



Chapter

13

# North Carolina State Government

Richard Cummings/Lonely Planet Images

## Why It Matters

State government touches the life of every citizen every day. In business regulations, consumer affairs, the justice system, health, education, and taxation, state policies affect the way we live, work, and play.

# BIG Ideas

## Section 1: The Legislative Branch

The constitution gives the legislative branch the **power to make laws**. State governments, which generally mirror the federal government in organization, address problems closer to citizens.

## Section 2: The Executive Branch

The constitution gives the executive branch the **power to execute, or implement, the law**. Like the president on the national level, governors are the chief executives of the states.

## Section 3: The Judicial Branch

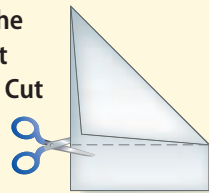
The judicial branch is charged with **interpreting the law**. Different levels of state courts administer justice.

- ◀ State capitol building in Raleigh; statue is in honor of Worth Bagley, first American naval officer killed in the Spanish American War

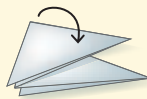
### FOLDABLES™ Study Organizer

**Identifying Main Ideas Foldable** Make the following Foldable to help you identify the main ideas about the branches of state government and their responsibilities and roles.

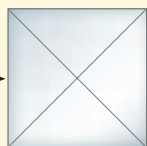
**Step 1** Fold down the paper from the top right corner so edges line up. Cut off the leftover piece.



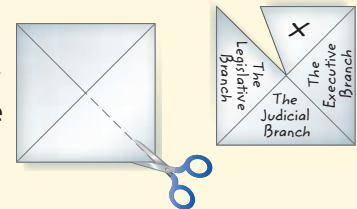
**Step 2** Fold the triangle in half. Then unfold the top layer one inch from the left edge.



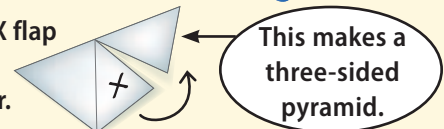
The fold will form an X making four equal sections.



**Step 3** Cut on the fold, stopping in the middle. Draw an X on one tab and label the other three as shown.



**Step 4** Fold the X flap under the flap and glue or tape together.



**Reading and Writing** As you read the chapter, make note of the roles and responsibilities of the legislative, executive, and judicial branches. Write a summary paragraph of your details.



Section  
**1**

# The Legislative Branch

## Guide to Reading

### Big Idea

The constitution gives the legislative branch the power to make laws.

### Content Vocabulary

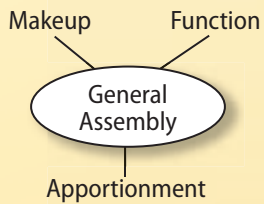
- statute (p. 378)
- census (p. 380)

### Academic Vocabulary

- specific (p. 378)
- conduct (p. 380)

### Reading Strategy

**Summarizing** As you read, take notes by completing a web diagram like the one below by adding details under each of the three categories.



***Real World Civics*** State legislatures operate much like the United States Congress. The legislative branch of North Carolina is made up of the senate and the house of representatives, which together are known as the General Assembly. The General Assembly of North Carolina passes laws that deal with a variety of matters, including health, crime, labor, education, and transportation. The General Assembly has the power to tax and the power to spend and borrow money. Finally, the General Assembly acts as a check on the power of the governor and the bureaucracy.

▼ **Legislators hold impromptu meetings on the floor of the North Carolina Senate**



**NORTH CAROLINA STANDARDS**  
Civics and Economics

- 3.02** Explain how the North Carolina Constitution and local charters define the framework, organization, and structure of government at the state and local level.
- 3.07** Identify modern controversies related to powers of the state government.

