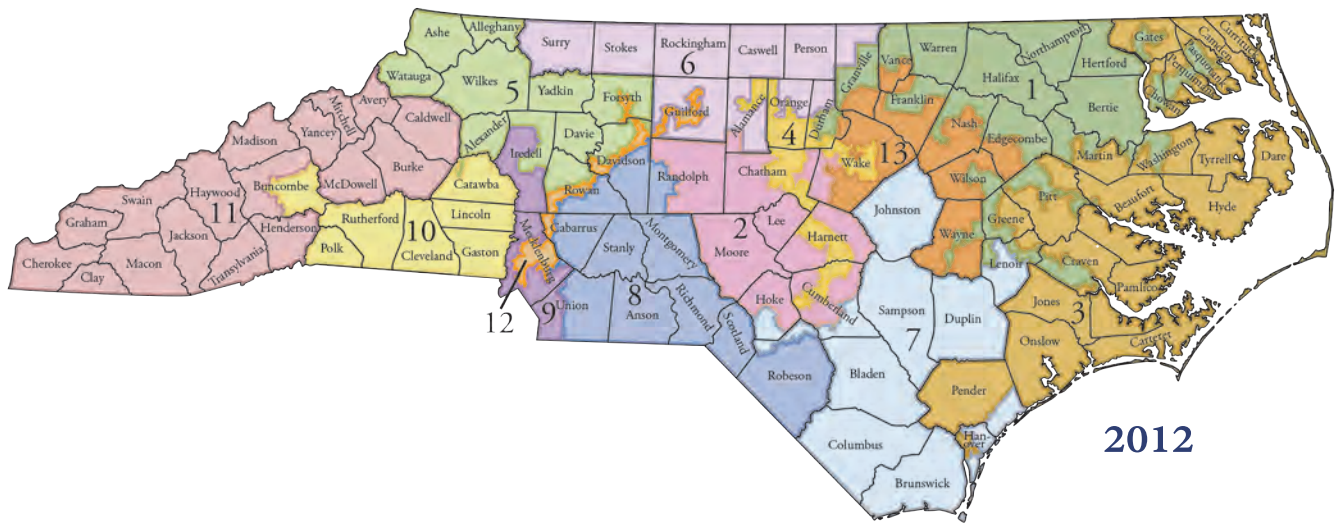
*From the April 2, 1813, Issue of the Salem Gazette, Salem, Massachusetts*

and thus weaken their impact or excessively divide counties. Legislatures generally try to conform to existing districts as much as possible to maintain the political divisions within a state. The 1965 Voting Rights Act required that district lines not dilute the voting power of racial or ethnic minority groups, either intentionally or unintentionally.

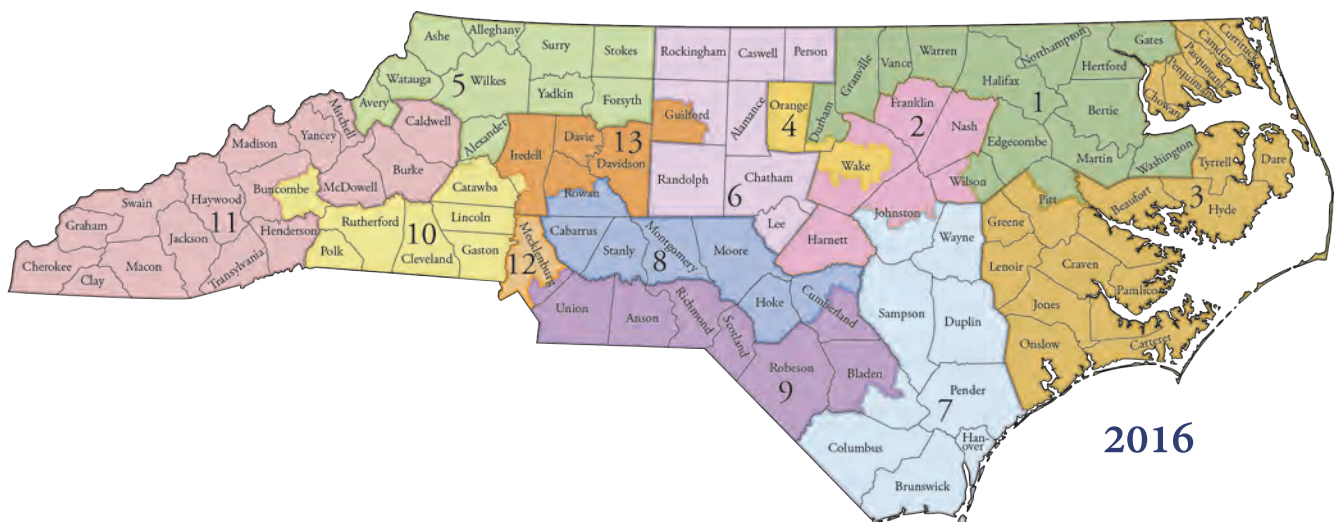
The redistricting process in North Carolina has been one of the most controversial in recent years. Several legal cases related to the process in the state since the 1990s have gone to the U.S. Supreme Court. Two districts have been principally at issue. The First District in northeastern North Carolina has included parts of as many as 24 counties but contains only about five entire counties. The Twelfth District in the central part of the state has been a narrow ribbon that connects several urban areas and in some places is only as wide as the Interstate that connects the cities. Both of these districts concentrate the impact of Democratic voters, a majority of whom are African American. This has created two examples of a majority-minority district, meaning that a racial minority in the state as a whole constitutes a majority of voters in that district.



## House Districts in North Carolina



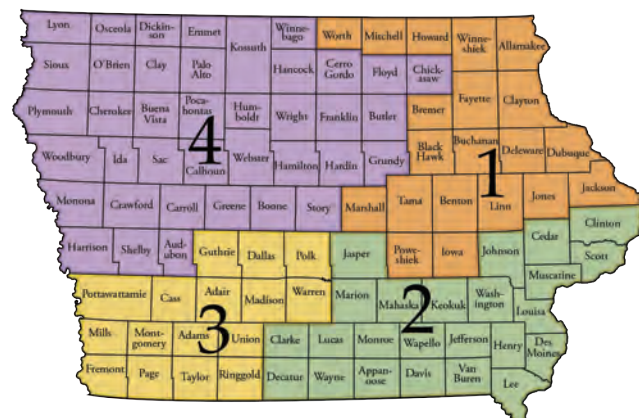
2012



2016

The impact has been that these districts consistently have Democratic congressmen, but Democratic voters have relatively less influence in nearby districts. In 2012 the total votes for Democratic and Republican congressional candidates were about equal, but Republicans won nine of thirteen congressional seats in North Carolina that year. In 2016 after yet another court decision, the North Carolina legislature significantly redrew the state's congressional districts. The legislature delayed congressional primaries that had been scheduled for March until early June. However, North Carolina is by no means the only state that has seen unusually-drawn districts.

## House Districts in Iowa





On the other hand, in 1980 the Iowa legislature assigned the redistricting process to the Legislative Services Agency in the state government. The agency devises a plan in secret based primarily on population, trying to put a mix of rural and urban voters in each district. The legislature casts an up-or-down vote on the plan. If the legislature rejects it, the agency tries twice more before the process must go to court. So far, the process has not reached that point.

Several states have begun using some form of a non-partisan commission or agency to develop a

redistricting plan or to provide a last-gasp plan if the legislature fails to come up with one. Some of these plans are binding while others are only advisory. The rules for who qualifies as non-partisan vary from state to state, which means that in some places people who have been politically active have taken part in the redistricting commission.

Political parties often treat people outside of their party different from the way they treat party members. However, God teaches that His followers should be just to everyone.

*My brethren, do not hold your faith in our glorious Lord Jesus Christ with an attitude of personal favoritism.*

*James 2:1*

## Assignments for Lesson 16

### **We Hold These Truths**

Read excerpt from *Wesberry v. Sanders*, pages 76-79.

### **Literature**

Continue reading *Mornings on Horseback* by David McCullough. Plan to be finished with it by the end of this unit.

### **Project**

Choose your project for Unit 4 and start working on it.

### **Student Review**

If you are using this resource, answer the questions for Lesson 16.



*Senate Wing of the United States Capitol in Washington, D.C.*

## Lesson 17

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# Choosing the Senate

*Although the Senate is much given to admiring in its members a superiority less obvious or quite invisible to outsiders, one Senator seldom proclaims his own inferiority to another, and still more seldom likes to be told of it.*

*Henry Adams, The Education of Henry Adams (1907)*

Read Section 3 of Article I of the U.S. Constitution on page 59 and the Seventeenth Amendment on pages 71-72 in *We Hold These Truths* before you study this lesson.

Some have described the United States Senate as the greatest deliberative body in the world. Most people see it as the upper or more prestigious house of Congress since it has fewer members than the House and since senators serve six-year terms instead of two years as in the House. Although senators represent individual states, they often speak and act as though they represent national interests and not just those of one state.

A person must be a little older to serve in the Senate than in the House. A senator must be at least 30 years old and an American citizen for nine years. He or she must also be a resident of the state he or she represents. Each state has two senators. This gives states with fewer people the same power in the Senate as more populous states. Senators from less populous states have often been leaders in the

Senate and have sometimes used their positions in that body to gain national prominence.

The Constitution created the Senate to be a continuing body. When the Senate first met, it divided itself into three classes. One class served for only two years, another class served for four years, and a third class served the full six years. As more states joined the Union, the Senate continued this process of placing each senator into one of the three classes. This staggered the election of senators so that one-third of the seats are elected every two years, as opposed to the House, where all 435 seats go before the voters every two years. This provides for greater continuity in the Senate than in the House.

## The Election of Senators

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In the original Constitution, state legislatures chose U.S. senators. This provision gave state governments a direct role in the national government. It also gave an inducement for state political leaders to support the ratification of the Constitution. This approach also supposedly provided for more reasoned



deliberation in the selection of senators than if the senators had been chosen by popular vote. As we have seen in this curriculum, state legislatures played an important role in the early national government.

However, during the nineteenth century an increasing number of Americans supported the direct election of U.S. senators by popular vote. Many people believed that this change would be in keeping with the trend toward greater democracy. Moreover, state legislatures did not always handle well their responsibility for naming senators. State political battles sometimes were more important than the selection of the best person to be a U.S. senator. Occasionally, political wrangling in state legislatures caused Senate seats to remain unfilled for as long as two years. In Delaware around the turn of the twentieth century, a vacancy continued for four years.

The Populist and Progressive Movements of the late 1800s and early 1900s promoted several ideas for reform in business and government. One item in the agendas of these movements was the direct

election of senators. These groups maintained that the selection of senators by state legislatures kept the process out of the hands of the people and left it in the hands of politicians, lobbyists, and special interest groups. State legislatures often proved themselves to be the protectors not of people's rights but of their own power and privileges. Direct election of senators, it was argued, would make the upper house of Congress more responsive to the people and less responsive to the intrigues of politicians.

In the years leading up to 1912, twenty-nine states adopted a form of popular election of senators in which they held primaries or referendums, the results of which were binding on state legislators. During those years, Congress considered an amendment to the U.S. Constitution which provided for senators to be elected by the people of their state rather than by state legislatures, but the U.S. Senate consistently defeated the amendment.

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*111th United States Senate in the Senate Chamber of the United States Capitol in Washington, D.C., 2010*





In 1912, however, the number of senators elected by the people had increased to the point that Congress approved the amendment and sent it to the states. The required number of states ratified the Seventeenth Amendment in 1913, and it took effect in the 1914 election.

It would be difficult to determine whether, on the whole, state legislatures or the voting public have chosen better senators. Both methods have elevated good people as well as rascals to the U.S. Senate. We can say with certainty, however, that the direct election of senators has lessened the influence of state legislatures in the national government.

### Filling Vacancies in the Senate

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If a Senate seat becomes vacant through death or resignation during a term, the process for filling that vacancy varies from state to state. Section 3 of

Article I of the U.S. Constitution provides for the governor to appoint a senator, but the Seventeenth Amendment gives state legislatures the option to have a role in the process; and the legislatures have passed various laws to refine the process. In most states the governor appoints someone to fill the seat until the next congressional election. This appointed senator is a full member of the Senate, but he or she is the most junior member of the body and has little power. Often the governor gives the appointment to a long-time public servant as a reward for his or her service. Usually the governor appoints someone from his or her own political party, even if the previous senator had been from another party. Occasionally a governor has appointed himself to fill a Senate seat.

At the next congressional election after a Senate seat has become vacant, candidates run to fill the remaining two or four years of the term. If the appointed senator wants to run in the next election, he or she has at least some of the power and prestige of an incumbent during the campaign. On rare occasions a state elects two senators at the same

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*Inside the Senate Wing of the United States Capitol*



time. This happens if one senator's six-year term is ending and a special election is filling the remainder of the other senator's term. When that partial term comes to an end, the next campaign for that Senate seat is for the full six-year term.

