

VA Legislative Handout

Virginia Freedom Riders

Updated: November 2004



VA State Seal and State Motto:

The great seal of the Commonwealth was adopted by the Virginia's Constitutional Convention on July 5, 1776. The Latin words "Sic Semper Tyrannis" mean "Thus Always to Tyrants"

Purpose of this document:

The purpose of this handout is to provide an overview of Virginia's legislative process and to encourage Virginia motorcyclists to be active in this process which governs their lives.

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Structure of the Virginia State General Assembly

The Virginia General Assembly dates from the establishment of the House of Burgesses at Jamestown in 1619. It is heralded by Virginians as the "oldest continuous law-making body in the New World."

The 1776 Virginia Constitution confirmed our bicameral legislature, which consists of the House of Delegates and Senate of Virginia. The present state Constitution, adopted in 1970, provides that the House of Delegates shall consist of 90 to 100 members and the Senate shall consist of 33 to 40 members. All members of the General Assembly are elected by qualified voters within their respective House and Senate districts. The terms of office are two years for members of the House and four years for members of the Senate. Members may not hold any other public office during their term of office.

The General Assembly's chief responsibilities are to represent citizens in the formulation of public policy, enact laws of the Commonwealth, approve the budget, levy taxes, elect judges and confirm appointments by the Governor.

House of Delegates

The House of Delegates consists of 100 members. Each member represents approximately 71,000 citizens. The term of office for a member of the House of Delegates is two years. Each member receives an annual salary of \$17,640.

The Speaker of the House is the presiding officer of the House and is elected by the House in even-numbered years for a two-year term. The Speaker's duties are dictated by the Rules of the House. Among these duties are the assigning of bills to committee and appointing the membership of the 14 House standing committees.

The Clerk of the House is elected by the House in even-numbered years and continues in office until another is chosen. The Clerk is responsible for the administration of the House under the direction of the Speaker.

Senate of Virginia

The Senate of Virginia consists of 40 members. Each member is elected for a term of four years and receives an annual salary of \$18,000. A Senator represents approximately 176,000 citizens of the Commonwealth.

The Lieutenant Governor is the presiding officer of the Senate and is elected in a statewide election for a four-year term. In the event of his absence, the President pro tempore carries out the duties of the presiding officer. The President pro tempore is elected by the Senate for a term of four years.

The Clerk of the Senate is elected by the Senate. The Clerk's duties are overseeing the daily operations of the Senate, maintaining all Senate records, keeping the daily Journal, and referring bills to committees.



In 1954, the General Assembly adopted an official salute to the flag of Virginia which states:

"I salute the flag of Virginia,
with reverence and patriotic devotion
to the 'Mother of States and Statesmen,'
which it represents—the 'Old Dominion,'
where liberty and independence were born."

How a Law is Made:

(Please also review the flowchart in appendix B)

1) **Bills** - A bill is a document which either changes the current law, adds new law, or deletes existing law. The idea for a bill may come from General Assembly members, their constituents, lobbyists, the governor, or heads of state agencies charged with administering the law.

2) **Drafting & Introducing a Bill** - A General Assembly member tells the staff of the Division of Legislative Services (DLS) what needs to be accomplished by the proposed legislation. The DLS staff checks existing law and the constitutionality of the proposed legislation. A bill is drafted (written) and given to the member for introduction.

The member who introduces a piece of legislation is called the patron or sponsor. The patron is responsible for guiding his or her legislation through both houses. Members or members-elect may introduce legislation in accordance with the Code of Virginia and the schedule for the conduct of business established by the General Assembly.

3) **Bill Referred to Committee** - The bill is referred to an appropriate committee. A committee is a group of legislators organized for the purpose of considering and deciding upon the disposition of a bill or resolution. The members of the committee consider the bill and decide what action to take. This is when the public may speak.

Committee Meeting: The committee system is an integral part of the legislative process. The committee meets to hear reasons why the bill should be reported to the Senate or the House of Delegates. The patron is usually the first to speak. The public also has an opportunity to voice support or opposition to a bill. Any citizen of the Commonwealth has the right to attend a committee meeting and speak about legislation.

Committee Action: After the committee hears the patron and any other witnesses, the committee has several options when the chairman calls for a vote. One of the following actions may be taken and recorded by the committee clerk:

1. Report: The majority of the committee approves of the bill and it is reported to the floor. The bill may be reported 1) without amendment, 2) with amendment(s), or 3) with an amendment in the nature of a substitute. A bill may also be reported and referred to another committee using this method.
2. Pass by Indefinitely (PBI): This action allows the committee to reconsider the legislation prior to the deadline established by the procedural resolution that sets the schedule for consideration of bills.
3. Defeat: The committee rejects a motion to report the bill, and there is no further action by the committee.
4. Continue/Carry Over: A bill introduced in an even-numbered year session may be continued or carried over to an odd-numbered year session for further action or study during the interim. A carry-over bill retains its assigned bill number in the odd-numbered year session. A bill may not be continued or carried over from an odd-numbered year session to an even-numbered year session.
5. Pass by for the day: The committee is not ready to act on the bill. If the bill is not taken up before the deadline, then it is considered Left in Committee or No Action Taken.

