



BUILDING BRIDGES FOR AMERICA

# Civics 101: The basics they no longer teach in school



# Introduction

WE ARE BOMBARDED IN THE MEDIA, INCLUDING SOCIAL MEDIA, WITH STORIES, SOUND BITES AND MEMES ABOUT OUR GOVERNMENT.

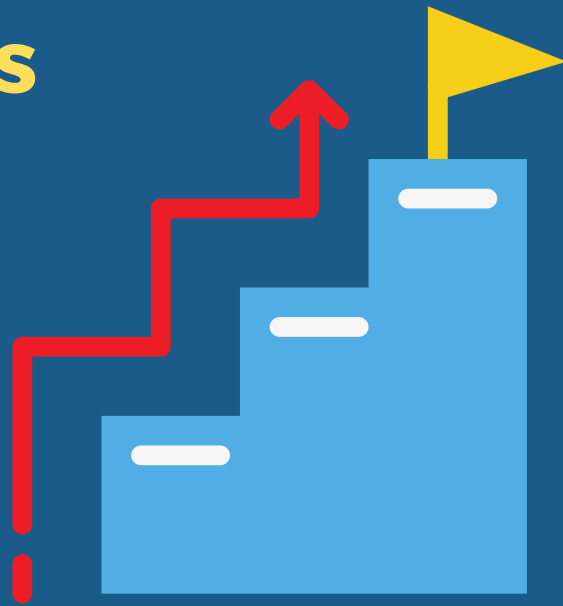
THIS CAN BE CONFUSING AND EXTREME. WE NEED TO GROUND OURSELVES IN AN ACCURATE UNDERSTANDING OF HOW OUR FEDERAL, STATE AND LOCAL GOVERNMENTS WORK.



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# Workshop Goals



Goals

## FEDERAL GOVERNMENT

Understand the U.S. Constitution, our system of government, and how a bill becomes a law.

## ELECTIONS

Review of election jargon.

## STATE GOVERNMENT

Identify who is in charge and what powers the states have.

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## THAT'S UNCONSTITUTIONAL!

An action (law, interpretation, implementation) by the government is unconstitutional if it violates express or implied powers or protections granted by the constitution. Unconstitutionality is determined by the courts.

## WHAT IS IN THE CONSTITUTION?

- 7 Articles which outline structure and operation
- 27 Amendments



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# THE ARTICLES (1789)

Articles 1-3

The Structure of the Government

## The Federal Constitution

### ARTICLE 1

**Legislative: Lawmaking**

The Congress: House of Representatives & Senate

### ARTICLE 2

**Executive: Execute the laws**

President, Vice President

### ARTICLE 3

**Judicial: Interpret the laws**

U.S. Supreme Court and other federal courts

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## A SYSTEM OF CHECKS AND BALANCES



### Legislative authority is checked and balanced by:

- The Executive Branch through veto power and serves as a tie-breaker in the Senate.
- The Judicial Branch through interpretation and rulings of unconstitutionality.

### Executive authority is checked and balanced by:

- The Legislative Branch by oversight, approval of appointments (judges, department heads, etc.) and treaties, veto override (2/3 of members), and impeachment.
- The Judicial branch through interpretation and rulings.

### Judicial authority is checked and balanced by:

- The Executive branch through the appointment of judges.
- Legislative branch through the approval of those appointments and the power of impeachment of judges.



## THE ARTICLES (1789)

Articles 4-7

The Federal Government and the States

### ARTICLE 4

#### Full Faith and Credit

States honor other states laws,  
Extradition,  
Creation of a new state.

### ARTICLE 5

#### Amendments to the Constitution

### ARTICLE 6

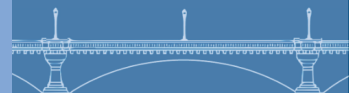
#### "Supremacy Clause"

The constitution and federal laws take priority  
over state laws.

### ARTICLE 7

#### Approval of the Constitution

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## BILL OF RIGHTS (1791) AMENDMENTS 1-10 (SUMMARIZED)

### AMENDMENT 1

Freedom of speech, religion, press, and assembly; the right to petition the government.

### AMENDMENT 2

Right to bear arms.

### AMENDMENT 3

Troops may not be quartered in homes at peacetime.

### AMENDMENT 4

No unreasonable search and seizures.

