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"I will tell you now what I do not like. (There is no) bill of rights, providing . . . what the people are entitled to against every government on earth." — Thomas Jefferson

The authors of the Constitution trusted Congress would make right and just laws, and the court system would see that every person was treated fairly. However, many people feared the new government would be too strong and, perhaps, take away individual freedom, just as the British government had done.

Therefore, during the fight to ratify the Constitution, the Federalists were obliged to propose a *bill of rights* that would safeguard the people's rights. The Federalists promised this bill of rights would be added to the Constitution as soon as the new Congress met.

As the delegates gathered in May 1787 to revise the Articles of Confederation, a Virginia delegate, George Mason, voiced his disappointment with the new constitutional proposals because "... there is no declaration of individual rights." Mason had earlier written the Virginia Declaration of Rights, and that declaration had influenced Thomas Jefferson when he wrote the first part of the Declaration of Independence. Ultimately, Mason's views were accepted by James Madison. These ideas were coupled with amendments suggested by the states' ratifying conventions.



James Madison

Madison would come to be called the "Father of the Constitution" because of his negotiating power and suggestions of compromise. In 1789, the new Congress took action when Madison proposed 19 amendments. The House of Representatives narrowed those down to 17, with 12 passing the Senate. In 1791, ten were approved and ratified by the states. They make up what we call the *Bill of Rights*, or the first ten amendments.

These amendments provide certain guarantees that had not been written into the Constitution. Their purpose was to protect the rights of the people against any misuse of governmental powers. These amendments protect our rights in four general areas. The First Amendment guarantees personal freedom of expression and religion. The next three preserve the security and privacy of every individual. Amendments five through eight are concerned with fair and equal treatment under the law. The last two make general statements guaranteeing that the national government will not take more power than the Constitution grants.

Guaranteed Fundamental Freedoms

The first ten amendments guarantee:

- *freedom of religion, speech, and the press*
- *the right to assemble and petition the government*
- *the right to keep and bear arms*
- *freedom from unreasonable search and seizure*
- *that no person be deprived of life, liberty, or property without due process of law*
- *the right to a fair and speedy trial*
- *the right to a trial by jury*
- *protection against excessive bail or unusual punishment*

These were the rights the colonists had fought for against the English king, and they did not intend to give them up.

People are guaranteed these freedoms as long as they do not take away the freedom of others. Even today, these important freedoms can be threatened. Controversial subjects are under the protection of the Bill of Rights, such as religion, unpopular ideas, censorship, membership, and activity in unpopular organizations, and expressions of minority opinions. It is the job of the courts to interpret the Constitution and decide the rights of individuals.

It is human nature to believe strongly in one's beliefs and think those holding opposing views must be wrong. Many of us find opinions expressed by others offensive and distressing. We often wish others' opinions could be suppressed. However, we must remember, freedom to express only popular opinions is no freedom at all.

Especially in times of emergency, it is easy to believe that measures infringing upon individual rights can or should be taken "for the good of the country." But this attitude is dangerous to our country since it strikes at the very foundation of our democratic system. More and more rights could be taken away under the justification that it is "for the good of the country."

Before you decide "it doesn't matter" if the rights of someone you do not agree with are violated, stop to consider whether you are willing to risk the loss of your rights because other people disagree with you.

QUESTIONS

TRUE OR FALSE? Write a **T** or **F** in the space provided.

- ___ 1. The first 10 amendments were adopted a month after the Constitution was approved.
- ___ 2. The first 10 amendments make up the Bill of Rights.
- ___ 3. Jefferson supported the idea of a bill of rights.
- ___ 4. The Bill of Rights applies to all levels of government.
- ___ 5. The Bill of Rights was proposed in an attempt to defeat the Constitution.
- ___ 6. The Bill of Rights does not give a person the right to criticize a government official.
- ___ 7. The Bill of Rights protects freedom of speech, even if the speech is unpopular.
- ___ 8. The right to a trial by jury is in the Bill of Rights.
- ___ 9. George Mason wrote the Virginia Declaration of Rights.
- ___ 10. There are times when the courts must interpret the Constitution affecting someone's rights.
- ___ 11. Congress could choose one religion for the whole country.
- ___ 12. When the British won the American Revolution they implemented their own Bill of Rights.

Listed below is a sampling of the events that led to America's independence and the adoption of a new constitution. You will find the years and the significant events that happened during that time.

1763 - 1765
Protests Against
British Rule



England decides on a program of taxation and control of the colonies. The American colonists begin organized protests against British rule. Patriotic groups such as the *Sons of Liberty* are formed. Laws such as the *Quartering Act*, *Stamp Act*, and *Sugar Act* anger the colonists, who are forced to pay unjust taxes and provide supplies to British troops.