In fourteen states at present, the state holds a special election sooner than the next congressional election to fill the seat. Some of these states allow the governor to make an interim appointment while others do not. Four states require that the interim appointment go to someone from the same political party as the previous senator. Hawaii requires the governor to choose one of three nominees that the state political party organization submits to the governor.

## Advice and Consent Role

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Article II, Section 2 of the Constitution gives the Senate a special check-and-balance role with regard to certain actions of the president. The Senate must ratify by a two-thirds majority treaties that the president makes with other countries; otherwise the treaties do not apply to the United States. In addition, the Senate must give a simple majority approval to important appointments that the president makes: ambassadors, federal judges, Supreme Court justices, heads of the executive departments (also known as Cabinet members), and certain other appointments. These make up the advice and consent role of the Senate.

The Senate's most controversial consideration of a treaty involved the Treaty of Versailles that ended World War I. Democratic President Woodrow Wilson saw to it that the treaty included the creation of a League of Nations, a forerunner of the United Nations, in an attempt to prevent such a terrible war from ever happening again. The Republican majority in the Senate, however, wanted to withdraw from world affairs as much as possible and did not want the United States to take part in a world organization that might require another costly foreign involvement. The Senate defeated the

Treaty of Versailles, the United States never joined the League of Nations (which proved to be incapable of preventing World War II), and the United States concluded separate peace treaties with the nations against whom it had fought in World War I.

Generally the Senate approves a president's nominees, unless a nominee proves to be involved in a scandal or unless a majority of senators oppose a nominee for political reasons. Senators who are not from the president's party might still rake a nominee over the coals before the Senate gives its approval. In recent years, when the majority in the Senate has not been from the president's party, that majority has tended to delay or even refuse to hold votes on the president's nominees for judges in federal courts. The Senate's role in confirming or rejecting the president's nominees to the Supreme Court has become one of the most controversial aspects of the Senate's advice and consent role. We will discuss this more in Lesson 39.

One issue that aroused a fair amount of political conflict in the early years of the nation was whether the president could remove from office someone whom he had nominated and the Senate had confirmed. This issue arose during the presidency of Andrew Jackson, who fired a Cabinet member that the Senate had approved. Jackson said that he had the right to get rid of those who served under him, while Jackson's political opponents said that the Senate's power to confirm also gave it the power to determine whether someone stayed on the job. The same issue was at the heart of the conflict between President Andrew Johnson and Congress over the Tenure of Office Act following the Civil War. In 1926, the Supreme Court in *Myers v. U.S.* declared the Tenure of Office Act to be unconstitutional. The Court ruled that the president had the right to remove an appointee without the Senate's approval.

The Constitution does give the president the power to make appointments during a recess of Congress (Article II, Section 2, Paragraph 3). The president can make these appointments any time that Congress is in recess, even if that recess is only

for a few days or weeks. The appointed person may serve until the end of the next session of Congress. During that time, the president can choose to submit that person's nomination to the Senate to hold the position permanently. This provision had more practical importance when Congress was not in session for long periods of time during the year. Fifteen Supreme Court justices began their tenure as recess appointments. Recess appointments are politically risky for the president. They allow him to

fill a post with someone he wants who might have a hard time winning confirmation by the Senate, but they tend to anger the opposition party in the Senate who might try to make confirmation more difficult.

The Latin root word from which the English word senate derives was *senex*, meaning old man. Therefore, the word senate has been used for a council of elders. In the early days of the church, the apostles appeared before the Senate of the sons of Israel.

*Upon hearing this, they entered into the temple  
about daybreak and began to teach.  
Now when the high priest and his associates came,  
they called the Council together,  
even all the Senate of the sons of Israel,  
and sent orders to the prison house for them to be brought.  
Acts 5:21*

## Assignments for Lesson 17

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|-----------------------------|----------------------------------------------------------------------|
| <b>We Hold These Truths</b> | Read letters concerning the election of Hattie Caraway, pages 80-81. |
| <b>Literature</b>           | Continue reading <i>Mornings on Horseback</i> by David McCullough.   |
| <b>Project</b>              | Continue working on your project for Unit 4.                         |
| <b>Student Review</b>       | If you are using this resource, answer the questions for Lesson 17.  |



# DIRKSEN

## SENATE OFFICE BUILDING

*Senate Office Building in Washington, D.C.*

### Lesson 18

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## The Congress Shall Assemble

*A decent and manly examination of the acts of government should be not only tolerated, but encouraged.*

—William Henry Harrison (1841)

Read Sections 4, 5, and 6 of Article I of the U.S. Constitution on pages 59-60 and the Twentieth and Twenty-Seventh Amendments on pages 72-73 and 75 in *We Hold These Truths* before you study this lesson.

### Section 4: Elections and Sessions of Congress

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The Constitution left the carrying out of elections in the hands of the states. The states already had a framework for conducting elections that they could expand to include choosing federal officials; and, after all, the congressmen and senators were representatives from the states. The Constitution did give Congress the right to legislate on elections except on the subject of the place where senators were chosen. As stated above, the Constitution specifically stated that the state legislatures would choose senators.

Terminology about American government can be confusing because sometimes the same word describes two different things. For example, the word Congress describes America's two legislative

bodies, the Senate and the House of Representatives. However, the word Congress can also mean a particular two-year period in which Congress meets. For example, the first Congress convened in 1789; the 114th Congress began on January 6, 2015. The swearing in of the members of the House of Representatives every two years marks the beginning of a new Congress.

The Constitution also uses the word session in two ways. The document requires that Congress meet at least once every year. The meetings of Congress in a given year are called a session. Therefore, each Congress has two sessions, one for each of the two years in which a particular Congress meets. The first session of the first Congress convened in 1789; the second session of the first Congress began in 1790. The first session of the 114th Congress began on January 6, 2015; the second session of the 114th Congress convened on January 4, 2016. The word session is also used to describe the meeting of Congress on a given day.

Originally, a session of Congress began on the first Monday in December. However, not all states held elections at the same time. Some states

conducted their elections in the odd-numbered years and others in even-numbered years. In the early years of the country, over a year passed from the time that many members of Congress won their elections until the new Congress began. For instance, senators and representatives elected in the fall of 1866 did not actually take office until December of 1867. This lengthy passage of time was necessary when travel and communication were slow and when elections took place at different times in the various states.

Over time, however, travel and communication became faster and states began to hold their elections at the same time of year. The Twentieth Amendment, ratified in 1933, called for the inauguration of the president and the convening of Congress to take place much more quickly after an election. Instead of the president having to wait four months after the election until March 4 to take office, as he did originally, the inauguration now takes place a little over two months later, on January 20. The new Congress now convenes on January 3 (unless they appoint a different day) following the election,

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*Congressman Percy Gassaway of Oklahoma takes a break in the heat of the summer at his office in Washington, D.C., during a recess of Congress, 1935.*



instead of the members having to wait over a year after their election.

Congress adjourns a session when congressional leaders decide that the body can or should not attempt to accomplish any further work. In the early days of the country, Congress met for only a few months out of the year and almost always was in recess during the hot days of summer in humid, swampy, Washington, D.C. Today, Congress meets for almost the entire year but takes long breaks from time to time. In election years, members of Congress try to be finished (or at least plan to take an extended recess) in time for the fall campaign. Meetings of Congress that occur after an election and before a new Congress begins are called lame-duck sessions. Lame ducks cannot do very much, and expectations for a lame-duck session of Congress are low since some members will be retiring and others have lost their bids for re-election.

The Constitution allows for the president to adjourn Congress and to call it into special session in extraordinary circumstances (Article II, Section 3). Since Congress is now almost always in session, special sessions are rare. No president has ever adjourned Congress. Presidents have sometimes called the Senate into special session to consider pending treaties or appointments.

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## Section 5: Proceedings

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**Fitness of Members.** The Constitution gives each house of Congress the right to judge the fitness of its own members. The House does not sit in judgment on the Senate, nor vice versa, nor do the president or the Supreme Court have the right to question who sits in Congress. This means that neither the House nor the Senate has to bow to the wishes of any other branch of government regarding who its members are. It also means that the members of each body are extremely reluctant to question the fitness of fellow congressmen or senators. If the members of one party go after a member of another party and call for his or her expulsion, the same process might come down on one of their own at





some later time. Only with a two-thirds majority can a body expel one of its members. In other words, the evidence must be clear and convincing to expel a member.

**Quorum.** Each house must have a majority of members present to conduct business. This is called a quorum, the number needed to take official action. Any member may request a roll call to determine if a majority is present. The quorum requirement prevents a small group from meeting to do something that the majority would not want to do. However, the minority has rights too. It can compel members to come to the chamber to conduct business. This is known as a quorum call. The right to call a quorum enables the minority to compel at least the possibility of taking action that it sees as necessary, if the majority is trying to avoid doing so. Each house can compel its members to be present.

If you have ever watched the proceedings of Congress on C-SPAN (discussed on page 108) or visited the Capitol while Congress was in session, you will have noticed that the House and Senate spend much time with few members actually present on the floor of either chamber. This happens because the House and Senate play a little game with themselves. Each body assumes that a quorum

*View of the U.S. Capitol from the Longworth House Office Building in Washington, D.C.*

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is present, unless a member requests a roll call or a quorum call to find out the actual situation. In other words, they just don't bother to count unless someone makes it happen. Members usually want to get along with each other, so few congressmen or senators will demand a roll call or a quorum call except in unusual circumstances. Because of this arrangement, members can make speeches from the floor that they can tell their constituents back home about and that will go into the public record, but the other members don't have to listen to them.

Neither house may adjourn for more than three days during a session without the consent of the other. This keeps one body from paralyzing the work of Congress by simply refusing to meet. In actual practice, the leaders of both houses work together to determine the length of the sessions, when Congress will recess for vacations, and when the House and Senate will adjourn to end a session. The House and Senate may not decide to meet in a location other than where both have agreed to meet. This again prevents one body from meeting secretly or pulling away to disrupt business.

## *Congressional Record*

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Each house keeps a journal of its proceedings and must publish the journal on a regular basis. The House and Senate Journals record the actions and votes of each body, but they do not record speeches and debates.

These journals are a different publication from the *Congressional Record*. From the earliest meetings of Congress under the Constitution, members of Congress, the press, and the public have had an interest in a written account of what the members of each chamber said and did. At first, reporters provided these records in newspapers. However, partisan newspapers did not always provide an accurate and balanced account of what took place in Congress. The Senate did not allow reporters to attend for several years, so published accounts focused on House proceedings.

In 1824 two reporters established the *Register of Debates* to provide a summary of members' statements from the floor of the two chambers. Two other reporters founded the *Congressional Globe* in 1833. This became the semi-official record of congressional activities, but at first the reports were not truly neutral. The *Globe* became more even-handed or non-partisan in later years, but its staff

found it increasingly difficult to keep up with the volume of debates and other activities, especially during the Civil War.

In 1873 Congress established the *Congressional Record*, printed by the Government Printing Office (GPO). The *Record* reports the proceedings of the two houses of Congress and congressional committees, as well as some further remarks as noted below. The GPO prints the *Record* in the evening of a day when either or both houses of Congress are in session, and printed copies are available the next morning. It is also available on the Internet.

The *Congressional Record* consists of four parts. The House and Senate sections report in detail the proceedings of each chamber and their committees. In the Extensions of Remarks, House members may publish remarks that they did not actually present on the floor of the House. The *Daily Digest* provides a summary of actions by the two chambers and their committees and a preview of upcoming activities.

## *C-SPAN*

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C-SPAN (Cable-Satellite Public Affairs Network) is a non-profit, advertising-free broadcasting company that receives support by a small fee charged to cable and satellite subscribers. C-SPAN receives no government funding and strives to be non-partisan. The network began in 1979 with telecasts of the U.S. House of Representatives. C-SPAN2 debuted in 1986 and provides coverage of Senate sessions (the Senate had resisted allowing television cameras in the chamber until then). C-SPAN3 began in 2001 and broadcasts other public affairs programming and archived programs from the first two C-SPAN channels. C-SPAN Radio took to the airwaves in 1997 as a local station in Washington, D.C., and simulcasts many C-SPAN programs. The C-SPAN channels provide coverage of congressional committee hearings; speeches by political figures; talk and interview shows; various




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*C-SPAN Cameraman at Work in Washington, D.C.*



## Lesson 18 - The Congress Shall Assemble

educational programs; and special events such as the annual State of the Union address, dedication of national monuments, and coverage of national political conventions. C-SPAN provides coverage of major news events without commentary or analysis by reporters. BOOK-TV, broadcast on C-SPAN2 on weekends, offers presentations by and interviews with authors of new books. The C-SPAN website ([www.c-span.org](http://www.c-span.org)) provides streaming video and audio of its broadcasts.