### AMENDMENT 5

Procedures for criminal prosecutions:

- Grand jury indictment required for felony charges in federal court.
- Double jeopardy clause prevents a person from being charged twice for the same crime.
- A defendant cannot be forced to testify or incriminate themselves, "plead the fifth".

### AMENDMENT 6

Right to a speedy, public, impartial trial by jury with defense counsel and the right to cross-examine witnesses.

### AMENDMENT 7

Civil jury trials in federal cases.

### AMENDMENT 8

No excessive bail or fines, no cruel and unusual punishment.

### AMENDMENT 9

Unlisted rights are not necessarily denied.

### AMENDMENT 10

Powers not delegated in the U.S. or denied to the states reserved to the states.





## MORE AMENDMENTS TO KNOW

### AMENDMENT 12 ( 1804)

Electoral college officially elects President and Vice President. Each state's electors equal the number of Senators & Representatives.

### AMENDMENT 13 ( 1865)

Abolishment of slavery.

### AMENDMENT 14 ( 1868)

Citizenship and protection from state action:

Citizenship Clause

Privileges and Immunities Clause

Due Process Clause

Equal Protection Clause



### AMENDMENT 15 ( 1870)

Voting Rights

### AMENDMENT 25 ( 1967)

Presidential inability to perform duties, Presidential succession.



## THE IMPORTANCE OF THE 14TH AMENDMENT

The 14th Amendment was adopted to apply due process and equal protection standards to state and local government action. The importance of this amendment can be seen in Supreme Court cases dealing with marriage and reproductive rights.

### THE CONSTITUTION AND MARRIAGE

Loving v. Virginia (1967) The Supreme Court found that Virginia's laws banning interracial marriage violated the 14th amendment's guarantee of due process and equal protection. As a result, all race-based laws in states were struck down.

Obergefell v. Hodges (2015) The Supreme Court found that state same-sex marriage bans are a violation of the 14th Amendment's Due Process and Equal Protection Clauses. The ruling requires all fifty states to perform and recognize the marriages of same-sex couples, with all the accompanying rights and responsibilities.

Note: The right to marry is not specifically stated in the Constitution -- but has been characterized by courts as a "fundamental right" under the constitution.



## THE CONSTITUTION AND REPRODUCTIVE RIGHTS

Griswold v. Connecticut (1965). The Supreme Court struck down a ban on the use or sale of contraceptives to married couples because it violated the constitutional right to privacy.

Eisenstadt v. Baird (1972). The Court extended this right to contraception to unmarried people "the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child."

Roe v. Wade (1973). The Supreme Court ruled that the 14th Amendment's Due Process Clause provides a right to privacy that protects a pregnant woman's right to choose whether or not have an abortion. But also ruled that this right is not absolute after viability. Established different standards for each trimester.

Planned Parenthood v. Casey (1992). The Supreme Court moved away from the trimester standards and focused on viability. States were given leeway to regulate abortions so long as no undue burden on women.

### AND NOW

Dobbs v. Jackson Women's Health Organization (2022?). A 2018 Mississippi law bans abortion after 15 weeks with narrow exceptions for medical emergencies. The Supreme Court may choose to use this case to reverse Roe v. Wade or to modify its interpretation.



# CONGRESS: THERE OUGHT TO BE A LAW!

How a bill becomes a law in five "easy" steps.

## STEP 1

**The bill is drafted and introduced to either the House or Senate**



## STEP 2

**The bill goes to committee**

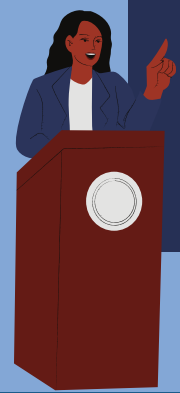
- Step 2a: Subcommittee review
- Step 2b: Committee mark up of the bill
- Step 2c: Committee "votes bill out" to the full "chamber"



## STEP 3

**Voting by the full chamber on the bill**

- Step 3a: Bill may be amended
- Step 3b: Floor debate, unlimited debate unless Senate votes for "cloture" to vote or filibuster, minimum of 60 votes needed.



## STEP 4

**Referral of bill to the other chamber,**

Repeat steps 2 & 3



## STEP 5

**Bill is passed**

The identical bill is passed by each chamber, then sent to President for their approval.



