

Unit 1 What Is Civics?

Unit Summary

Unit 1, which includes two chapters, focuses on the government of West Virginia. The first chapter begins with a study of citizenship, including the rights and responsibilities of being a citizen of the United States and West Virginia. The chapter also includes a study of the Constitutional Convention that created our national government. Finally, the chapter examines the structure and function of our national government, including a study of its three branches, detailing the organization and powers of each.

The second chapter in the unit focuses on state and local government. You will examine the principles upon which West Virginia government was founded and study its three branches. You will also examine the structure and function of county and municipal governments.

West Virginia's content objectives and college- and career-readiness indicators provide guidelines for what is to be taught. Literacy and learning skills and strategies provide a way for students to acquire information and communicate their understanding of what they have learned. Specific objectives are identified in each section of a chapter.

UNIT 1

What Is Civics?

Civics addresses both citizenship and **government** (the organization that has the authority to make and enforce laws). The study of civics is intended to prepare students to become informed, active, and effective citizens who understand their rights and actively participate in government and society.

To this end, students must be able to research issues, form reasoned opinions, support their positions, and engage in the political process. Students must also exercise tolerance and empathy, respect the rights of others, and share a concern for the common good while acting responsibly with the interests of the larger community in mind.

While studying Unit 1, you will

- learn and practice skills to enable you to become an involved citizen.
- develop a global awareness and examine the principles and structure of various world governments.
- examine the principles and structure of representative democracy, including separation of powers and rule of law.
- examine the principles of our country's foundational documents, including the U.S. Constitution.
- explain the origin, function, and structure of government with reference to the U.S. Constitution.
- recognize the need for authority, government, and the rights and responsibilities of citizens.

As you study the two chapters in this unit, more specific objectives will provide you with opportunities to develop and practice these civics concepts.

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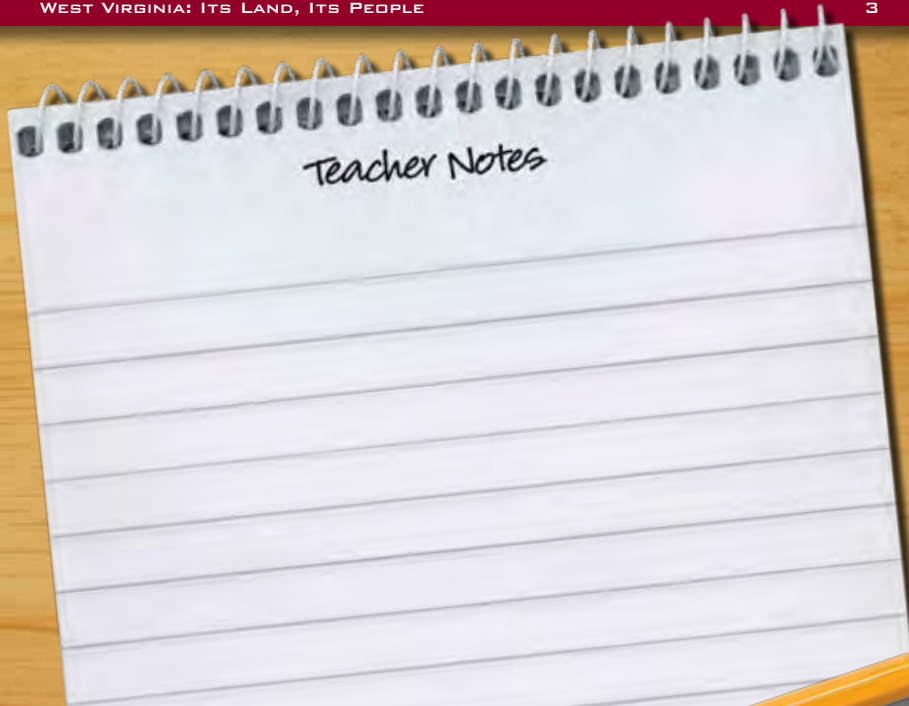
UNIT 1: WHAT IS CIVICS?

NOTE: Websites appear, disappear, and change addresses constantly. The Internet addresses included throughout this program were operative when the text was published.



WEST VIRGINIA: ITS LAND, ITS PEOPLE

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Chapter 1 American Government and Citizenship (Pages 4-49)

Section 1

Government and the People

Section 2

Shaping American
Government

Section 3

The Federal Government

Chapter 2 State and Local Government in West Virginia (Pages 50-93)

Section 1

A History of West Virginia
Government

Section 2

The Three Branches of State
Government

Section 3

County and Municipal
Government

Focus (Bellringer) Learning Skill: Collaboration

Encourage students to brainstorm words that are associated with government. Use student suggestions to form a class definition of *government*.

Literacy Skill: Analyzing Photographs

Ask students how the picture on this page relates to civics. What might the students be doing?

Chapter 1
American Government
and Citizenship
Pages 4-49

Section 1
Government and the People
Pages 8-23

Section 2
Shaping American
Government
Pages 24-31

Section 3
The Federal Government
Pages 32-47

Chapter Summary
Page 48

Chapter Review
Page 49

Focus (Bellringer)
Learning Skill: Critical
Thinking

As students enter the room, ask them to respond to the following question: How many times per day is my life affected by government? Have them list specific incidents.

Learning Skill: Discussion

Ask students to share their responses to the Bellringer. Discuss all the ways government impacts the daily lives of students. Examples might include the following: time they get up (daylight saving time or regular time), time they must be at school, compulsory school attendance, courses they take, textbooks they use, wearing seatbelts, food they eat (USDA approved).

Literacy Skill: Analyzing
Photographs
Learning Skill: Critical
Thinking

Ask students what document is shown at the bottom of pages 4 and 5. (*U.S. Constitution*) Ask why they think the Preamble to the U.S. Constitution is pictured here.

CHAPTER 1

American Government and Citizenship

CHAPTER PREVIEW

TERMS

government, representative democracy, sovereignty, republic, constitution, separation of powers, checks and balances, federalism, citizen, naturalization, Bill of Rights, due process, jury, special interest group, political action committee, lobbyist, unicameral, infrastructure, proportional representation, bicameral, Electoral College, ratify, amend, reapportion, expressed powers, implied powers, impeach, committee, bill, veto, judicial review

PEOPLE

Jennings Randolph,
Robert C. Byrd, Donald Trump

PLACES

Philadelphia

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CHAPTER 1: AMERICAN GOVERNMENT AND CITIZENSHIP

Literacy Skill: Building Vocabulary

Prepare for the chapter by having students look at the terms, people, and places in the Chapter Preview. You may want to give a pretest to determine what terms the students already know.



The word *democracy* comes from the Greek words *demos* (people) and *kratein* (to rule). Many of the ideas found in the Constitution of the United States came from the ancient democratic governments of Greece and Rome. The government of the United States is actually a **representative democracy**, where individual citizens elect people to serve, vote, and make decisions for them.

JULY 4, 1776.

Declaration of the thirteen united States of America

...necessary for one people to dissolve the political bands which have con-

...of the United States, in order to promote the general Welfare, and secure to this Constitution for the United States of America

Top: Aerial view of Pennsylvania Avenue including the U.S. Archives Building, Department of Justice, and U.S. Capitol. **Background:** The U.S. Constitution with the Bill of Rights and Declaration of Independence on an American flag.

Trivia

The National Archives building, shown in the photo in Washington, DC, houses the three “Charters of Freedom”: the Declaration of Independence, the United States Constitution, and the Bill of Rights. These documents are displayed in helium-filled cases and are stored at night in a 50-ton vault located 20 feet below the building.

Learning Skill: Discussion

The photograph also shows Pennsylvania Avenue. Ask students if they have been to Washington, DC. Have them share what they saw and did there.

Literacy Skill: Acquiring Information

Learning Skill: Creative Thinking

Technology Tools: Research, Presentation Software

Have students imagine they are planning a three-day, two-night class trip to Washington, DC. They should use their research skills to find the following information: (1) the weather in Washington at the time of the trip, (2) what sites they should see and the funds needed to visit those sites, (3) where the class will have lunch and dinner on the two sightseeing days and how much the meals will cost, and (4) the cost for lodging at a reasonably priced hotel for two nights. Ask them to determine how much money would be needed for this trip.

You may have students use the information to create a poster or brochure promoting the tour. NOTE: A good Internet link to begin to collect the data is www.historictours.com/fieldtrips.

Teacher Notes

Foundation Geography Skill: Making a Map

Technology Tool: Search Engine

Ask students to search the Internet to find tourist maps of Washington, DC. Then, have them prepare a map identifying major historic landmarks and government buildings they think the class should visit if they went there on a field trip.

Teacher Note

Go to <https://www.aoc.gov/virtual-tours/capitolbldg/tourfiles/index.htm> to access a virtual tour of the U.S. Capitol. The tour gives students a panoramic view of the chambers found in the Capitol. (This site requires the latest version of Flash Player.)

Literacy Skill: Comparing and Contrasting Learning Skill: Discussion

Ask students to compare West Virginia's Capitol with the U.S. Capitol. You may want students to record their observations on a Venn diagram.

Trivia

- The center of government in the United States where the House and Senate work is nicknamed "The Hill." When the "Federal House" was first conceived by French architect Major Pierre Charles L'Enfant, it was to be constructed at a place called Jenkins Hill, where an Italian village had once stood. L'Enfant envisioned a grand esplanade, which became Pennsylvania Avenue.
- The private landowners in Maryland who donated land for the District of Columbia were paid \$25 per acre. The land that Virginia donated was returned to the state in 1846.

Learning Skills: Collaboration, Critical Thinking

Ask pairs of students to brainstorm other items to add to the Signs of the Times. Ask the pairs to share their ideas with the class. Choose some items to add to each section.



SIGNS of the TIMES

GEOGRAPHY

Before 1791, the federal government met in eight different cities, including Philadelphia, Baltimore, Lancaster, York, Princeton, Annapolis, Trenton, and New York City. Although the federal government had no permanent home, the Residence Act of 1790 provided that a seat of government, not to exceed 10 square miles, be created from land donated by the states. Maryland and Virginia both donated land for this purpose. George Washington then selected land donated by Maryland to create the District of Columbia.

ECONOMICS

The salary of the president in 2018 was \$400,000. The salary of the vice president was \$243,500. The salary of a member of Congress was \$174,000. The federal budget proposed by President Donald Trump for Fiscal Year (FY) 2018 was \$4.1 trillion, and the proposed budget for FY 2019 is \$4.4 trillion.

CITIZENSHIP/GOVERNMENT

Inventors may register their inventions with the U.S. Patent and Trademark Office. A patent gives its holder "the right to exclude others from making, using, offering for sale, or selling" the invention in the United States or "importing" the invention into the United States.

HISTORY

The United States Capitol, built between 1793 and 1830, is a neoclassical style that resembles the Roman Pantheon with a circular domed rotunda. Alexander Hamilton, James Madison, and John Jay wrote a series of articles in New York newspapers to convince New York voters to ratify the U.S. Constitution. Those articles were called the Federalist Papers.



Teacher Notes

Analyzing Photographs

DEFINING THE SKILL

Have you ever heard the expression, “A picture is worth a thousand words”? Pictures can add meaning to written text. Pictures help poorer readers with comprehension while they serve to enrich the meaning of printed words for good readers. Yet, some students look at pictures in textbooks passively, if at all. The following suggestions will help you examine photographs effectively.

When you look at a photograph, answer the following questions.

1. Who or what is depicted in the photo?
2. When was the photo taken?
3. Where was the photo taken?
4. Is the photo a candid shot or was it staged?
5. Why do you think the photographer emphasized certain features?
6. What might have happened right before or right after the photo was taken?

PRACTICING THE SKILL

Look at the photograph on page 25. Answer the questions that follow on a separate sheet of paper.

1. Who or what is depicted in the photo?
2. What period of time is represented in the photo?
3. What location might the photo represent?
4. What features did the photographer emphasize?



Learning Skill: Discussion

Discuss with students why it is important to analyze photographs in the textbook.

Answers to Practicing the Skill

1. a meeting room
2. 1700s
3. room where delegates will meet to revise the Articles of Confederation
4. desks, books, papers, candles, raised area for chairperson

Teacher Note

As students go through the chapter, give them multiple opportunities to analyze pictures.

Teacher Note

Tell students that analyzing photographs is the first step in developing the skill to answer DBQs (Document-Based Questions).

Teacher Notes

Section 1 Government and the People

INTRODUCE

Outline

- A. Principles of Democratic Government
- B. Citizenship

Materials

Textbook, pages 8-23
www.clairmontpress.com:

Audio Book
Guided Reading 1-1
Hyperlinks
Lesson Plans
Worksheets: *A Bill of Rights, Voter Turnout, Responsibilities of Citizenship*

mystatehistory.com:

Audio Book
Guided Reading 1-1
Internet Activities
Online Textbook
PowerPoints
Puzzles

TEACH

Focus (Bellringer)

As students enter the room, have them answer the following question: What does it mean to be a citizen?

SECTION 1

Government and the People

As you read, look for

- five principles of government;
- the type of government found in the United States;
- the difference between natural and naturalized citizens;
- rights guaranteed to citizens in the United States Constitution;
- the responsibilities of citizenship;
- terms: **sovereignty, republic, constitution, separation of powers, checks and balances, federalism, citizen, naturalization, Bill of Rights, due process, jury, special interest group, political action committee, lobbyist.**

In the **Gettysburg Address**, **President Abraham Lincoln** referred to our “government of the people, by the people, for the people.” But what does that mean?

Principles of Democratic Government

The government of the United States is based on five principles. One principle, **sovereignty**, focuses on the idea of supreme power or source of authority. In our government, power rests with the citizens. The people of the United States are sovereign, and the power to govern comes from the people. This type of government is known as a **republic**.

In a direct democracy, each individual is directly involved in making decisions about what the government should and should not do. That idea, taken from ancient civilizations, seemed impractical to our founding fathers, so they made our government a representative democracy in which the citizens elect or appoint others to represent them in making decisions about what the government should do. The electorate (voters) choose the individuals who will serve in the government and represent the people.

A second basic principle of American government is limited government. The representatives selected by the voters cannot just make up laws or rules as they see fit. They are bound by the federal and state **constitutions**, which describe the rights of the people and the framework of the government.

Content Objectives

SS.8.2 Evaluate how citizens can influence and participate in government at the local, state, and national levels and assume the role of an active citizen participating in the democratic process (e.g., lobbying, voting, community service, letter writing, and school elections).

SS.8.3 Identify, analyze, and evaluate the responsibilities, privileges, and rights of citizens of the state of West Virginia found in the state and national constitutions.

SS.8.4 Differentiate between the division of powers and responsibilities for each of the executive, legislative, and judicial branches of the United States and West Virginia governments, describe the system of checks and balances, and explore local forms of government.

- Identify and explain the various types of elections in West Virginia (e.g., primary/general, state/local, and partisan/nonpartisan).

When the United States Constitution was approved by the states, it established a national government that was made up of three branches: the legislative branch, the executive branch, and the judicial branch. In order to implement a third principle of American government, the concept of **separation of powers**, the founding fathers gave each branch of government certain powers. To further limit the power of government, each branch was given some power to control or prevent some actions of the other two branches. This process, known as a system of **checks and balances**, is a fourth principle of democratic government. Checks and balances ensure that no one branch becomes too powerful.

A final democratic principle of United States government is **federalism**. A federal system is one in which the national government and state governments share authority over the same territory and the same people. West Virginians are state citizens, but they are also United States citizens. They are subject to both state and federal laws. If there is a conflict between the laws, the federal law takes precedence.

something extra!

The United States Constitution is the shortest in the world.

Literacy Skill: Recall

Have students examine the background photograph on pages 8-9. Review the information about the U.S. Capitol from page T6.

Learning Skill: Discussion

List each principle of democracy—sovereignty, limited government, separation of powers, checks and balances, federalism—and discuss with students how our government would be different if each of these principles were not a part of our government.

Learning Skill: Discussion

Ask students to explain their rights of citizenship at home and at school. Then, tell them that, along with rights, citizens have certain responsibilities. Have them identify things they do at school or at home to demonstrate their responsibilities as citizens.

Background: In the early 1800s, the Congress, Supreme Court, Library of Congress, and the District of Columbia courts moved into the unfinished U.S. Capitol. Today, the building houses the House of Representatives and the Senate.

College- and Career-Readiness Indicators

- Develop questions through investigations.
- Apply disciplinary concepts and tools.
- Evaluate sources and use evidence.
- Communicate conclusions and take informed action.

Civics

- Distinguish the powers and responsibilities of citizens, political parties, interest groups, and the media.

- Explain specific roles played by citizens (such as voters, jurors, taxpayers, members of the armed forces, petitioners, protesters, and officeholders).
- Compare historical and contemporary means of changing societies and promoting the common good.

Geography

- Use maps, satellite images, photographs, and other representations to explain relationships between the locations of places.

Literacy Skill: Comparing and Contrasting

Ask students to explain the difference between natural-born and naturalized citizens.

Literacy Skill: Recall Technology Tool: Website

Have students go to <https://uscis.gov>. They should click “Citizenship,” then, on the dropdown menu, “Take a Practice Test.” Ask if they can answer the questions.

Teacher Note

Assign Worksheet, *A Bill of Rights*.

Learning Skill: Creative Thinking

Ask students to make a Step Book of ten tabs. They will write the titles of the ten amendments that are included in the Bill of Rights. Tell them to write important facts about each.

Literacy Skill: Recall Learning Skill: Critical Thinking

Divide the class into groups of four or five. Have students discuss the basic freedoms found in the Bill of Rights. Ask each group to say how their lives would be different without each of the freedoms. Have the groups share their ideas with the class.

Learning Skill: Critical Thinking

Ask students to analyze the Bill of Rights. Have them choose the one provision they believe to be the most important and give reasons for their choice.

something extra!



In September 1789, Congress submitted to the states twelve proposed amendments to the new U.S. Constitution. The states did not adopt the first two amendments, but amendments 3-12 were accepted. These first ten amendments are known as the Bill of Rights.