### Section 6 (Part One): Salary

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Members of Congress receive a salary and the payment of their expenses from the United States Treasury. Under the Articles of Confederation, the states paid their own representatives in Congress. At first, members of Congress received \$6.00 per day while Congress was in session. In 1815 Congress increased its members' pay to \$1,500 per year. As of 2016, the salary for a member of Congress was \$174,000 per year. The majority leader and minority leader in each house was paid \$193,400, while the speaker of the House received \$223,500. Congress has provided for a cost of living adjustment each year unless Congress votes not to accept it. Congress often rejects these automatic increases. These are good salaries, but salary is not by any means the entire picture of the financial benefits that a member of Congress receives.

Each member of the House receives an allotment of about \$1.2 million per year to hire staff workers, pay for office expenses in Washington and in their home states, and pay for other expenses related to their roles. This allotment is called the Members' Representational Allowance (MRA). Senate allotments vary based on the population of their state and its distance from Washington, D.C. The average expense allotment for a senator, called the Senator's Official Personnel and Office Expense Account (SOPOEA), is more than \$3 million. Included in the expense account is the mail or franking privilege, which allows congressional mail



*Russell Senate Office Building in Washington, D.C.*

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to be sent at government expense. In addition to regular correspondence and responses to constituent requests, the franking privilege allows for what are called informative mailings from members of Congress to addresses in their districts. These mailings inform residents (i.e., voters) about what a senator or congressman has accomplished. Voters might especially notice these in the mail as election time draws near; it's one of the perks of being an incumbent. However, members may not use these expense accounts for purely personal or political expenses.

The Twenty-Seventh Amendment to the Constitution, which Congress first proposed in 1789 and which enough states finally ratified in 1992, says that a pay raise that Congress passes (a "law varying the compensation for the services of the Senators and Representatives") cannot go into effect until a congressional election has taken place. The amendment was an attempt to prevent a sitting Congress from giving itself a pay increase. Private citizens challenged in federal court the automatic cost of living increases that Congress can receive every year (enacted by Congress in 1989) as a violation of this amendment, but the courts have held that such

adjustments are not new salary laws and therefore do not violate the amendment. Of course, Congress sets the salaries for federal judges; and pensions for retired federal judges are based on the pensions for retired members of Congress.

Congress employs thousands of staff personnel. By law each of the 435 members of the House of Representatives may hire eighteen full-time staff members and four part-time. The political leaders (speaker, majority and minority leaders, and so forth) in the House have even more staff available to them. The staff of each senator is much larger than that of a congressman and is based on his or her SOPOEA. Additional staff members work for the standing House and Senate committees, serve as security and maintenance personnel, are employees of the Library of Congress, and work in other jobs directly related to Congress.

In addition, members of Congress receive health insurance coverage and participate in the Federal Employees Retirement System. If someone serves in Congress for at least five years, he or she is eligible to receive a pension. Members can receive a pension beginning at age 50 if they have twenty years of service, or at any age after twenty-five years of service, or after the age of 62 regardless of his length of service. The pension is based on years of service and the highest three years of salary. The starting pension cannot be more than 80 percent of the retiree's final salary. In 2014, 601 retired members of Congress were receiving government pensions based at least in part on service in Congress (some had held other positions in the federal government as well). These pensions averaged about \$4,980 per month each.

For many years, Congress exempted itself from some of the laws that it passed. For instance, members of Congress were not part of the Social Security system until 1984. They participated instead in the Civil Service Retirement System, which went into effect fifteen years before Social Security began. The landmark 1964 Civil Rights Act exempted members of Congress from its provisions

in terms of racial discrimination in employment. When Republicans regained control of Congress in 1994 after forty years of one or both houses having Democratic majorities, the first law passed by the new Congress in 1995 made Congress subject to the same laws that it enacts for the American people.

Members of Congress may earn up to fifteen percent of their salary from outside sources, such as speaking fees and legal fees; and they have no limit on what they can make from book royalties. Senators and congressmen also enjoy many unofficial financial benefits from contributors, lobbyists, and special interest groups that want to influence how he or she votes. Congress has passed laws that eliminate blatant bribery, but the laws also carefully allow certain benefits (such as a company or contributor paying for a vacation as long as it is disclosed). Some former members of Congress work for Washington lobbying or consulting groups after their tenure in Congress, and these former members do quite well financially.

## Section 6 (Part Two): Immunity and Limitations

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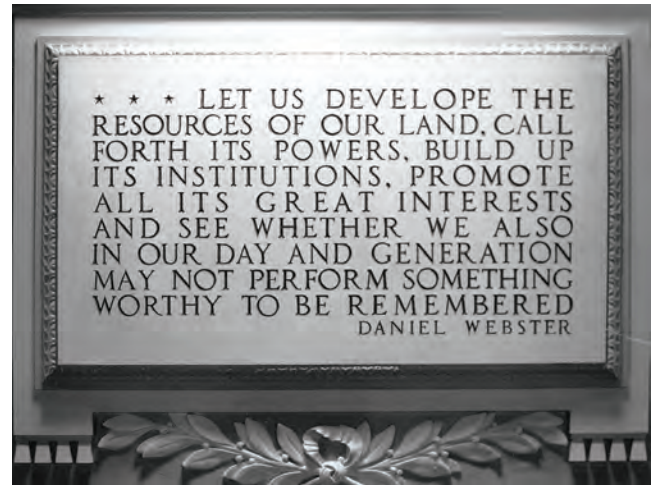
History tells of many kings who ordered their political opponents arrested and executed. The framers wanted to protect members of Congress from this kind of political intimidation. As a result, senators and representatives cannot be arrested while attending a session of Congress or while going to or returning from such sessions, except if the charge is treason, felony, or breach of the peace. In addition, they do not have to face any criminal charges for anything they say in any speech or debate in Congress. As a result, members of Congress express some outrageous statements, accusations, and outright lies on the floor of Congress with complete impunity.

While in office, a senator or representative may not hold an appointed government position that Congress created or a position for which the pay was increased while he or she was in office. This prevents

a member of Congress from helping to create a position or increasing the pay of a position and then filling that position. Likewise, no government employee may serve as a congressman or senator.

It is not unusual, however, for a president to appoint a former member of Congress to a post in the executive branch. Bill Brock, for instance, was a congressman and senator in the 1960s and 1970s. He later served as secretary of Labor and then as U.S. Trade Representative during the administration of President Ronald Reagan. President Bill Clinton named former senator Jim Sasser as Ambassador to China after Sasser lost a bid for re-election.

Congress has defined the rules regarding what members of Congress may and may not do more carefully in recent years. In the past, the regulations were not so clear-cut. Daniel Webster, for instance, while serving in Congress, argued cases before the U.S. Supreme Court as a private attorney. In addition, the Bank of the United States retained his services as an attorney with pay. His role with the Bank came as the result of his support for the Bank as well as his national prominence. His income from the Bank (not to mention several favorable loans he received from the Bank) no doubt influenced his continued support of the Bank in Congress. Neither of these roles that Webster held actually violated the



*This plaque with a quote from Daniel Webster decorates the House chamber in the Capitol.*

terms of this section of the Constitution, but the possibility for conflict of interest in such a situation does exist.

Members of Congress certainly deserve just compensation for their services and reasonable reimbursement for legitimate expenses. However, as the people who write their own financial rules and who enact the laws that affect the financial status of their fellow citizens, congressmen and senators would do well to set the proper example for financial responsibility. As Proverbs warns:

*He who profits illicitly troubles his own house,  
but he who hates bribes will live.  
Proverbs 15:27*

## Assignments for Lesson 18

**Literature** Continue reading *Mornings on Horseback* by David McCullough.

**Project** Continue working on your project for Unit 4.

**Student Review** If you are using this resource, answer the questions for Lesson 18.





*A stray dog sits at the desk of Texas Representative Charlie Wilson, 1991.*

## Lesson 19

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# Who They Are and What They Do

*Government is too big and too important to be left to the politicians.*

—Chester Bowles (Twentieth century American diplomat and economist)

Congress is not a cross-section of the American public in terms of race, gender, and wealth. Of course, the Constitution does not say that they have to be. Leaders are often the exception to the norm. By and large, senators and representatives are people who can afford long and expensive campaigns and who have accomplished a great deal in the legal, business, and political fields.

### Statistics About the Members

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The average congressman is about 57 years old. The average senator is about 61. Both of these averages are many years older than the minimum age requirements in the Constitution. Democrats are slightly older on average than Republicans.

Of the 435 representatives in the 114th Congress which convened in January 2015, 84 were women; of the 100 senators, 20 were women. About three-fourths of the women in the House and two-thirds of the women in the Senate were Democrats.

The 535 members of the House and Senate included 46 African Americans, 33 Hispanics, twelve Asian Americans, and two Native Americans. About 92 percent of the members of the House and

Senate listed their religious preference as Christian; about a third were Roman Catholic. There were 28 Jews, 16 Mormons, five Orthodox Christians, two Buddhists, two Muslims, and one Hindu.

About 200 congressmen or senators had been lawyers, and about 270 listed their profession as businessman, although some had been involved in more than one occupation previous to being elected to Congress. Over half of the members of the House and Senate were millionaires, some of them multi-millionaires. It is highly unusual for a salaried or wage-earning man or woman to be elected to Congress. They usually don't have the time or money to conduct a campaign that can last for as long as a year.

Most members have held elective office prior to being chosen to serve in Congress. Fifty-three senators once served in the House of Representatives, and about 250 members of Congress formerly served in state legislatures. Ten former governors served in the 114th Congress.

### Incumbency and Length of Service

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Congress usually sees little turnover in its membership. The general pattern is that incumbents

almost always win. Over the years, voters have re-elected about 90 percent or more of incumbents.

Most political observers consider many House districts and Senate seats safe for one party or the other. In a safe seat, the incumbent often has no or only token opposition because the opposition party does not want to waste its resources on what it sees as a hopeless cause. Even when an incumbent retires from a safe seat, someone from his or her party usually wins the next election. The drama that unfolds on election night concerning which party will control Congress usually centers on a relatively few races. A change in the party that holds a House or Senate seat often occurs (1) when a congressman or senator retires, creating what is called an open seat, (2) if a controversy has weakened the popularity of an incumbent, (3) if one political party targets a seat for defeat and works especially hard to win it, or (4) if a presidential candidate enjoys a landslide victory and carries his party's congressional candidates along on his coattails.

In the 114th Congress, 59 representatives and 13 senators were freshmen (in their first term). The average length of service was almost nine years in the House and almost ten years in the Senate. Congress has seen slightly more turnover in recent years than it had in the previous generation.

## Term Limits

A frequent topic of political discussion is whether members of Congress and other elected officials should have term limits, a maximum number of terms or years that they can serve. The offices of president and many state governors have term limits; but the legislative bodies, not the executives, propose term limits, usually in the form of constitutional amendments. Legislators are not likely to vote themselves out of a job.

The arguments in favor of term limits include the fact that incumbents have a great advantage over challengers in elections in terms of name recognition and in terms of what they can do and what they can promise to do for voters. This makes a real contest between an incumbent and a challenger quite rare. In addition, incumbents can become more concerned about taking care of themselves and their power than about doing what is best for the people. Long-term service is a far cry from the citizen-representative ideal that the founders envisioned in which everyday people would serve only a few years, doing what they believe is genuinely best for the people as a whole, without building a personal power base for themselves.

*Amy Kloubuchar (left), Democratic incumbent senator, and Kurt Bills (right), her Republican opponent, campaign at the Plymouth Parade in Plymouth, Minnesota, 2012.*







*New York Senator Charles Schumer speaks at a candlelight vigil for victims of a shooting in New York City, 2015*

Against the idea of term limits is the argument that voters should have enough sense and enough freedom to elect whom they want. If they want to re-elect the same person campaign after campaign, they should be able to do so. Previously holding an office should not disqualify a person from holding that office. In addition, representatives with long tenure have the seniority within Congress to hold important positions and to get things done. All else being equal, an elected official who has been in office for a long time can do more for his home state or home district than a freshman official can. Another argument against imposing term limits is that we already have term limits. They are called elections. Every term of every elected office has a limit to it, and the person who holds that office has to run again or retire from it. The best solution to problems in Congress is for voters to stay informed and involved and to support good candidates.

### **What Representatives and Senators Do**

Senators and congressmen represent their constituents in Congress and in the operation of the federal government. This involves speaking and voting in official sessions, but it also means helping their constituents.

The most obvious work that a senator or congressman does involves considering and voting on legislation that comes before them on the chamber floor, but that is not all that they do. Much of their time is spent in committee work: attending hearings and considering research for bills that are before their committees. They also have informal discussions with their staff and with other members of their chamber (especially those of the same party) as they consider the merits of legislation and suggest changes. Members of Congress want to make sure that proposed expenditures in the federal budget include their districts, so they or their staff take time to talk with other members who have introduced bills or members of the committees that formulate the federal budget. They also meet with lobbyists who want to influence how he or she votes on a particular piece of legislation.