# RULES TO KNOW



## WHAT IS A FILIBUSTER?

Senate rules allow a "filibuster"- a delay of action on legislation. Traditionally a filibuster was intended to open debate on the legislation, Use of the filibuster has evolved to allow Senators to call a filibuster without opening the issue to debate, and the legislation is not considered. A fiibuster can be stopped by a "cloture" vote. The filibuster does not apply to reconciliation, appointment of judges and the cabinet. The filibuster rule can be changed or amended by the Senate.

## WHAT IS CLOTURE?

Cloture ends debate on a bill and submits it for a vote - requires 60 votes.

## WHAT IS RECONCILIATION?

Reconciliation is any measure (bill, resolution) pertaining to revenue, taxes, and debt limit and can be approved by a simple majority (51 votes in Senate).

## WHAT KIND OF GOVERNMENT ARE WE?

"Federal" (3 levels of government), "representative, democratic" (people have means to control government), "republic "(people choose elected delegates)--

*Our American Government 2003*

# WHO'S WHO IN THE HOUSE AND THE SENATE?

## Who are the Senators?

100 Senators

- 2 per state, regardless of population,
- Serve 6 year terms

Senate Leadership

- The Vice-President of the United States serves as the President of the Senate and gets a vote in the case of a tie.
- President Pro Tempore - Majority Leader
- Minority Leader - Leader of the Minority Party
- Each party leadership includes
  - Whip
  - Conference Chair



## Who are the House of Representatives

435 Representatives or Congresspersons

- Will hear them referred to as "congresspersons" because they represent congressional districts in their respective states.
- Total number is set by federal statute
- Each state has at least 1
- The total per state (greater than 1) is based on population or "apportionment"
- 2-year terms
- State legislatures determine the "districts" represented

House Leadership

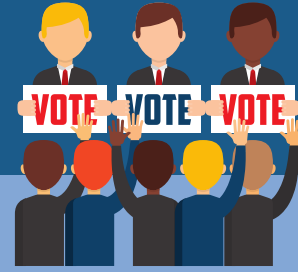
- Speaker of the House
- Majority Leader
- Minority Leader
- Each party's leadership includes
  - Whip
  - Conference Chair



The Speaker of the House is third in line for the Presidency



# "THROW THE BUMS OUT!": TYPES OF ELECTIONS



## Elections

### GENERAL ELECTION

An election to fill a public office-for federal offices elections happen in even number years.

### PRIMARY ELECTION

An election to place a candidate on the ballot for the general election on a political party's "ticket".

### OPEN PRIMARY

Voter selects a party on election day in order to pick which candidates they wish to voter for.

### CLOSED PRIMARY

Only voters who are registered with a party may vote in that party's primary

### TOP TWO OPEN PRIMARY SYSTEMS

All candidates for all parties are listed by office, the top two with the most votes compete in the general election.

### RUN- OFF PRIMARY/ELECTION

A follow-up primary or election when no candidate wins the majority - typically at least 50%.

### RANKED CHOICE VOTING ( RCV)

Voters rank candidates by preference on their ballots. If a candidate wins a majority of first-preference votes, they are declared the winner. If no candidate wins a majority of first-preference votes, the candidate with the fewest first-preference votes is eliminated. The second choice votes are added to the vote totals until a candidate meets the minimum threshold (i.e. 50%)







## Election Jargon - A Baker's dozen

### Absentee Ballot

A ballot completed and typically mailed in advance of an election by a voter who is unable to be present at the polls.

### Ballot Initiative

A procedure allowed in a number of states under which citizens are able to vote to change a law.

### Battleground States

A large state with an electorate split relatively evenly between Democrats and Republicans - so named because candidates spend a disproportionate amount of time and money campaigning there.

### Blue State

A state where people tend to vote for the Democratic Party.

### Candidate Committee

A committee formed by a candidate to accept contributions and make expenditures under the candidate's authority to support a bid for election.

### Congressional District

A territorial division of a state from which a member of the U.S. House of Representatives is elected.

### FEC (Federal Election Commission)

The Federal Election Commission enforces federal campaign finance laws, including monitoring donation prohibitions and limits, and oversees public funding for presidential campaigns.

### Gerrymandering

The practice of drawing political constituency maps to increase a particular candidate's or party's advantage in a subsequent election.

### (PAC) Political Action Committee

An organization formed to promote its members' views on selected issues, usually by raising money that is used to fund candidates who support the group's position.