6. No Action or Left in Committee: No motion is made on the bill and it dies at the time of the committee action deadline.

7. Incorporate into other Legislation: The bill is incorporated, or included into another bill through an amendment or a substitute. The bill may have similar language or duplicate language with the same intent.

4) First Reading - The Virginia Constitution requires that the title of each bill be read three times or appear in the printed Calendar on three different days. Legislation reported from the Committees (Senate bills from Senate committees, House bills from House committees) appears on the Calendar under the category of Senate Bills on First Reading in the Senate or House Bills on First Reading in the House of Delegates.

5) Second Reading - For Senate legislation in the Senate or House legislation in the House of Delegates, the bill's second reading is also referred to as the "amendable stage." On this reading, committee amendments are usually taken up first and adopted or rejected by the body. Sometimes there are so many amendments to a bill that an "amendment in the nature of a substitute" is reported by the committee. After consideration of any committee amendment(s) or substitute(s), the body considers any floor amendment(s) or floor substitute(s) which may have been offered by a member of the body. At this point, debate is limited to discussion on the amendment(s) or substitute.

After the consideration of any amendment(s) or substitute(s), a bill is ordered to be "engrossed" and advanced to its third reading. Engrossing means incorporating any amendment(s) which may have been adopted by the body. Once the amendments are adopted, the engrossed bill is printed. If the bill has no amendments, the bill, as introduced, becomes the engrossed bill. If the body adopts a "substitute," the substitute becomes the engrossed bill. There is no further printing, unless a floor substitute is adopted.

Legislation of the other body, i.e. House bills in the Senate or Senate bills in the House of Delegates, is not considered amendable on second reading.

6) Third Reading - The Constitution requires that for a bill to become law there should be a recorded vote on the passage of the legislation. This means that every legislator who voted on the question: "Shall the bill pass?" is shown in the public record as voting "Yea", "Nay", or "Abstain" pursuant to the rules of each body and the laws of the Commonwealth.

7) Bill Communicated to Other Body for Approval - The Constitution of Virginia establishes a bicameral legislature that requires each body of the General Assembly to pass legislation in exactly the same form before it can be sent to the Governor to become law.

Upon passage of legislation, bills and the action taken regarding them are communicated to the other body. Usually, communications are delivered to the other house at the beginning of each day and contain all of the previous day's actions.

8) Legislation in the Other Body - Legislation, when initially received by the other body, is read a first time and referred to the appropriate committee. If the committee reports the bill to the floor, it is on its second reading. When the bill is on third reading, any amendment(s) or substitute(s) will be considered, and the passage of the bill is debated and voted on.

If the other body also passes the bill without amendment(s), it is enrolled and communicated to the Governor, since it has passed both the House of Delegates and the Senate in the same form.

If a Senate bill is passed by the House of Delegates with amendment(s) or with a substitute, the bill and the changes must be communicated to the Senate, so that the Senate will be in a position to consider the changes proposed by the House. If the Senate agrees to the changes proposed by the House, the bill, with the changes,

is enrolled and sent to the Governor. If the Senate does not agree to the changes, a Committee of Conference may be formed to resolve the differences between the House and the Senate. If a Committee of Conference is not formed, the bill fails to pass.