Contact with their constituents is an important part of the work of a senator or representative. The offices of representatives and senators receive thousands of letters, phone calls, and emails every week from the folks back home. Many times a congressman's or senator's staff members handle these contacts by constituents. Some of the letters, phone calls, and emails give praise while others offer criticism or ask questions. The percentage of



people who care enough about issues to write their representatives is very small; and these genuine contacts do have an impact.

Often a constituent seeks help from his congressman or senator about a problem involving a federal agency. For example, someone might not have received an expected Social Security payment, or someone needs help with an application for a loan from the Small Business Administration. Congressional offices can provide passes to the visitor galleries of the House or Senate if a constituent is planning a visit to Washington.

Always in the back of a member's mind is the next election. Members of Congress have to be involved in fund-raising; making calls and sending letters to stay in touch with party workers back home; developing publicity for newspapers, mailings, and websites; and meeting with visiting groups.

A member of Congress can spend a considerable amount of time traveling between the home state and Washington. Members sometimes go on international trips (called junkets) to meet with foreign political leaders, visit troops stationed at overseas bases, or engage in fact-finding work regarding trade, immigration, or other topics. Congress has established rules regarding the length and cost of these trips, but a congressman can extend a trip at his or her own expense. Several members traveling together make for a congressional delegation trip. Congressional rules allow for private companies to pay for some travel by members. For example, if a company wants to build a factory in another country, it can pay for a trip by the relevant committee chairmen in Congress to get their support if the deal will require any regulations or treaties.

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*Library of Congress Main Reading Room in the Thomas Jefferson Building, Washington, D.C.*





## Library of Congress

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The Library of Congress (LOC) was one of the first agencies that the federal government created. It began with a \$5,000 appropriation in 1800 to purchase “such books as may be necessary for the use of Congress—and for putting up a suitable apartment for containing them therein. . . .” The Capitol building served as the first home for the library, but the British destroyed that structure along with the books when they burned Washington during the War of 1812.

After the fire, former President Thomas Jefferson offered to sell Congress his extensive personal library as a replacement. His collection included a wide range of books, which began the tradition of the LOC gathering books on all kinds of subjects. Congress accepted Jefferson’s offer in 1815 and paid \$23,950 for the former president’s collection of over 6,000 books.

Ainsworth Rand Spofford served as the Librarian on Congress for most of the last half of the nineteenth century. He set the Library of Congress on the course of making it the major institution that it is today.

By his urging, Congress passed a copyright law in 1870 that required applicants for official copyright to send two copies of their work to the LOC. This caused an avalanche of publications, music, maps, and photographs to descend on the Library; and it led to Spofford’s request for a new, separate building for the collection. Congress authorized construction in 1886, and the LOC finally moved out of the Capitol building and into its beautiful new home across the street in 1897.

Today the LOC holds over 162 million items (including 38 million books and other publications, 70 million manuscripts, and 14 million photographs) on 838 miles of shelves. It continues its primary role as the research headquarters for Congress, but it also effectively serves the nation as a whole. The LOC maintains a website ([www.loc.gov](http://www.loc.gov)) that provides information about the Library and the activities of Congress as well as pictures and articles on many topics in American history.

Congressmen and senators often acquire great fame and status, considerable influence, and even a large amount of wealth. However:

*A good name is to be more desired than great wealth,  
favor is better than silver and gold.*

*Proverbs 22:1*

## Assignments for Lesson 19

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### We Hold These Truths

Read “On a Visit to the Senate When He Was Twelve” by Henry Adams, page 82.

### Literature

Continue reading *Mornings on Horseback* by David McCullough.

### Project

Continue working on your project for Unit 4.

### Student Review

If you are using this resource, answer the questions for Lesson 19.



*Senate Judiciary Committee Hearing, 2006*

## Lesson 20

# Committee and Political Party Organization

*Anyone who is unfamiliar with what Congress actually does and how it does it, with all its duties and all its occupations, with all its devices of management and resources of power, is very far from a knowledge of the constitutional system under which we live.*

— Woodrow Wilson, *Congressional Government* (1885)

Two realities, neither of which the Constitution mentions, have a profound influence on the way Congress operates. These realities are political parties and the congressional committee system.

The House chooses its speaker or chairman. The vice president of the United States is the president or chairman of the Senate, and the Senate elects a president *pro tempore* (Latin for “for a time”) or temporary presiding officer. Nothing in the Constitution suggests that these positions of leadership are to be political prizes, but that is what they quickly became and what they remain today. In fact, many of the Founding Fathers feared the influence of what they called factions, or groups that organize themselves to promote a certain candidate or agenda. Today we call those factions political parties.

## The Party Spirit

Party alignment developed in the earliest days of the government. Representatives and senators who favored a strong central government looked to

men such as John Adams and Alexander Hamilton for ideas and leadership. They took the name of Federalists. Those who favored strictly limiting the power of the central government and who promoted the power of the states gathered around Thomas Jefferson and took the title of Republicans. The Federalists began to lose power after Thomas Jefferson became president in 1801, and the party eventually faded away. As the idea of democracy became more acceptable, the Republicans took the name of Democratic Republicans. For a time the Republicans or Democratic Republicans were the only major party, but factions within the party still allowed for plenty of political competition.

By the time of Andrew Jackson’s election as president in 1828, members of the Democratic Republican party called themselves Democrats. Opponents of Jackson came together as the Whig party in the 1830s. A major issue dividing the two parties was slavery. The Democrats generally favored protecting slavery in the states where it already existed, and they wanted people to have the freedom to expand slavery into the territories. The Whigs, on





*This political cartoon from 1908 shows the Democratic donkey and the Republican elephant seeking campaign funding for the upcoming election.*

the other hand, opposed the expansion of slavery outside of the states where it already existed. In the 1850s the Whig Party fell apart and a new party, the Republicans, came into existence. Republicans took a firmer stance against the expansion of slavery than the Whigs had.

From just before the Civil War until today, the two major political parties in the United States have been the Republicans and the Democrats. Minor parties have occasionally emerged; and several exist today, including the Constitution Party, Green Party, and Libertarian Party; but they have not as yet been able to challenge the power of the two main parties.

## **The Role of Political Parties in Congress**

The strength of political parties has come to be the dominant factor in how the House and Senate organize themselves and how they consider legislation. The speaker of the House is an influential member (though not necessarily the longest-serving

## **Unit 4 - Article 1: Congress (Part 1)**

member) of the majority party in the House. Each party has a leader (called the majority leader and the minority leader) and assistant leaders (called the majority and minority whips) in the House and in the Senate. These leaders try to influence the members of their respective parties on what legislation to support or oppose.

Party leaders in each chamber discuss their plans at meetings of the party's members in that chamber. Such a meeting is called a caucus (House Democratic Caucus, Senate Republican Caucus, and so forth). To encourage members to vote the party line on a bill, party leaders might appeal to party principles (or to the dire consequences if the opposition were to succeed). They might offer to see about funding a program for a congressman's district, or they could agree to appoint a senator or representative to a particular committee in exchange for his vote. If a member decides not to vote the way that the majority of his party votes, party leaders might overlook him or her when they plan funding for programs or when a committee position becomes vacant.

## **The Speaker of the House**

The House elects its speaker at the beginning of every new Congress. The speaker is the most powerful member of the House. Since the representatives generally vote along party lines, the majority party in the House is able to name the speaker. As the framers designed the position, the speaker is to preside and maintain order during House sessions. In actuality, however, the speaker does not usually spend his or her time this way. The speaker might preside during an important debate or if members are voting on an important bill, but most of the time the House elects a temporary chairman to preside over everyday sessions. Often only a handful of congressmen are present at the daily sessions.

Most of the speaker's important work is done behind the scenes. The speaker decides which committees consider bills that representatives



introduce, and he or she has a major influence on which bills come to the floor for a vote. The speaker also works to convince members of his or her party to support legislation that the party leadership supports.

The speaker can vote on all matters that come before the House, but to participate in debate on the House floor he must appoint a temporary chairman to take his place.

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*Portraits of the speakers of the House in the Speaker's Lobby outside the House Chamber in the U.S. Capitol.*

## President of the Senate

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Even though the vice president of the United States is the president of the Senate, he is not a member of the Senate. He cannot participate in debate or vote except to break a tie.

The Constitution calls for the Senate to choose a president *pro tempore*. The original idea was for the president pro tempore (also called the president pro tem) to preside in the absence of the vice president. Since 1890, the Senate has generally elected the most senior senator of the majority party to be president pro tem as a way to honor this long-serving member. The Senate has always done this since 1949.







*Vice President John Garner brings down the gavel to convene a session of the 76th Congress, 1940.*

In practical terms, today the vice president and the president pro tem hardly ever preside over meetings of the Senate. From the time of the first Vice President, John Adams, through the vice presidency of Richard Nixon in the 1950s, the vice president did preside over most meetings of the Senate. However, in the early 1960s Vice President Lyndon Johnson became more involved in political activities

and rarely presided over sessions of the Senate. This pattern continues today, and junior senators of the majority party preside over routine Senate sessions. The vice president presides if he anticipates a close vote or in other extraordinary circumstances.

## The Committee System

Much of the work of the Senate and the House takes place in committees, which are each made up of a few members of the respective chambers. Committees study bills that members have introduced, conduct investigations that might lead to new legislation, and hear testimony from the president's staff and other experts regarding matters in which the committee has an interest. Each standing or permanent committee and its subcommittees has a subject area on which it works, such as trade, immigration, crime, or homeland security. Sometimes more than one committee might study a bill.

Members of Congress want to be appointed to committees that have special relevance to their home states and districts. Many congressmen from the Midwest, for instance, want to serve on agricultural committees. Representatives from Florida, Texas, and California might want to be named to committees that deal with immigration policy.

The Senate and House, as well as the media and many in the general public, consider certain

*Left: Senate Banking Committee Hearing, 2005*

*Right: Clarence Thomas, Supreme Court nominee, testifies before the Senate Judiciary Committee, 1991.*







*Senate Banking and Currency Committee Hearing, 1933*

## Standing Committees of the Senate

Agriculture, Nutrition, and Forestry  
 Appropriations  
 Armed Services  
 Banking, Housing, and Urban Affairs  
 Budget  
 Commerce, Science, and Transportation  
 Energy and Natural Resources  
 Environment and Public Works  
 Finance  
 Foreign Relations  
 Health, Education, Labor, and Pensions  
 Homeland Security and Government Affairs  
 Judiciary  
 Rules and Administration  
 Small Business and Entrepreneurship  
 Veterans Affairs

## Special, Select, and Other Senate Committees

Indian Affairs  
 Select Committee on Ethics  
 Select Committee on Intelligence  
 Select Committee on Aging

## Standing Committees of the House of Representatives

Agriculture  
 Appropriations  
 Armed Services  
 Budget  
 Education and the Workforce  
 Energy and Commerce  
 Financial Services  
 Government Reform  
 Homeland Security  
 House Administration  
 International Relations  
 Judiciary  
 Resources (Natural Resources and  
 Environment)  
 Rules  
 Science  
 Small Business  
 Standards of Official Conduct  
 Transportation and Infrastructure  
 Veterans Affairs  
 Ways and Means  
 Permanent Select Committee on Intelligence

## Joint Committees

(with members from both the House and Senate)

Joint Committee on Printing  
 Joint Committee on Taxation

Joint Committee on the Library of Congress  
 Joint Economic Committee

committees to be the most prestigious. The Armed Services Committees in both houses work on military policy. The Senate Judiciary Committee, among other tasks, considers nominations for federal judgeships. The House Ways and Means Committee handles revenue and spending legislation and serves as a steering committee for much of the legislation that comes before the House. Party leaders usually name the member of the majority party who has served the longest on a committee to be chairman of that committee.

The committee system is one way in which the majority party exercises great power in the House and Senate. The majority party chooses all of the

committee chairmen and a majority of committee members. The committees usually actively consider only legislation that the majority party supports. Each committee also has a ranking member, who is the committee's longest-serving member from the minority party.

In the next unit we will see how bills that members of Congress introduce make their way through a set process in order to become law. We will also see the role that committees and political parties play in passing or defeating proposed legislation.

Party positions have been around for a long time, as evidenced in this incident in the life of the apostle Paul:

*And there occurred a great uproar;  
and some of the scribes of the Pharisaic party stood up  
and began to argue heatedly, saying,  
“We find nothing wrong with this man;  
suppose a spirit or an angel has spoken to him?”  
Acts 23:9*

## Assignments for Lesson 20

<b>We Hold These Truths</b>	Read the preface to <i>Congressional Government</i> by Woodrow Wilson, pages 83-85.
<b>Project</b>	Finish your project for Unit 4.
<b>Student Review</b>	If you are using this resource, answer the questions for Lesson 20 and take the quiz for Unit 4.
<b>Literature</b>	Finish reading <i>Mornings on Horseback</i> by David McCullough. Read the literary analysis of the book beginning on page 10 in the <i>Student Review</i> and answer the questions over the book.