# ELECTION JARGON - A BAKER'S DOZEN CONT'D

## Popular Vote

The votes made directly for a candidate.

## Precinct

A voting district-the smallest unit into which electoral districts are divided. Precinct chairs often elect party officials.

## Red State

A state where people tend to vote for the Republican Party.

## Registered Voter

A citizen who has registered with election officials in order to become eligible to vote.

## ADMINISTRATION OF ELECTIONS

While the Federal Government has jurisdiction over federal elections, most election procedures are decided at the state level.

### STATE ROLE

- State law generally governs elections that occur in that state.
- State and local officials are primarily responsible for conducting elections.
- The Secretary of State's Office and/or County Clerks are often good resources.

### FEDERAL ROLE

- Remember the 13th Amendment-The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
- The FEC (Federal Election Committee) is responsible for disclosing campaign finance information, enforcing limits, prohibitions on contributions, and overseeing the public funding of presidential elections.

For instance the States responded to the pandemic with changes in election procedures (i.e. vote by mail qualifications, drop boxes, extended voting hours and days).



# "IT'S THE SAME BUT DIFFERENT"

## Each State Has a Constitution

- State constitutions follow federal governmental structure
- 3 branches of government
  - Legislative
  - Executive
  - Judicial
- A state constitution may include areas not covered by the federal constitution and may offer greater protections, but a state constitution cannot conflict with the federal constitution.

## Branches of Government (example Indiana)

- Legislative Branch
  - The General Assembly
  - Part-time, Citizen Legislature
  - 100 House Members, elected to two-year terms, each representing a district.
    - 71 Republicans, 29 Democrats
    - Speaker of the House - Todd Huston
    - Minority Leader - Phil GiaQinta
  - 50 Senators, elected for four-year terms, each representing a district.
    - 39 Republicans, 11 Democrats
    - Lieutenant Governor - President of the Senate
    - Pro-tem- Rodric Bray
    - Minority Leader - Greg Taylor
  - Republicans have a supermajority (more than 2/3) in each house. All actions can be taken without Democrat involvement.
  - Session dates
    - Long Sessions- in odd numbered years (must adopt budget)



# "IT'S THE SAME BUT DIFFERENT"

## Branches of Government (Indiana cont'd)

- Short Sessions in even numbered years
- Special Sessions- at the call of the Governor
- Redistricting - Legislature "draws" congressional districts and districts for state senators and state representatives
  - Districts are drawn after the decennial (10 year) census by the legislature
  - Finding my legislator [www.in.iga.gov](http://www.in.iga.gov)

What is Gerrymandering? Drawing districts to achieve an unfair advantage for one party. Check out Common Cause of Indiana about non-partisan proposals for fair redistricting.

## How does a bill become a law

- Drafted by Legislative Services Agency for Representative or Senator
- Introduced by Representative or Senator
- First Reading - assigned to committee
- Heard in Committees - amendment and passed to the Floor-or dies in committee
- Second Reading - Action on the Floor-amendments allowed
- Third Reading -Yes or no by majority vote
- Transmittal to the other chamber for a repeat of the process
- If the identical bill is passed by both chambers, it goes to the Governor for action - signature, veto, or approval without signature after 7 days

The House & Senate are each referred to as "chambers"  
A bill is on the "Floor" of the chamber if it is being considered by all members.



# "IT'S THE SAME BUT DIFFERENT"

## The Executive Branch

- Governor, Lieutenant Governor, Secretary of State, State Treasurer, State Auditor, Attorney General, and Agencies
- Indiana has a "weak Governor" system, which means that a simple majority vote of both chambers can override a veto.
- Implements legislative directives enacted by the legislature

## The Judicial Branch

- Supreme Court - highest court in Indiana
- Court of Appeals
- Circuit Courts
- Superior Courts



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# HOW DOES A BILL BECOME A LAW IN MY STATE?

To be an active participant in the legislative process in your state, you will need to do some homework on the legislative process. Fill in the following worksheets with information on your state.

## The Legislative Branch

How many state representatives?

- # of Democrats
- # of Republicans
- Does either party have a supermajority?

How many state senators?

- # of Democrats
- # of Republicans
- Does either party have a supermajority?

When does the legislature meet?

How do I find out who is my representative or senator?