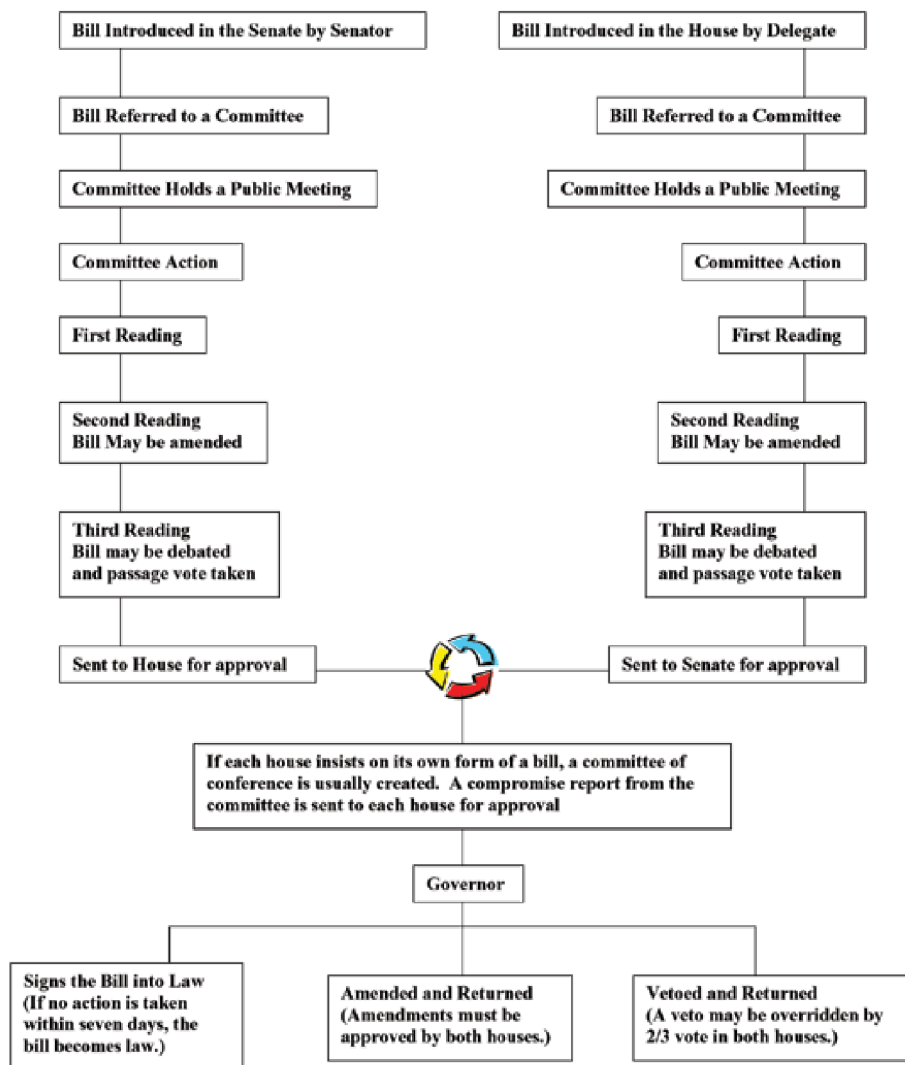
9) Conference Committee - This is the process to resolve differences between the houses of the General Assembly when legislation is passed in different forms. Each Committee of Conference consists of an equal number of Senators and Delegates. If an agreement is reached, the terms of the agreement are reported to each body. If each house agrees to the report, the changes agreed to in the Committee of Conference are incorporated into the bill and the "compromise" bill is enrolled and sent to the Governor. If the Committee of Conference cannot agree or the report is rejected by either body, the bill dies.

10) Governor - For any bill presented, the Constitution of Virginia provides the Governor with three options: sign, veto, or offer amendments. The Governor may also veto one or more items in an appropriation bill. If the Governor does not act on a bill, it becomes law without his signature.

During the regular or special session, the Governor has seven days to act on bills presented to him. If there are fewer than seven days remaining in the General Assembly session, or if the General Assembly has adjourned, the Governor has thirty days after adjournment to act on bills.

If the Governor recommends amendments to or vetoes a bill, and the General Assembly is still in session, the General Assembly can consider the Governor's action.

Bills that become law at a regular session (or the reconvened session that follows) are effective the first day of July following adjournment of the regular session, unless otherwise specified.



Leadership Of The State Of Virginia:

Executive Branch

The Executive Branch is comprised of The [Governor](#), the [Lieutenant Governor](#), the [Attorney General](#), the [Governor's Cabinet](#), and most state agencies.

Governor Mark R. Warner
State Capitol, 3rd Floor
Richmond, Virginia 23219
Phone: (804) 786-2211
Fax: (804) 371-6351
TTY/TDD (For the Hearing Impaired): (804) 371-8015

Lieutenant Governor Tim Kaine
Attorney General: Jerry Kilgore

Judicial Branch

The [Supreme Court of Virginia](#) heads this branch, which includes [the courts](#), the [Virginia State Bar](#), etc.

Legislative Branch

The [General Assembly](#) heads this branch. Branch is also comprised of a host of commissions, including the [Joint Legislative Audit and Review Commission](#) (JLARC) and the [Auditor of Public Accounts](#).

Senate

The Lieutenant Governor is the presiding officer of the Senate and is elected in a statewide election for a four-year term. Inaugurated on January 12, 2002, [Timothy M. Kaine](#) serves as Lieutenant Governor of Virginia. In the event of his absence, the President pro tempore carries out the duties of the presiding officer. The President pro tempore is elected by the Senate for a term of four years.

SENATE LEADERSHIP

President Pro Tempore:	Senator John H. Chichester
Majority Leader:	Senator Walter A. Stosch
Minority Leader:	Senator Richard L. Saslaw
Democratic Caucus Chair:	Senator R. C. Soles, Jr.
Democratic Caucus Secretary	Senator Mary Margaret Whipple

The Clerk of the Senate, Susan Clarke Schaar, is elected by the Senate and serves as the chief administrative officer. The Clerk's duties are overseeing the daily operations of the Senate, maintaining all Senate records, keeping the daily Journal, referring bills to committees, personnel management, information technology, and facilities management.