1770 - 1773
Uprisings in
Boston



Colonists reduce their boycott of British goods when they withdraw all of the *Townshend Act*, except the tax on tea. *Boston Massacre* (March 5, 1770) occurs when an angry crowd of citizens surrounds a group of soldiers, causing them to open fire. With the American colonists and merchants still angry over British tax policies, an uprising called the *Boston Tea Party* occurs (December 16, 1773).

1774
First Continental
Congress



In response to the Boston Tea Party, the Parliament passes several acts to punish Massachusetts. Twelve of the 13 colonies name delegates to *The First Continental Congress*. On September 5th, they convene at *Carpenters Hall* in Philadelphia to deal with Britain's actions.

1775
The American
Revolution



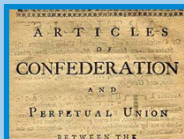
When the Americans learn the British plan to seize their guns and ammunition, *Paul Revere* is sent to alert the countryside and gather the *Minutemen*. An unidentified shot triggers the Battle at Lexington. This starts the *American Revolution* and also leads to another famous battle, *Bunker Hill*. In May, the *Second Continental Congress* meets in Philadelphia.

1776
The Declaration
of Independence



On July 4th, The Second Continental Congress adopts the *Declaration of Independence* (written by *Thomas Jefferson* and committee). The Declaration was debated by 56 courageous men and signed at *Independence Hall*. A few days later, church bells are rung across Philadelphia to call people to the first public reading of the Declaration.

1777 - 1781
The Articles of
Confederation



After considerable debate and alteration, the *Articles of Confederation* were adopted by the Continental Congress on November 15, 1777. However, the document was not fully ratified by the states until March 1, 1781. This document served as the United States' first constitution. In October of 1781, British forces surrender at Yorktown.

1787 - 1788
The Constitution
is Ratified



On May 14th, 1787, *The Constitutional Convention* met in Philadelphia. Here the delegates reviewed and approved the *Constitution*. In 1788, nine states ratified the Constitution, and it is put into effect (the remaining four states will ratify by 1790). America prepares to operate under this new document.

1789
Our New
Government



On March 4th, the new federal government is inaugurated in New York. In April, the first House of Representatives is organized. *George Washington* is elected the first president on April 6th. He is inaugurated on April 30th. On September 25th, the first ten amendments (*Bill of Rights*) are adopted by Congress.

QUESTIONS

PUT THE EVENTS IN ORDER. For each question group, write the numbers **1, 2, or 3**, to indicate which event happened first, second, and third.

Group 1. Boston Massacre _____, Adopted Declaration of Independence _____, Washington becomes president _____

Group 2. Articles of Confederation _____, Boston Tea Party _____, Constitution ratified by nine states _____

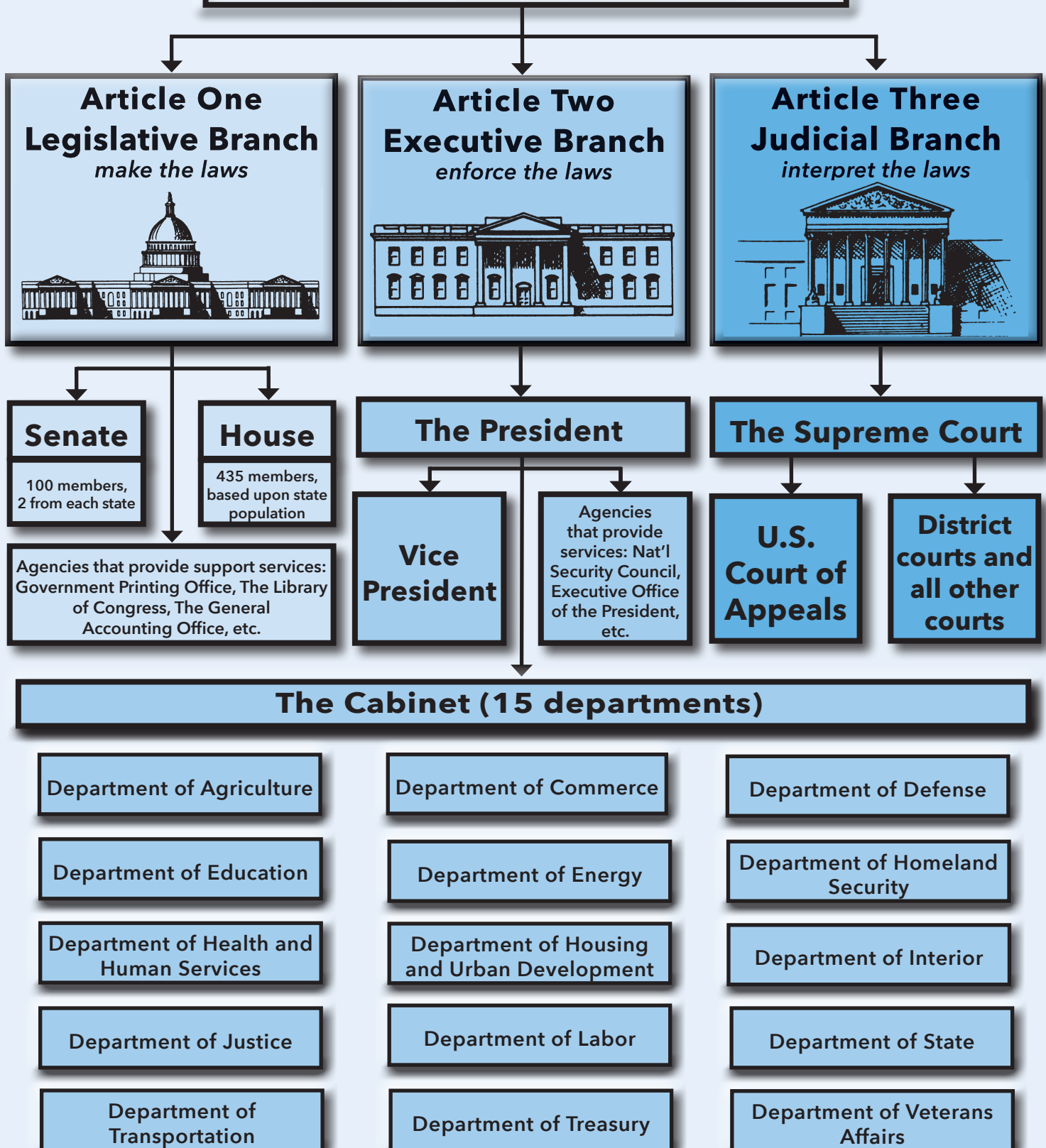
Group 3. England sets taxation policy for colonies _____, Constitutional Convention _____, Battle of Bunker Hill _____