Citizenship

Citizens, both those born in the United States (natural) and those who have come from a foreign country and gone through a legal process (naturalized), owe allegiance to their government and are entitled to its protection. A child born in the United States or born to U.S. citizens who are living in another country is automatically a United States citizen. For example, a child born to parents serving in the military in Germany is a United States citizen.

Persons from other countries (called *aliens*) can become U.S. citizens through a process called **naturalization**. To become a naturalized citizen, a person must renounce allegiance (loyalty) to her or his home country, pledge allegiance to the United States, learn to speak English, reside in this country for five years, and pass an examination. A naturalized citizen has the same rights and privileges of any American citizen. Any person who is a citizen of the United States is also a citizen of the state in which he or she lives.

Guaranteed Civil Rights

Citizens have a number of rights and privileges that are guaranteed through the U.S. Constitution and through each state constitution. Many of these rights are described in the **Bill of Rights** (the first ten amendments to the U.S. Constitution) and in Article III of the West Virginia constitution.

Freedom of Religion

In the United States, church (religion) and state (government) are separated. Neither the state nor the federal government can set up a church, aid one religion over another, or impose a tax to support a religion. The West Virginia constitution prohibits the Legislature from giving preference to any members of a particular religious group. Lawmakers cannot set aside tax money to build or repair any facility used for worship. A person may believe as he or she chooses in matters of religion as long as no law is violated.



Bottom: Large groups have the right to gather peacefully to voice their opinions.

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CHAPTER 1: AMERICAN GOVERNMENT AND CITIZENSHIP

College- and Career-Readiness Indicators (*continued*)

History

- Write informative/explanatory texts, including narration of historical events.
- Conduct short research projects to answer a question, drawing from several sources.



Freedom of Speech and Press

Within reason, people are free to say and write things about issues without fear of the government. However, there are some restrictions. People may not slander or libel other people. *Slander* is a spoken statement made to harm a person's character or reputation. *Libel* is a printed or published statement made to harm a person's character or reputation. There are other restrictions on free speech. For example, a person cannot yell "Fire" in a crowded theater if there isn't one.

The West Virginia constitution prevents the Legislature from making any law that restricts freedom of speech. However, the Legislature can provide penalties to restrict the publication of obscene books, papers, or pictures.

Freedom of Assembly and Petition

Individuals have the right to gather (assemble) peacefully to discuss issues, to express their opinions, to march or demonstrate, and to petition (request in writing) that officials do (or not do) certain things. To ensure this takes place in an orderly fashion, many public demonstrations and marches can be held only if law enforcement officials issue a permit. Private property owners can allow peaceful activities on their property without a permit. Article III, Section 16, of the West Virginia constitution gives the people the right "to assemble in a peaceable manner, to consult for the common good, to instruct their representatives, or to apply for redress of grievances."

Top: The press documents events with photos as well as print.



Learning Skill: Collaboration

Ask students to propose an addition to the Bill of Rights. They will share their idea with their classmates, who will come to a consensus when selecting the best idea.

Learning Skills: Critical Thinking, Creative Thinking

Create a number of scenarios that address freedom of speech, press, assembly, or petition. Ask students to decide if the provisions of the First Amendment would apply in each instance. NOTE: You might want the students to write the scenarios. They could also engage in role-play.

Learning Skill: Collaboration Technology Tool: Search Engine Connecting Past and Present

Put students in groups and ask each group to use the Internet to research various methods of protest throughout the historical time periods, e.g., American Revolution, women's rights, prohibition, Vietnam War, civil rights. Have them share information with the class. Compare the various methods they find.

Teacher Note

Go to <https://www.c-span.org/video/?435650-1/the-vietnam-war-dissent> to find a 30-minute documentary on protests over the Vietnam War. Another way to search is to type video.google.com in the search line. Then type the title of the kind of videos you want to view, e.g., civil rights protests, in the next search line. Click "Enter" and a list of videos will appear.

Literacy Skill: Acquiring Information

Technology Tool: Search Engine

Ask students to conduct research to find various interpretations and opinions of the Second Amendment. A good website with links to other sites is <https://lawsonline.com/LegalTopics/SecondAmendment/interpreting-the-second-amendment.shtm>. Have students list five reasons in support of the right to bear arms and five reasons in opposition to it. Encourage students to share their findings with the class. Then, ask the class to informally debate the issue. End the activity with the four-corners activity.

Teacher Note

A good lesson plan for debating the right to bear arms can be found at <http://www.discoveryeducation.com/teachers/free-lesson-plans/the-2nd-amendment-the-right-to-bear-arms.cfm>.

Literacy Skill: Acquiring Information

Ask students what rights are included in the Fourth Amendment to the Constitution. (*right to be secure in homes, protection from unreasonable search and seizure*)

Learning Skill: Discussion

Connecting Past and Present

Ask students to describe how searches have changed since 9/11. Discuss the use of wiretaps and how technology has redefined the meaning of search. Discuss whether or not a search warrant is needed to gather data from cell phones. NOTE: You may want students to research the issue on the Internet.

The Right to Bear Arms

The U.S. Constitution protects the rights of the states to maintain and equip a militia. That does not mean that individuals are free to keep any kind of weapon they wish. Federal law does place restrictions on the sale and shipment of firearms.



The state government also can and does regulate the use of firearms. For example, Article III, Section 22, of the West Virginia constitution states, “A person has the right to keep and bear arms for the defense of self, family, home, and state, and for lawful hunting and recreation use.” But in an effort to prevent guns from being brought into schools, the Legislature passed the Safe Schools Law in 1995. Under the terms of this act, anyone other than those in an official capacity who possesses a firearm on school grounds will be expelled. In addition, county school systems have a no-tolerance policy for bringing weapons to school.

Property Rights

People have the right to be secure in their homes. The government cannot search or seize a person’s home, person, papers, or goods without probable cause (good reason). If probable cause does exist, the law enforcement officer must first obtain a *search warrant*. A search warrant is a document that must be presented by a law enforcement officer before the officer can legally enter the premises. A search warrant must identify the place to be searched and the person or thing to be seized.

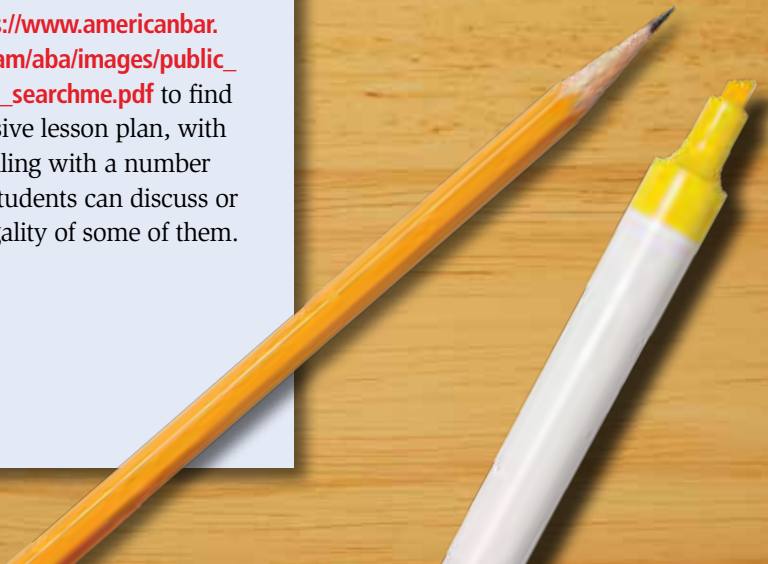
Sometimes, a reasonable search and seizure may occur without a warrant. For example, an officer may arrest any person who commits a crime in the officer’s presence or who the officer has reason to suspect is about to commit a crime. If an officer is in “hot” pursuit of a



Above: Guns are allowed for hunting and recreation. **Bottom:** People have the right to be secure on their property.

Teacher Note

Go to https://www.americanbar.org/content/dam/aba/images/public_education/oah_searchme.pdf to find a comprehensive lesson plan, with materials, dealing with a number of searches. Students can discuss or debate the legality of some of them.





criminal in a vehicle, no search warrant is needed. There are times when private property can be taken by the government for public use. (This is called the power of *eminent domain*.) For example, the government may take property to build a new road or a school. But the government must pay for the property. Federal and state law requires that citizens receive a fair price for any property that is taken. If a fair price cannot be agreed upon, the issue may be settled in court.

Article III, Section 9, of the West Virginia constitution is like the provision in the Bill of Rights. More specifically, it states, "Private property shall not be taken or damaged for public use, without just compensation; nor shall the same be taken by any company, incorporated for the purposes of internal improvement, until just compensation shall have been paid, or secured to be paid, to the owner; and when private property shall be taken, or damaged for public use, or for the use of such corporation, the compensation to the owner shall be ascertained in such manner as may be prescribed by general law: Provided, That when required by either of the parties, such compensation shall be ascertained by an impartial jury of twelve freeholders."

Rights of the Accused

The federal and state constitutions guarantee several rights for persons accused of crimes. According to law, a person is considered innocent until proven guilty.

Top: The government has the right to take property to build roads, but it must compensate for the property.

Literacy Skill: Building Vocabulary

Have students define the term *eminent domain* in their own words. Ask them to give an example of eminent domain.

Learning Skill: Discussion

Ask students if they think the government's right to eminent domain is justifiable. If so, under what conditions is it justifiable? How could the lack of eminent domain affect economic progress?

Teacher Note

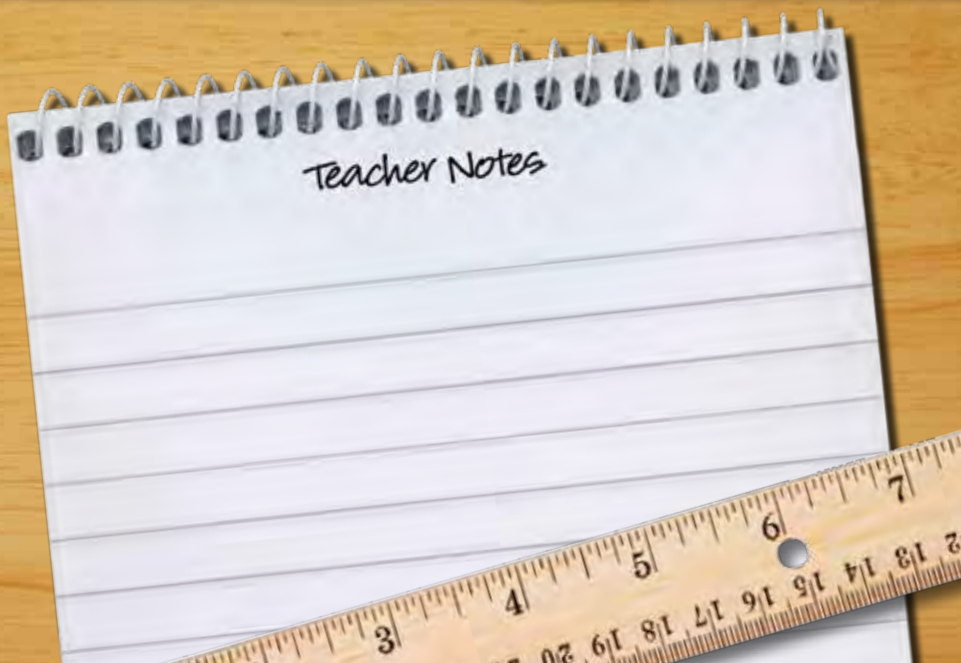
Tell students that, although the government generally seizes private land for public projects, e.g., to build a road, school, or courthouse, the government can also seize their family's land for private use if they can prove that doing so will serve what is called the "public good."

Literacy Skill: Building Vocabulary

Ask students to define the term *public good*. How does that differ from private good?

Learning Skill: Discussion

Discuss with students whether the use of eminent domain for private use has changed their opinion of the justification of eminent domain.



Learning Skill: Collaboration

Many scripts for mock trials are available on the Internet, or you can create your own. You can plan a mock trial around an actual or hypothetical case. The website <http://www.courts.ca.gov/documents/mocktrialscript-contra.pdf> has a script you may want to use.

When preparing a mock trial activity, you should follow these steps:

1. Select students to role-play the various people involved in the trial.
2. Provide students with a statement of facts and relevant information about the case. Allow enough time for witnesses and attorneys to prepare.
3. Begin the trial as follows:
Opening of the court by a court officer or bailiff, selection of a jury, opening instructions by the judge, and opening statements to the jury by the attorneys.
4. The attorneys conduct direct examination and cross-examination of the victim(s) in a criminal case or plaintiff(s) in a civil case and supporting witnesses.
5. After the period of examination and cross-examination of witnesses, the prosecutors or counsel for the plaintiff and then the counsel for the defendant give closing arguments.
6. The judge instructs the jury on the relevant laws and directs them to retire and decide upon a verdict.
7. The jury deliberates.
8. The jury reports the verdict.
9. The judge receives the verdict and has the foreperson of the jury read the results.



Writ of Habeas Corpus

A person cannot be held in custody indefinitely without being charged with a crime. A *writ of habeas corpus* is a court order requiring that a person being held be brought before the court to determine if he or she is being held lawfully. Habeas corpus cannot be suspended unless, during a rebellion or invasion, the public safety requires it.

Article III, Section 4, of the West Virginia constitution states that the writ of habeas corpus cannot be suspended at all. No person can be held for any crime unless he or she is indicted. An indictment is a listing of the formal charges against the accused person.

Right to a Fair Trial

No person can be deprived of life, liberty, or property without due process of law. **Due process** refers to the rules established by courts to protect a person's rights. Individuals accused of crimes have a right to be informed of the charges against them, a right to an attorney, a right to confront their accusers, and a right to a speedy and public trial by an impartial jury.

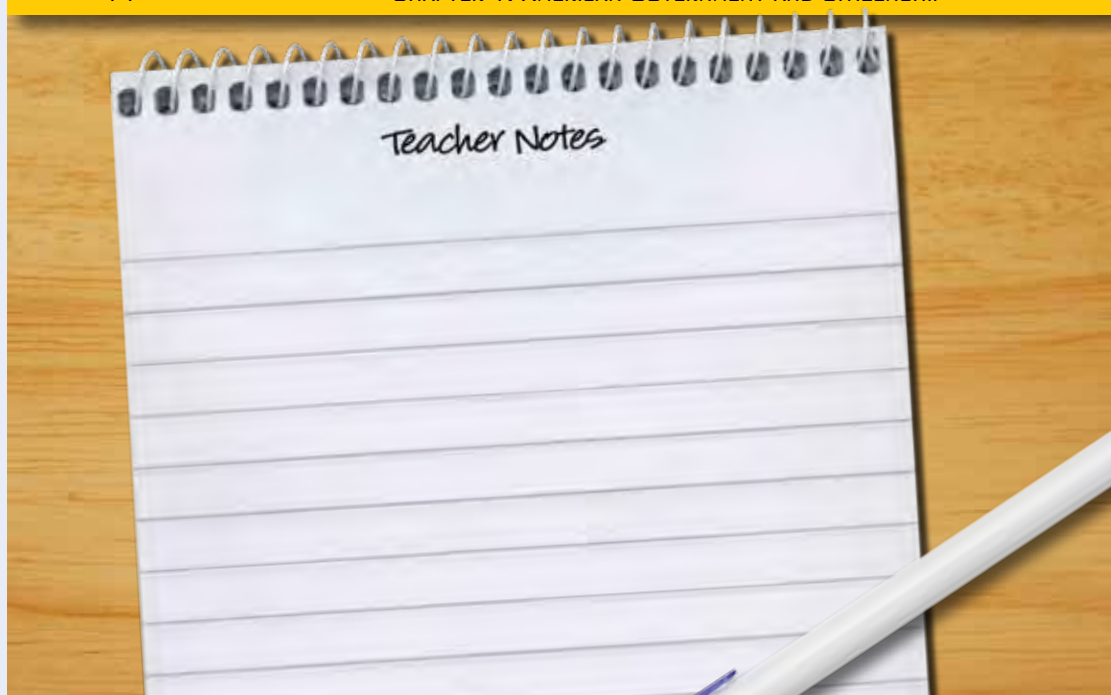
If an indictment has been issued, the accused will appear in court before a jury.

A **jury** is a group of citizens chosen to hear evidence in a legal case and to make a decision based on the evidence presented. Until the court date, a person can be released on bail (an amount of money deposited with the court to guarantee that the accused will appear in court). Federal and state laws

require that bail be reasonable.



Top: Individuals accused of crimes have the right to a fair trial.



State and federal laws also protect the accused from self-incrimination. In other words, individuals being prosecuted cannot be forced to testify against themselves. The government cannot legally force or trick a confession out of a person and then use that confession as evidence in a court of law. If an accused person is found not guilty, the accused cannot be tried again for the same crime (called *double jeopardy*). If a jury cannot reach a decision (called a *hung jury*), another trial may be held.

Once a person is convicted, the punishment must fit the crime. Both the U.S. Constitution and the West Virginia constitution forbid excessive fines and “cruel and unusual punishment.” West Virginia does not permit the death penalty.

Responsibilities of Citizenship

Being a citizen of the United States and of the state of West Virginia carries with it certain responsibilities. Good citizens must vote, obey laws, serve on juries, pay taxes, stay informed, and get involved.

Voting

The men who wrote the United States Constitution were concerned about who should be allowed to have a voice in forming and maintaining the new government. As a result, they allowed only elite male landowners who were twenty-one years of age or older to vote and hold office. Through the years, however, more people have been given the privilege of actively participating in their government. The Fourteenth Amendment to the U.S. Constitution declares that “No state shall . . . deny to any person within its jurisdiction the equal protection of the laws.” At the time the amendment was passed, right after the Civil War, it was intended to prevent states from applying the law differently simply because of a person’s race.

The Twenty-sixth Amendment to the U.S. Constitution gives eighteen-year-old citizens the right to vote. A West Virginian, Senator Jennings Randolph, played an important part in passing that amendment. Randolph first introduced legislation in the U.S. House of Representatives to lower the voting age in 1942. On August 12, 1969, he introduced a proposed constitutional amendment in the U.S. Senate to change the voting age. At last the time was right. The Twenty-sixth Amendment was approved in 1971. Because of his untiring efforts, Randolph is called the “Father of the Twenty-sixth Amendment.”

something extra!