Senate Clerk's Office
P.O. Box 396, Richmond, VA 23218
Phone: (804) 698-7400
Fax: (804) 698-7670

House

HOUSE LEADERSHIP

Speaker of the House:	Delegate William J. Howell
Majority Leader:	Delegate Morgan H. Griffith
Minority Leader:	Delegate Franklin P. Hall
Majority Caucus Chairman:	Delegate Steven R. Landes
Minority Caucus Chairman:	Delegate Brian J. Moran

Contacting Your General Assembly Representatives

During the General Assembly session, Senators and Delegates can be reached at their offices in the General Assembly Building in Richmond. The address is 910 Capitol Square, Richmond, Virginia 23219.

The Senate and House of Delegates jointly operate a toll-free, intrastate telephone message center to accept calls from citizens of the Commonwealth wishing to express an opinion on legislation. The messages are received by the center and will be relayed to the senator/delegates' office as requested. The telephone number is 1-800-889-0229. Richmond area residents may call 698-1990. For the address or telephone number of a Member's District Office, call Legislative Information toll-free at 1-888-892-6948 or 1-804-698-7410.

Visit <http://conview.state.va.us/whosmy/constinput.asp> to find your legislator

Ever Wonder.....

Why is Virginia called a commonwealth?

While Virginia may generally be referred to as a state, it is officially designated as a "Commonwealth." The Virginia Declaration of Rights, adopted on June 12, 1776, set forth the philosophy that government was created to be the servant of the people. Virginia's founders viewed government as a contract between free and independent people and sought to emphasize that the government was based upon the sovereignty of the people united for the common good, or common wealth. In essence, the power to govern was derived from the consent of the people. Virginia's first Constitution, adopted on June 29, 1776, affirmed these principles.

As citizens of the Commonwealth, Virginians are encouraged to actively participate in government. Civic virtue and socially responsible conduct by all citizens are essential to the continued existence of the Commonwealth. This extraordinary form of government depends upon the people's consent and participation.

When did Virginia attain statehood?

June 25, 1788. Virginia was the 10th state to attain statehood.

Q & A About Our Legislative Process

When and where is the Legislature in Session?

Regular Session - The General Assembly meets annually, beginning on the second Wednesday in January, for 60 days in even-numbered years and for 30 days in odd-numbered years, with an option to extend annual sessions for a maximum of 30 days.

Special Sessions - The Governor may call a special session when it is deemed necessary or advisable, and must do so when petitioned by two-thirds of the members of both houses.

Reconvened Sessions - A reconvened session is held on the sixth Wednesday after adjournment of each regular or special session for the purpose of considering governor's recommendations and vetoed legislation.

The Virginia General Assembly meets at the State Capitol Building, in the General Assembly Building, which is located on the corner of Ninth and Broad Street, Richmond, Virginia. The address is 910 Capitol Square, Richmond, Virginia 23219.

Where does the Virginia General Assembly meet?

The House of Delegates meets in the east wing of the Capitol and the Senate meets in the west wing of the Capitol.

What time do the House of Delegates and the Senate convene each day?

The House of Delegates and the Senate usually convene at 12 noon each day. Depending upon the amount of business to be considered, both may convene earlier.

What time do the House of Delegates and Senate adjourn?

There is no set time for adjournment for either chamber. Adjournment is determined by the amount of business before each chamber.

Who can be a Legislator?

Any person may be elected to the Senate who, at the time of the election, is twenty-one years of age, is a resident of the senatorial district which he is seeking to represent, and is qualified to vote for members of the General Assembly.

Any person may be elected to the House of Delegates who, at the time of the election, is twenty-one years of age, is a resident of the house district which he is seeking to represent, and is qualified to vote for members of the General Assembly.

On what date do bills passed by the General Assembly and signed by the Governor become effective?

According to Article IV, Section 13 of the Constitution of Virginia, laws enacted at a regular session take effect on the first day of July following the adjournment of the session of the General Assembly. For exceptions, see Article IV, Section 13.

How does a bill become a law in Virginia?

Only a bill can become a law. Only a member of the General Assembly (Senator or Delegate) may introduce legislation. If the governor desires to introduce a bill, he must request a member of the General Assembly to sponsor the proposal.

The requirements for a bill to become law are set forth in the Constitution of Virginia, Article IV, Section 11.

Do Virginia legislators have term limits?

No, there are no term limits in Virginia.

How many people does each legislator represent?

Each member of the House of Delegates represents approximately 71,000 citizens and each Senator represents approximately 177,000 citizens.

How many districts are there?

Virginia has 100 House of Delegates districts, 40 Senate districts, and 11 United States House of Representatives Congressional districts in Virginia. Each state is represented by two United States senators.