Group 4. Paul Revere alerts colonists _____, Stamp Act is law _____, First House of Representatives organized _____

Group 5. Bill of Rights adopted _____, First Continental Congress _____, Declaration is read to the public _____

Group 6. Second Continental Congress meets _____, Sons of Liberty forms _____, American Revolution ends _____

THE CONSTITUTION SETS UP THREE BRANCHES



“Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes law, be presented to the President of the United States...” — United States Constitution, Article 1

Powers to make laws are given to Congress, consisting of the Senate and House of Representatives. Our nation needs rules and regulations to protect our safety and ensure our rights as citizens. A description of the lawmaking powers can be found in Article 1 of the Constitution.

In both houses of Congress, no business may be transacted without a *quorum*. A quorum in each house is a majority of its members. A majority is one-half plus one.

How a Bill Becomes Law in Congress

Bills, a term for proposed laws, may start in either house of Congress. Bills for *revenue* must begin in the House of Representatives (see Article 1, Section 7). After a bill is introduced, it is given a number and usually referred to a *special committee*. There are 16 Senate committees and 24 House committees, plus four special or select Senate committees.

In a committee, detailed studies are made of the bill, and hearings may be held. A committee may amend, rewrite, recommend passage, or ignore a bill. It is possible to pass some bills without committee approval, but this seldom happens. Some people feel these committees are too powerful and may keep members of Congress from considering certain laws. Committees are necessary, however, and Congress determines rules controlling their behavior and power.

Thousands of bills are introduced during a session of Congress. Four out of five of these bills have little or

no chance of being passed into law. Bills that seem unimportant to the committees are ignored. The bills that are taken seriously may have public hearings. After the committee finishes with a bill, it is reported to the Senate or House favorably or unfavorably. The entire Senate or House then votes on the bill.