The process of registering to vote provides election officials with a list or record of those persons who are legally entitled to vote in federal, state, county, and city elections.



Above: A West Virginian, Senator Jennings Randolph, helped pass the amendment that lowered the voting age to eighteen.

Learning Skill: Critical Thinking

Ask students to review the various rights of citizens and predict some of the responsibilities.

Learning Skills: Discussion, Critical Thinking

Tell students that voting is one of the most important responsibilities of citizenship, yet many citizens do not vote. Have students brainstorm a list of reasons why voter turnout is low in West Virginia. Also, have them suggest ways to increase voter turnout.

Learning Skill: Creative Thinking

Ask students to make a poster to encourage people to vote. NOTE: You may want to share some of the students’ work with the West Virginia Secretary of State.

Teacher Note

Assign Worksheet, *Voter Turnout*.

Literacy Skill: Acquiring Information

Have students complete the Worksheet, *Responsibilities of Citizenship*, as they read the rest of the information in Section 1.



Learning Skill: Discussion

Ask students why they are asked to choose a political party when they register to vote.

Technology Tools: Search Engine, Research World Connection

Ask students how they would feel if they were not permitted to vote. Have them compare their right to vote with the right to vote in other countries around the world, e.g., Iraq, Afghanistan, Russia, and China.

Technology Tool: Research Connecting Past and Present

Have students access <https://democrats.org/democratic-national-platform/> and www.gop.com to find historical as well as current information on the Democratic and Republican Parties. Divide the students into groups and have each group research one of the following topics: (1) History of the Democratic Party, (2) History of the Republican Party, (3) Current Platform of the Democrats, (4) Current Platform of the Republicans, (5) History of the Donkey Symbol, (6) History of the Elephant Symbol.

NOTE: When using the website of the Democratic Party, you do not have to sign in with an email, etc. Just click a topic from the dropdown menu.

Literacy Skill: Personal Writing

Ask students to write a personal essay detailing how they would change the election process.

Registering to Vote

West Virginia law requires that a person register to vote. Citizens must register at least four weeks before an election in order to vote in that election.

There are a number of places to register. Citizens may register to vote in the office of the county clerk in the county courthouse. They may also register by mail. Legislation, referred to as the “motor voter law,” also allows citizens to register at a center that issues driver’s licenses. Voters may register at public assistance agencies, military recruiting offices, and agencies that serve people with disabilities. In an effort to register younger voters, representatives from the county clerk’s office often go into high schools to give students who are of age the opportunity to register.

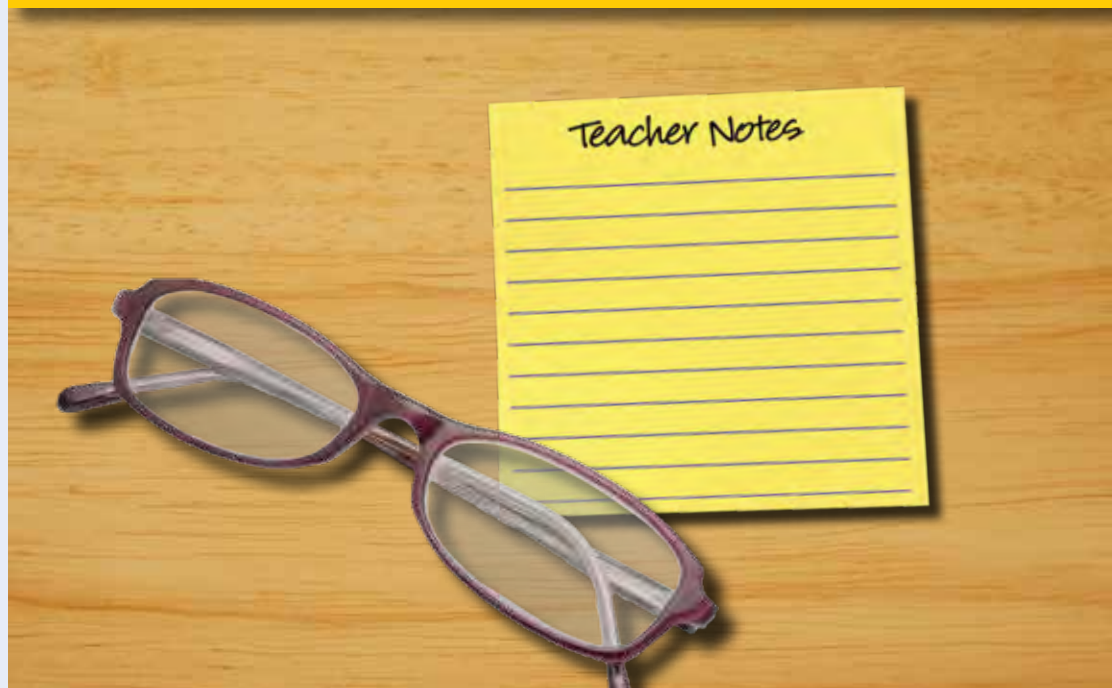
Figure 1.1

Requirements for Voting in West Virginia

- United States citizen
- Resident of West Virginia and of the county and city or town in which the person is voting
- At least eighteen years of age or will be eighteen years of age before the next general election



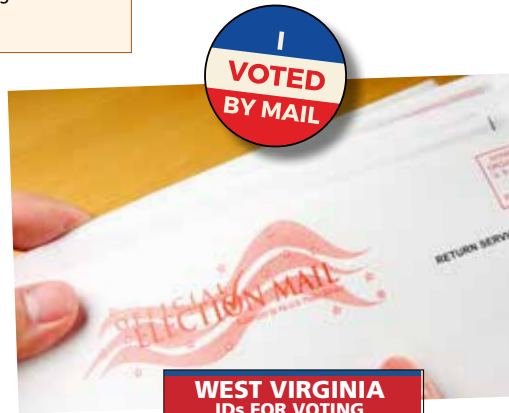
Above: Citizens must register at least four weeks before an election in order to vote in that election.



- You will be out of your county during the two weeks before or on election day, or are away at college.
- Your work hours and distance restrict you from voting.
- You are too ill or disabled, confined to your home, hospital, nursing home, or other facility for medical reasons.
- You are living overseas, perhaps as a member of the military or a military dependent.
- You are in jail but have not been convicted of a felony, treason, or bribery.
- You maintain your voting residence in West Virginia but live elsewhere part of the year.

Figure 1.2

Requirements for an Absentee Ballot



Registered voters are assigned to certain *voting precincts*, which are subdivisions of a county or city set up for election purposes. Voters go to a designated polling place in the precinct to cast their ballots. If voters are unable to vote at their assigned precincts on election day, they may, under certain circumstances, vote by absentee ballot. Absentee ballots are mailed before the election to those requesting them. In 2002, the West Virginia Legislature made it easier for persons to vote by passing what is known as “No Excuse Absentee” voting. Under this law, citizens may vote at their county courthouse beginning thirteen days before the election and running up to three days before the election simply by going in and telling the clerk that they would like to vote on that day. In 2009, the Legislature passed legislation that allows early voting in locations other than the county courthouse. Beginning on January 1, 2018, West Virginia voters must show a form of identification to vote in person during the early voting period or on election day in any election. Any ID shown for voting purposes must be valid and not expired.

**WEST VIRGINIA
IDs FOR VOTING**

Show one ID at the polls. Must be valid and unexpired:

Non-Photo ID:

- Voter registration card
- Medicare card or Social Security card
- Birth certificate
- WV hunting or fishing license
- WV SNAP ID card
- WV TANF program ID card
- WV Medicaid ID card
- Bank or debit card
- Utility bill or bank statement (w/in 6 mos. of election date)
- Health insurance card issued to voter

Photo ID:

- WV driver's license or other OMV-issued WV ID
- Driver's license issued by another state
- U.S. passport or card
- U.S. Military card
- US or WV Government employee ID card
- Student ID card
- Concealed carry permit

**844-338-8743
INFO@VOTERIDERS.ORG**

Types of Elections

West Virginia voters normally cast their ballots in two types of elections: primary and general. The *primary election*, held several months before the general election, is a nomination election handled by each political party. Primary elections in West Virginia are held on the second Tuesday in May in years during which there is a general election. For each office, the candidate who wins a majority of the votes cast in the primary wins the party nomination and becomes the party's nominee for that office in the general election. In 2018, four political parties—Democratic, Libertarian, Mountain, and Republican—allowed any voter who was not registered with an official party to vote in one of their primaries. For example, a citizen who is a registered independent could choose to vote using any one of the official parties' ballots.

Above: Under certain circumstances, voters can request an absentee ballot and return their ballot by mail.

Literacy Skill: Discussion

Ask students to look at Figure 1.2. Have them read the requirements for voting an absentee ballot. Ask them if there are other situations that might necessitate voting an absentee ballot.

Teacher Note

Go to the secretary of state's website or contact your county clerk's office and request a sample voter registration application. Make copies for the students and have them actually complete the form.

Learning Skills: Critical Thinking, Discussion

Ask students what benefits have been achieved from “No Excuse Absentee” voting. Have them suggest other ways that “No Excuse Absentee” voting could be accomplished.

Learning Skill: Critical Thinking Technology Tools: Search Engine, Research Connecting Past and Present

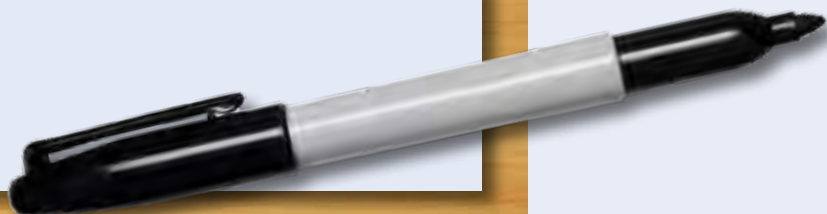
Have students research various methods used to vote throughout history, e.g., voice, paper ballot, touch screen, Internet, punch card, etc. After discussing each, ask students which they think is the best. Or ask students if they can think of a better method.

Learning Skill: Discussion

Have students discuss political campaigns of today in terms of the time and money spent. Ask students if they think campaigns should be shortened and spending controlled. Ask what happens when contributions are not regulated in some way.

Learning Skill: Collaboration

Have students conduct a mock election. Tell students they will select candidates, have a campaign, and choose the winner.



Literacy Skill: Acquiring Information

As students read about the different types of elections that are held in West Virginia, have them create a chart with the following categories: Primary Election, General Election, Special Election, and Levy Election. Then, tell them to take notes to distinguish among the types.

Technology Tool: Research

Go to the website <https://sos.wv.gov/>. Using the dropdown menu, click “Historical Voter Turnout” to find data on voter turnout in West Virginia. Have students look at their county’s voter turnout and compare it to other counties.

Learning Skill: Creative Thinking

Place students in groups of 4 or 5 and have them plan a campaign to increase voter turnout. Ask them to first research to find information on what might be done. Then, have them take that information and use their own creativity to develop a plan. They should write their plan and present it to the class. The class will vote on which plans they think are feasible. The best plan might be presented to the West Virginia secretary of state.

This activity could be used as a Performance-Based Assessment.

The *general election* is held to determine who will hold a particular office. The names of all candidates nominated in the primary—as well as any other independent candidates who qualify—appear on the ballot. Citizens vote for the candidate of their choice regardless of their political party. The candidate for a particular office who receives the greatest number of votes wins. Some elections, like school board elections, are *nonpartisan*. This means that the candidates do not have to identify themselves with any political party.

Special elections are sometimes held to replace elected officials who have died or resigned from office or to settle a controversial issue. For example, a special election might be held to consider a constitutional amendment. Occasionally, levy elections are held to ask taxpayers to support special funding (levies) for such services as schools, ambulances, or public transportation. Those who vote in favor of levies agree to pay more taxes to support these services. Levy elections may be held at a different time from the primary or general election, or they may be held at the same time.

Citizens who do not vote are ignoring one of their constitutional rights. Those who do not participate in the election process strengthen the value of someone else’s vote. Occasionally, an election has been decided by one vote.



Above: If you choose to cast your ballot on Election Day, you must go to your home precinct’s polling place to do so.

Teacher Note Steps in Performance-Based Activity

Students are given a task (project) with specific benchmarks and timelines. Walk students through the tasks below.

1. Place students in groups or allow them to work individually.
2. Discuss methods and time allotted for research.
3. Discuss ways of presenting research. Then, tell students their time limits for creating the presentation.
4. Discuss the actual presentation. (Will the whole group participate or will group representatives present?) Assign or allow students to choose a time to present.
5. Assess components of the project with a rubric. Give students a copy of the rubric in advance.
6. Debrief the creation and implementation of the project.

Obeying Laws

Laws are rules created by federal, state, and local governments to provide order to our society. Without laws, there would be chaos and anarchy (mob rule). All citizens are called upon to obey the law for the good of the whole. Consequences that could lead to imprisonment exist for those persons who choose not to obey the law. Violation of the law can lead to the loss of many rights and privileges.

Serving on Juries

A citizen's major responsibility is serving on a jury when called. Citizens who are selected for jury duty are called *jurors*. In West Virginia, jurors are randomly selected from a list of registered voters. A person cannot be excluded from jury duty because of race, color, religion, sex, national origin, or economic status. Individuals who do not respond to a jury duty call may be fined or imprisoned. Nevertheless, a juror may be excused if he or she has an interest in the case, has a serious illness in the family, may suffer financial hardship as a result of serving, or has some emergency. In addition, attorneys may dismiss potential jurors.

Citizens may be asked to serve on either a trial jury or grand jury. In West Virginia, a trial jury has six or twelve jurors. In criminal cases, a unanimous decision is necessary to return a verdict. A grand jury consists of sixteen citizens. Twelve of the sixteen must vote in favor of holding the accused over to trial.



Paying Taxes

The money to fund governments generally comes from taxes. Citizens have an obligation to pay their fair share of taxes. The average West Virginia family pays federal income tax, state income tax, social security and Medicare taxes, local property tax, and other state and local taxes.

As long as citizens demand services, there will be taxes. By staying informed and getting involved, citizens can monitor how government spends their money. This will ensure that their tax dollars are used wisely.



something extra!

One of the earliest taxes imposed by the state constitution of 1863 was to provide funds for free schools.

Above: Mercer County circuit courtroom. **Left:** Tax money is used to fund public schooling.

Teacher Note

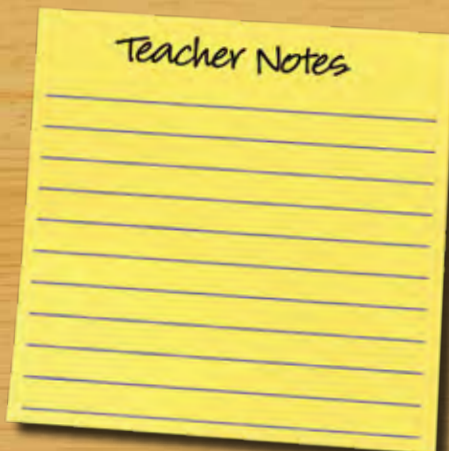
You may want to have someone from law enforcement speak to the class about the importance of obeying laws and/or serving on juries.

Learning Skill: Discussion Technology Tool: Website

Ask students if they would like to serve on a jury. Ask them what they think it would be like to serve on a jury. Then, use the simulation found at https://www.americanbar.org/groups/public_education/resources/lesson-plans/middle-school/du-process/voir-dire-simulation/. Click on “PDF Lesson Plan” to allow students to experience what jury selection is like.

Technology Tools: Search Engine, Research

Have students use research materials to find what circumstances might excuse a citizen from serving on a jury.



Literacy Skill: Comparing and Contrasting

Have students use a Venn diagram to compare the strikes of 1990 and 2018.

Teacher Note Literacy Skill: Analyzing Photographs

Have students look at the photographs on pages 20 and 21. Have them use the Photo Analysis Worksheet on the Teacher Tech Website to examine the pictures.

Literacy Skill: Analyzing Photographs

Have students use the Internet to find pictures of the two strikes. Have them discuss similarities and differences.

2018 Teacher Strike: A Living Civics Lesson

In 2018, West Virginia students had an opportunity to witness first-hand the power of an organized protest as a method to bring political change. Students, in fact, had an opportunity to not only witness but also participate in the second teacher strike in West Virginia history. Although strikes and work stoppages by public employees are not legal in West Virginia, three organizations—the West Virginia Education Association, the American Federation of Teachers-West Virginia, and the West Virginia School Service Personnel Association—joined together to demand higher pay and substantial change in the Public Employees Insurance Agency (PEIA).

West Virginia teachers had participated in quite a different strike in 1990. The 1990 strike came about because of low wages, resulting in a state ranking of forty-eighth in the nation. To convince

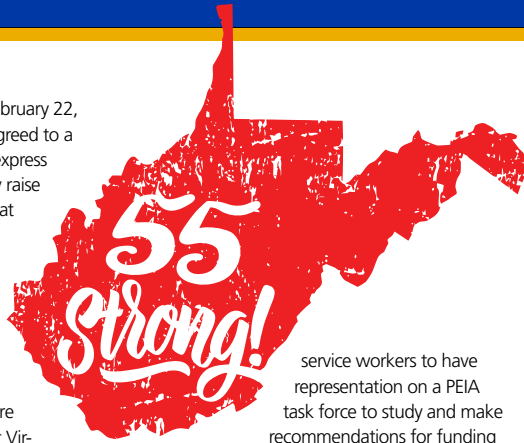
the teachers to return to their classrooms, the state attorney general threatened striking teachers with a one-year suspension, loss of jobs, or even criminal misdemeanor charges. After eleven days, the strike ended with the teacher unions, the legislature, and Governor Gaston Caperton agreeing to a 4 percent pay increase, full state funding for health insurance benefits, and an additional \$109 million for the state's retirement system.

In the nearly thirty years between 1990 and 2018, teachers have been given less money for their classrooms, fewer services for their students, and less say in what and how they teach. Also, more and more national and state requirements have taken away the control teachers had over their own classrooms, resulting in a loss of purpose and dignity. In 2018, pending legislation to increase the number of charter schools, the elimination of seniority as a criterion for firing and maintaining a job, low salaries, and unpopular changes to health insurance resulted first in teacher discussions on Facebook and ultimately in a strike that would give students a real-life civics lesson. This strike would ultimately energize and activate teacher groups in states throughout the nation.