How does a bill become law in my state?

- Is the process similar to the Indiana process?
- What are the key difference between my states procedures and Indiana's?

**Note: In Nebraska there is only one house in the legislative branch.**



# EXECUTIVE AND JUDICIAL BRANCHES

To be an informed voter and advocate in your state, you will also need to do some homework on the executive and judicial branches of government. Fill in the following worksheets with the information on your state.

## The Executive Branch

Who are the elected members of the executive branch in my state?

- Governor
- Lieutenant Governor
- Attorney General
- Secretary of State
- Treasurer of State
- Auditor of State
- Superintendent of Public Instruction
- Other

What is the authority of the Governor to veto legislation?

## The Judicial Branch

How many members are on the Supreme Court (note the highest court in the state may be called something else)?

- Are these judges appointed or elected?

Is there a court of appeals that is an intermediate review?

- Are these judges appointed or elected?

Are there trial courts (superior or circuit courts) in each county?

- Are these judges appointed or elected?



# WHO IS IN CHARGE? THE STATES OR FEDS?



## The States

Don't forget about the 10th Amendment! Any power not specifically given to the federal government by the Constitution belongs to the States and the people.

- Ownership of property
- Education of inhabitants
- Implementation of welfare and other benefits programs
- Protecting people from local threats
- Maintaining a justice system
- Setting up local governments -- counties and municipalities
- Maintaining state highways and administering local roads
- Regulation of Industry
- Raising funds to support their activities
- Elections - Secretary of State
- Insurance



## The Feds

But don't forget the Supremacy Clause and the Interstate Commerce Clause

- The federal constitution prohibits states from interfering with federal government's exercise of its constitutional powers, and from assuming any functions that are exclusively entrusted to the federal government.
- The federal constitution gives Congress and not the states the power to regulate interstate commerce.

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**Remember this**

**THE SECRET OF CHANGE  
IS TO FOCUS ALL YOUR  
ENERGY NOT ON  
FIGHTING THE OLD BUT  
ON BUILDING THE NEW.**

- DAN MILLMAN

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# RESOURCES FOR CIVICS

## THE US CONSTITUTION

National Archives - [www.archives.gov](http://www.archives.gov)

Legal Information Institute - Cornell Law School - [www.law.cornell.edu](http://www.law.cornell.edu)

## HOW A BILL BECOMES A LAW

Government 101: How a Bill Becomes a Law - [www.VoteSmart.org](http://www.VoteSmart.org)

Congressional Research Service Reports - [www.crsreports.congress.gov](http://www.crsreports.congress.gov)

Status of Legislation - 50 states and Congress - [www.legiscan.com](http://www.legiscan.com)

## INDIANA RESOURCES

How a Bill Becomes a Law:  
[www.in.gov/gov/files/billintolaw.pdf](http://www.in.gov/gov/files/billintolaw.pdf)

Indiana Elected Officials:  
[www.in.gov/sos/elections/voter-information/who-are-your-elected-officials/](http://www.in.gov/sos/elections/voter-information/who-are-your-elected-officials/)

## ELECTIONS

U.S. Election Assistance Commission:  
[www.eac.gov/election-officials](http://www.eac.gov/election-officials)

League of Women Voters Voting Guide: [ww.vote411.org/ballot](http://ww.vote411.org/ballot)

Ballotpedia - The Encyclopedia of American Politics :  
[www.ballotpedia.org](http://www.ballotpedia.org)

# OTHER AVAILABLE TOOLS

AVAILABLE AT  
[WWW.BUILDINGBRIDGESFORAMERICA.COM](http://WWW.BUILDINGBRIDGESFORAMERICA.COM)

## TEAM SERIES

Build your grassroots team with Grassroots Organizing for Change.. And learn effective messaging with Say This, Not That, And take it to the next level and organizing the people around you with our Local Leaders and Precinct Chair training.

## CIVICS SERIES

Know the system to fix the system. Get the basics with Civics 101, then learn to use civics for effective organizing with Civics for Change.

## POWER SERIES

Your political superpower is talking with people you know. Put that power to use with our courses to get organized and having effective conversations that empower you, your community, and the campaigns and causes that are important to you.

## TEAM RESOURCES

Links and tools of the trade to run a successful grassroots group or campaign.

# BUILDING BRIDGES FOR AMERICA LEADERSHIP TEAM



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