Additional Information

What is the official homepage address of the Commonwealth of Virginia?

The official address is <http://www.state.va.us>.

How do I find a bill?

To track a bill for the current session, go to: <http://leg1.state.va.us/cgi-bin/legp504.exe?ses=041&typ=lnk&val=02>

Those of you without Internet access can request this information from your Legislative Coordinator.

Who represents me and how do I contact him/her ?

To find out and contact who represents you in Richmond, go to <http://conview.state.va.us/whosmy/constinput.asp>

To contact the House of Delegates during session:

(804) 698-1500 (local telephone number)

1-877-391-3228 (toll-free telephone number)

information@house.state.va.us (e-mail)

To contact the Senate:

(804) 698-7410 (local telephone number)

1-888-892-6948 (toll-free telephone number)

information@sov.state.va.us (e-mail)

To find out who represents you on the national level, go to www.house.gov to find your Congressman, and www.senate.gov to find your Senator.

Which Representatives are on which committees?

Senate Committees: <http://legis.state.va.us/Senate/SenCommittees.htm>

House Committees: <http://legis.state.va.us/House/HouseCommittees.htm>

Useful links:

Legislative Information System (Bill Status and Research): <http://leg1.state.va.us/>

Senate of Virginia: <http://senate.state.va.us>

House of Delegates: <http://hod.state.va.us>

Other Legislative Agencies: <http://www.vipnet.org/vipnet/state-agency-index.html>

Commonwealth of Virginia: <http://www.state.va.us>

Department of Motor Vehicles: <http://www.dmv.state.va.us/>

Board of Elections: <http://www.sbe.state.va.us/>

Secretary of the Commonwealth: <http://www.soc.state.va.us/>

Visiting the Capitol during session:

Accommodations for Individuals with Disabilities

Access to the Capitol - The West entrance of the Capitol is wheelchair accessible. Please contact the House Clerk's Office at (804) 698-1619 or the Senate Clerk's Office at (804) 698-7400 to request wheelchair accessibility to view the session.

Access to the General Assembly Building - A wheelchair accessible ramp and door is located at the 9th Street entrance of the building. Please ring the bell located at that door and the Capitol Police will provide entry.

Elevators - All elevators in the Capitol and General Assembly Building are wheelchair accessible.

Hearing Impairments - Individuals desiring the use of an interpreter during committee meetings should contact House Committee Operations at (804) 698-1540 or Senate Committee Operations at (804) 698-7450 for assistance. Individuals requiring the services of an interpreter should make this request known as far in advance as possible since legislative proceedings will not be delayed to provide this accommodation. Larger committee rooms are equipped with a personal listening system. Individuals may check out a receiver for use during meetings. The TDD number for the House is (804) 786-2369 and the Senate is toll free 1(866) 267-1474.

Parking Spaces - Please drive into the entrance of the Capitol (9th and Grace Streets) and the Capitol Police will assist you.

Restrooms - There are restrooms on the first floor of the Capitol and on all floors of the General Assembly Building that are wheelchair accessible.

Telephones - Telephones that are wheelchair accessible are available in the Capitol at the Information Desk on the 1st floor and in the General Assembly Building on the 1st floor and in the west hallway of floors 4, 5, 7, and 8.

Visual Impairments - Materials such as bill drafts or other legislative information or publication can be made available through audio means or printed in Braille.

Building Hours/Entry

While the General Assembly is in legislative session, the Capitol and General Assembly Building remain open to accommodate the public.

Capitol Entry During Session - Visitors to the Capitol during session must use the North door. Due to security measures currently in place at the Capitol and General Assembly Building, it is advisable to leave all non-essential personal items in your vehicle.

General Assembly Building Entry During Session - Visitors to the General Assembly Building during the legislative session must use the far right door of the Darden Garden entrance from Capitol Square. The 9th Street doors are for exiting and handicap entry only.

Food and Beverages

Capitol - Chicken's Snack Bar is located on the first floor of the Capitol behind the Information Desk. It opens at 7:00 a.m. and remains open until late afternoon or until the legislative sessions adjourn. Vending machines are located on the first floor.

General Assembly Building - The General Assembly Cafeteria is located on the 6th floor. Hot meals, sandwiches, and beverages are available with limited seating available. The cafeteria is open from 6:30 a.m. - 2:30 p.m. and the sandwich express is open from 8:00 a.m. - 4:00 p.m. Vending machines are located in the basement and floors 2, 3, and 7.

Meeting Schedules

The schedule of [legislative meetings](#) is continuously updated during session.

Parking

Individuals visiting the Capitol and General Assembly Building during the legislative session will not be permitted to park in Capitol Square. There are several parking decks within walking distance of Capitol facilities. There is an open lot at the corner of 8th and Grace Streets, as well as a covered deck under St. Paul's Church, which can be accessed from 8th Street, and a covered deck at the corner of 9th and Franklin Streets. Please refer to the [map of the Capitol area](#) for locations of parking facilities.