The 2018 teacher strike began on February 22, when West Virginia school personnel agreed to a two-day work stoppage specifically to express their lack of support for a 2 percent pay raise for school personnel and state police that was signed by Governor Jim Justice on February 21. At the end of the two days, however, it became evident that more time was needed to effect change. Unlike the strike in 1990, which was supported by 47 of the state's 55 counties, the strike of 2018 was "55 Strong" and impacted the more than 227,000 students enrolled in West Virginia's 680 public schools.

On February 27, after being out of school for four days, a 5 percent salary increase was worked out between the unions and Governor Justice. The governor suggested teachers take the next day, February 28, as a cooling-off period and return to the classrooms on March 1. It appeared the strike was over, but that was not to be. Because of negative comments from many state senators, the teachers decided they would not return to work until the legislature passed and the governor signed the deal that was worked out with the governor. The House of Delegates approved the bill, but on Saturday, March 3, the Senate rejected the House bill. This resulted in the strike continuing into another week. When the Senate eventually agreed to the House bill on March 6, all West Virginia school personnel returned to their schools on March 7. Besides the salary increase, the bill called for educators and school



service workers to have representation on a PEIA task force to study and make recommendations for funding the state's health care system. The bills

to eliminate seniority as a criterion for job selection and to expand charter schools were withdrawn.

During the strike, thousands of teachers came to the state Capitol. Others gathered in their home communities with signs of support along highways and in public places. Whether in or outside Charleston, students and community supporters were active participants in the peaceful protest. Students saw how getting involved can bring about change! The nation saw as well, as teachers in Oklahoma, Arizona, Colorado, and Kentucky organized their own protests, based on the success of West Virginia's "55 Strong."



Learning Skill: Discussion

Ask students if any of them were active participants in the teacher strike. Have those who participated share their stories.

Learning Skill: Discussion

Ask students how they were directly affected by the strike, e.g., being out of school, protesting, having to make up work.

Literacy Skill: Descriptive Writing

Have students use one of the pictures they found earlier or find a new one that they think tells a story about the strike. Have them write a short news article focusing on the picture. Ask them to include a copy of the picture with the article.

Learning Skill: Creative Thinking

During the strike, teachers used the slogan "55 Strong!" Write another slogan they could also have used.

Teacher Notes

Learning Skill: Discussion

Ask students to identify ways citizens can stay informed. Why is it important to stay informed? What can eighth-grade students do to stay informed?

Teacher Note

Go to <https://ethics.wv.gov/lobbyist/Pages/default.aspx> to find information on the requirements of lobbyists in West Virginia.

Learning Skill: Critical Thinking

Encourage students to brainstorm a list of organizations that might lobby the legislature to address their special interests.

Learning Skill: Critical Thinking Community Connection

After discussing the rights and responsibilities of citizenship, have students create a list of those things they currently do and/or will do in the future as good citizens. Tabulate the data to form a class profile.

(You may want to review the answers they gave on the *Responsibilities of Citizenship* worksheet.)

Staying Informed

For a democratic government to function properly, its citizens must stay informed. Citizens can do that by reading newspapers, watching television, attending or following the proceedings of government meetings, and talking with other informed citizens. Staying informed helps each citizen form opinions about government actions.

Special interest groups (groups of individuals who are interested in one particular issue) often influence public opinion. These groups help officials understand how laws and regulations affect their membership. Special interest groups include education groups, like the West Virginia Education Association and the West Virginia Federation of Teachers; economic groups, like the United Mine Workers, the West Virginia Division of Tourism, and the West Virginia Chamber of Commerce; and other groups like those who support legalized gambling. Almost all special interest groups raise money to allow them to buy ads in the mass media (television, radio, and newspapers). Special interest groups cannot give money directly to candidates or political parties. They can, however, form **political action committees** (PACs), private organizations whose members share similar views and who try to influence legislators to favor the group's position. Because political action committees can donate money directly to candidates, they have a great deal of influence.



Above: Two of the many special interest groups in West Virginia are the West Virginia Federation of Teachers and West Virginia Education Association.



Some special interest groups employ **lobbyists** who present the views of their organizations to legislators. Lobbyists also provide information about bills to policymakers who do not have time to thoroughly research every potential law. Lobbyists sometimes even write legislation that reflects their goals. Lobbyists have been criticized for inviting public officials to dinners, receptions, ball games, golf outings, and other social events, which may give the impression they are “buying” the votes of policymakers.

The federal government and most states have laws to regulate special interest groups. Lobbyists must register and state which groups they represent. Candidates for political office must list all sources of money contributed to election campaigns. The amount of money a business, special interest group, or individual may contribute is limited by law.

Getting Involved

Good citizens care about the welfare of their town or community. Democratic government works best when its citizens are involved. Citizens can get involved by helping candidates run for public office, running for public office themselves, taking part in community service-learning activities, serving in the military, debating public issues, and volunteering their time to civic groups. Writing elected officials, attending public hearings, and taking part in peaceful demonstrations are also ways citizens can be involved. Staying informed and participating actively in government enables constitutional governments to flourish.

something extra!

Lobbyists received their name because they often meet lawmakers in the lobbies of capitol buildings and city halls.



Top and Above: Students perform community service by cleaning up public areas.

Reviewing the Section

Reviewing the Content

1. Make a T-chart listing each of the five basic principles of democratic government. In one column, list the term. In the other column, write a definition for the term.
2. Who is often called the “Father of the 26th Amendment”?
3. What is the difference between a primary and a general election?

Using the Content

1. How can you personally get involved in your government?
2. Write a bill of rights for your classroom.

Extending the Literacy Skill

Explain the role of citizens, politicians, protesters, and media in the teacher strike. Find specific photos of the involvement of each group, cite where you found the information, and write a sentence explaining what each group is doing.

Learning Skill: Critical Thinking

Have students describe ways by which citizens can organize, monitor, or influence government and politics at the local, state, and national levels. Have them identify one or more ways they as individuals impact government and politics.

Technology Tools: Search Engine, Research

Ask students to use the Internet to find a list of registered lobbyists in West Virginia. Then, ask students to choose one of the lobbyists to research to find what issues they would want legislators to favor.

ASSESS

Answers to Reviewing the Section

Reviewing the Content

1. Sovereignty: A source of authority
Limited government: The idea that elected representatives are bound by federal and state constitutions, which describe the rights of the people and the framework of the government
Separation of powers: Giving each branch of government particular powers
Checks and balances: Provides a way for each branch of government to keep another branch from getting too powerful
Federalism: The national government and state governments share authority over the same territory and same people; in case of a conflict, the national government takes precedence
2. Senator Jennings Randolph

3. A primary election is a nominating election handled by each political party. A general election is held to determine who will hold a particular office.

Using the Content

1. Student answers will vary.
2. Student answers will vary.

Extending the Literacy Skill

Student answers will vary.

Trivia

A naturalized citizen cannot become president of the United States.

Closure

Ask students to respond to the prompt: After studying this section, I feel that I am a better citizen because....

Section 2 Shaping American Government

INTRODUCE

Outline

- A. Our First Constitution
- B. The Constitutional Convention

Materials

Textbook, pages 24-31
www.clairmontpress.com:

- Audio Book
- Guided Reading 1-2
- Hyperlinks
- Lesson Plans
- Worksheets: *The Articles of Confederation versus the U.S. Constitution, The Great Compromise, Federalists versus Antifederalists, Moving to West Virginia*

mystatehistory.com:

- Audio Book
- Guided Reading 1-2
- Internet Activities
- Online Textbook
- PowerPoints
- Puzzles

TEACH

Focus (Bellringer)

Ask students to respond to this question: How would life be different if we had been made a monarchy, not a democracy?

SECTION 2

Shaping American Government

As you read, look for

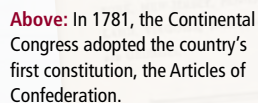
- reasons for writing the United States Constitution;
- a description of the men who wrote the United States Constitution;
- the compromises that were made at the Constitutional Convention;
- the process of ratifying the United States Constitution;
- terms: **unicameral, infrastructure, proportional representation, bicameral, Electoral College, ratify, amend.**

After the American Revolution, our founders wanted to make sure that the new government would be very different from the government of Great Britain.

Our First Constitution

The Articles of Confederation, adopted in 1781, intentionally established a weak national government. The new United States government consisted of a **unicameral** (one-house) legislature in which each state had one vote. There was no chief executive or national court system. Congress (the lawmaking body) did not have the power to raise money by taxation. It could only ask the states to provide money; they did not have to. To pass a law, nine of the thirteen states had to approve it.

The weaknesses in the Articles of Confederation caused major problems for the new country. Under the Articles, the Confederation Congress that could not pay the colonial soldiers during the Revolutionary War found that it also could not pay them after the war. As a result, some soldiers threatened to revolt. Hoping to find an answer to the problem, the Confederation Congress asked the states for help, but many states simply rejected or ignored the request.



Above: In 1781, the Continental Congress adopted the country's first constitution, the Articles of Confederation.

Content Objectives

- SS.8.1** Demonstrate patriotism through the planning, participation, and observance of important anniversaries and remembrances (e.g., Pearl Harbor, Veterans' Day, Constitution Day, and Patriots Day).
- SS.8.4** Differentiate between the division of powers and responsibilities for each of the executive, legislative, and judicial branches of the United States and West Virginia governments, describe the system of checks and balances, and explore local forms of government.
- SS.8.21** Demonstrate an understanding of the American Revolution, including western Virginia's part in the development of the nation.
 - Summarize events related to the adoption of Virginia's constitutional conventions, the role of western Virginia and its leaders in the Continental Congress, and the ratification of the U.S. Constitution.

The new government did not have the power to regulate trade between the states or between the United States and foreign countries. Each state had its own money system, which also created problems with trade. The British reoccupied some of the forts in the Northwest Territory (the area north of the Ohio River), and the Articles government was powerless to do anything to stop them. As a result, foreign countries had little respect for the new country.

George Washington and others were alarmed at what they saw happening to the states under the Articles of Confederation. Some openly called for a change; others boldly called for a return to a monarchy. To address the growing concerns, a movement began to examine and revise the Articles of Confederation.

In 1786, Virginia asked for a meeting in Annapolis, Maryland, to discuss the continuing trade problems among the states. Nine of the thirteen states agreed to send delegates to the meeting, but representatives from only four states were present when the meeting began. Because of the low attendance, nothing was accomplished. The delegates at Annapolis did ask that a second convention meet in Philadelphia the next year. Instead of focusing only on trade problems, the delegates asked to discuss all the problems of the Articles of Confederation. They hoped that some changes could be made to make the national government stronger.

The Constitutional Convention

In May 1787, delegates began to arrive at Philadelphia's present-day Independence Hall. Seventy delegates had been named by their state legislatures, but only fifty-five actually attended. Rhode Island, which opposed a stronger national government, did not send any delegates.

George Washington, who attended as one of Virginia's representatives, was elected to preside over the meeting. A number of well-known figures from the American Revolution, including Thomas Jefferson, Thomas Paine, John Adams, John Hancock, and Patrick Henry, did not attend the convention. Only eight people who had signed the Declaration of Independence served as delegates. By the time the convention ended, only thirty-nine delegates were still there to sign the document that became the United States Constitution.



Above: In 1787, delegates from twelve of the states arrived at Independence Hall in Philadelphia to revise the Articles of Confederation.

something extra!

Government leaders feared that the people might panic and chaos erupt if they heard that the government was going to be changed. Therefore, the leaders decided that any change must take place quietly—without fanfare.

Learning Skills: Collaboration, Critical Thinking

When the United States gained its independence, Thomas Paine said, “We have it in our power to begin the world all over again.” Ask students, if they had the power to start our country again, to brainstorm ten things they would change (without using the names of current government officials). Record all responses to create a class list. Ask them to look at the class list and make any modifications they deem necessary. After all the changes have been made, ask students if they could live with the suggestions.

Literacy Skill: Acquiring Information Technology Tools: Research, Website

Have students go to http://avalon.law.yale.edu/18th_century/artconf.asp and examine a copy of the Articles of Confederation. Then, tell them to answer the following questions:

1. How many articles are in the document? (13)
2. How many “states” were represented? (13)
3. What was the name given to the union of states? (*United States of America*)
4. According to Article V, how many delegates could each state have in Congress? (*between 2 and 7*)
5. According to Article XI, what country would have been permitted to join the Union? (*Canada*)

Teacher Note

Assign Worksheet, *The Articles of Confederation versus the U.S. Constitution*. Ask students to only find the answers related to the Articles of Confederation at this time.

Content Objectives

SS.8.26 Demonstrate an understanding of West Virginia in the modern era.

- Compile lists of fairs and festivals in West Virginia that can be attributed to the influence of various cultural group[s] who have settled in the state, explaining the heritage of the fair or festival and its significance to the preservation of West Virginia history.

Learning Skill: Collaboration

Have students form pairs and brainstorm a list of qualifications for the delegates to the Constitutional Convention. Then, ask each pair to join a second pair to form a group of four and combine and refine their list. Finally, ask each group of four to read their list aloud and make a class list of qualifications.

Learning Skill: Collaboration Technology Tool: Search Engine

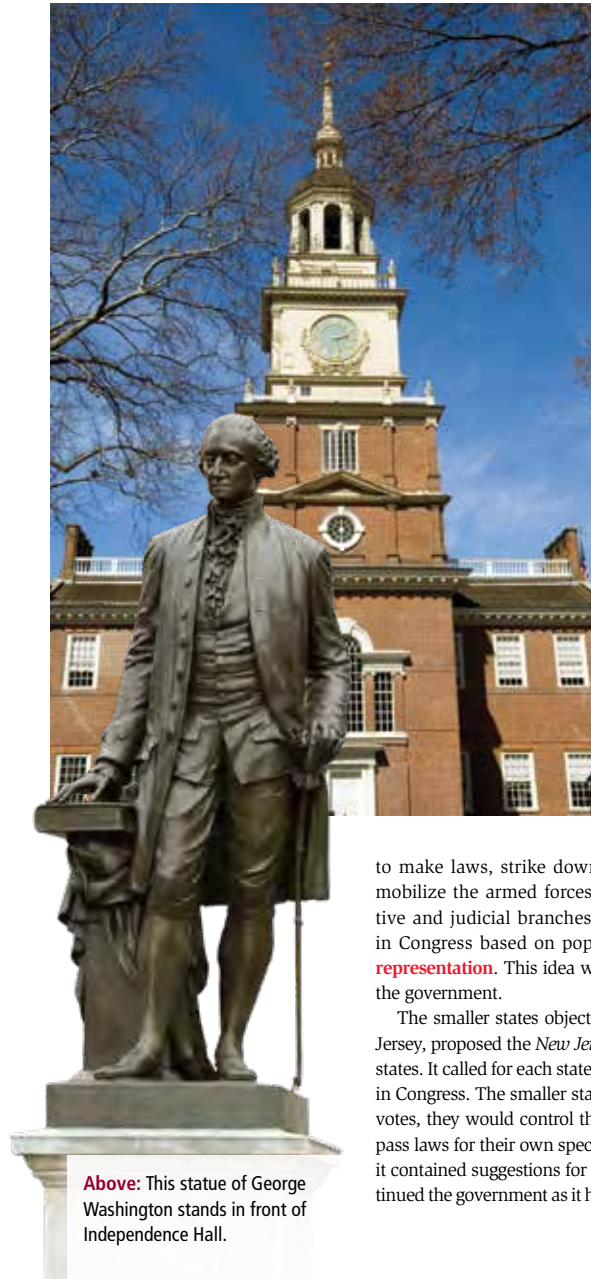
Place students in groups of four or five and give each group the names of ten to twelve delegates who attended the Constitutional Convention. Ask them to research their list of delegates and determine if they were “qualified” based on the class list. Have each group report to the whole class and note how many of the actual delegates were “qualified.”

Foundation Geography Skill: Locating

Give students an outline map of the United States or an outline map of the thirteen colonies. Ask them to identify delegates from each state on the map.

Learning Skill: Critical Thinking

Ask students how the decisions that were made at the Constitutional Convention might have been different if women could serve as delegates.



Above: This statue of George Washington stands in front of Independence Hall.

The delegates had experienced firsthand the problems of the weak national government under the Articles of Confederation. No one state was strong enough to fend for itself against a foreign foe. Nor could a single state build the **infrastructure** (roads, bridges, ports) to increase travel and trade throughout the nation. However, a group of united states working together could accomplish these goals. Whatever their own agendas, the delegates put personal feelings aside and worked together to create an enduring form of government for all people—a government that has guided the United States for over two hundred years.

Organizing the Government

When the convention began, the delegates discussed their ideas on how the government should be organized. They wanted to make it strong enough to handle the nation’s needs, but they also wanted to be certain it did not abuse its power. There were two plans submitted to the delegates for their consideration.

The *Virginia Plan* called for a strong national government. Under this plan, drafted by James Madison, the national government would have the power to collect taxes, make laws, and enforce the laws in its own courts. The legislative branch would have the power

to make laws, strike down state laws that violated national laws, mobilize the armed forces, and elect people to serve in the executive and judicial branches. The plan also called for representation in Congress based on population, an idea known as **proportional representation**. This idea would give the larger states a bigger voice in the government.

The smaller states objected. William Paterson, a delegate from New Jersey, proposed the *New Jersey Plan* to protect the interests of the small states. It called for each state to have the same number of representatives in Congress. The smaller states feared that, if the larger states had more votes, they would control the national government and thus be able to pass laws for their own special interests. The New Jersey Plan, although it contained suggestions for solving some weaknesses, would have continued the government as it had been under the Articles of Confederation.

College- and Career-Readiness Indicators

- Develop questions through investigations.
- Apply disciplinary concepts and tools.
- Evaluate sources and use evidence.
- Communicate conclusions and take informed action.

Civics

- Examine the origins, purposes, and impact of constitutions, laws, treaties, and international agreements.
- Explain the powers and limits of

the three branches of government.

- Explain the powers, functions, and structure of government, with reference to the U.S. Constitution, state constitutions, and selected other systems of government.