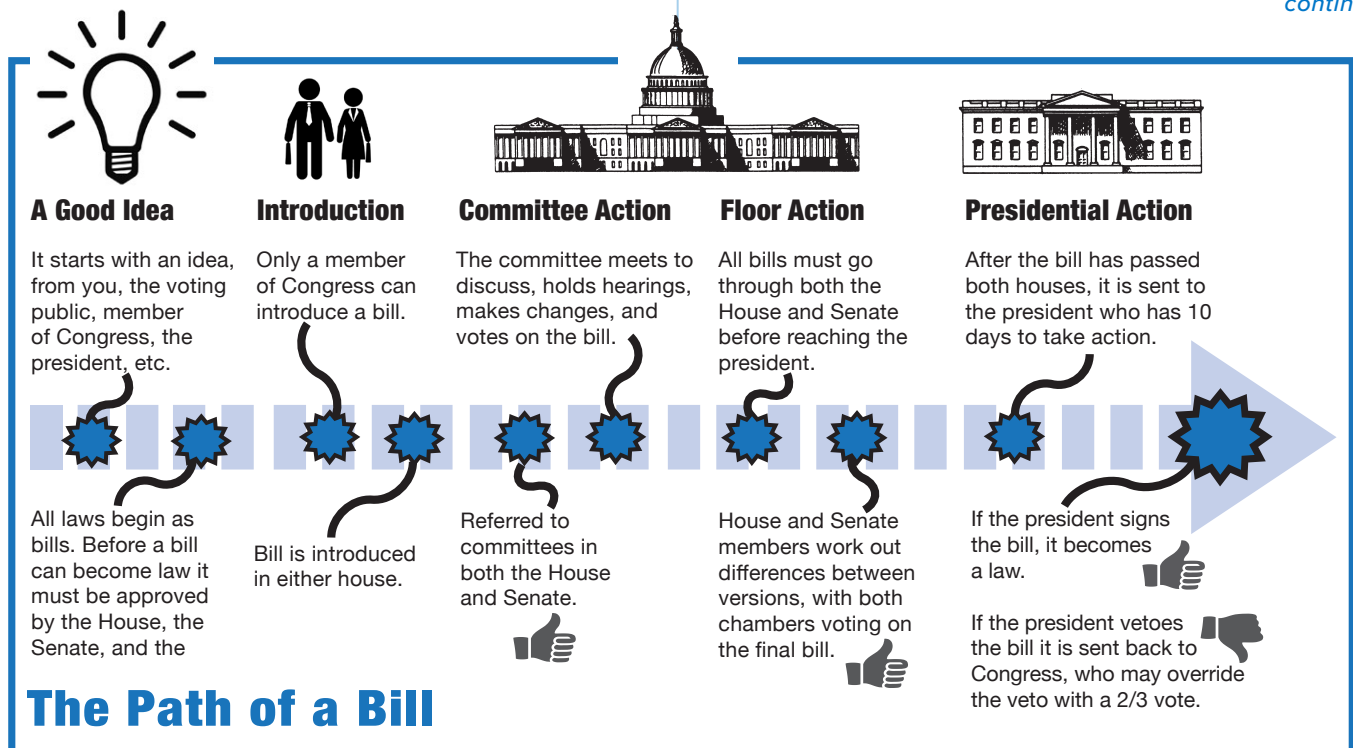
The bills that come from committees are put on a calendar and voted on according to a schedule. Changes to the bill may be made, and then the final vote is taken. The bill is sent to the other house of Congress if the vote is favorable.

In the other house of Congress, the same type of procedure is followed. If the other house passes the bill, but with changes, a joint committee from both houses is set up to work out a *compromise bill*.

After the bill has passed both houses, it is sent to the president, who may either sign or veto it. This particular duty is found in Article 1, Section 7, of the Constitution. If the president signs the bill, it becomes another law of our land. If the president does not sign the bill but vetoes it, the two houses of Congress may try to override the president's veto by a two-thirds vote in each house. Very few laws are passed this way.

If the president does not act at all, the bill becomes law automatically in 10 days, providing Congress is still in session. If Congress adjourns before the 10-day period is up and the president has not acted on the bill, it is automatically vetoed. This is called a *pocket veto*.

continued



Perhaps the most prolonged debate at the Constitutional Convention concerned the method of selecting the president. An early suggestion was to give this power to Congress. But that would have destroyed the idea of the separation of powers. How could we have three branches of government, each checking the other if the legislative branch (the Congress) picked the head of the executive branch (the president)?

The writers of the Constitution also weren't ready to give the selection of the president to the people or the "common man." So they wrote a compromise into Article 2, Section 1 of the Constitution. The compromise set up a system of electors to select the president. These electors came to be known as the *Electoral College*, but the Constitution itself does not mention the term "Electoral College."