# North Carolinians and the Legislature

**Main Idea** The North Carolina General Assembly passes the laws that govern the state.

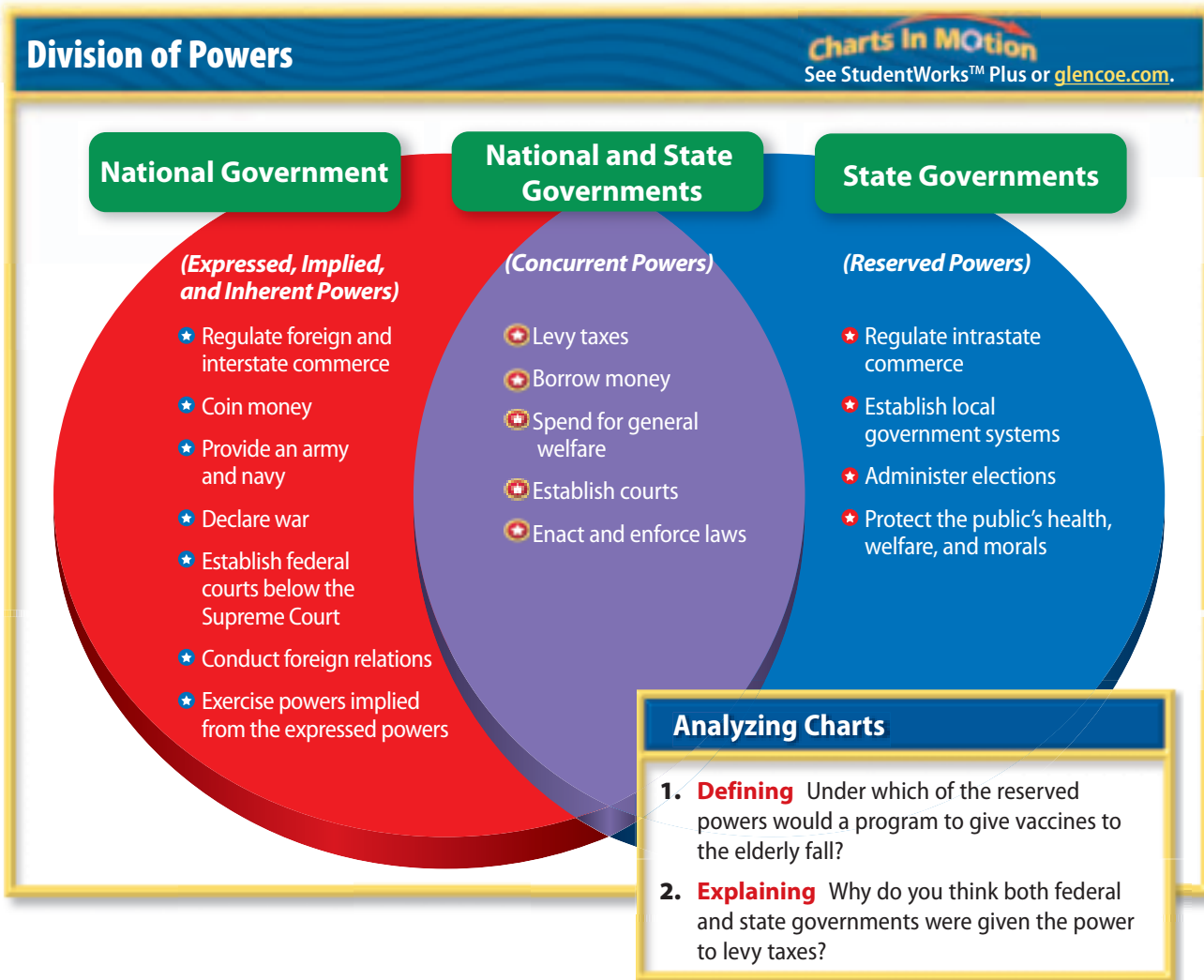
**Civics & You** Can you name your state representative or senator? Read to find out what these individuals do for North Carolina's government.

The state legislature in North Carolina is called the General Assembly. Historically, the General Assembly has been the “voice of the people,” but not everyone in the state could always choose his or her “voice.” Today, regardless of race or gender, any person who is at least

18 years old, a citizen of the United States, and a resident of North Carolina can vote to elect legislators. As a result, the General Assembly now reflects more of the state’s diversity.

Elected in 1920, Lillian Exum Clement of Buncombe County was the first woman to serve in the General Assembly. However, there were few women legislators in North Carolina until after 1970. Since then, more women have served, reaching a record high of 39, or 23 percent of all 170 legislators in 2005.