History

- Write informative/explanatory texts, including narration of historical events.
- Conduct short research projects to answer a question, drawing on several sources.

The Great Compromise

The Convention seemed deadlocked. The small states continued to support equal representation, while the large states supported proportional representation. The delegates established a committee, made up of one representative from each state, to work out a compromise. The result was the Great Compromise or, as it is sometimes called, the Connecticut Compromise.

The compromise called for a **bicameral** (two-house) Congress. One house—the House of Representatives—would be based on proportional representation; the second house—the Senate—would have equal representation. It also provided that all taxation and government spending bills would originate in the House, but those bills would have to be approved by the Senate. After a bitter debate, the delegates passed the Connecticut Compromise by a single vote.

Compromise on Slavery

Slaves were a large percentage of the populations of the southern states. As a result, there was considerable debate over whether to include slaves in a state's population to determine representation in the House of Representatives. Many northern states did not want to count slaves at all because that would give the southern states control of the House of Representatives.



Delegate James Wilson from Pennsylvania proposed the Three-Fifths Compromise. This proposal stated that the total number of free persons would be counted, but only three-fifths of “all other persons” (slaves) would be counted for purposes of determining representation in the House of Representatives. After considerable debate, the compromise was approved.

Compromise on the Presidency

The last major compromise of the Constitutional Convention involved the issue of who should elect the president—the citizens or the Congress. The solution was the creation of an **Electoral College**. Each state's legislature was allowed to select as many “electors” as it had members of Congress (House and Senate). These electors would be allowed to vote for two people. The person who received the highest number of votes (provided it was a majority of the votes cast) would be named president. The person who received the second-highest number of votes would be named vice president. If no one received a majority of electoral votes, the House of Representatives selected the president. In the House, each state had one vote, and a candidate had to receive a majority of those votes to win.

something extra!

The Electoral College was modeled on the Connecticut Compromise; the president would be elected by a combination of people and states.

Above Left: James Wilson from Pennsylvania proposed the Three-Fifths Compromise regarding slavery.

Literacy Skill: Descriptive Writing

Divide the class in half. Ask half of the students to write a brief description of what our country might be like today if the New Jersey Plan had been adopted instead of the Great Compromise. Ask the other students to write a brief description of what our country might be like today if the Virginia Plan had been adopted.

Literacy Skill: Comparing and Contrasting

Have students use a Venn diagram to compare the New Jersey and Virginia Plans.

Learning Skills: Collaboration, Discussion

Have the class participate in a mock Constitutional Convention. Tell them they are going to be delegates to a convention that will write a class constitution. Choose or appoint one student to serve as the president of the convention and one person to serve as the recorder. Others will be delegates. At the beginning of the convention, ask students to identify issues that should be discussed by the delegates. As the meeting continues, have students debate the issues and come to a consensus on what items to actually put in the class constitution.

Teacher Note Assessment: Formative

Assign Worksheet, *The Great Compromise*.

Learning Skills: Critical Thinking, Discussion

Encourage students to imagine they were members of the Constitutional Convention of 1787. Ask them, based on what they know about the government of the United States today, what changes or additions should have been made to the original Constitution.

Learning Skill: Discussion

Ask students to share their thoughts about counting slaves as $3/5$ of a person in determining representation in the United States Congress.

Learning Skill: Collaboration Technology Tool: Presentation Software

Have students use a search engine or go to www.usconstitution.net/xconst.html to examine Articles I-VII of the United States Constitution. Divide the class into groups of four or five and assign each group a section of the Constitution to research. Based on their research, ask each group to prepare a class presentation analyzing their section. This presentation could be in the form of a PowerPoint.

Teacher Note

After students have completed their research of the U.S. Constitution, ask them to complete Worksheet, *The Articles of Confederation versus the U.S. Constitution*, with information about the U.S. Constitution.

Literacy Skill: Building Vocabulary

Ask students to define the terms *Federalist* and *Antifederalist*. Discuss the position of each on the powers of government.

Literacy Skill: Interpreting a Chart

Ask students to look at Figure 1.3 and answer the following questions:

1. How long after Delaware ratified the Constitution did Virginia ratify it? (*6 months, 18 days*)
2. How many “Yes” votes were cast? (*1,071*)
3. Which state had the closest vote? (*Rhode Island*)

Learning Skill: Critical Thinking

After students have examined the data on Figure 1.3, ask them why they think some states were hesitant to approve the Constitution.

Ratification

The new United States Constitution was approved by the delegates at the convention on September 17, 1787. Then, on September 28, 1787, the new Constitution was sent to the states to be **ratified** (approved). Ratification was not an easy task. People who supported the strong national government established in the new Constitution called themselves *Federalists*; those who opposed a strong central government were called *Antifederalists*.

The Antifederalists believed that the national government should not have too much power. They wanted the major powers left to state governments. They also insisted that citizens’ individual rights be specifically protected in the new Constitution. To gain their support, the first ten amendments to the Constitution were proposed in 1789 and approved in 1791. These amendments are called the Bill of Rights.

Nine states had to ratify the document before it could become the official Constitution. Delaware was the first state to ratify the Constitution on December 7, 1787. On June 21, 1788, New Hampshire became the ninth state to approve it. Four days after New Hampshire’s ratification—on June 25, 1788—Virginia became the tenth state to ratify the document by a vote of 89 to 79. It took two and one-half years for all thirteen states to ratify the document.

Figure 1.3

Ratification of the U.S. Constitution

	DATE	STATE	VOTES	
			Yes	No
1	December 7, 1787	Delaware	30	0
2	December 12, 1787	Pennsylvania	46	23
3	December 18, 1787	New Jersey	38	0
4	January 2, 1788	Georgia	26	0
5	January 9, 1788	Connecticut	128	40
6	February 6, 1788	Massachusetts	187	168
7	April 28, 1788	Maryland	63	11
8	May 23, 1788	South Carolina	149	73
9	June 21, 1788	New Hampshire	57	47
10	June 25, 1788	Virginia	89	79
11	July 26, 1788	New York	30	27
12	November 21, 1789	North Carolina	194	77
13	May 29, 1790	Rhode Island	34	32

Above: The Bill of Rights was written to gain the support of the Antifederalists.

Teacher Note

Plan a Constitution Day celebration during the week of September 17. Activities can be found at <https://www.archives.gov/education/lessons/constitution-day> or <http://themes.atozteacherstuff.com/182/constitution-day-constitution-week-activities>. This could be a Performance-Based Activity.

Teacher Note

Assign Worksheet, *Federalists versus Antifederalists*.

Teacher Note

The West Virginia legislature passed HB3080 in March 2017, requiring schools to allocate at least three hours each year, during the week in which September 11 falls, to teach the importance of the Declaration of Independence and the U.S. Constitution, with an emphasis on the Bill of Rights. The instruction should occur during Celebrate Freedom Week. You can find resources at http://wcscharactered.com/assets/Celebrate_Freedom_Week_resources.pdf.

Amending the Constitution

The United States Constitution is a very brief document. It contains about 1,800 words, and it has been **amended** (changed or added to) only twenty-seven times since it was first adopted over two hundred years ago. The Constitution has endured for a number of reasons.

First and foremost, our forefathers wrote in a very brief and general style. Had they tried to be too specific, the document would have been much longer and could not have withstood the changes our nation has undergone since the late 1700s. Because it is so general, future generations of Americans were able to interpret this document.

Secondly, our forefathers planned for a way to amend the Constitution. An amendment may be proposed by a two-thirds vote in both houses of Congress or by a national constitutional convention called for by two-thirds of the state legislatures. Once an amendment is proposed, it is sent to the states to be ratified. A proposed amendment must be approved by three-fourths (currently 38) of the state legislatures.

All of the amendments to our Constitution except one have originated in Congress and have been approved by three-fourths of the states. That one amendment that did not originate in Congress was the Twenty-first Amendment, which repealed the Eighteenth Amendment on prohibition.



Above: The Twenty-first Amendment repealing prohibition is the only amendment to our Constitution that did not originate in Congress.

Reviewing the Section

Reviewing the Content

1. What weaknesses of the Articles of Confederation were changed in the U.S. Constitution?
2. Who were the Federalists and the Antifederalists?
3. What were the major debates that resulted in compromises at the Constitutional Convention?

Using the Content

1. Pretend you were a delegate to the Constitutional Convention in Philadelphia. Write a speech that you might have given in support of the Virginia Plan or the New Jersey Plan.
2. Write a letter to one of the delegates to the Constitutional Convention in Philadelphia. Discuss a modern issue that the founding fathers might have addressed when writing our Constitution.

Extending the Literacy Skill

Look at the photograph on page 26 and answer the following questions.

1. What is depicted in the photo?
2. Where was the photo taken?
3. What is the focal point of the photo?
4. Why is there a statue of George Washington in front of the building?

ASSESS

Answers to Reviewing the Section

Reviewing the Content

1. Weakness: No chief executive;
Change: Created office of president
Weakness: No court system;
Change: Created a court system
Weakness: Congress had no power to raise money;
Change: Congress can pass tax laws
Weakness: One-house legislature, every state had one vote;
Change: Bicameral legislature, in Senate all states have same number of votes, votes in House based on population
2. People who supported the strong national government established in the new Constitution called themselves Federalists; those who opposed a strong central government were called Antifederalists.
3. They were debates on the makeup of the legislature, the presidency, and slavery.

Using the Content

1. Check students' speeches.
2. Check students' letters.

Extending the Literacy Skill

1. It is a statue of George Washington in front of Independence Hall.
2. Philadelphia, PA
3. the statue of George Washington
4. He was the president of the Constitutional Convention that met at Independence Hall.

Closure Connecting Past and Present

Give students a list of events from American history that occurred after the ratification of the U.S. Constitution. Ask them if each event would have still occurred if we were governed by the Articles of Confederation. Tell them they must give reasons for their answer. **NOTE:** Events might include the Louisiana Purchase, the War of 1812, the Civil War, and World War II.

Teacher Notes

Technology Tool: Search Engine

Have students use a search engine to find famous Americans who have German or Scottish ancestors.

Trivia

Don Knotts, from Morgantown, was a descendant of German immigrants. He played Barney Fife on *The Andy Griffith Show*.

Community Connection

Interview at least five people in your community to determine what cultural groups live there. Share your findings with the class. Instead of conducting an interview, students can survey at least ten people.

Technology Tool: Search Engine Community Connection

Have students use a search engine or talk with family members to find information on your ancestors and where they came from. Ask students to share any interesting stories they may hear with the class.

Teacher Note

Assign Worksheet, *Moving to West Virginia*.

West Virginia's Immigrants

When people describe the demographics of West Virginia, they often say the state lacks cultural diversity. Census data seems to support that assessment. According to estimated 2017 data, West Virginia is 93 percent white, 3 percent black, 1 percent Hispanic, and less than 1 percent Native American, Asian, and Native Hawaiian Pacific Islander. The problem with this assessment, however, is that the data is based on race, not culture.

To clarify, the words *race* and *culture* are sometimes used incorrectly. Race is based on acquired genes and physical characteristics. Culture, on the other hand, is based on beliefs, values, traditions, and customs. A person cannot change his race, but he can change his culture.

West Virginia is actually culturally diverse. Unless your ancestors were Native American, your family came here from someplace else. West Virginia's immigration history begins with the earliest explorers from England and France. While these explorers did not settle in the area, they did make maps and claimed land where those who came later would settle.

Nearly 100 years after the first explorers came to western Virginia, a group of Germans settled in the Shenandoah Valley. Settlers from Germany named their first settlement in western Virginia Mecklenburg after their region in Germany. Today Mecklenburg is Shepherdstown. Germans came in large numbers before the American Revolution and again in the mid-1800s. So many Germans lived in the Greenbrier and Ohio Valleys that sermons were delivered in both English and German. Two newspapers in Wheeling were printed in German. Many people of German descent were found in Marshall, Lewis, Ohio, and Wood Counties.



Above: Early settlers entered western Virginia through the Shenandoah Valley.

Teacher Notes

The Germans were followed by the Scots-Irish who went farther west, into the Greenbrier Valley. The Scots-Irish were really Scots who had lived in an area of Northern Ireland for nearly 100 years. They left Northern Ireland to avoid the religious wars between Catholics and Protestants.

After the Civil War, a number of blacks came to West Virginia. Then, the early 1900s saw very different groups of immigrants come to West Virginia to work in the coal, timber, and glass industries. Workers came from Poland, Italy, Serbia, Turkey, Hungary, and Russia. Many of the Poles settled in Marion and Fayette Counties.

Eventually, elements of these foreign cultures (e.g., language, religion, music, celebrations, food) became mixed with cultural elements of their adopted homeland. Today, various fairs and festivals keep the culture of our forefathers alive while others celebrate the blended cultures that were created.



Above: As part of Clarksburg's bicentennial celebration in 1985, the city erected a statue to honor the many groups of immigrants who have made Harrison County their home. The statue is located outside the county's courthouse.

Trivia

To attract settlers to western Virginia, a land agent told a group of Swiss settlers about a flourishing Swiss community in the hills. When the settlers arrived in Helvetia, they expected to find a thriving town. Instead, all they found was a wilderness. Some of the group left, but others stayed and created a productive community.

Trivia

The small group of Swiss and German settlers arrived in Helvetia in 1869. The 2010 census showed the population of the isolated community to be 59.

Teacher Note

You may want to show students a short video of Helvetia's history. The video can be accessed at <https://www.youtube.com/watch?v=w99XgXAwqXw>.

Trivia

Johann Dahle was a Hessian (German) deserter from the British army in the American Revolution. He settled in Pendleton County in 1781. The name Dolly Sods comes from Dahle.

Trivia

There are two naturalization ceremonies in West Virginia each year. In January 2019, the state welcomed 40 new citizens representing 27 countries.

Teacher Notes

Section 3 The Federal Government

INTRODUCE

Outline

- A. The Legislative Branch
- B. The Executive Branch
- C. The Judicial Branch
- D. Checks and Balances

Materials

Textbook, pages 32-47
www.clairmontpress.com:

Audio Book
Guided Reading 1-3
Hyperlinks
Lesson Plans
Worksheets: *West Virginia's Delegates in the House of Representatives, Requirements for Office, Writing a Bill, The Electoral College, Checks and Balances*

mystatehistory.com:

Audio Book
Guided Reading 1-3
Internet Activities
Online Textbook
PowerPoints
Puzzles

TEACH

Focus (Bellringer)

As students enter the room, ask: Which branch of U.S. government most directly affects you?

SECTION 3

The Federal Government

something extra!

Robert C. Byrd is the longest-serving senator in U.S. history. He first took the oath of office as a senator on January 3, 1959, and served until June 28, 2010. In 2008, Senator Byrd was the president pro tempore of the Senate, making him third in line of succession to the presidency—behind the vice president and the Speaker of the House of Representatives.

As you read, look for

- the three branches of the United States government and their responsibilities;
- the system of checks and balances;
- West Virginia's representatives in Congress;
- terms: **reapportion, expressed powers, implied powers, impeach, committee, bill, veto, judicial review.**

When the United States Constitution was ratified by the states, it established a national government with three branches—the legislative branch, the executive branch, and the judicial branch.

The Legislative Branch

The first article of the United States Constitution established the legislative branch of the federal government. It sets the requirements for and responsibilities of those who serve in Congress. Congress is the lawmaking branch of the federal government.

The Members of Congress

The Constitution established a bicameral legislature composed of the Senate and the House of Representatives.

The Senate

The Senate is made up of two representatives from each state, for a total of 100 members. A senator must be at least thirty years old, a citizen of the United States for at least nine years, and a resident of the state he or she represents. Originally, senators were chosen by their state legislatures to serve a six-year term. In 1913, the Seventeenth Amendment provided that the members of the Senate be elected by the people. Senate terms are now staggered so that only one-third of the entire Senate is elected in any one election year.

Background: The White House in Washington, DC, is the official home and workplace of the president of the United States.

Content Objectives

SS.8.4 Differentiate between the division of powers and responsibilities for each of the executive, legislative, and judicial branches of the United States and West Virginia governments, describe the system of checks and balances, and explore local forms of government.

- Analyze the functions and jurisdictions of the federal, state, local, and special courts (e.g., United States Supreme Court, state supreme court, circuit courts, magistrate courts, and family courts).
- Cite the elected officials at the national, state, and local levels, the constitutional requirements for election, and responsibilities of each office.

Shelley Moore Capito

Shelley Moore Capito was born on November 26, 1953, in Glen Dale, West Virginia, to Shelley (Riley) and Arch Alfred Moore Jr. Shelley became immersed in politics at an early age. Her father was a member of the West Virginia House of Delegates when she was born, and she was two years old when he was elected to the U.S. House of Representatives. She was a high school sophomore when the Moore family moved into the West Virginia Governor's Mansion.

Shelley's political career has somewhat mirrored her father's, as her first elected political office, like his years earlier, was to the West Virginia House of Delegates in 1996. She served two terms as a delegate before deciding to run for a national office in 2000. In that election she narrowly defeated her Democratic opponent to become the first Republican to represent West Virginia in the United States Congress since 1983. When she handily defeated her opponent in her reelection campaign in 2002, she became the first Republican to win reelection since her father did so when he represented West Virginia's First Congressional District from 1957 to 1969. Although Shelley and her father represented the First Congressional District, they did not represent the same counties due to a law that requires a redistricting of boundaries after each Census.

In 2006, Shelley won reelection for a fourth term, this time from the Second Congressional District because another redistricting had occurred. In 2010, she was mentioned as a possible candidate for the U.S. Senate seat of Robert C. Byrd, who died on June 28, 2010. She chose, however, to run for and win a sixth term in the House of Representatives. In this election, she won all eighteen counties in her district.

After another redistricting, Shelley was challenged for the first time in her career in the 2012 primary election. After struggling in the primary, she won a seventh term handily in what would be her final term in the House of Representatives.

On November 26, 2012, Shelley announced she would run for the 2014 U.S. Senate seat of Jay Rockefeller. After deciding to retire, Rockefeller dropped out of the race in January 2013. Shelley won the vacant Senate seat by the largest margin for a Republican in a statewide race in West Virginia history. This achievement also gave her the distinction of being West Virginia's first female U.S. senator.