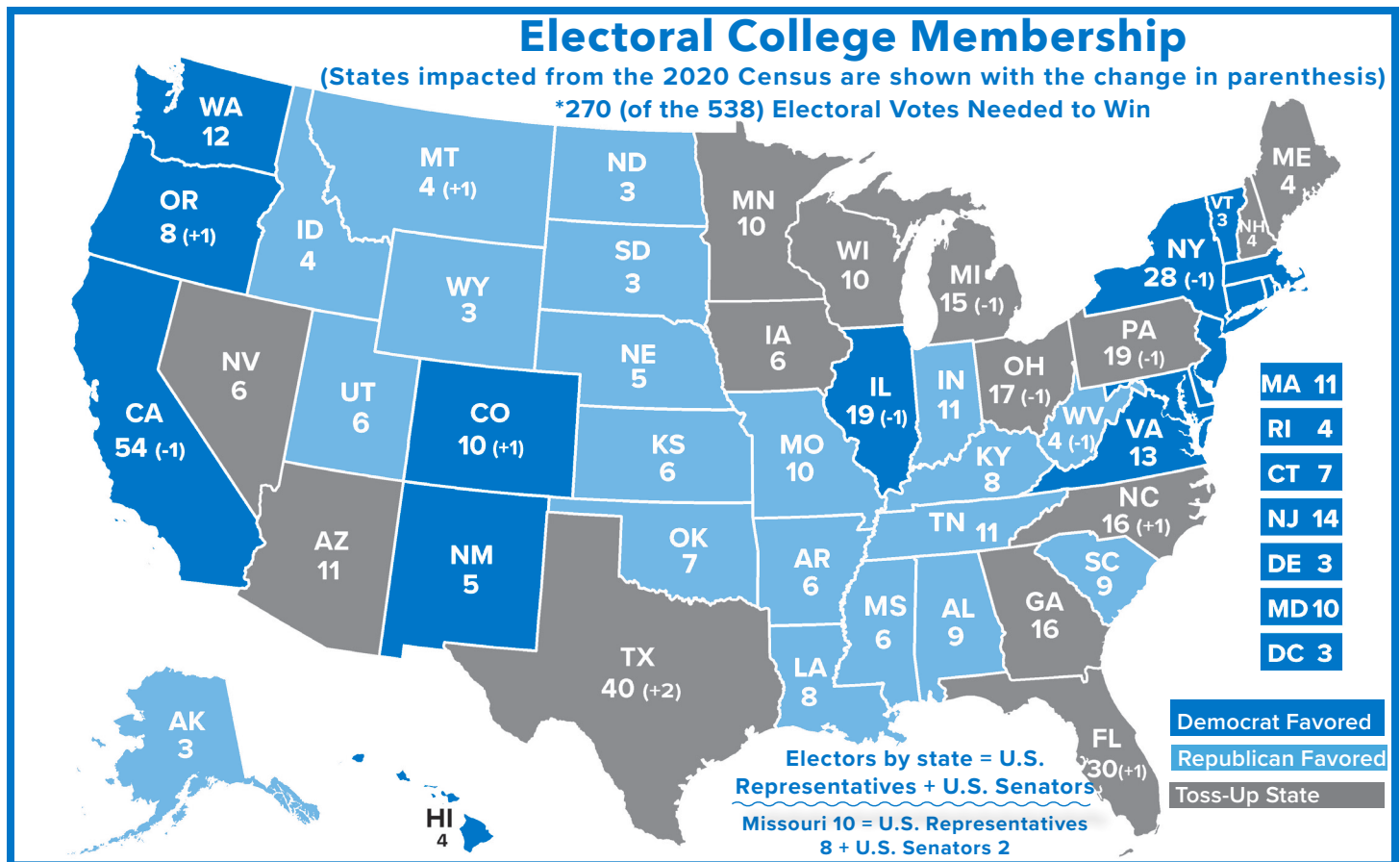
This unique election method was modified by the 12th and 23rd Amendments. Before 1961, the voters in Washington, D.C., didn't get to vote for the president at all. This was not considered fair in the capital of our country. The 23rd Amendment was added in 1961, giving three electoral votes for Washington, D.C. That made a total of 538 electors (electoral votes for each state equals the number of representatives plus two for the senators). A majority of 270 or more would be necessary to select the president. The map below shows the distribution of the electoral votes based on the 2010 reapportionment and will reflect additional changes from the 2020 census.

To summarize, if a candidate gets the most popular (people) votes in the state, the "electors" will then cast their votes the same way. All the electoral votes for the state (except for Maine and Nebraska) will go to the winner of the state. The writers of the Constitution also thought that the Electoral College gave states with a small population more equal weight in the presidential election.

One of the problems political scientists see in the Electoral College is that it allows a person to be elected president who has not won the popular vote in the country. In our growing beliefs in the power and rights of democracy in our nation, that could be a problem. Because all the electoral votes of a state go to the candidate who wins the election in that state, whether the candidate wins by a single vote or a million votes, it is possible to be elected president without having the most votes.

That has not happened very often, but it did occur in 2000 when George W. Bush became president and again recently in the 2016 election. Donald Trump became president even though Hillary Clinton won a majority of the popular votes. And, because this has happened so recently, Americans are debating the Electoral College's pros and cons. Since a change in the electoral vote would require a constitutional amendment, the change will not come quickly. Supporters of the current system say that it has served the nation well and forces candidates to gain broad geographic support rather than concentrating only on large metropolitan areas.

continued



"Laws are a dead letter without courts to expound their true meaning and operation." – Alexander Hamilton

Judicial review is the name given to the process by which the courts interpret the meaning of the Constitution and the laws passed under it. It is clear that the Constitution is the supreme law of our land and takes precedence over any law passed or any action taken by any state or federal official.