Elected in 1968, Henry Frye of Guilford County was the first African American elected to the General Assembly in the twentieth century. By the 2005-2006 session, there were 28 African American legislators, making up 16 percent of the 170 General Assembly members.





## Powers of the General Assembly

The General Assembly makes two kinds of laws. It has the authority to pass general **statutes** (laws) that apply statewide. The General Assembly can also enact local or special laws that apply only to **specific**, or certain, counties or cities. By passing laws, the General Assembly can encourage people in the state to do some things and discourage them from doing other things. Through statutes, the General Assembly decides how much money the state government will spend and how state expenses will be paid for, including what state taxes people will have to pay. The Constitution of North Carolina and the U.S. Constitution set broad limits on what the state government may do. Within those limits, the General Assembly has very broad powers to decide what the state will do.

In addition to making laws, the General Assembly frequently examines government

operations. These reviews—called legislative oversight—allow legislators to learn how well current laws are working and whether the laws need to be changed.

The General Assembly elects members of the University of North Carolina Board of Governors and the state community college system. Many public officials, who at one time were appointed by the General Assembly, are now elected by the voters or appointed by another official, usually the governor.

The General Assembly also has responsibility for impeaching and trying judges and members of the Council of State. Impeachment trials for North Carolina officials are rare. In 1871 Governor William H. Holden was impeached and removed from office. In 1901 two state supreme court judges were impeached but acquitted.

**Reading Check Describing** What two kinds of laws can the General Assembly pass?



This Dwane Powell cartoon comments on North Carolina's industry.

1. What is happening to the workers' jobs?
2. How would you describe the attitudes of the workers?
3. What message is Powell trying to communicate to the readers?

—Dwane Powell/Creators Syndicate, Inc.

Every year, more than half of all Americans do volunteer work. One of the responsibilities of citizens is to help make their role in it. One of the responsibilities of volunteer groups is to help make their role in it. One of the responsibilities of volunteer groups is to help make their role in it.



## How a Bill Becomes a Law

### Draft Bill

Anyone can write a bill, but only a member of the General Assembly may introduce a bill for consideration by the General Assembly. That member becomes the bill's sponsor. The Legislative Services Commission's Bill Drafting Division or the Attorney General's office may help in drafting the bill.

### Introduce the Bill

A member of the house or senate introduces the bill. This introduction is called a first reading.

### Refer to Committee

The bill is assigned to a committee. It is studied, revised, and then recommended for consideration by all members of the house or senate.

### Debate

Legislators debate the bill. After the debate, legislators vote, and if a majority vote for the bill, the bill has passed its second reading. The bill then moves to its third and final reading, which may include more debate.

### Approved Bill Goes to the Other House

If a bill is passed by one legislative body, it is introduced into the other house where the same process is repeated.

### Conference Committee

If the second house amends the bill, then the differences between the two versions must be reconciled in a conference committee.

### Bill Signing by Both Houses

After a bill passes both houses, a revised copy reflecting all changes and amendments is signed by the speaker of the house and the president pro tempore of the senate.

### Governor's Signature

If the governor signs the bill, it becomes law. The governor may veto the bill by refusing to sign it. If that happens, the bill can still become law if 60% of the members of both houses vote to override the governor's veto.



# Organization of the General Assembly

**Main Idea** The North Carolina General Assembly consists of the senate and the house of representatives.

**Civics & You** Most state legislatures, like North Carolina’s, are bicameral. As you read, think about why this organization is the most typical.

**L**ike the U.S. Congress, the North Carolina General Assembly is bicameral—made of two houses. Also like the U.S. Congress, the houses of the General Assembly are called the senate and the house of representatives. The North Carolina Senate has 50 members. The house of representatives has 120 members.

**House Leadership** Representative William Wainwright of Craven County serves as speaker pro tempore, the second ranking post in the house. **Identifying** What is the top post in the North Carolina Senate?