Shelley has a degree in biology from Duke University and a master's in education from the University of Virginia. She also worked as a college counselor at West Virginia State College, now West Virginia State University.

She is married to Charles L. Capito, a Charleston banker. They have three adult children, two sons and one daughter. One of their sons, Moore Capito, who seems to be following in the footsteps of his grandfather and mother, was elected to the West Virginia House of Delegates in 2016.



Literacy Skill: Acquiring Information Technology Tool: Search Engine

Search the Internet or go to <https://www.capito.senate.gov/> to find more information on Shelley Moore Capito. Make a list of her priorities as they relate to West Virginia. Discuss those as a class.

Technology Tool: Email

Choose an issue in West Virginia and send an email to Senator Capito asking for her support or asking her what her position is on that issue.

Trivia

Senator Capito's parents were the longest-serving governor and first lady in West Virginia history.

Trivia

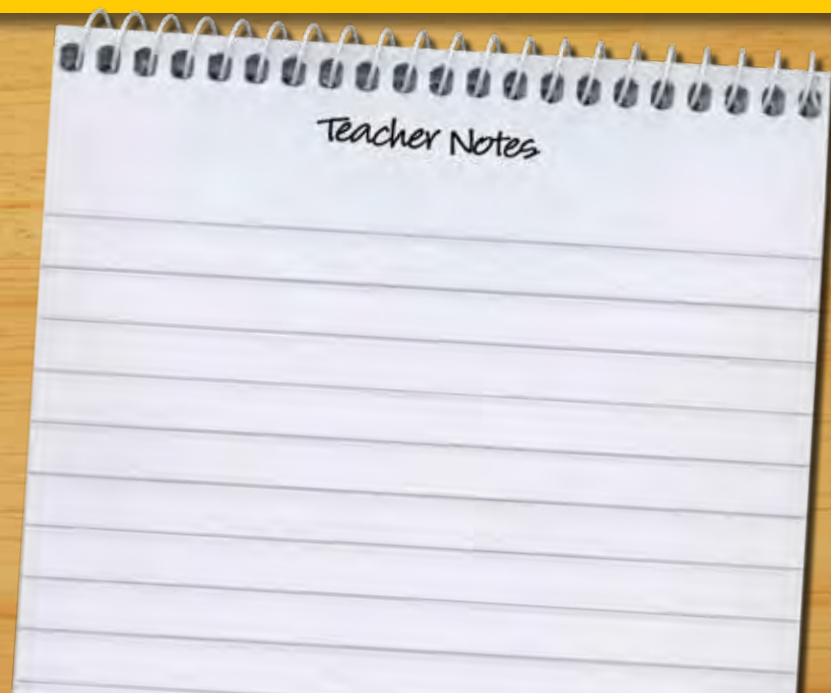
Senator Capito was not pleased with her showing in her first political race when she ran for the West Virginia House of Delegates. Although she won, she finished seventh out of seven who were elected to that position from Kanawha County. Her father reminded her that she did win!

Trivia

Senator Capito's father, Arch Moore Jr., died on January 7, 2015, the day after Shelley was sworn in as West Virginia's first female United States senator.

Learning Skill: Critical Thinking

Ask students how much influence they believe Senator Capito's father had in her career choice. (Remind them her college degrees are in biology and education.)



Learning Skill: Discussion

Have students look at Figure 1.4 and note the names of West Virginia's two senators and three congresspersons. Ask students to share what they know about any of these people.

Technology Tools: Search Engine, Research

Have students find the web page of each of our members of Congress. Ask them to make a chart with each representative's name, stand on major issues (e.g., health care, climate change, energy, education, etc.) and committees on which each serves. NOTE: Students can record their findings on Worksheet, *West Virginia's Delegates in the House of Representatives*. They could make a similar graphic organizer for West Virginia's two U.S. senators.

Teacher Note Assessment: Formative

Assign Worksheet, *Requirements for Office*. Tell students, as they read, to find the requirements to run for House of Representatives, Senate, and president.

Teacher Note

You can go to https://en.wikipedia.org/wiki/West_Virginia%27s_congressional_districts to find a map of West Virginia's three congressional districts and additional maps that show how reapportionment has changed the boundaries. Have students identify their county's district. Ask: Do the three districts have the same number of counties?

Figure 1.4

West Virginia's Congressional Delegation

SENATE

Joe Manchin III
Shelley Moore Capito

HOUSE OF REPRESENTATIVES

District 1 David McKinley
District 2 Alex Mooney
District 3 Carol Miller

The House of Representatives

A member of the House of Representatives must be at least twenty-five years of age, a citizen of the United States for at least seven years, and a resident of the state he or she represents. Each state's representatives are elected to two-year terms, and they are chosen in the general elections of even-numbered years.

Each state's population determines the number of representatives it has in the House of Representatives. The Reapportionment Act of 1929 set a limit of 435 members in the U.S. House of Representatives. Puerto Rico and the Virgin Islands each have a nonvoting representative; one representative from the District of Columbia may vote only in committee. Every ten years, the 435 seats are **reapportioned** (divided according to a plan) among the states according to federal census figures. Based on the 2010 Census, West Virginia will continue to have three representatives. There will be another reapportionment after the 2020 Census.

something extra!

When the House of Representatives was first created, there was one representative for every 30,000 persons in a state. If that proportion were still being used, the House would have more than 8,000 members today!

Right: The earliest photo of the interior of the Capitol, taken around 1861, shows the House of Representatives.



College- and Career-Readiness Indicators

- Develop questions through investigations.
- Apply disciplinary concepts and tools.

Civics

- Evaluate sources and use evidence.
- Communicate conclusions and take informed action.
- Explain the powers and limits of the three branches of government.

- Explain the origins, functions, and structure of government with reference to the U.S. Constitution, state constitutions, and selected other systems of government.

History

- Write informative/explanatory texts, including narration of historical events.
- Conduct short research projects to answer a question, drawing on several sources.

The political party that holds a majority of seats in the House (218 or more) is said to “control the House.” The *Speaker of the House* is the leader of the House and is always a member of the majority party. The Speaker is responsible for the day-to-day functions of the House. At the beginning of each session of Congress, the two political parties select their leaders. The controlling party also selects the *majority leader*, who controls the legislative agenda.

The Powers of Congress

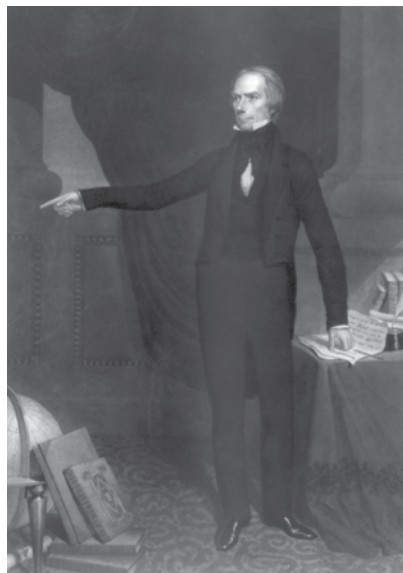
The U.S. Constitution gives certain powers to Congress. These powers are both expressed and implied. **Expressed powers** are those powers specifically given to Congress in the United States Constitution. **Implied powers** are not specifically stated in the Constitution but come from Congress’s right to make all laws “necessary” to carry out its expressed powers. This statement, which comes at the end of Article I, Section 8, of the Constitution, is known as the elastic clause because it “stretches” the powers of Congress.

The Constitution gives each house of Congress some powers not given to the other. The House of Representatives has the power to **impeach** (to bring charges against an elected official while that official is still in office). The power to try that impeached official rests with the Senate. All bills to raise revenue must originate in the House of Representatives. The Senate has the sole power to ratify treaties and to confirm the president’s selection of individuals to serve as Cabinet members or in other high-ranking government positions.

How Congress Operates

The legislative work of Congress is accomplished mainly through **committees**. All members of Congress sit on several different committees. Their committee appointments are determined by their party’s leadership and power, their personal interests, and the special needs and interests of their constituents (the voters they represent). Committees accomplish their work through two main activities—hearings and investigations. These activities are a part of Congress’s “oversight power,” meaning that Congress uses hearings and investigations to oversee the activities of the executive branch of government and the federal bureaucracy. There are four basic types of committees: standing committees, select committees, conference committees, and joint committees.

Standing committees monitor the work of federal agencies and departments that fall under their areas. For example, the Department of Agriculture falls under the Agriculture Committee. Committees also control the progress of **bills** (proposed legislation). Committees can send legislation under their jurisdiction to the full House or Senate, or they can kill the legislation. The House of Representatives has twenty-two standing committees and the Senate has sixteen standing committees.



Top: In 2007, Nancy Pelosi became the first woman Speaker of the House. When Democrats regained control of the House in the 2018 general election, she was again selected as Speaker in 2019. **Above:** In the 1800s, Henry Clay used his influence as Speaker to ensure the passage of measures he favored.

Literacy Skill: Acquiring Information Technology Tool: Search Engine

Have students use a search engine to find a copy of the United States Constitution. Have them go to Article I, Section 8, to find a list of the expressed powers of Congress. They should look at the list and choose the five powers they believe are most important.

Literacy Skill: Building Vocabulary

Tell students that, in addition to the expressed powers, the Constitution also (last sentence in Article 1, Section 8) gave Congress implied powers. Ask them to define *expressed powers* and *implied powers*. Then, have them read the last sentence of Article 1, Section 8: “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

Literacy Skill: Acquiring Information Learning Skill: Collaboration Technology Tools: Research, Website

Tell students that one of the duties of the House leadership is to make committee appointments. Have students go to <https://www.house.gov/committees> and find a list of various House committees. Divide the class into groups of three or four and assign each group several of the committees to research. Each team will identify issues the committee deals with as well as the names of the committee’s members.

Learning Skill: Critical Thinking

Ask students why Congress was given two types of power. Ask them which type of power they think is more important. Have them give examples of how the “necessary and proper” clause has allowed Congress to do things that our founding fathers did not anticipate.

Trivia

Members of the House of Representatives have not had assigned seats in the House chamber since 1913. Traditionally, Democrats sit on the eastern side of the chamber, while Republicans sit on the western side to the left of the Speaker.

Literacy Skill: Analyzing Photographs

Ask students to look at the photograph of President Donald Trump addressing a joint session of Congress. Have them describe the reaction of the congresspersons. Ask what the president might have been addressing.

Literacy Skill: Acquiring Information Learning Skill: Collaboration Technology Tools: Research, Website

President Trump addresses Congress each year in the State of the Union Address. Tell students the purpose of this address. Then, have them go to <https://www.whitehouse.gov/briefings-statements/president-donald-j-trumps-state-union-address/> to find the text of that speech. Divide the class into groups of five and ask students to participate in an expert jigsaw strategy. Form home groups of five students. Then, have one member from each home group join with one member from each of the other groups to form an expert group. Each of the five expert groups will read, discuss, and record important details from one page of the speech. All members of an expert group will have the same information to share with their home group. After all expert groups have completed their assignment, individual students will return to their home group, which should now include one student from each of the five expert groups. These experts will go over the information they gathered with the home group.

After each student has reviewed highlights from the president's speech, ask them to list the issues he identified.



Above: President Donald Trump addressing a joint session of Congress.

At any time, Congress can form *select committees* to deal with specific issues, such as the Select Committee on Aging or the Select Committee on Narcotics Abuse and Control. Select committees usually have a limited life.

A *conference committee* works out a compromise when the House and the Senate have approved different versions of a bill. The committee contains members of both houses. If both bodies of Congress adopt the compromise version, it is sent to the president to be approved or vetoed. (To **veto** is to refuse to sign a bill.)

The fourth type of committee is the joint committee. *Joint committees* have members from both the House and the Senate and focus on issues of national concern. However, they do not propose legislation.

In addition to these four committees, much of the work of Congress is accomplished by *subcommittees*, which are smaller groups that examine issues, draft bills, and hold hearings to gather evidence for and against a bill.

Literacy Skill: Acquiring Information Technology Tool: Search Engine

Ask students to find examples of the four types of congressional committees: standing, select, conference, and joint. Have them list and define each type on a chart.

Teacher Note Connecting Past and Present

Video clips from past presidents' State of the Union Addresses can be found online. Assign groups of students a particular president and ask them to search for the address on the Internet. Have them list issues identified in the address and compare the issues in different periods of history.

How Laws Are Made

Bills can be introduced in either the House or the Senate; sometimes bills are introduced at the same time in both bodies. A bill must be introduced or sponsored by a member of the House or the Senate, and it may have more than one sponsor.

Bills are then sent to committees for consideration. The Speaker of the House or the presiding officer of the Senate decides which committees will receive which bills. Typically, bills are then referred to subcommittees, which report back to the full committees, either recommending action on the bill or offering a revised version of the bill. At that point, the committees can either support the bill or allow it to “die in committee.”

Bills that reach the floor of the House or the Senate are debated and discussed. If a bill is passed by one house of Congress, it is then sent to the other house, where it goes through the same process. If different versions of a bill are approved, a conference committee works out a compromise. The compromise bill must be voted on by both houses. A bill must be passed in the same form by the House and the Senate.

something extra!

A bill is given a number and a prefix—HR in the House and S in the Senate.



Bottom: Congress meets in the U.S. Capitol to introduce, debate, and vote on bills. For a bill to become a law, the House and Senate must approve it in the same form.



Teacher Note

Review steps involved in the lawmaking process with your students.

Teacher Note

You might want to go to <https://www.youtube.com/watch?v=FFroMQIKiag> and let students watch the video clip “Schoolhouse Rock: How a Bill Becomes a Law.”

You could also show a 13-minute video on the lawmaking process that is part of *Founding Principles: American Governance in Action* produced by Bowdoin College. Go to <http://www.bowdoin.edu/founding-principles/> and preview the video. The site has links to many other videos focusing on the principles and functions of American government.

Technology Tool: Acquiring Information

Have students go to <https://www.congress.gov/> to view the status of current bills in the House or Senate.

Literacy Skill: Persuasive Writing

Have students choose a bill currently under consideration and write a letter to their congressional representatives expressing support or opposition to the issue. NOTE: Discuss tone, writing style, and appropriate length of letter.

Teacher Note

Have students look at several actual bills that have been introduced in Congress. Then, assign Worksheet, *Writing a Bill*, which provides a template for them to write their own bill that might be introduced in Congress.

Learning Skills: Discussion, Critical Thinking

Ask students, if they were the president for a day, what they would do. If they had the power to change anything about our country, what would their top three changes be? After all students have shared their ideas, discuss with the class how many of those changes a president would have the power to make.

Literacy Skill: Acquiring Information Technology Tool: Website

Ask students to complete Worksheet, *The Electoral College*.

Literacy Skill: Acquiring Information Technology Tool: Website

Ask students to go to <https://www.270towin.com/maps/> to find an interactive map they can use to predict which states a presidential candidate must win to acquire the 270 electoral votes needed for election. (This activity could be used with the *Electoral College* worksheet.)

Learning Skill: Critical Thinking

Read the presidential oath of office to the students: “I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States so help me God.” Then, ask the class what they think the president is agreeing to do.



If the president vetoes a bill, the bill is returned to Congress, along with the reasons for vetoing it. A two-thirds vote by both houses of Congress is required to override a presidential veto. If the president does not sign a bill into law within ten days and if Congress is still in session, the bill becomes law without the president’s signature. However, if Congress adjourns during this ten-day period, the bill does not become a law and is dead. This type of inaction is often called a *pocket veto*.

The Executive Branch

The executive branch makes sure that the laws passed by the legislative branch are obeyed. Our founding fathers wanted to give the executive branch of government enough power to carry out its duties, but not so much power that it might become abusive. They decided upon a single chief executive, a president.

Next, the framers of our Constitution had to decide how the president should be elected. As you learned earlier, they decided that the president should be selected by a special committee known as the Electoral College.

something extra!

The number of members each state has in the House of Representatives may change after the 2020 Census. The first election to be affected by these changes will be held in 2022.

The Electoral College

The number of electors from any given state equals the number of its representatives in the Senate (always 2) and in the House of Representatives. West Virginia has 5 votes of the total of 538 votes in the Electoral College. (There are 538 votes in the Electoral College because there are 100 United States senators, 435 members of the House of Representatives, and 3 electors from the District of Columbia.) It takes 270 votes in the Electoral College (a majority) to be elected.

During a presidential election, the people in each state vote for the candidates of their choice for president and vice president. In reality, a vote for a candidate is actually a vote for the candidate’s electors. The candidate who wins the popular vote in a state usually wins all of that state’s electoral votes. Although this is historically what happens, the electors are not legally bound to vote for the candidate who wins the popular vote in their state. In fact, in the 1988 election, a Democratic elector from Cabell County cast a ballot for vice presidential candidate Lloyd Bentsen instead of presidential candidate Michael Dukakis.

Above: George Washington is known as the “Father of Our Country.” **Right:** Donald Trump won the presidential election in 2016 with an electoral vote of 304 to 227 for Hillary Clinton. Five other persons won a total of 7 votes.



Literacy Skills: Acquiring Information, Creating a Chart Technology Tool: Research

Have students go to <https://www.infoplease.com/history-and-government/us-presidents/biographies-presidents> to find interesting information about each U.S. president—from George Washington to Barack Obama—that you do not normally find in history books. Ask each student to choose ten presidents from different time periods and make a chart to show how they were similar and different.

Teacher Note

Go to www.legendsofamerica.com/ah-presidenttrivia/ to find interesting trivia about past presidents to share with the class.

Learning Skill: Critical Thinking

Ask students if they think the Electoral College is a good way to select a president. Originally, the person with the highest vote in the Electoral College became president and the person with the second-highest vote became vice president. Ask students what problems this could create.

Each state's electors meet in their state capital in the middle of December and cast their electoral votes—one for president and one for vice president. The electoral votes are then sent to the president of the U.S. Senate, who opens and reads them before both houses of Congress on January 6. The candidate with the majority of votes is declared the winner for the presidential and vice presidential races. These two individuals are sworn into office at noon on January 20 (Inauguration Day). In the 2016 election, Donald Trump won the electoral vote while Hillary Clinton won the popular vote.