But the Constitution is not a complete legal code, and it is not always easy to see how the Constitution can be applied to particular cases. As conditions change, new interpretations may be placed on the Constitution; actions may be taken in areas not directly covered by the Constitution.

Someone, then, must have the authority to precisely decide what the Constitution means and decide if the government is acting within constitutional limits. Most historians agree that the Constitutional Convention members wanted the courts to have the power of judicial review, even though they did not write it out in detail. Apparently, they thought that the idea had been conveyed adequately through the wording of Article 3, the judicial article, and Article 6, the "supreme law of the land" clause.

There was some discussion of this question after the Constitutional Convention. Still, nothing was settled until 1803 when the Supreme Court handed down its decision in the case of *Marbury v. Madison*. The court ruled that one section of a 1789 law was contrary to the Constitution and, therefore, was not a valid law.

"It is emphatically the province and duty of the Judicial Department to say what the law is...If two laws conflict with each other, the Courts must decide on the operation of each. So, if a law be in opposition to the Constitution... the Court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty."

The above ruling from *Marbury v. Madison* established the precedent for judicial review, an essential addition to the system of checks and balances to prevent any one branch of the government from becoming too powerful. Judicial review in the United States has been a model for other countries.

Cases Handled by the Federal Courts


The federal courts are often called the "guardians of the Constitution" because their rulings protect rights and liberties guaranteed by the Constitution. Through fair and impartial judgments, the federal courts interpret and apply the law to resolve disputes. An important distinction should be noted: Courts do not make the laws; that is the responsibility of Congress. The subjects of Judicial Review also include the legislative actions from Congress, the executive actions from the president and government agencies, and state and local laws.

On the next page, you will find examples of cases that are handled by the federal court system.

continued

LEARNING AID

JUDICIAL BRANCH FACT SHEET

Main Courts	<i>The Supreme Court, Court of Appeals, and District Courts.</i>	
Number of Courts	<i>Supreme Court: 1 Court of Appeals: 13 District Courts: 94</i>	
Number of Judges	<i>Supreme Court: 9 Court of Appeals: 3 to 9 District Courts: 1 to 24</i>	
Supreme Court Salaries	<i>\$223,500 for Supreme Court chief justice \$213,900 for Supreme Court associate justices</i>	
Terms of Office	<i>For life; may be removed only by impeachment.</i>	
Duties	<i>Main duty of the judicial branch is to interpret laws and administer justice. Supreme Court: Decide if laws are constitutional Court of Appeals: Hear appeals from lower courts District Courts: Ordinary trial courts, federal cases begin here Other courts handle special cases, examples include U.S. Claims Court and U.S. Tax Court.</i>	
Meeting Place	<i>Supreme Court: Washington, D.C. Court of Appeals: various circuits District Courts: various districts</i>	
Article Number in Constitution	<i>Article 3 of the U.S. Constitution</i>	

The following test will help you prepare for your final Constitution test. It has questions similar to ones you will find on your final. It is suggested you write your answers on a piece of paper so you can take the test multiple times. You will find the correct answers at the bottom of Page 52.

MULTIPLE CHOICE

Write the letter of the correct answer in the space provided.

1. _____ The president may serve how many terms? a. 1 b. 2 c. 3 d. 4
2. _____ What is NOT a rule of the flag code?
a. worn flags should be thrown in trash c. should be displayed on national holidays
b. should be in the front of a parade d. exact likeness should not be used in ads
3. _____ How many amendments have been added to the Constitution? a. 10 b. 21 c. 27 d. 41
4. _____ How many years is the president's term of office? a. 2 b. 4 c. 6 d. 9
5. _____ What is the age requirement to become president? a. 18 b. 21 c. 35 d. 45
6. _____ After a bill has gone through both houses of Congress successfully, it is sent to:
a. the President c. the Speaker of the House
b. the States d. the Supreme Court
7. _____ Which amendment gave women who are citizens the right to vote in all elections?
a. 17th b. 19th c. 22nd d. 27th
8. _____ How many U.S. senators come from each state? a. 1 b. 2 c. 3 d. 4
9. _____ Each state receives at least _____ representative(s) in the U.S. House of Representatives.
a. 1 b. 2 c. 3 d. 4
10. _____ Who may veto a bill proposed by Congress?
a. the President of the United States c. the Vice President
b. the Secretary of State d. all Cabinet members
11. _____ The president of the Senate is:
a. the President of the United States c. the Secretary of State
b. the Speaker of the House d. the Vice President
12. _____ Which of these rights is NOT an unalienable right from the Declaration of Independence?
a. liberty b. education c. pursuit of happiness d. life
13. _____ The Declaration of Independence was written largely by:
a. Hamilton b. Washington c. Jefferson d. Adams
14. _____ The national budget is presented annually to Congress by the:
a. the Vice President c. the Secretary of State
b. the Governors d. the President
15. _____ There are how many branches of government? a. 1 b. 2 c. 3 d. 4
16. _____ The president takes the oath of office on:
a. January 4th b. January 20th c. November 7th d. September 5th
17. _____ In our First Amendment, which is NOT a "freedom"?
a. freedom of the press c. freedom of speech
b. freedom of employment d. freedom of religion
18. _____ The vote of what group really decides who will be president?
a. Electoral College c. United Nations
b. popular vote by the people d. House of Representatives
19. _____ What is described in Article 1, Section 8, of the Constitution giving Congress broad powers to write laws about new situations?
a. war power b. insight clause c. elastic clause d. inventional clause
20. _____ Which body has the power to borrow money?
a. Congress c. Executive Branch
b. Supreme Court d. State Legislatures