# 11

## Local Government

- Lesson 51 - Counties, Townships, and Special Districts
- Lesson 52 - Governing a City
- Lesson 53 - Using Urban Spaces
- Lesson 54 - Governing a Growing Community
- Lesson 55 - Three Levels Working Together

*Charleston County Courthouse in Charleston, South Carolina*



## Introduction

This unit focuses on local government. In the first two lessons, we look at county and city government. In the third we consider four ways that communities deal with growth in an organized fashion by using planning, zoning, annexation, and the right of eminent domain. In the fourth lesson we consider in detail a city that experienced rapid growth. Finally, we consider how federal, state and local governments cooperate and conflict in real life.

## Books Used

*We Hold These Truths*

*Born Again* by Charles Colson

## Project (choose one)

1. Write 300 to 500 words on one of the following topics:
  - Write a letter to the editor of your local newspaper expressing your opinion regarding a local issue or addressing something that you think needs to change in your community. Send it to the newspaper.
  - Choose one of the photographs in this unit and describe it in detail.
2. Make a commercial about one minute long for the town or city where you live. Choose whether the commercial will aim at encouraging tourists, new residents, or new businesses to come to your town.
3. With a parent's involvement, arrange a field trip to your county courthouse or city hall. Call first to ask if a tour is available and, if possible, meet some of your local officials, and have someone take your photo with them.



*Denver County Courthouse in Denver, Colorado*

## Lesson 51

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# Counties, Townships, and Special Districts

*[M]unicipal institutions constitute the strength of free nations. Town meetings are to liberty what primary schools are to science; they bring it within the people's reach, they teach men how to use and how to enjoy it. A nation may establish a free government, but without municipal institutions it cannot have the spirit of liberty.*

—Alexis de Tocqueville, *Democracy in America* (1835)

In Anglo-Saxon England, kings used administrative districts called shires to give them greater control over local areas. The king's representative in the shire was the earl, who was a large landowner who commanded the local militia when the king needed troops. The peace officer, who also served as tax collector, was called the reeve.

With the Norman Conquest of England in 1066 and the introduction of French terms and ways, the local representative of the king was no longer the earl but the count. The region in which he had authority was not the shire but the county. The name of the peace officer remained the same, but the pronunciation changed over time from shire-reeve to sheriff.

In England, the chief executive of a county and the official before whom accused persons had to appear was the justice of the peace. Some counties had several justices of the peace, and their jurisdictions were sometimes a matter of conflict.

When English settlers came to America, they set up local governments the way they had known

them in England. Thus, they divided the colonies into counties and the law enforcement officer was the sheriff. The county as a basic unit of local government has continued to this day.

## Counties in the United States

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In the United States, state governments create counties. To create a county, the state legislature passes a bill that sets out its boundaries. Counties exist to serve the purposes of the state government. As a result, county officials carry out such state-mandated functions as administering state laws, issuing marriage licenses, selling hunting and fishing licenses, conducting elections, and (in many places) operating schools. A county government can enact its own laws that work best for that county's particular needs, but its reason for existence is to assist the state government.

The fifty United States have a total of 3,141 counties or county equivalents, such as independent cities in a few states, census areas in Alaska, and the

District of Columbia. Delaware has three counties, while Texas has 254. Louisiana calls its counties parishes, while in Alaska they are boroughs. Rhode Island and Connecticut have geographic areas called counties, but in these two states the counties do not have distinct, functioning governments. Counties range in size from Virginia's Arlington County, which measures 26 square miles, to the North Slope Borough in Alaska, which covers 87,860 square miles. As of 2013, Loving County, Texas, contained 95 people, while Los Angeles County, California, contained just over ten million residents. About three-fourths of American counties have a population under 50,000.

The city or town in which the county courthouse and government offices are located is the county seat. The county seat is usually the largest city in the county, but not always. If a once-smaller town experiences significant population growth, it might surpass the county seat in size. The informal rule from the 1800s, when states created most counties, was that the county seat should not be more than a day's wagon ride away from all county residents. This allowed families to conduct official business,

perhaps do some shopping, and get back home in the same day. Many counties were quite large when first established. As the population grew, the state divided older counties to make a greater number of smaller ones, giving more people easier access to the county seat.

Many county courthouses are beautiful structures in which county residents take great pride. However, as county government grows, courthouses sometimes can no longer contain all of the offices that county officials need. To house these offices, a county might purchase another building on the courthouse square or erect a county government annex nearby.

## The Forms and Personnel of County Government

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Currently, almost all county governments take one of three forms. The most common, used in over half of the nation's counties, is an elected commission or board of supervisors. In Louisiana, the body is called the parish police jurors, while in New Jersey the panel is called the board of chosen freeholders. County commissioners usually serve for a two- or four-year term. They represent separate districts within the county. In some places each district elects

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*Dallas County Courthouse in Dallas, Texas*





two or three commissioners. The commission not only passes the budget and enacts new laws but also fulfills the executive function by overseeing the county bureaucracy. This form of government does not have a separate executive for the county.

The two other forms, which together comprise about forty percent of counties, have a separate executive. The commission-administrator form uses an administrator appointed by the commission. The administrator oversees the daily operation of the county government, including the hiring and firing of personnel. The third form is the commission-executive/mayor format. Under this plan the county executive (sometimes called the county mayor) is an elected position. In some places he can even veto ordinances passed by the commission.

People elect other county officials or the commission appoints them. The functions of county government and the officials and personnel who are elected or hired to do these functions vary depending on the needs of the county. The most common elected official is the county clerk, who oversees elections, handles marriage licenses, and issues license plates, among other duties. Another common elected position is the register of deeds. With the importance of land development, and since the buying and selling of property is a major decision for citizens, accurate recording and transferring of deeds in a county is essential. Other elected officials or appointed positions in a county might include:

- County treasurer or trustee, who is responsible for collecting and disbursing county funds;
- County auditor, who keeps a check on the books of county government;
- Property assessor, who computes the value of property for property tax purposes;
- And road supervisor, who oversees road maintenance and construction.



*Dubuque County Courthouse in Dubuque, Iowa*

The county coroner or medical examiner is usually an appointed position, but in some places it is an elected office. This person performs an inquest to investigate the cause of someone's death when authorities suspect something other than natural causes. He or she often works with law enforcement officials because criminal activity might be involved. The medical examiner can conduct hearings and subpoena witnesses if he believes such actions are necessary. Medical examiners are almost always physicians.

Other appointed county officials often include the surveyor, engineer, health officer, and members of the zoning commission. In times past, the pay for some county positions was based on fees that the officials collected. This sometimes led to corruption. Now county officials receive salaries.

About one-third of a typical county's revenue comes from property taxes and from a sales tax that the county imposes on top of the state sales tax. The rest comes mostly from funds that the state government or the federal government provides.



## Education

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The largest single expense for many counties is public education. Often a county government operates all of the public schools within the county, although in many places cities have created their own separate school districts or the government has formed a special school district. A board of education and a school superintendent or director head the school system. Voters elect members of the board of education, and the county commission oversees the board of education. This means that in most places the board of education can only request a budget from the county commission and does not have the power to raise its own tax revenues.

In most places, the board of education appoints someone to serve as superintendent or director of schools. A few localities elect the superintendent. In Chicago, Illinois, and Cleveland, Ohio, the mayor appoints the school superintendent.

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*Board of Education Meeting in Charlotte County, Virginia, 1943*



*Lockport Township High School in Lockport, Illinois*

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## Township Government

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In twenty states, the township is a level of government for an area that is larger than a town or city but smaller than a county. Townships are most common in New England, Mid-Atlantic, and Midwestern states. Townships began when New England communities drew the boundaries for the areas for which the local government was responsible. New Englanders use the term township more commonly than the term town.

The elected township leadership is a group called either the selectmen, the board of supervisors, or the board of trustees. Township leaders generally hire those who work full-time in township offices. Townships perform a wide variety of functions, depending on the traditions of government in those regions. They might be responsible for maintaining roads and bridges, operating fire and rescue squads, enforcing zoning and building code regulations, maintaining libraries, providing water service and other public utilities, and collecting taxes for itself and for cities and counties. In some Illinois townships, residents apply for U.S. passports at the township office.

When an area within a township becomes populous enough to become a town or city, the people there can submit a request to the state legislature to be incorporated, in keeping with that state's constitution or laws. This change allows a city to become more autonomous and to provide more services for that locality than the township might be willing or able to provide.



## Special Districts

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Another level of government that is not quite a county but not quite a city is the special district. People form a special district to meet a specific need for an area, such as providing fire protection, clean water, sanitation, library services, and sometimes schools. An elected board usually oversees a special district. The special district sometimes can tax the residents and businesses that are within it, or it might merely be able to propose a tax rate for its needs to the county or city in which it is located.

The formation of a special district comes about as a result of any number of motivations. A need, such as that for a library or fire protection, might exist over an area that includes several small communities or rural areas, none of which has a

large enough population to provide for the need themselves. Alternatively, communities that are near to each other might want to combine their efforts instead of each developing its own program.

People might decide to form a special district to provide greater control over a service or to avoid political wrangling that would hinder the service from being provided at all. Over 35,000 special districts exist in the United States. In addition, about 13,500 special school districts exist in the U.S. In thirty-three states, this is how public schools operate as opposed to being simply a function of the county government.

Our country is divided into states, counties, cities, towns, and special districts, but we should remember that every acre of this land belongs to God.

*The earth is the Lord's, and all it contains,  
The world, and those who dwell in it.  
Psalm 24:1*

## Assignments for Lesson 51

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**Literature** Continue reading *Born Again* by Charles Colson. Plan to be finished with it by the end of this unit.

**Project** Choose your project for Unit 11 and start working on it.

**Student Review** If you are using this resource, answer the questions for Lesson 51.



*City Hall in Cedar Rapids, Iowa*

## Lesson 52

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# Governing a City

*People ask where I get my energy. Well, it's really simple. It comes from you. It comes from here. What I mean by that is that my strength and energy comes entirely from the people of the City of New York. And it comes from a place like this, St. Paul's Chapel. This is a House of God, and it's one of the homes of our Republic. . . . When I walked in here from City Hall. . . on September 11, when the Twin Towers were viciously attacked and came crashing to the ground, . . . this chapel remained, not only not destroyed, but not a single window was broken. And I think there's some very special significance in that. This is the place where George Washington prayed when he first became President of the United States. It also stood strong, powerful, untouched, undaunted by the attacks of these people who hate what we stand for. What we stand for is so much stronger than they are. So this chapel stands for our values. It's a very important place and I hope you return here often to reflect on what it means to be an American and a New Yorker.*

*—Rudolph Giuliani, Farewell Address as  
Mayor of New York City, December 27, 2001*

Los Angeles, California: population, almost four million

Providence, Rhode Island: population, about 178,000

Minot, North Dakota: population, about 46,000

Evergreen, Alabama: population, about 3,850

These and over 19,000 other cities or municipalities in the United States have one thing in common: they all need city government. Beyond that, the needs of America's cities are very different. For instance, Minot does not have to deal with issues related to being an ocean port while Los Angeles does not have to deal with being prepared for snow removal. A city situated on the seacoast has to deal with erosion of the shore.

In the Idaho farming region, which might only get ten inches of rain per year, a city's water usage can be a major issue. As a result of these differences, city governments take different forms and carry out widely different functions.

The population of the United States was once predominantly rural. Most people lived in small towns or in unincorporated rural areas. Now the U.S. is predominantly an urban country. Almost



63 percent of the population lives in incorporated areas: cities, towns, and incorporated suburbs. Thus, municipal government is a major part of the lives of most Americans.

## The Nature of City Government

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State legislatures incorporate or officially organize villages, towns, and cities as legal bodies. Thus cities are to a degree dependent on the state government. However, they generally operate as autonomous units of government and do not carry out the functions of the state the way that county governments do. Municipalities govern, protect, and provide services for the people within their boundaries.

The state constitution or state law sets forth guidelines for how the legislature is to create a city. When the legislature incorporates a locality, the city receives a charter. The city charter is something like its constitution. To amend a charter (for example, to change the way the city fills the office of mayor if it becomes vacant between elections), the city has to ask the state government for permission to change it. Some cities receive the power of home rule. A municipality with home rule can amend its charter through local action, such as a referendum or a simple vote of the city council, however the state government and the city's charter allows. If a city government functions poorly—for instance, if it gets too deeply in debt because of bad management—the state can revoke its charter and the city has to start all over again to reconstruct its government.

The state expects the city to maintain a government and to provide certain services for the people according to the provisions of its charter. The state does not expect a village or a town to provide the same level of services that a city must offer.

## Forms of City Government

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The first form of city government in America was the democratic town meeting. The adult male

residents who owned property or paid taxes met regularly to decide issues that they needed to address. They sometimes elected a board of supervisors to oversee the operation of the city government between meetings and to hire people to carry out the work of the city. Because of city growth, such town meetings are rare today.