Divisions of the Executive Branch

The executive branch of government consists of far more than just the offices of president and vice president, but a discussion of the executive branch most often starts with those two officials. Qualifications for the president and vice president are the same. Both the president and vice president must be at least thirty-five years of age, native-born (not naturalized) citizens, and residents of the United States for at least fourteen years. They are elected to serve a four-year term of office. The Twenty-second Amendment (ratified in 1951) limited the president to two terms.

The vice president assumes the presidency if the president dies in office, resigns, or is removed by the impeachment process. If the vice president cannot assume those duties, the line of succession falls to the Speaker of the House of Representatives, followed by the president pro tempore of the Senate, and then following through the Cabinet officers, beginning with the secretary of state and continuing in the order each Cabinet position was created. The vice president can also become "acting" president for a period of time if the president becomes

something extra!

In the election of 1796, the United States ended up with a president from one political party (John Adams) and a vice president from another political party (Thomas Jefferson).



Above Right: John Adams.
Above Left: Thomas Jefferson.
Left: The 44th President Barack Obama (left) and the 45th President Donald Trump (right) meet in the Oval Office.

Literacy Skill: Recall

Ask students to review the requirements to become a member of Congress. (Refer to Worksheet, *Requirements for Office*.)

As they read about the executive branch, ask them to add the information about the requirements to be president on the worksheet.

Literacy Skill: Acquiring Information Technology Tool: Search Engine

Ask students to use a search engine to find out how many vice presidents have assumed the duties of president due to the death or resignation of the chief executive. Identify the names of these vice presidents and the presidents they succeeded. Also, find out how many vice presidents have succeeded the president under whom they served through the election process.



Teacher Notes

Literacy Skill: Acquiring Information

Have students examine the line of succession in Figure 1.5. Ask students why one person on this list always remains at the White House on occasions like the State of the Union Address. Who is the first Cabinet official to become president? Can students figure out how the order of succession was determined? Which was the most recent position added to the line of succession?

Learning Skill: Collaboration Technology Tools: Search Engine, Presentation Software

Divide students into pairs. Ask each pair to research one of the Cabinet positions to determine the organization and duties of that department. Also, ask them to find something about the qualifications of the person who holds that position. After students have completed their research, encourage them to create a visual presentation to display their research. The presentation could be in the form of a poster or a PowerPoint.

Learning Skill: Critical Thinking

Ask students, after they have heard the reports on the various Cabinet positions, if they think the order of presidential succession should be changed. Have them give reasons for their position.

Figure 1.5

Presidential Line of Succession



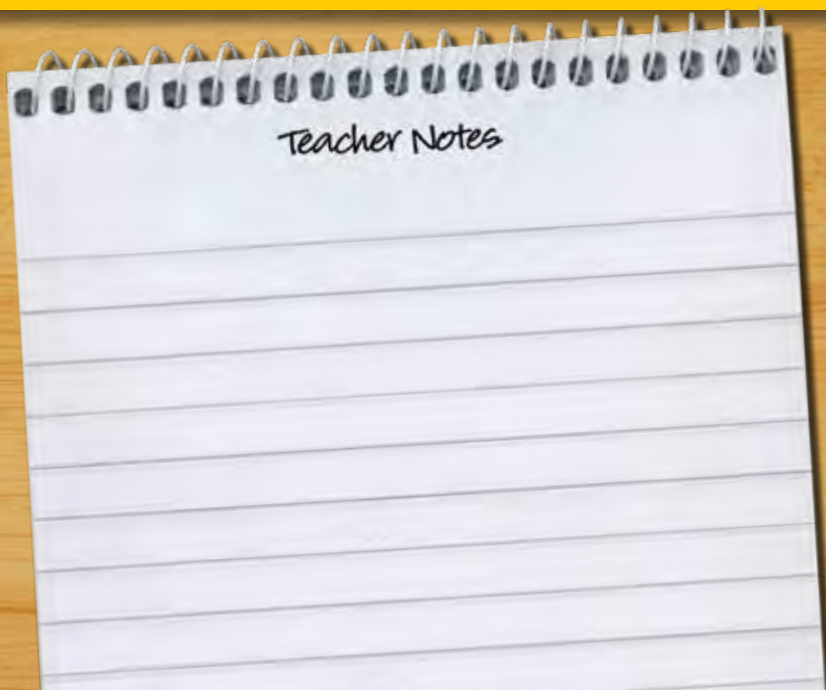
1. Vice President
2. Speaker of the House of Representatives
3. President Pro Tempore of the Senate
4. Secretary of State
5. Secretary of the Treasury
6. Secretary of Defense
7. Attorney General
8. Secretary of the Interior
9. Secretary of Agriculture
10. Secretary of Commerce
11. Secretary of Labor
12. Secretary of Health and Human Services
13. Secretary of Housing and Urban Development
14. Secretary of Transportation
15. Secretary of Energy
16. Secretary of Education
17. Secretary of Veterans Affairs
18. Secretary of Homeland Security

too ill to perform his or her duties. The Twenty-fifth Amendment to the Constitution sets the guidelines for a new vice president to be named if the regular vice president becomes president.

The Constitution gives the president a number of powers. These powers include (1) appointing and dismissing thousands of federal employees such as ambassadors, federal judges, justices of the Supreme Court, ministers and consuls, Cabinet officers and those who serve under them; (2) acting as commander in chief of the nation's armed forces; (3) recommending legislation; (4) vetoing bills or signing legislation into law; (5) receiving diplomatic representatives; (6) pardoning offenders against the United States; (7) entering into treaties or compacts with foreign nations; and (8) issuing proclamations.

Many of the powers given to the executive branch are shared with Congress. For example, the executive branch has the power to make treaties with foreign nations, but all treaties must be approved by the Senate. Major presidential appointments must also be approved by the Senate. The chief executive can veto a bill, but Congress can override the veto by a two-thirds vote in each house.

Of course, the job of administering the federal government in a nation as large and complex as the United States requires more than just the two officials elected as president and vice president. The administrative groups that make up the executive branch of our government are generally known as the *executive bureaucracy*. It can be divided into five main groups: the Executive Office of the President, the Cabinet, independent agencies, regulatory commissions, and government corporations.



The Executive Office of the President

The Executive Office of the President includes major offices or agencies whose directors are appointed by the president with the consent of the Senate. These government leaders serve at the will and pleasure of the president and can be fired or asked to resign by the president at any time. Agencies in the Executive Office of the President include the Office of Management and Budget, the National Security Council, and the Council of Economic Advisers.



The Cabinet

Members of the Cabinet serve as official advisers to the president and as the heads of executive departments. The Cabinet members are appointed by the president, but they must be confirmed by the Senate. There are currently fifteen Cabinet members.

Independent Agencies

Congress has created a number of independent agencies to serve the public interest and keep the government and economy working smoothly. The nature and purpose of independent agencies vary widely. For example, the Environmental Protection Agency (EPA) supervises national laws and programs involving clean air and water, waste disposal, radiation, and toxic substances. Another independent agency, the General Services Administration, oversees spending by all other government agencies. The heads of independent agencies are appointed by the president with the consent of the Senate.

Above: President Trump holds a Cabinet meeting in the West Wing of the White House.

Literacy Skill: Building Vocabulary

Many directors of executive agencies serve at the “will and pleasure” of the president. Ask students what it means to be a “will and pleasure” employee.

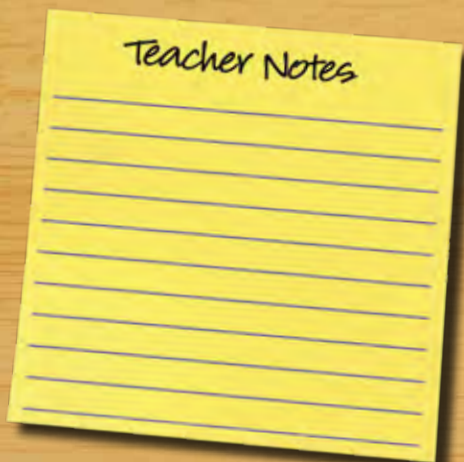
Teacher Note Connecting Past and Present

You may want students to compare the Cabinet today with the Cabinet in other times, e.g., under George Washington or Andrew Jackson. How has the Cabinet changed? Why have new positions been added?

Literacy Skill: Acquiring Information Learning Skill: Critical Thinking Technology Tools: Website, Research

Go to <https://www.usa.gov/federal-agencies/> to find a website with federal government agencies and departments listed alphabetically.

Assign individual students one or two letters to examine. Have them count the number of agencies that begin with their assigned letter. Add the numbers from each group to determine the total number. As students look at the names, ask them to choose the most important ones and some they believe could be eliminated.



Literacy Skills: Acquiring Information, Interpreting Learning Skill: Discussion Technology Tool: Website

Before students enter the room, write the phrase “Justice, the Guardian of Liberty” on the board. Ask students to brainstorm the meaning of the phrase: NOTE: The phrase is part of the east entrance of the Supreme Court Building. Students can go to <https://www.supremecourt.gov/about/eastpediment.pdf> to learn more about the sculpture above the entrance.

Also ask students to share their ideas on the meaning of “Equal Justice under Law,” which appears over the west entrance. Students can go to <https://www.supremecourt.gov/about/archdetails.aspx> and click on West Pediment to learn more about the sculpture above the west entrance.

Literacy Skill: Acquiring Information Technology Tool: Search Engine

Encourage students to use a search engine to find biographical information about the nine justices who serve on the U.S. Supreme Court.

Literacy Skill: Recall

Students can play a “Who Am I?” game, with one person giving a fact about one of the Supreme Court justices and classmates guessing which justice it is.

something extra!

George Washington appointed the greatest number of U.S. Supreme Court justices (11).

The Judicial Branch

The duties of the judicial branch of the federal government include deciding on the meaning or interpretation of the Constitution and laws. The Supreme Court and all lower federal courts make up the judicial branch. The judicial branch protects individual citizens from mistreatment by other branches of government.

The Supreme Court

The Constitution established the Supreme Court as the highest court in the land. Currently, the Court has a chief justice and eight associate justices. The president, with the consent of the Senate, appoints these men and women. There are no set qualifications for Supreme Court justices, and they usually serve for life or until they choose to retire.

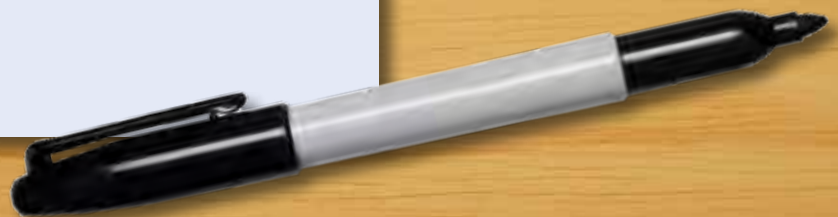
The Supreme Court has both original and appellate jurisdiction. The Court has *original* jurisdiction in cases involving a foreign country or in disputes between states and the federal government. It has *appellate* jurisdiction when reviewing decisions of lower-ranking federal courts and the decisions of the highest-ranking state courts. When the Supreme Court decides a case on constitutional grounds, that decision becomes the *precedent* (guideline), both for all lower courts to follow and for laws that deal with similar issues.



Above: The U.S. Supreme Court Building in Washington, DC.

Learning Skill: Critical Thinking

When the president delivers the State of the Union Address, sometimes members of the president’s party clap loudly at certain points in the speech. At other times, there is bipartisan applause. However, the Supreme Court justices rarely clap. Ask students why that happens.



Focus on Technology

LEARNING SKILL: COLLABORATION

Demonstrate ethical behavior and work responsibly and collaboratively with others to accomplish both individual and team goals related to an academic presentation.

TECHNOLOGY TOOL: POWERPOINT

Use advanced features and utilize presentation software—e.g., design templates, design layouts (fonts/colors/backgrounds), animation, graphics, and inserting pictures (objects, movies, sound, charts, hyperlinks and/or graphs)—to create an original product.

Form a group of three to five students. Each student should use a search engine to find information on one of West Virginia's congressional representatives. (Each student should choose a different delegate to research.) After researching the delegates, meet as a group to discuss your findings. Then, as a group, plan a PowerPoint presentation that focuses on the life and accomplishments of one of the state's representatives. Your presentation should include at least four slides and should include text and pictures. Use different design templates, fonts, colors, and animation when creating the slides.



Teacher Note

You may need to instruct students in the use of PowerPoint or another computer presentation program. If only a few students do not know how to use the program(s), assign each one a buddy to help.

Learning Skill: Collaboration

Have students work in groups to formulate a “how to” booklet on the use of PowerPoint or another presentation software. Different groups can be assigned different aspects of the process, and the most experienced group can serve as the project’s technical editors.

Teacher Note

This activity could be used as a Performance-Based Project.

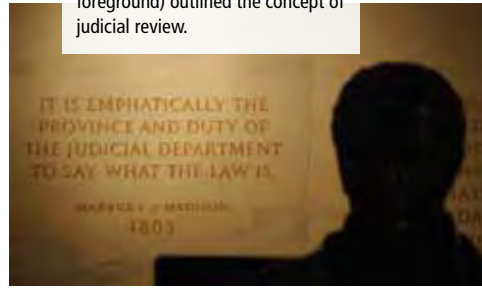


Teacher Notes

Learning Skills: Discussion, Critical Thinking

In the case of *Marbury v. Madison*, the Supreme Court declared the Judiciary Act of 1789 unconstitutional. A plaque commemorating the decision is on the wall of the Supreme Court Building. The plaque reads: “It is emphatically the province and duty of the judicial department to say what the law is. *Marbury v. Madison*, 1803.” Ask students to explain the importance of that inscription. (*This was the first time the concept of judicial review was defined.*)

Below: Inscription on the wall of the Supreme Court Building from *Marbury v. Madison*, in which Chief Justice John Marshall (statue, foreground) outlined the concept of judicial review.



The greatest power of the Supreme Court is that of **judicial review**, or the ability to set aside the actions of the legislative or executive branches or any government agency. By its decision in *Marbury v. Madison*, the Court established the principle that it could declare laws or presidential acts unconstitutional. The Court can also prevent executive action through injunctions (court orders) that forbid the action. In addition, the Court’s chief justice presides over impeachment proceedings against a president.

The Supreme Court decides which cases it will hear. This authority allows the Court to keep its caseload manageable and set its own constitutional priorities.

Other Federal Courts

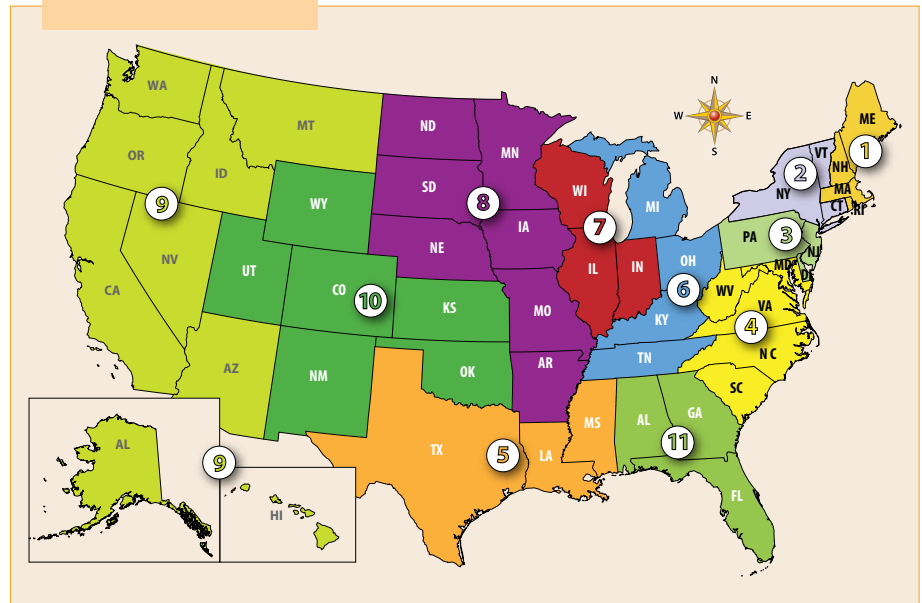
The Constitution gave Congress the power to establish courts lower than the Supreme Court. In the Judiciary Act of 1789, Congress established circuit courts of appeals and district courts. Over time, other courts have been added.

Congress divided the nation into eleven judicial areas called *circuits* plus the District of Columbia. Each circuit has between one and twenty-four judges depending on its workload. West Virginia has two judges who serve on the 4th Circuit Court of Appeals. These courts have appellate

Map 1.1

U.S. Federal Circuits

Map Skill: What other states are part of the 4th Circuit?



Learning Skill: Critical Thinking

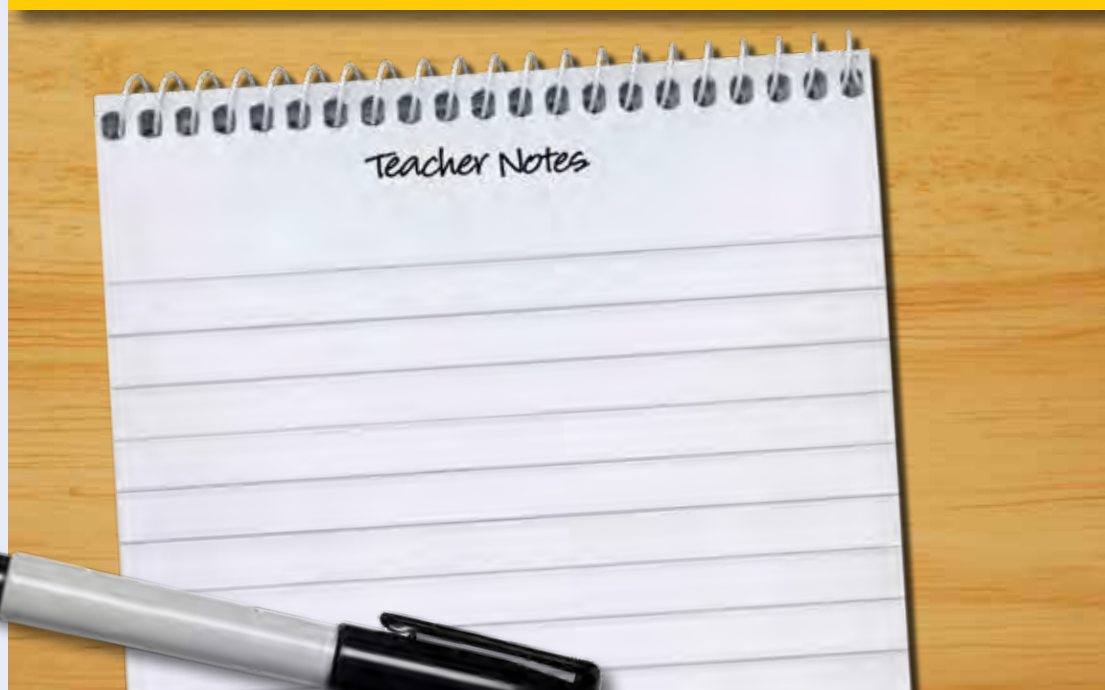
The United States takes great pride in being a nation of laws. Ask students what happens when a law is bad. Encourage students to think of examples when a law was not good and had to be changed.