continued

The history of the state of Missouri is rich and distinguished. The state has played a vital role in the development of the United States.

Indians, known as the *mound builders*, inhabited the region of Missouri long before the coming of the white man. Many different tribes, including the Missouri, Osage, Fox, and Sauk, lived and hunted in the area.

The French were probably the first whites to explore the area. Names such as Father Jacques Marquette, Louis Joliet, and Sieur de LaSalle were important in the early exploration of the territory they claimed for the French government. French missionaries and trappers continued to explore and settle the area. Although the French gave up claim to the territory to the Spanish, Napoleon Bonaparte reclaimed the area for France. Because of France's involvement in a series of expensive wars, Napoleon decided to sell the entire Louisiana Territory, which included Missouri, to the United States. This 1803 land sale doubled the size of the United States.

In 1812, the United States Congress organized the Missouri Territory. There were more than 20,000 people living in the territory at the time. The territory, because of its fine land, attracted many settlers. Like other areas of the country, increased numbers of settlers led to trouble with the Indians, who saw their traditional hunting grounds being taken away. For several years, the Indians made bloody attacks on frontier settlements.

In 1818, Missouri applied for admission to the United States. This application for admission started a controversy leading to the *Missouri Compromise of 1820*. Because many of the settlers in the territory had brought slaves with them, anti-slavery forces felt that the slave-holding states would gain more power in Congress if Missouri were added as

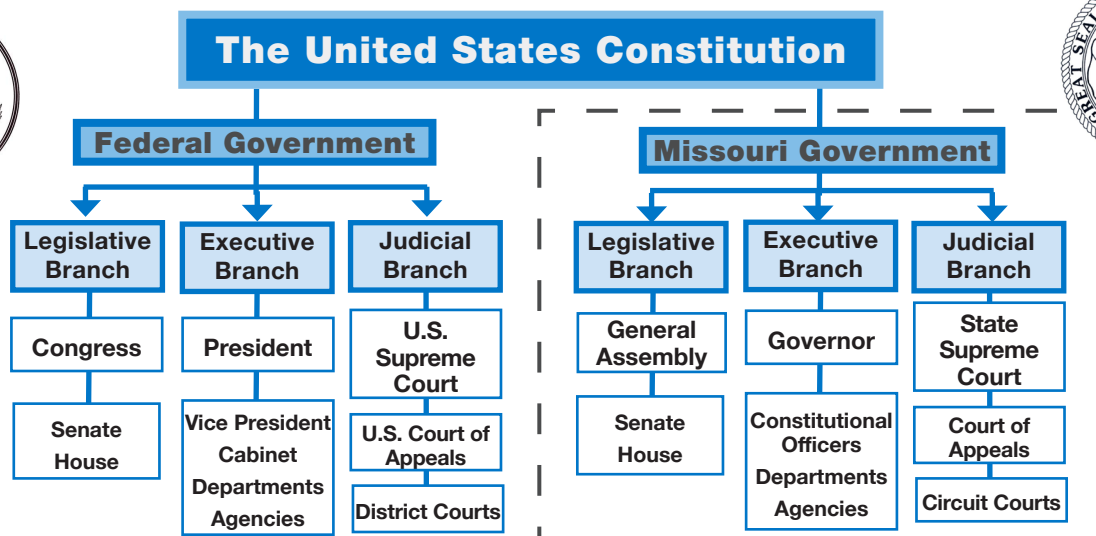
another slave state. The issue was finally settled with the Compromise, when Missouri was admitted as a slave state and Maine was admitted as a free state, thus keeping the balance of power in Congress equal. Missouri was admitted to the Union on August 10, 1821, as the 24th state.

When the Missouri Territory was organized in 1812, St. Louis was the capital. In 1821, it was moved to St. Charles, and finally, in 1826, to Jefferson City.