Security Guidelines

Individuals visiting the Capitol and General Assembly Building will be asked to pass through metal detectors and all personal belongings will be searched. Due to these security measures currently in place, it is advisable to leave all non-essential personal items in your vehicle.

<http://legis.state.va.us/CapitolTours/cap.maps32000.pdf>

What can I do to help with issues pertaining to VA motorcyclists?

- Write letters to the legislators that represent you so they understand your position on issues relating to bikers.
- Arrange meetings and talk to your legislators to explain your position on the issues.
- Arrange your personal and work schedules so when bikers are asked to go down to the legislative building in a show of support, you can participate. Understand that a bill must undergo three readings in both the House and the Senate, pass several committee meeting votes, as well as be approved by the Governor before it becomes law. Representation at EACH committee meeting and chamber reading is very important.
- Communicate our mission to other motorcyclists and encourage them to join state level Motorcyclists Rights Organizations (MROs) like the VFR (www.vfr-race.com), VCOM (www.vcomonline.org), and ABATE (www.abateofva.com). Also, encourage them to join a national MRO like the MRF (www.mrf.org).
- Register to vote and VOTE.
- Learn where candidates stand on motorcycle issues before voting.

- Take the Virginia Rider Training Program Course to help reduce injury stats.
- Make sure your motorcycle is legal – that you :
 - Have a valid “M” Class Virginia Driver’s License.
 - Have motorcycle insurance.

About the Virginia Freedom Riders



Our Mission

Virginia Freedom Riders - Riders Against Constitutional Erosion (VFR-R.A.C.E.) will exist as a grassroots State Motorcycle Rights Organization (SMRO) dedicated to protecting and restoring motorcyclist's personal freedoms, liberties and individual rights.

VFR-R.A.C.E. will actively lobby against legislation our membership feels denies, or further restricts, motorcyclist's rights and freedoms.

We will actively lobby to restore those personal freedoms that have been denied us by law.

Virginia Freedom Riders does not discriminate against any Motorcyclists Rights Organization (MRO), club, organization, or group. All members are encouraged to participate in any and all activities that promote motorcyclists' rights, personal freedoms, and civil liberties. It is a policy of VFR-RACE to work closely with all MROs, clubs, groups and organizations to promote the protection of the rights of motorcyclists.

VFR-R.A.C.E. is open to any and all motorcyclists regardless of the brand of motorcycle they ride or any club or organizational affiliation(s).

Join the R.A.C.E. for Freedom!!!

For more information or to join the Virginia Freedom Riders, visit www.vfr-race.com, or call 540-636-2004.

Appendix A – National Government Information:

National and State Government – the role of each

The first type of government in America was based primarily on state government. Prior to the signing of the Constitution, America had been made up of thirteen colonies, which had been ruled by England. Following the Revolutionary War, these colonies, although they had formed a league of friendship under the Articles of Confederation, basically governed themselves. They feared a strong central government like the one they lived with under England's rule. However, it was soon discovered that this weak form of state government could not survive and so the Constitution was drafted. The Constitution:

- Defines and limits the power of the national government,
- Defines the relationship between the national government and individual state governments, and
- Guarantees the rights of the citizens of the United States.

This time, it was decided that a government system based on federalism would be established. In other words, power is shared between the national and state (local) governments. The opposite of this system of government is a centralized government, such as in France and Great Britain, where the national government maintains all power.

Sharing power between the national government and state governments allows us to enjoy the benefits of diversity and unity. For example, the national government may set a uniform currency system. Could you imagine having 50 different types of coins, each with a different value? You would need to take along a calculator to go shopping in another state. By setting up a national policy, the system is fair to everyone and the states do not have to bear the heavy burden of regulating their currency.

On the other hand, issues such as the death penalty have been left up to the individual states. The decision whether or not to have a death penalty, depends on that state's history, needs, and philosophies.

Exclusive Powers of the National Government and State Governments

National Government	State Governments
Print money Regulate interstate (between states) and international trade Make treaties and conduct foreign policy Declare war Provide an army and navy Establish post offices Make laws necessary and proper to carry out the these powers	Issue licenses Regulate intrastate (within the state) businesses Conduct elections Establish local governments Ratify amendments to the Constitution Take measures for public health and safety May exert powers the Constitution does not delegate to the national government or prohibit the states from using
In addition to their exclusive powers, both the national government and state governments share the power of being able to: Collect Taxes, Build roads, Borrow money, Establish courts, Make and enforce laws, Charter banks and corporations, Spend money for the general welfare, Take private property for public purposes, with just compensation.	