A second form of city government, which at one time was the most common form, is the mayor-council arrangement. In this plan a mayor, who is elected city-wide, and a council of representatives (sometimes called aldermen) elected by districts, govern the city. Four-year terms for mayors and city council members are common. The mayor is the city's chief executive. He oversees the operation of the city's employees. The council is the legislative body that considers the annual budget and new ordinances or laws for the city. As cities grow larger, the position of mayor often becomes a full-time position. In smaller cities, he might be a local businessman who holds the position of mayor on a part-time basis. Just under forty percent of American cities have a mayor-council government.

The third form of city government is the commission plan. City voters elect commissioners, and they form the city commission. However, they also each head one or more departments of city government, such as public safety, finance, parks and property, and street maintenance. Sometimes candidates run for specific posts, while in other places commissioners divide up the responsibilities

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*New York City Mayor-elect Rudolph Giuliani meets with President Bill Clinton, 1993.*





*City Hall in Savannah, Georgia*

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once they take office. The mayor might be the commissioner who gets the most votes, or the commission might choose one from among themselves to serve as mayor.

The first U.S. city to use the commission plan was Galveston, Texas, in 1901, after a hurricane and tidal wave the year before almost destroyed the city. The mayor-council city government there had become corrupt and was unable to cope with the massive devastation, so the city instituted the commission approach to provide more accountability for what the city government did.

The commission system combines the legislative and executive functions into one body. While this streamlines government operations, it does not maintain the principle of separation of powers. A commission government can devolve into five or seven little governments, each competing for more of the city's limited budget. Today, only a small percentage of municipalities use the commission form.

The most common form of city government today, which just under sixty percent of American municipalities utilize, is the council-manager plan. In this arrangement voters elect council members by districts, and the council has the primary responsibility for city government. Voters might also elect a mayor, while in some cities the council candidate who receives the most votes becomes mayor.

However, the mayor does not really run the city government in this plan. The mayor chairs council meetings, signs proclamations, and fills other formal

## Unit 11 - Local Government

roles. Running city government as the chief executive is the job of a professional city manager, whom the council hires and who answers to it. College courses of study and professional training programs have helped people learn the work of managing a city. The goal of the city manager plan is to raise city government above petty politics and to enable city employees to do their jobs well.

These basic forms of city government can have many variations. For instance, cities that use the mayor-council form, which has often allowed politics as usual to hold sway, have become more accepting of professional public administrators or managers. On the other hand, the supposedly professional and scientific approach of the council-manager form can have its share of petty politics. The city manager might believe that city worker Good Ol' Bob isn't doing his job and terminates his employment; but if Bob is the nephew of one of the council members, the city manager's days in office might be numbered also.

Three-fourths of American cities elect their officials on a non-partisan basis. In other words, candidates run on their own merits and not as candidates of political parties.

### Special Boards and Franchises

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City governments sometimes appoint special boards and commissions to handle particular needs. The beer board, for instance, reviews applications from retailers for permission to sell alcoholic beverages and considers accusations against retailers who have allegedly violated city ordinances governing such sales. A large city might organize a stadium authority to plan, finance, construct, and operate a major sports facility. The airport authority oversees the operation and expansion of the city's airport. Such issues as these could dominate a city council's time, so the special authority provides government oversight while enabling the council to maintain perspective on all of the issues facing the city.



City governments can give permission for private companies to provide services to the population in an action called franchising. For instance, cable television companies might bid to receive the contract to offer this service to people living in the city. It is sometimes not profitable for several cable companies to compete for customers in the same municipality. If one company can get the exclusive franchise for a city, however, they are more likely to make a profit. In exchange for this monopoly on a service, the city examines the company's operations; and rate increases must receive the city government's approval. If customers complain about poor service or too many price increases, the city council might decide to award the contract to another company.

However, cities can decide to allow competition for services. For example, in Urbana, Illinois, the city does not provide garbage collection. Several private companies offer the service to city residents. This competition can hold down prices, but it also means that heavy garbage trucks from several companies rumble down the same streets almost every day of the week.

### Weak Mayor, Strong Mayor

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The traditional understanding of city government is that the mayor is the head of government like the president is head of the country and the governor

is head of a state. However, the office of mayor can be strong or weak depending on the makeup of a city's governing structure. A strong mayor can push for his agenda and has considerable influence on the votes of council members and on what happens in city government on a day to day basis.

In the commission form of government, the mayor is fairly weak. His main function is to chair the meetings of the council. The council-manager form also tends to have a weak mayor. The real power is vested in the council, and the city manager has the most authority over the daily operation of the municipality. If a city has many administrative boards and commissions, this can limit the ability of the mayor to influence what happens.

In a city whose charter calls for a mayor to be more than a figurehead, he or she really is the chief executive of the city. The mayor in such a city can hire and fire the heads of city departments. Some mayors can veto the actions of the city council. Strong mayors are usually full-time positions, while council members in such situations usually serve on a part-time basis.

Of course, even though the formal structure of a municipal government might call for a weak mayor or strong mayor, the informal structure might enable just the opposite. If the people have a

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*City Hall in Alexandria, Virginia*



great deal of respect for the mayor and he has a great deal of personal influence in a city, he or she can lead the city government in the direction he wants, even though his official position does not give him much power in the practical operation of the city. On the other hand, even if a mayor holds a strong official position, someone else in city government, such as a long-serving council member or a powerful businessman in the community, might hold the real power in the city and can thwart the mayor's plans.

### Consolidated Governments

Of the over three thousand counties in the United States, about thirty-three have a consolidated or metropolitan (metro) city-county government. In these places, the county is considered to be the city and vice versa, though in some of these counties small communities continue to function as independent entities. Lexington-Fayette County, Kentucky; Denver-Denver County, Colorado; and Jacksonville-Duval County, Florida, are examples of consolidated governments. In these places, the same

government entity handles the functions of a city in governing the locality and the functions of county government on behalf of the state.

The idea of consolidating city and county governments generates arguments both pro and con. Supporters say that a consolidated government eliminates duplication of services, provides better coordination of services, and enables more effective planning for growth. It also eliminates the adversarial positions that cities and counties sometimes take. Opponents claim that consolidation does away with smaller communities and their cherished identities. They also say that city dwellers and the rural population will likely not share the same needs and expectations of government. In the ongoing contest for every government dollar, opponents say that the demands of the city will drown out the needs of the county, which might include better roads in less-populated areas and better rural law enforcement.

The residents of a city often develop a clear self-identity and dominant culture. The Lord told Jonah to preach to the great city of Nineveh because He loved them but they had lost their way spiritually.

*Should I not have compassion on Nineveh, the great city  
in which there are more than 120,000 persons  
who do not know the difference between their right and left hand,  
as well as many animals?*

*Jonah 4:11*

## Assignments for Lesson 52

<b>We Hold These Truths</b>	Read the State of the City Address by Kasim Reed, pages 144-148.
<b>Literature</b>	Continue reading <i>Born Again</i> by Charles Colson.
<b>Project</b>	Continue working on your project for Unit 11.
<b>Student Review</b>	If you are using this resource, answer the questions for Lesson 52.





## Lesson 53

# Using Urban Spaces

*Make no little plans. They have no magic to stir men's blood and probably themselves will not be realized. Make big plans; aim high in hope and work, remembering that a noble, logical diagram once recorded will never die, but long after we are gone will be a living thing, asserting itself with ever-growing insistency. Remember that our sons and grandsons are going to do things that would stagger us. Let your watchword be order and your beacon beauty. Think big.*

—Thoughts attributed to Daniel Burnham,  
Chicago architect and city planner (1846-1912)

It is easy to talk and think about government at any level as “the way it is”; for instance, to think about a city as being of a certain population and covering so many square miles. But government is not this way because life is not this way. Things are always changing. With a city, the population increases and decreases. Businesses open, close, grow, and decline. Developers establish new subdivisions with new houses. Older homes become run down, their owners can abandon them, and eventually new property owners might tear them down and replace them. While the idea that “the way things are” in a town or city might be comforting to many, the reality is that government must change as people’s lives change.

This lesson examines four ways that cities deal with change: planning, zoning, annexation, and eminent domain.

## Planning

Population growth in a city, county, state, or region presents many challenges. One challenge is to balance individual freedom with what is best for the community as a whole. We live in a free country that gives individuals the opportunity to enjoy their personal endeavors; but if the community through the government does not guide growth in some way, the result can be detrimental to personal, family, community, and business success.

Urban planning is a profession that helps communities, counties, states, and regions anticipate (as much as possible) what growth a region can expect and what is the best way to plan for and handle that growth. Urban planners study long-range population and business trends, predict what the impact of growth might be, and advise communities on what steps the government can take to maintain and improve the quality of life for the

residents. Several universities have developed degree programs in city planning.

Planning involves data collection, goal setting, and creating guidelines for government policies. Planners study the impact of population and economic growth on people, the land, the water, and the air. Planning requires both expert perspectives and input from the public who pays the bills and has to live with the outcomes. Planners often develop a master plan for a neighborhood, a city, a county, a metropolitan area, or a region.

Archaeology indicates city leaders have planned for growth since ancient times. In America William Penn laid out an orderly plan of streets for the city of Philadelphia in 1682. Pierre L'Enfant developed a plan for the new city of Washington in the District of Columbia in 1791. His plan celebrated the new nation with beautiful buildings and park areas. Frederick Law Olmstead designed Central Park in New York City in the 1850s.

The profession of urban planning developed in the late 1800s as cities faced the disorder of unplanned growth that resulted from increasing

industrialization and growing populations. The development of mechanized transportation, such as trolley lines, enabled many people to live outside of inner cities and commute to and from work. This expanded the areas of cities and increased traffic congestion. Many planners sought to create an ideal city, as in the City Beautiful movement that culminated in the plan for the 1893 World's Columbian Exposition (the Chicago World's Fair); but urban planning also had to confront practical realities of providing sanitation, transportation, and other services, balancing appearances and realities.

Planning can involve many areas of community life. Land use planning considers what tracts of land would be best suited for commercial, residential, or public uses (the latter involving, for example, parks and schools), how to use and how to protect open land, and how and whether to revitalize already developed parts of a city. Transportation planning examines traffic patterns and addresses such topics as road improvement (Should this road be widened to four lanes or kept to two? Do we need to build a bypass around the city?). Larger cities might have to consider beginning or expanding mass transit lines such as buses, subways, or commuter trains.

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*Miami Beach, Florida*





Water use planning looks at whether a city will be able to provide clean water to a growing population: what is the city's current water source, are additional sources available, and can the city afford a new water treatment plant? Planning must take geography into account in determining what are the best areas for residential and industrial development. A city on a river or seacoast might study the best way to expand its port facilities. Natural resources planning might consider how best to utilize minerals, lumber, and other natural resources while protecting the environment.

Smaller cities might utilize the services of a private planning consulting company. As municipalities become larger, they are more likely to need a full-time city planner. County governments also need the services of planners. A planning commission is a board whose members are citizens appointed by the city council or county commission and who recommends a course of growth for a unit of government.

While recognizing the limitations of top-down decisions by city officials on how an area should develop, planners help community residents see the good that is possible from giving thought to the best way a community can grow.

## Zoning

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Ken and Nancy Greene purchased a ten-acre tract on a county road twelve years ago. Their dream was to build a home there someday and move out of the city. By careful saving, they were finally able to accomplish their dream. They built a home just like they wanted, with a pretty yard and a beautiful view. One afternoon, as they were sitting on their front porch, a pickup truck drove past their house and stopped just down the road. A man got out and erected a sign on the neighboring tract of land. The sign said, "Coming soon: Bob's Auto Salvage Lot. Pick a wreck and find the part you need." As the pickup drove back by their house and the driver gave a friendly wave, Ken and Nancy looked at each other

in horror. Their twelve-year dream had suddenly become a nightmare.

This is a free country. What is to prevent such a scenario from happening? Why can't someone build a convenience store in the middle of a residential subdivision? What prevents a large, smelly factory from going up next to an exclusive golf course that has large, expensive homes surrounding it? What keeps these things from happening is the process called zoning, by which a city or a county regulates how people use various areas of land.

The zoning commission is another appointed board that oversees the zoning process. The city planner or other official might chair the commission. Typical zones are residential, commercial, and industrial. These are subdivided into more specific kinds of use. A residential zone might be restricted to single-family dwellings, or it might allow two-family dwellings (duplexes), mobile homes, or multi-family dwellings in the form of apartments. Commercial zones might allow certain kinds of businesses but forbid others; for instance, a city might allow a bookstore on the town square but not a lumber yard. The government might designate industrial zones as light industrial or heavy industrial. A small tool and die shop would be in a different zone from a large auto parts manufacturer.

Zoning regulations create a pleasant and coordinated community environment and help to maintain property values. For instance, it is difficult for a homeowner to sell a house located next to a factory. Many people would be reluctant to buy a home if a businessman could build a liquor store next to it. Zoning separates business areas, industrial areas, and residential areas to help with traffic flow and personal safety. In addition, when a property owner sells a piece of land, the seller can impose covenants and restrictions on how future owners can use the property for a certain period of time into the future.