Missouri played a key role in settling the West. Independence, Missouri, was the beginning of both the Santa Fe Trail to the Southwest and the Oregon Trail to the Northwest. Wealth poured into Missouri from the Southwest and thousands of settlers began moving west from Independence.

Prior to the Civil War, the people of Missouri were divided over the slavery issue, and scattered fighting broke out among Missourians. In 1861, a convention was called to determine whether the people of Missouri desired to secede (withdraw) from the Union and join the Confederacy. Although the people voted to remain in the Union, when the Civil War started that same year, many Missourians sided with the Confederacy. Many battles were fought in the state throughout the Civil War with bands of both Union and Confederate guerrillas terrorizing the Missouri countryside.

During this same period, the state became an important transportation center. Fur trading subsided, and tenant farmers replaced slaves as field workers. The early 1900s brought political, social, and industrial reforms to Missouri. Working conditions improved and laws were established regulating child labor. The state grew steadily over the years in population, agricultural production, and industrial production. Because of its rich soil, favorable climate, and abundant resources, many saw the state as a land of opportunity.



The U.S. Constitution splits governing powers between the federal government and the states. This unit will cover the state government portion of the chart above. It will also include the study of local government bodies.

"The governor shall take care that the laws are distributed and faithfully executed, and shall be a conservator of the peace throughout the state." — Missouri Constitution, Article IV

The executive branch of Missouri's government enforces and administers the law. Headed by the governor, the executive branch consists of 16 executive departments and six statewide elected officials.

The Governor

The Missouri Constitution states the governor must be a citizen of the United States for at least 15 years, a qualified voter of the state, a resident of Missouri for at least 10 years prior to the election, and at least 30 years of age.



Governor
Mike Parson

The current governor of Missouri is Republican Mike Parson, the 57th governor of the state. Mr. Parson took over the post after the resignation of Governor Eric Greitens in May 2018. In 2020, Parson defended his seat against Democratic challenger and state auditor Nicole Galloway. The next Missouri gubernatorial election will be held in 2024, and Governor Parson will not run for re-election.

The governor serves a term of four years and may be re-elected once. The governor receives a salary of \$133,821. In the event that the governor cannot complete a term, the lieutenant governor becomes governor. If the lieutenant governor is unable to serve, the president pro tempore of the Senate assumes the office. The next in line to assume the office is the speaker of the House. The governor, besides enforcing and administering the law, also has the important duty of vetoing or approving bills passed by the General Assembly.

The governor of the State of Missouri has many other important duties. Among these are:

1. The governor appoints many members of the state government. Many of these appointments require the approval of the state Senate. The governor may also remove any of these officials he or she feels are incompetent.
2. With the approval of the General Assembly, the governor may reorganize any executive agencies in the state that are responsible to the governor.
3. The governor may grant pardons, commutations, and reprieves as he or she thinks proper.
4. The governor, at the beginning of each session and at the close of the governor's term of office, shall report to the General Assembly on the condition of the state.
5. The governor is commander-in-chief of the state militia, except in cases of national emergency when they are called into federal service. (They are then under the control of the President of the United States.)
6. The governor may call special sessions of the General Assembly.
7. In addition to having the power to veto legislation, the governor influences the lawmaking process by submitting the state budget to the General Assembly.

Veto

The governor may take action on bills by:

1. The *regular veto* in which the whole bill is rejected, much like the veto of the President.
2. The *item or reduction veto*. This is for *appropriation* or money bills and means that the governor may approve only some parts of a bill while rejecting others.

The Governor's Office is similar in some ways to the office of the President of the United States. However, there are some differences. Some of the most important differences are the lack of foreign affairs and national defense in the responsibilities of the governor.

Missouri has had many famous and talented governors and public officials. Harry S. Truman is just one example. The lives of these people make an interesting and worthwhile study. Your local or school library should contain some interesting material on the lives of some of Missouri's chief executives and officials.

QUESTIONS

1. What are the qualifications for governor? _____

2. What is the order of succession to the office of governor? _____

3. What is the governor's salary? _____

TRUE OR FALSE? Write a **T** or **F** in the space provided.

- ___ 1. The General Assembly cannot be called into special session.
- ___ 2. The governor may remove any officer he or she has appointed.
- ___ 3. The governor has the job of enforcing the law.
- ___ 4. The governor is the commander-in-chief of the state militia.
- ___ 5. For appropriation bills, the governor may approve some parts while rejecting others.
- ___ 6. The governor is in charge of foreign affairs.
- ___ 7. The governor cannot grant pardons.
- ___ 8. The governor's term of office is four years and may be re-elected once.
- ___ 9. The governor may veto a bill.
- ___ 10. The governor must be 35 years old or older.

DEFINE

1. reprieves _____
2. commutations _____
3. pardons _____
4. militia _____