Powers Denied to the National Government and State Governments

National Government	State Governments
May not violate the Bill of Rights May not impose export taxes among states May not use money from the Treasury without the passage and approval of an appropriations bill May not change state boundaries	May not enter into treaties with other countries May not print money May not tax imports or exports May not impair obligations of contracts May not suspend a person's rights without due process
In addition, neither the national government nor state governments may: Grant titles of nobility Permit slavery (13th Amendment) Deny citizens the right to vote due to race, color, or previous servitude (15th Amendment) Deny citizens the right to vote because of gender (19th Amendment)	

Branches of U.S. National Government

The delegates to the Constitutional Convention faced a difficult challenge. They wanted to ensure a strong, cohesive central government, yet they also wanted to ensure that no individual or small group in the government would become too powerful. Because of the colonies' experience under the British monarchy, the delegates wanted to avoid giving any one person or group absolute control in government. Under the Articles of Confederation, the government had lacked centralization, and the delegates didn't want to have that problem again. To solve these problems, the delegates to the Constitutional Convention created a government with three separate branches, each with its own distinct powers. This system would establish a strong central government, while insuring a balance of power.

Governmental power and functions in the United States rest in three branches of government: the legislative, judicial, and executive. Article 1 of the Constitution defines the legislative branch and vests power to legislate in the Congress of the United States. The executive powers of the President are defined in Article 2. Article 3 places judicial power in the hands of one Supreme Court and inferior courts as Congress sees necessary to establish. In this system of a "separation of powers", each branch operates independently of the others. However, there are built in "checks and balances" to prevent tyrannous concentration of power in any one branch and to protect the rights and liberties of citizens. For example, the President can veto bills approved by Congress and the President nominates individuals to serve in the Federal judiciary; the Supreme Court can declare a law enacted by Congress or an action by the President unconstitutional; and Congress can impeach the President and Federal court justices and judges.

Executive Branch

When the delegates to the Constitutional Convention created the executive branch of government, they gave the president a limited term of office to lead the government. This was very different from any form of government in Europe and caused much debate. The delegates were afraid of what too much power in the hands of one person might lead to. In the end, with a system of checks and balances included in the Constitution, a single president to manage the executive branch of government was adopted. The executive branch of the Government is responsible for enforcing the laws of the land. When George Washington was president, people recognized that one person could not carry out the duties of the President without advice and assistance. The Vice President, department heads (Cabinet members), and heads of independent agencies assist in this capacity. Unlike the powers of the President, their responsibilities are not defined in the Constitution but each has special powers and functions.

President: Leader of the country and Commander in Chief of the military.

Vice President: President of the Senate and becomes President if the President is unable to serve.

Departments: Department heads advise the President on policy issues and help execute those policies.

Independent Agencies: Help execute policy or provide special services.

Judicial Branch

Article III of the Constitution established the judicial branch of government with the creation of the Supreme Court. This court is the highest court in the country and vested with the judicial powers of the government. There are lower Federal courts but they were not created by the Constitution. Rather, Congress deemed them necessary and established them using power granted from the Constitution.

Courts decide arguments about the meaning of laws, how they are applied, and whether they violate the Constitution. The latter power is known as judicial review and it is this process that the judiciary uses to provide checks and balances on the legislative and executive branches. Judicial review is not an explicit power given to the courts but it is an implied power. In a landmark Supreme Court decision, *Marbury v. Madison* (1803), the courts' power of judicial review was clearly articulated.

Legislative Branch

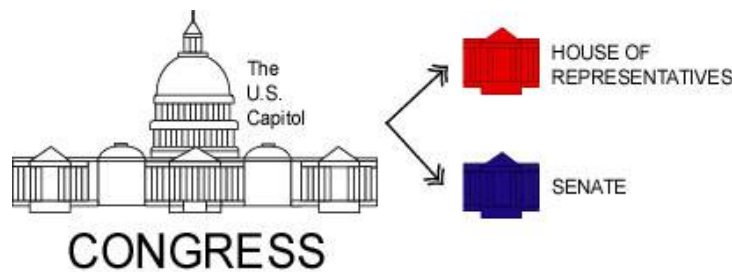
Article I of the Constitution establishes the legislative or law making branch of government with the formation of a bicameral Congress. This system provides checks and balances within the legislative branch.

Members of Congress are now elected by a direct vote of the people of the state they represent. It has not always been this way for the Senate. Prior to 1913 and the 17th Amendment to the Constitution, Senators were chosen by their state legislatures because the Senate was viewed as representative of state governments, not of the people. It was the responsibility of Senators to ensure that their state was treated equally in legislation.

Agencies that provide support services for the Congress are also part of the legislative branch. These include the Government Printing Office (GPO), the Library of Congress (LC), the Congressional Budget Office (CBO), the General Accounting Office (GAO), and the Architect of the Capitol.