Few cities had zoning from the time they were established. As a result, when zoning does begin it has to pick up with the status quo and go on from

there. In addition, zoning is not a one-time process. Localities can change zoning designations. A county might change a farm or residential zone to industrial if it wants to create an industrial park. A property owner can petition to have the government rezone his or her site to another designation. If the owner of an empty warehouse wants to build apartments on the site, he can apply for a zoning change. The government must give public notice on the proposed change, and a public hearing allows citizens to give input on the proposal.

Zoning and planning have been used longer for cities than for counties. More counties are seeing the need for staying ahead of growth and avoiding problems before they surface. Those who oppose zoning want the freedom to do what they want with their property. Those who support zoning want to regulate growth and development and want to avoid the situation that Ken and Nancy Greene faced.

## Annexation

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Cities do not grow merely by residents having children or new residents moving into the city. A municipality can also grow by annexing or taking in areas adjacent to the city and thus expanding the city limits and the city's population.

The process of annexation involves trade-offs for all parties involved. As a city grows, many people want to live near but not in the city in order to be

close to shopping, health care, and other benefits of city life while avoiding the taxes, traffic, and other problems that come with living in a city. A family might want to live in an unincorporated area in order to have a yard and access to county schools, while Dad drives into the city to work. However, along with these advantages, those who live outside of the city might not have access to garbage pickup, fire protection, sanitary sewer service, and other services that the city provides within the city limits. People who live outside of the city use city streets, for which they pay no city taxes; and they will probably want to use the city library, also funded by taxes, as well as other city services.

A city government might want to annex a growing area into the city to increase the area on which it can collect property taxes. At the same time, with annexation the city has to provide more services to a larger number of people. Residents who live in an area that the city is considering for annexation might want additional services, but they might fear the commercial development that might come into what had been an exclusively residential area. They might also wonder whether the increased services will be worth the increased taxes they would have to pay. As a compromise arrangement, residents might form a special water services district or a fire service district to provide those services to the homes and businesses in the outlying area rather than becoming part of the city itself.

State governments have established guidelines for how annexation is to happen. Cities have the right to annex adjacent land, within the restrictions that the state has set. For instance, the boundary of a growing city might get close to a small town a few miles away; but a city cannot annex another incorporated area without that other area's permission. Some states do not let a city annex vacant land so that a city will not control large areas of land that could go to other uses. In such a situation an area has to have a certain population density before a city can annex it. A city must provide certain services if it annexes

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*Center Grove, Tennessee*





land. It cannot just make a vague promise that it will provide services someday.

Some residents of an area that a city is considering for annexation might want to be annexed and can petition to be annexed. On the other hand, other residents might fight annexation by submitting a petition against it to the planning commission or hiring an attorney to initiate legal action against the city. The city government then has to decide whether the benefits to the city from annexation will outweigh the ill will that the effort to annex might generate. Sorting out the tradeoffs involved in annexation is one of the challenges of governing a city.

## Eminent Domain

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Eminent domain is the power of government to use or take private property for public purposes without the owner's permission. It is a right that governments have claimed since kings considered themselves to be owners of all the property in their realms.

Typical examples of government projects that involve the exercise of eminent domain are the building of a road and the creation of a city park. To acquire the land that such a project needs, the government will condemn the land and offer what officials believe is just compensation to the owner. Negotiations and sometimes legal actions often follow the condemnation until the government agency and the property owner are both satisfied with the purchase price.

The government's power of eminent domain is a limitation on the right of private ownership of property. A property owner usually cannot stand in the way of a government project merely because he does not want to sell his land. However, in the United States certain safeguards have kept a check on the process. The Fifth Amendment says that the government must want the land "for public use" and that it must provide "just compensation" to the owner. This is often called the takings clause of the Fifth Amendment.



*Dinosaur, Colorado*

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People have generally understood eminent domain to apply to the government acquiring land for public use and not for private development. A highway or a park is clearly a public project. However, the definition of "public use" has gradually expanded to include "public benefit," including economic development by a private entity that will supposedly benefit the public at large. For instance, a private developer who wants to build a factory, office complex, or shopping complex with the stated intent of bringing economic benefit to a community might ask the government to exercise eminent domain so that he can acquire the land for the project. Governments have used eminent domain in this way many times. This is how private railroad companies built the transcontinental railroad: the government transferred land that it controlled into the hands of the private companies that built the lines. The project was for the public to use and it was for the public benefit, but private companies owned it. In the 1920s, the U.S. Supreme Court upheld the condemnation of urban slums to allow private developers to use the land for their projects, reasoning that such projects would benefit the public. In 1981, the Michigan Supreme Court,

using the same reasoning, upheld the condemnation of slum property in Detroit for General Motors to build a factory.

In a 5-4 decision announced in 2005, the U.S. Supreme Court in *Kelo, et al. v. City of New London, et al.* ruled against property owners in New London, Connecticut, who objected to having to sell their land to private developers because a city agency had decided that developing the land would bring greater economic benefit to the community than would be derived from the land remaining as it was. The decision created a firestorm of controversy. The Court majority encouraged people concerned about the issue to petition their state legislatures to develop strict guidelines about using eminent domain. To date forty-five states have enacted new regulations that limit or carefully define how governments in

those states can exercise eminent domain without forcing a transfer of property from one private owner to another.

Ironically, the proposed development that prompted the Supreme Court's *Kelo* decision did not happen. The company withdrew from the project; and ten years after the Court's decision, the land where private homes once stood was empty lots that hosted no economic development and generated no revenue for the city. The home that the lead plaintiff, Susette Kelo, owned was moved to another part of New London. Kelo herself moved to another part of Connecticut.

Governing a city well requires great character. Proverbs says that a city is blessed by the upright and torn down by the wicked.

*By the blessing of the upright a city is exalted,  
But by the mouth of the wicked it is torn down.  
Proverbs 11:11*

## Assignments for Lesson 53

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|-----------------------------|---------------------------------------------------------------------|
| <b>We Hold These Truths</b> | Read the excerpts from <i>Kelo v. New London</i> , pages 149-153.   |
| <b>Literature</b>           | Continue reading <i>Born Again</i> by Charles Colson.               |
| <b>Project</b>              | Continue working on your project for Unit 11.                       |
| <b>Student Review</b>       | If you are using this resource, answer the questions for Lesson 53. |





*Red Foxes Near Williston, North Dakota*

## Lesson 54

# Governing a Growing Community

*“They come here thinking the streets are paved with gold. They have all these pipe dreams in their head and then they come in here and I give them a realistic picture.”*

—Kyle Tennessen, manager at a temporary employment agency,  
Williston, North Dakota

Governing any locality involves challenging issues. City and county governments have to provide such services as police protection, roads, water, sewers, schools, and parks. A growing city has an increasing need for these services, but the increasing population and business activity usually provide the greater tax revenue that is needed to pay for them.

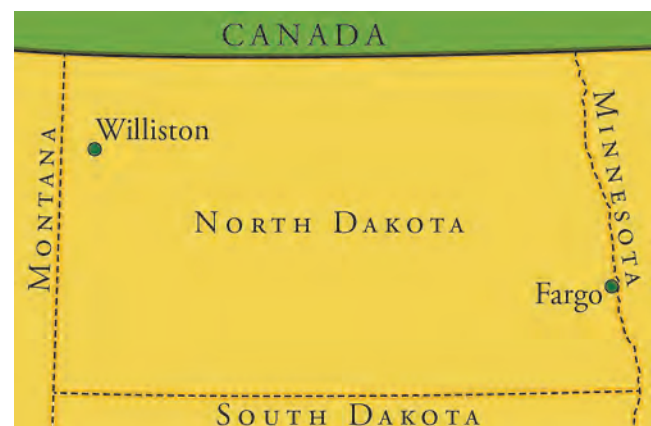
Sometimes, however, growth is explosive. Some suburbs near large cities more than double in a decade. This was true, for instance, in the area around Los Angeles, California, during the 1950s. When a major manufacturing facility, such as a large automobile plant, opens somewhere, the cities and towns nearby experience rapid growth as workers move in and new businesses open.

Williston, a small town in northwestern North Dakota, experienced this kind of rapid growth in the early 2000s as a result of an oil boom in the region. The city has confronted major issues that have challenged the city’s people and government.

## The Setting

Williston is located in Williams County, about eighteen miles from the Montana border and sixty miles from the Canadian border. James J. Hill, owner of the Northern Pacific Railroad, founded the city in 1887. He named it for Daniel Willis James, a friend of Hill and a member of the railroad’s board of directors.

The economy of the Williston area has been based on agriculture for many years. A major business activity has been tourism. Williston is





### *Fort Union Trading Post Near Williston, North Dakota*

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near the Fort Union Trading Post National Historic Site, a reconstructed fur trade-era fort. On their Voyage of Discovery, Lewis and Clark noted that the confluence of the Yellowstone and Missouri Rivers would be a good place for a fort. The Army built Fort Union there in 1829, and it became an important site for the fur trade.

Hunting and fishing are popular activities around Williston. The city is near the upper end of the manmade Lake Sakakawea, and is also near Theodore Roosevelt National Park.

Williston State College, a two-year institution, opened its doors in 1961.

The average January temperature is 11° F, and the average July temperature is 70°. The city experiences an average of 42 days per year when the low is below 0°, and it receives about 45 inches of snow annually.

The 1990 census of Williston showed 13,131. By 2000 the population had dipped slightly to 12,579.

## **Discovery of Oil**

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Geologists discovered oil in the area of Williston in the early 1950s on land that Henry Bakken owned, but the petroleum industry did not have the technology to extract the oil and natural gas that were present. The petroleum reserves extend into Montana and Canada. The deposit has different names, depending on the specific location and formation being discussed, including the Williston Basin, the Bakken Oil Fields, the Bakken Formation, and the Parshall Oil Fields.

Petroleum geologists developed an oil extraction process called hydraulic fracturing or fracking in the

late 1940s. The process involves injecting water and chemicals at high pressure into underground rock formations. The column extends down into the earth and then moves horizontally. The process breaks up the rock and releases the oil and natural gas lying there. The oil industry developed and expanded the use of fracking over the next several decades.

By the mid-1970s, some scientists began to believe that the United States was running out of oil. This belief, coupled with increased tensions in the Middle East, led to widespread concerns about whether the United States would be able to obtain enough oil to meet its demand.

Oil companies began developing the Bakken deposits around 2006 using fracking technology. As exploration continued and fracking technology improved, geologists' estimates of the amount of recoverable oil deposits kept increasing. At the same time that North Dakota oil fields began showing great promise, gasoline prices began to rise. In 2008, the average price for a gallon of gas in the U.S. passed \$4.00 for the first time. This price increase caused a demand for domestic oil in order to bring down prices, and production in the Williston Basin began to boom.

## **North Dakota Oil Boom**

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During the last half of the first decade of the 2000s, North Dakota oil production skyrocketed. Thousands of workers moved to Williston and other nearby towns. Companies hired workers to work a two- or three-week shift, then the workers went to their homes elsewhere for a few days while others came to take their place. Production continued around the clock, seven days per week.



New housing sprang up. Builders constructed many apartments and houses, but the most identifiable housing was “man camps,” pre-fab dormitory-like structures where men slept and showered, rested, and then went back to work. Demand for housing outpaced supply. As salaries for oilfield workers hit \$75,000-100,000, rent for a two-bedroom apartment reached \$4,000 per month. The median per capita income in Williston rose from \$29,962 in 2000 to \$78,600 in 2013. The median home value more than tripled, from \$56,600 in 2000 to \$174,179 in 2013. By February 2014 rent in Williston was the highest in the nation.

Oil companies paid landowners for the right to drill on their property, and many landowners became millionaires. Unemployment fell to 2.2 percent in the Williston area and 2.7 percent in North Dakota, the lowest of any state in the union (economists generally consider an unemployment rate of 3 percent to be full employment). Jobs included not only oil field work but many other kinds of labor, from construction to oil and gas well maintenance to restaurants and retail.

The state of North Dakota receives 11.5 percent of the gross value of the oil recovered through a severance tax the state charges oil companies. The state awards leases to mineral rights by competitive bidding, which brings in more revenue. When producers bring out oil from federal lands, the federal government passes 48 percent of the revenue it receives to North Dakota.

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*Oil Rig Near Williston, North Dakota*

In 2009 North Dakota produced more oil than Oklahoma. In 2012 the state passed Alaska and became second only to Texas as the state reached peak production.

The population of Williston rose to 14,716 in 2010 and to 20,850 in 2013. In 2014 the census estimate was 24,562; but an exact count was difficult to obtain with so many temporary residents there. Some city officials believe there were as many as 30,000 to 40,000 people living in the city.