Literacy Skill: Summarizing

Ask students to examine a local newspaper (printed copy or online) for at least one week and collect all news articles, editorials, and cartoons that focus on courts or federal issues facing the courts. Have them write a two-sentence summary of each situation. Finally, have them post the news stories and summaries on a current-events poster.

Answer to Map 1.1 Skill

Maryland, North Carolina, South Carolina, Virginia



jurisdiction, reviewing the decisions in cases tried in lower courts or the judgments of administrative agencies. There are no juries or witnesses in appellate courts; only the opposing lawyers appear to explain their positions.

Under the courts of appeals are ninety-four district courts, which are the federal trial courts. District courts have original jurisdiction and hear cases of civil and criminal violations of federal laws. District courts are the only federal courts that use juries and witnesses in trials. West Virginia is divided into a Northern and a Southern District. Four judges serve the Northern District, and seven judges serve the Southern District.

In each district court region, there is also a United States Bankruptcy Court. Bankruptcy is a legal judgment that a person or an organization cannot pay its debts; the property of the bankrupted entity is administered to pay off creditors.

Special Courts

The final part of the federal judicial system is a series of courts created by Congress to deal with special kinds of cases. The United States Tax Court, for example, hears disputes between citizens and the Internal Revenue Service. The United States Court of Military Appeals reviews military court-martial convictions. The United States Court of International Trade decides civil lawsuits against the United States involving trade with other nations. The United States Court of Federal Claims handles cases against the United States because of acts of Congress or contracts with the government.



Above: The United States Court of International Trade, located in New York City, is a special court that hears cases involving disputes over customs and international trade.

Teacher Note

Go to <http://www.uscourts.gov/> to find additional information on the United States court system. Additionally, in the search box, ask students to type Law Day and then click on the magnifying glass. Ask students to read several articles describing Law Day celebrations. Then, put the students in groups and ask them to plan a school-wide Law Day celebration. Law Day is most widely celebrated in the month of May. **NOTE:** This could be used as a Performance-Based Assessment.

Literacy Skill: Acquiring Information Technology Tool: Search Engine

Ask students to use a search engine to find the names and locations of all the federal courthouses in West Virginia. **NOTE:** Courthouses are located as follows: Southern District (Charleston, Beckley, Bluefield, Huntington, Parkersburg); Northern District (Clarksburg, Elkins, Martinsburg, Wheeling).

Foundation Geography Skill: Locating

After students have found the locations of the federal district courthouses, have them locate each on an outline map of West Virginia.

Learning Skill: Creative Thinking Technology Tools: Search Engine, Software

Ask students to find pictures of our state's United States District Courthouses and make a collage, poster, or computer display of the buildings.

Learning Skill: Creative Thinking

Ask students to prepare a diagram or flowchart of the federal court system. They should show the relationships among levels of courts, including the U.S. Supreme Court, U.S. Courts of Appeals, U.S. District Courts, and U.S. Bankruptcy Courts.

Learning Skill: Critical Thinking

Have students examine Figure 1.6. Ask them to think of new checks that one branch might need to have on another. Ask if they see any loopholes in the system of checks and balances. Ask students what would happen if one of the branches became more powerful than the others.

Teacher Note Assessment: Formative

Ask students to complete Worksheet, *Checks and Balances*.

Technology Tool: Website

Have students go to http://www.sheppardsoftware.com/usa_game/government/checks_and_balances.htm to play an interactive game. This game could be used as a formative assessment.

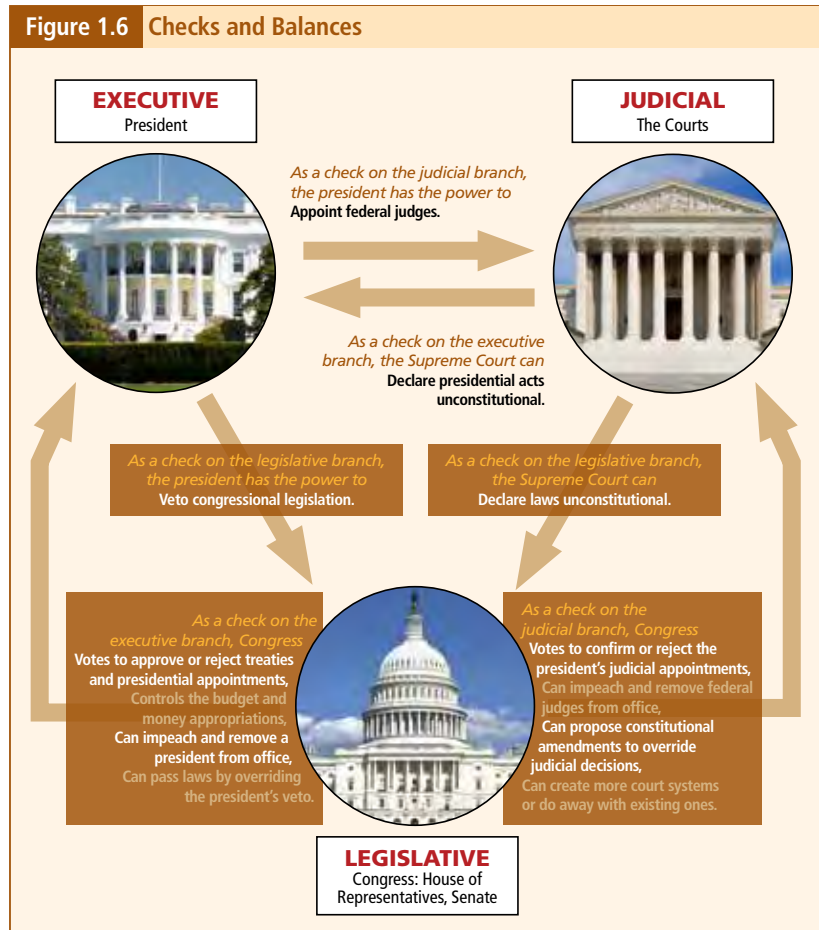
Learning Skill: Creative Thinking

Ask students to develop a game to check their understanding of checks and balances. Have them create a poster to illustrate one example of checks and balances.

Literacy Skill: Comparing and Contrasting Technology Tool: Search Engine World Connection

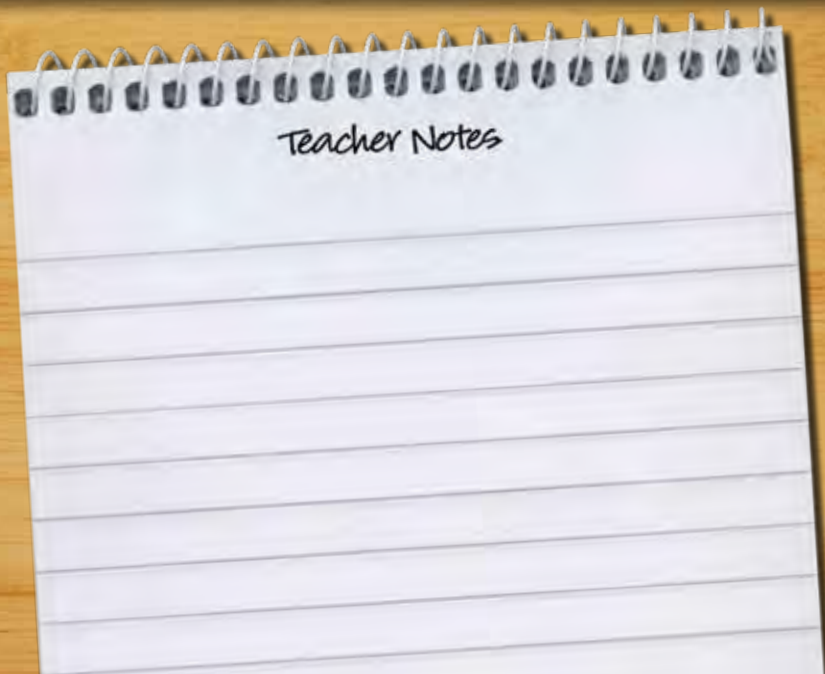
Ask students to research governments in several countries. Ask them to create a chart that shows how they are like and different from the government of the United States.

Figure 1.6 Checks and Balances



Checks and Balances

The men who wrote our Constitution provided for a system of checks and balances to keep the branches of equal importance. For example, the power to pass a bill was given to the legislative branch, but the executive branch must either sign the bill into law or veto it so it does not become law. The judicial branch cannot write bills or sign them into law, but it can declare a law unconstitutional. In this way, each branch of government has a check on the power of the other two.



Checks and balances are meant to keep branches of government equal, but sometimes people find ways around them. For example, it is said that President Theodore Roosevelt wanted to send the United States Navy around the world so that the sailors would gain experience and other nations would see the strength of our naval forces. Congress did not like Roosevelt's plan and refused to provide the money. Roosevelt is said to have replied, "Very well, the existing appropriation will carry the navy halfway around the world and if Congress chooses to leave it on the other side, all right."



Reviewing the Section

Reviewing the Content

1. What are the basic requirements a person must meet to be elected to Congress?
2. How many Congressional districts does West Virginia have?
3. What are the requirements to be elected president of the United States?

Using the Content

1. Develop a campaign slogan for a candidate for president of the United States.
2. Write a persuasive essay in support of the election of the president of the United States by the Electoral College or by popular vote.

Extending the Literacy Skill

Look at the photograph at the bottom of page 39 and answer the questions on a separate sheet of paper.

1. Where was the photograph taken?
2. Who are the two men in the picture?
3. What might the two men have been discussing?
4. What is the mood of the two men?

Above: Theodore Roosevelt had served as assistant secretary of the Navy and as governor of New York before being elected vice president in 1900. When President William McKinley was assassinated, Roosevelt, at age 42, became the youngest person ever to serve as president.

Learning Skill: Critical Thinking

Ask students to explain how the incident between President Theodore Roosevelt and Congress illustrates checks and balances.

ASSESS

Answers to Reviewing the Section

Reviewing the Content

1. House of Representatives: must be at least twenty-five years old, a citizen of the United States for at least seven years, and a resident of the state he or she represents
Senate: must be at least thirty years old, a citizen of the United States for at least nine years, and a resident of the state he or she represents
2. 3
3. President: must be at least thirty-five years old, a native-born (not naturalized) citizen, and a resident of the United States for at least fourteen years

Using the Content

1. Check students' campaign slogans.
2. Check students' essays.

Extending the Literacy Skill

1. in the White House
2. President Barack Obama and President Donald Trump
3. the transition from the Obama presidency to the Trump presidency
4. Student answers will vary.

Closure

Ask students to respond to the prompt: Which branch of government is the most powerful? They should give reasons to support their answers.



Assessment: Formative

Have students create an acrostic, e.g., write CITIZENSHIP vertically down a page. Then, they should write a word that describes or is associated with citizenship for each letter in the word, for example **C**ommunity-minded, **I**nvolved. **NOTE:** You could give the same assignment using other words, like GOVERNMENT, CONGRESS, CONSTITUTION, etc.

Literacy Skills: Acquiring Information, Summarizing

Divide the class into three groups. Before students read the Chapter Summary, assign each group one section of the chapter to skim and write ten factual statements.

Literacy Skill: Comparing and Contrasting

Before students read the Chapter Summary, ask them to write five facts they learned from each section. Then, have them compare their facts with those in the Chapter Summary.

Chapter Summary

Section 1: Government and the People

- The government of the United States is a representative democracy.
- The five basic principles of democratic government are sovereignty, limited government, separation of powers, checks and balances, and federalism.
- A citizen is one who owes allegiance to his or her country and who is entitled to its protection. A citizen can be native-born or naturalized.
- Citizens are guaranteed certain rights under the United States Constitution as well as protection under state and federal law. Many of the rights guaranteed to U.S. citizens are found in the Bill of Rights of the United States Constitution and in Article III of the West Virginia constitution.
- Basic rights of United States citizens include freedom of religion, speech, press, assembly, and petition; the right to bear arms; the right to be secure in their homes; protection from illegal search and seizure of their property; the right to a fair trial before a jury of their peers; and the right of due process of law.
- U.S. citizens also have certain responsibilities; they include voting, obeying laws, serving on juries, paying taxes, staying informed, and getting involved.
- In order to vote, a person must be a United States citizen and be at least eighteen years of age. In West Virginia, the person must also be a resident of the state and of the county and city or town in which he or she is voting.
- Citizens may vote in a variety of elections, including primary elections, general elections, special elections, levy elections, and nonpartisan elections.
- Citizens can stay informed about their government by reading newspapers, watching television, using the Internet, attending meetings, and talking with others.
- Special interest groups, including lobbyists and political action committees, try to influence legislators to favor a certain position.

Section 2: Shaping American Government

- The first government of the United States was set out in the Articles of Confederation.
- The United States Constitution was written to address the weaknesses of the Articles of Confederation.
- Fifty-five delegates from twelve states attended the Constitutional Convention in Philadelphia in 1787. Thirty-nine of those delegates actually signed the U.S. Constitution.
- Nine states had to ratify the Constitution before it could become the "law of the land." On June 21, 1788, New Hampshire became the ninth state to ratify the document.
- The U.S. Constitution can be changed by an amendment that must be ratified by three-fourths of the states.

Section 3: The Federal Government

- The U.S. Constitution established three branches of government: legislative, executive, and judicial.
- Congress is a bicameral legislature. It operates through a system of standing committees and select committees.
- West Virginia has two senators and three representatives in Congress.
- Representation in the United States House of Representatives is based on population. Representation is recalculated every ten years after the federal census has been taken.
- Congress has both expressed and implied powers.
- The executive branch, headed by the president, also includes the vice president, executive departments, the Cabinet, independent agencies, federal regulatory commissions, and government corporations.
- The judicial branch includes the United States Supreme Court, circuit courts, district courts, bankruptcy courts, and special courts.
- A system of checks and balances ensures that no one branch of government becomes more powerful than the other branches.

Teacher Notes

American Government and Citizenship

Recalling the Facts

1. What is a naturalized citizen?
2. What are some responsibilities of citizenship?
3. What are the basic rights given to all citizens in the Bill of Rights?
4. Why is the writ of habeas corpus important?
5. What is the difference between a trial jury and a grand jury?
6. What were some compromises made by the delegates at the Constitutional Convention?
7. Who were West Virginia's two United States senators in 2018?
8. What is the Electoral College?

Learning Skill

1. Which basic principle of democratic government do you think is most important? Give reasons for your answer.
2. What right, not given in the Bill of Rights, do you think citizens should have?
3. How can citizens help preserve our democratic government?
4. Why do you think so few citizens vote? What can be done to encourage more citizens to vote?
5. How did the Great Compromise solve the issue of representation in the United States Congress?
6. Why do you think the men who drafted the U.S. Constitution set the particular age requirements for senators, representatives, presidents, and vice presidents that they did? Do you think these qualifications should be changed? Give reasons for your answer.

Chapter Review

Community Connection

1. Interview a law enforcement officer to determine how the Bill of Rights affects the way the officer performs his or her job.
2. Good citizens should volunteer their services for the good of the community. Choose a local organization, such as an animal shelter, and volunteer your services. Keep a journal of your experience.

Literacy Skill

1. Develop a campaign slogan for one of West Virginia's congressional representatives.
2. Write letters to your congressional representative and your senators. Find out how they maintain contact with the voters in your community. Find out where their local offices are located and how those offices are staffed. Find out what to do if you have a problem and need assistance from them.

Technology Tool

1. Use a search engine to research one of the fifty-five delegates to the Constitutional Convention. Prepare a poster illustrating your findings.
2. Use a search engine to locate a copy of the West Virginia constitution. Make a chart comparing the Bill of Rights in the United States Constitution with Article III (Bill of Rights) in the West Virginia constitution.

Recalling the Facts

1. a person who came from another country and became a U.S. citizen through the process of naturalization
2. voting, obeying laws, serving on juries, paying taxes, staying informed
3. freedom of religion, speech, press, assembly, and petition; right to bear arms; property rights; rights of the accused
4. It assures that a person cannot be held in custody indefinitely without being charged with a crime.
5. A trial jury (12 members) hears evidence and hands down a verdict. A grand jury (16 members) hears evidence to determine if a person should be held over for trial.
6. compromises on the makeup of Congress, slavery, and who should elect the president
7. Shelly Moore Capito and Joe Manchin III
8. It is the body that officially elects the president. Each state has a number of electors equal to the number of its senators and congresspersons. Those electors traditionally vote for the candidate who wins the popular vote in that state.

Learning Skill

1. Student answers will vary.
2. Student answers will vary.
3. Student answers may include voting, jury duty, paying taxes, staying informed, getting involved, and obeying laws.
4. Student answers may include apathy or illness.
5. It established a bicameral legislature with each state having two senators and its membership in the House based on population. All tax and spending bills must originate in the House.

Learning Skill (continued)

6. Student answers will vary.

Community Connection

1. Student answers will vary.
2. Student answers will vary.

Literacy Skill

1. Student answers will vary.
2. Student answers will vary.

Technology Tool

1. Student answers will vary. You may want to create a rubric for this activity.
2. Student answers will vary.