The U.S. Congress



The primary duty of Congress is to write, debate, and pass bills, which are then passed on to the president for approval. Other congressional duties include investigating pressing national issues and supervising the executive and judicial branches.

Every two years, voters get to choose all 435 representatives and a third of the senators. The entire House membership faces re-election every two years, but the Senate is a continuing body because there is never an entirely new Senate. A new Congress begins in January following Congressional elections. Since the First Congress, which met from 1789 to 1791, all Congresses have been numbered in order. We are currently in the 107th Congress. Congress meets once every year and usually lasts from January 3rd to July 31st, but in special cases, a session can last longer. For the most part, the House and Senate each meet in their respective chamber in the U.S. Capitol in Washington, D.C.; however, on rare occasions, they will convene for a joint session of Congress in the House chamber. For example, a joint session will be called to count electoral votes for presidential elections.

The Powers of the U.S. Congress

The Constitution grants Congress "all legislative powers" in the national government. The Constitution gives Congress the authority to "make all laws which shall be necessary and proper," an implied source of power sometimes called the Elastic Clause. One of the most important implied powers is Congress's authority to investigate and oversee the executive branch and its agencies, such as the Department of Defense and the Department of Justice. As part of this responsibility, which is known as oversight, Congress summons senior officials to answer questions from members, orders audits of agencies, and holds hearings to air grievances of citizens. Congress also holds hearings on matters of general public concern. Sometimes members of Congress conduct these hearings to identify problems that create a need for new laws. In other cases Congress holds hearings to raise public awareness about an issue.

There are, however, some congressional powers that are rarely used such as the ability to impeach an official and the ability to amend the Constitution. In addition to the power described above, Congress shares powers with the president in matters such as, framing U.S. foreign policy and control over the military. For example, while the president negotiates treaties, they are only put into effect once the Senate approves them. Also, while Congress can declare war and approve funds for the military, the president is the commander-in-chief of the military.

The U.S. Congress: Two Chambers

When the Constitution was being drafted, a debate broke out between states with large populations and those with smaller populations. Each had a different opinion about how the states should be represented in the new government. To be fair to each group, a compromise was reached. By dividing Congress into two houses, the House of Representatives would favor states with larger populations, while the Senate would favor those states with smaller populations.

The U.S. Congress: House of Representatives

There are a total of 435 members in the House of Representatives. Each member represents an area of a state, known as a congressional district. The number of representatives is based on the number of districts in a state. Each state is guaranteed one seat. Every ten years, the U.S. Census Bureau counts the population of the states to determine the number of districts in each state.

Representatives, elected for two-year terms, must be 25 years old, a citizen for at least seven years, and a resident of the state from which they are elected. Five additional members—from Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia—represent their constituencies in the House. While they may participate in the debates, they cannot vote. The House has special jobs that only it can perform. It can: (1) Enact new tax laws. (2) Decide if a government official should be put on trial before the Senate if s/he commits a crime against the country.

The U.S. Congress: The Senate

There are a total of 100 members in the Senate. The Constitution states that the vice president has formal control over the Senate and is known as the president of the Senate. In actuality, the vice president is only present for important ceremonies and to cast a tie-breaking vote.

Senators, elected for six-year terms, must be 30 years old, a citizen for at least nine years, and a resident of the state from which they are elected.

As in the House, the Senate also has special jobs that only it can perform. It can: (1) Approve or deny any treaties the president makes. (2) Approve or deny any people the president recommends for jobs, such as cabinet officers, Supreme Court justices, and ambassadors. (3) Conduct a trial for a government official who commits a crime against the country.

State Government

State governments have their own constitutions, similar to that of the national Constitution; however, the laws made in individual states cannot conflict with the national Constitution. Each state's constitution differs from one another. This is because each state has its unique history, needs, philosophy, and geography.

During the first 100 years of United States history, the states did most of the governing that directly affected the people. The national government mainly concentrated on foreign affairs. This is known as "dual federalism," where each level of government controlled its own sphere. However, during this time a rift began to form between the two over the issue of who had sovereignty that would culminate in the Civil War.

This issue was clarified following the Civil War. After the war, a series of constitutional amendments were passed that spelled out the federal government's control over social and economic policy and protection of the civil rights of citizens.

The Civil War Amendments

Thirteenth Amendment: "Neither slavery nor involuntary servitude, except as a punishment for crime . . . shall exist within the United States."

Fourteenth Amendment: "All persons born or naturalized in the United States . . . are citizens of the United States . . . No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Fifteenth Amendment: "The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

Since 1860, dual federalism continued, but the power of the federal government began to strengthen. The Great Depression in the 1930s brought the end of dual federalism. States were unable to cope with the economic upheaval. Instead, President Roosevelt's "New Deal" brought about a system of "cooperative federalism". Instead of assigning specific functions to each level of government, Roosevelt encouraged the national, state, and local governments to work together on specific programs.