The oil boom caused a huge crisis in government services, including roads, water, sewer, electricity, schools (many company officials brought their families), and health care. The large influx of workers also challenged law enforcement as crime increased. Government officials found it difficult to maintain services that the rapidly growing population demanded. The city had to make long-term plans while scrambling to keep up with current needs. Williston took on significant debt to expand its services quickly before it had the tax revenues to pay for everything it needed.

The Williston airport became a busier place. Long used only for private planes, regional commercial carriers began making daily flights to Denver and Minneapolis-St. Paul and also regular flights to Houston. About 6,000 passengers came through the airport in 2005; but about 100,000 passengers used the facility in 2016. Officials began planning a new airport that could handle the increased traffic. Amtrak passenger trains came through twice daily, one heading east to Chicago and another west to



Seattle-Portland. During the oil boom, trains carrying hundreds of oil tanker cars left Williston every day.

## The Bust

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By 2015, less than a decade after the oil boom began, oil prices fell. Fracking is more expensive than traditional drilling methods, so when prices fell production declined. Companies laid off workers, many of whom went home or went to oil fields elsewhere. Contractors had built too many houses, and prices began to fall. The population declined. The city decided to close the man camps and encourage permanent residents, but now it needs work for permanent residents to perform.

Drilling slowed but did not stop. City and business leaders hope for a rebound and for a restructuring of the economy that will lead to permanent jobs and more stable growth.

## How Would You Govern Williston?

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Oil production has brought great wealth to the Williston area and all of North Dakota, but the economic boom has had negative as well as positive consequences.

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*Oil Fields Near Williston, North Dakota*

How would you diversify the economy of Williston so that the people would not be so dependent on the ups and downs of the oil industry?

What services should the government, churches, and businesses provide to displaced persons who left everything to go there, then lost their jobs, and have no way to go elsewhere? Some churches provide weekly meals. Some helping agencies provide one-way bus tickets to people wanting to head out and start over.

How should the community deal with conflict between long-time residents on the one hand, who have followed a way of life for decades if not generations, and new residents on the other hand who are tied to the oil industry and have new ideas?

What responsibility do the city, county, and state governments have to address environmental issues as a result of fracking? Some scientists believe that chemicals and pulverized rocks are contaminating ground and surface water. Methane gas is definitely becoming a factor, as is an increase in noise and air pollution. Spills and drilling waste are becoming problems. Some believe that fracking causes earthquakes and negatively affects pregnant women and their babies.

What will happen if and when oil companies no longer find production in the Williston area economically feasible?





## Dealing with Decline

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Williston has experienced growth and decline. Communities hope for growth, but communities do not always grow. New Orleans and Louisiana lost significant population after Hurricane Katrina struck in 2005. The city of Detroit, Michigan, was once a thriving industrial center; but it is a shell of its former self. Some small cities as well as counties are shrinking in population and business output. When a factory or military base closes, the tax base and the economy of the locality can suffer significantly.

Dealing with decline can be a difficult problem for governments to handle. Closed factories and empty apartment buildings generate no income

for the city and can become locations of criminal activity. A city will sometimes try to recruit families and businesses to move into the community, but revitalization can be a long process that requires widespread community commitment to the goal of renewal.

You can find good people and opportunities for personal growth and service to others anywhere. However, experience teaches us that governing any city—whether growing, declining, or stagnant—has its challenges.

During a period when the Israelites were being unfaithful to God, He described a decline similar to ones that have happened in many urban areas throughout history.

*Woe to those who add house to house and join field to field,  
Until there is no more room,  
So that you have to live alone in the midst of the land!  
In my ears the Lord of hosts has sworn,  
“Surely, many houses shall become desolate,  
Even great and fine ones, without occupants . . .”  
Isaiah 5:8-9*

## Assignments for Lesson 54

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**Literature** Continue reading *Born Again* by Charles Colson.

**Project** Continue working on your project for Unit 11.

**Student Review** If you are using this resource, answer the questions for Lesson 54.



*Entrance to Saguaro National Park in Arizona*

## Lesson 55

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# Three Levels Working Together

*All politics is local.*

—Common saying, often attributed to former House Speaker Thomas P. (“Tip”) O’Neill (1912-1994)

The individual American is responsible to many different levels of government at the same time. He is subject to the federal, state, and county governments. He might also be subject to a city government, a township government, and one or more special service districts. All of these governments offer certain services and make certain demands on the individual. In addition, all of them want some of his money, usually in the form of taxes.

We might think of the three levels of government—federal, state, and local—as distinct. In reality, however, they interact with each other a great deal. Sometimes this interaction is for good, while in other situations it is a source of conflict. In this lesson we outline some of the ways that federal, state, and local governments interact and the results of those interactions.

Above all else, what binds the country together on all levels is the provision in Article VI of the Constitution that all government officials, whether federal, state (or by extension, local) “shall be bound by Oath or Affirmation, to support this Constitution.” Despite the different areas

of sovereignty, and despite the occasional times of conflict, we share this commitment to the Constitution and to our one republic.

## Interactions in History

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Interactions—and conflicts—among the different levels of government are nothing new. Under the Articles of Confederation, the national government was weak and the state governments had almost all political power. The Constitution changed that, and states had some difficulties adjusting to the new arrangement.

One question that arose more than once in the early years of the republic was whether a state could ignore or nullify a federal law. When the Federalist-led Congress passed the Alien and Sedition Acts in the 1790s, the Kentucky and Virginia state legislatures passed resolutions suggesting that those states did not have to enforce those laws because state leaders (who were Republicans) believed the laws were unconstitutional. South Carolina took a similar position in 1832, when the legislature



declared that the state would not collect a federal tariff that state leaders believed was harmful to its economy. President Andrew Jackson insisted on the state's submission, and the legislature withdrew its threat to nullify the tariff.

Sometimes federal policy hurt local governments. In the early 1800s, in response to British harassment of American shipping, President Thomas Jefferson encouraged Congress to pass an Embargo Act that forbade any American ship from leaving port. Jefferson hoped that this move would pressure Britain into ceasing its actions because of the embargo's negative effect on British business. The immediate victims of the embargo, however, were the American port cities that suffered because of a serious loss of business. In this case, federal policy had a negative effect on local communities.

### Positive Interactions

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One way in which the federal government has impacted even small communities in a direct and positive way has been through local post offices. Historically, post office jobs were rewards that the postmaster general gave to political allies

in appreciation for their support of presidential candidates; but in a non-political sense, postal service brought the world to just about every rural community. Before 1896, farm families had to pick up their mail at the town post office or pay someone to bring it to them. In that year Congress created Rural Free Delivery (RFD), which established rural mail routes that delivered mail to farm homes. Parcel Post service began in 1913, which helped the mail order industry and also further connected rural residents with the rest of the country.

Another major way in which the federal government has helped state and local governments has been through the funding of road construction. The Cumberland Road or National Road was the first federal highway. It connected Cumberland, Maryland, near Baltimore, to Vandalia, Illinois. Construction lasted from 1811 to 1837. From 1833, the states through which the road passed had to pay for the road's maintenance. The Cumberland Road encouraged settlement in states west of the Appalachian Mountains.

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*The United States Post Office in Ochopee, Florida, is the smallest in the country.*







*The U.S. Army Corps of Engineers manages Carlyle Lake in Carlyle, Illinois.*

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In response to the rapidly growing number of automobiles on the road, Congress created the U.S. Highway System in 1926. This system of numbered federal highways crisscrossed the country and made automobile travel more common and more enjoyable. Then in 1956 Congress created the Interstate system. Currently, the federal government provides 90 percent of Interstate funding and 80 percent of the funding for non-Interstate federal roads, with states providing the rest.

The federal Interstate program has had a huge impact on localities. Route planning involved selection and purchase of land. Payments to road construction companies have pumped billions of dollars into local economies. Cities along the Interstate routes have grown, while many cities not on the Interstate have shrunk.

State highway construction projects also have an impact on local communities. For instance, when a state highway needs to be widened, state highway officials meet with local officials and with property owners along the route to discuss their plans. State civil engineers and the construction company pack up and go home when they finish the job, but the residents of the local community feel the impact

of the project—for good or ill—for many years to come.

Federal and state grants can affect local communities. A local police department might receive a grant to upgrade its equipment, a city might receive a grant to build a community center, or a federal grant might fund a large research project at a local university. In another funding issue, federal officials use the ten-year federal census to allocate some \$400 billion each year in funding to state, local, and tribal governments.

States (and therefore counties) oversee elections, including elections for federal offices; but the Federal Election Commission reviews election activities involving campaigns and voting related to federal offices on the state and local levels.

Federal installations such as national parks, wildlife management areas, and military bases affect local governments. Tourists, new residents, and those on temporary assignments who come as a result of these facilities add to the local economy, but they also add to transportation, law enforcement, education, and other expenses in those communities. These federal facilities also affect how and where a local community can plan for growth. State and local governments cannot levy property taxes on federal lands. Therefore, the federal government makes payments in lieu of taxes (PILT) to states



and communities where large federal facilities are present. PILT helps to ease the financial burden that local governments bear.

Federal and state governments fund the Medicaid health care program for low-income persons. States administer the program and have a fair degree of freedom in setting guidelines for the program.

Since the federal government is sovereign, federal laws and regulations outweigh state and local laws and regulations whenever a question exists. For instance, rules that the National Register of Historic Places set up affect what owners of property on the register can do with their property in terms of remodeling or upgrades, regardless of what local codes might allow or require. A local port authority has to bow to U.S. Navy, U.S. Army Corps of Engineers, or U.S. Department of Commerce rules.

### Sources of Conflict

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Federal, state, and local governments do not always cooperate well. States sometimes complain about “unfunded mandates” that the federal government issues (see page 135).

Local and state governments deal in practical ways with the federal government’s enforcement of or failure to enforce immigration laws. When federal agencies do not arrest and deport illegal immigrants, state and local officials have to provide education, health care, law enforcement, and other services for those individuals. On the other hand, in a few cities the local government has decided not to cooperate with immigration officials in identifying illegal immigrants. These cities are sometimes called “sanctuary cities.”

Management of emergencies can be an opportunity for governments to rise to the occasion, or it can reveal a lack of government preparedness. When Hurricane Katrina hit New Orleans and the surrounding Gulf region in 2005, federal, state, and local officials did not work together well. The crisis revealed their preparations to be inadequate, and thousands of people suffered as a result.

### States Rights and Civil Rights

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The Fourteenth Amendment to the U.S. Constitution guarantees all Americans equal protection of the laws. However, Supreme Court decisions in the last half of the 1800s limited the amendment’s reach only to actions of the federal government. The result was that states could deny equal protection without consequences. This happened especially with regard to discrimination against African Americans. Many states both north and south routinely subjected blacks to unequal treatment, including segregation in housing and schools.

In the early 1920s, Supreme Court decisions began applying the Fourteenth Amendment to some state actions but not with regard to the civil rights of blacks. This began to change with decisions in the late 1940s and early 1950s. However, states continued to resist extending equal treatment to blacks. When the Supreme Court ruled in *Brown v. Board of Education* in 1954 that states had to integrate their public schools, many states responded with a policy of “massive resistance” and refused to comply with the decision. Schools and other public facilities remained segregated into the 1960s. For instance, when two black students, accompanied by a deputy U.S. attorney general, attempted to enroll in the University of Alabama in 1963, Alabama Governor George Wallace stood in the doorway of the building the students were attempting to enter

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*Vivian Malone, center, enters the University of Alabama to register for classes, 1963.*



and refused them admission. After Wallace made a speech, he stood aside and the students were able to enroll. Violence broke out in Boston in 1974 when officials implemented busing in order to integrate schools.

Many believed that, with the 1964 Civil Rights Act, the federal government went too far and encroached on areas that were traditionally, properly, and constitutionally reserved to the states. These opponents appealed to the doctrine of states rights, which had a basis in the Tenth Amendment to the U.S. Constitution. The problem was that in their assertion of states rights, the states were denying to American citizens basic human rights and the

basic civil rights that the Fourteenth Amendment guaranteed to all Americans.

The United States has a good system of government. The founders showed great wisdom in creating a system with three levels of government and three branches of government. We can see the wisdom of this arrangement in many practical ways.

Every citizen, functioning well and responsibly at every level, can contribute good to the community, the state, and the country as a whole. Families, the church, as well as communities, states, and countries, function best when all work together for a common good, as Paul taught about the church:

*... but speaking the truth in love,  
we are to grow up in all aspects into Him who is the head,  
even Christ, from whom the whole body,  
being fitted and held together by what every joint supplies,  
according to the proper working of each individual part,  
causes the growth of the body for the building up of itself in love.  
Ephesians 4:15-16*

## Assignments for Lesson 55

**Project** Finish your project for Unit 11.

**Student Review** If you are using this resource, answer the questions for Lesson 55 and take the quiz for Unit 11.

**Literature** Finish reading *Born Again* by Charles Colson. Read the literary analysis of the book beginning on page 27 in the *Student Review* and answer the questions over the book.





*Detail from Rainy Day, Boston, Childe Hassam (American, 1885)*

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