## Elections

Members of the General Assembly are elected from legislative districts of relatively equal population. The General Assembly redraws these electoral districts after each national **census**, or official population count, to reflect population changes. Because North Carolina has 50 senators, senate areas of representation are drawn by dividing the state into 50 districts. Each district contains nearly equal population. In some parts of the state, two of these districts are combined into multimember districts. Voters in these districts elect two senators.

Similarly, for house elections, the state is divided into 120 house districts of nearly equal population. The North Carolina House also has multimember districts. In North Carolina, members of both the state senate and the state house are elected for two-year terms. There is no limit on the number of terms a member may serve.

## Qualifications

To be eligible for election to the North Carolina house, a citizen must be at least 21 years old and have lived in the district for a year before the election. To be eligible for election to the North Carolina Senate, a citizen must be 25 years old, have been a citizen living in North Carolina for at least two years, and must have lived in the district for at least one year before the election.

## General Assembly Leadership

The North Carolina House of Representatives elects a Speaker who presides over the house and makes key appointments. The state constitution directs that the lieutenant governor is also president of the senate, but this official votes only to break a tie. The senate elects a president pro tempore who is, in fact, the leader of the senate and makes all key appointments for the senate. Each house also determines its own rules for how it **conducts**, or carries out, business. For more information about the legislative branch, go to [www.nccleg.net](http://www.nccleg.net).



## Legislative Sessions

The General Assembly meets in the Legislative Building in Raleigh, the state capital. In odd-numbered years, the General Assembly meets for a “long session,” which traditionally lasts from January through June. In even-numbered years, the General Assembly meets for a “short session” to finish up work left over from the previous year. This session usually begins in late May and lasts at least six weeks. The General Assembly may also meet for special sessions called by the governor or by the speaker of the house and president of the senate.

## Key Legislation

In 2005, the General Assembly voted to put into operation a state lottery. North Carolina had been the only state on the east coast that did not have a lottery. Net proceeds from the lottery are to fund educational programs.

During the 2006 session, the General Assembly approved a new minimum wage,

raising the hourly rate one dollar to \$6.15. The General Assembly also passed ethics and campaign reform legislation. The new law placed restrictions on gifts and direct contributions from lobbyists.

**Issue of Redistricting** You have learned that members of the General Assembly are elected from districts of relatively equal population. The General Assembly redraws these electoral districts after each national census to reflect population changes. Setting new boundaries to election districts is called redistricting.

Concerned that many election races are not competitive—63 state house candidates and 22 state senate candidates faced no opposition in 2006—some citizens and representatives are pushing for redistricting reform. Some are calling for an independent commission to be placed in charge of redistricting.

 **Reading Check** **Comparing** When and why do “long sessions” and “short sessions” occur?

## Section 1 Review

### Vocabulary

1. **Write** a paragraph about the General Assembly using the following terms: *statute*, *census*.

### Main Ideas

2. **Explaining** What is the purpose of legislative oversight?
3. **Describing** What are the qualifications for members of North Carolina’s House of Representatives? For members of the senate?

### Critical Thinking

4. **BIG Ideas** Complete a graphic organizer like the one below by identifying and describing three responsibilities of the General Assembly.

Responsibilities
1.
2.
3.

5. **Hypothesizing** How do you think our system of democracy would be affected if citizens could directly introduce bills at the state level?

### CITIZENSHIP Activity

6. **Expository Writing** Choose one of your state representatives or senators to research. Write a brief biography of the person, focusing on his or her legislative priorities.



**Study Central™** To review this section, go to [glencoe.com](http://glencoe.com).





# Issues to Debate



## Is Free Trade Good for North Carolina's Economy?

The North American Free Trade Agreement (NAFTA), signed by Canada, Mexico, and the United States in 1994, was designed to gradually eliminate trade restrictions among the trading partners. Signed into U.S. law on August 2, 2005, the Central American Free Trade Agreement (CAFTA) extends the policies of NAFTA to six Central American countries.



Dockworkers unload rubber in Morehead City, North Carolina

### YES

"North Carolina's export shipments of merchandise in 2005 totaled \$19.5 billion. North Carolina was the 14th largest exporter among the 50 states in 2005.

North Carolina exported to 207 foreign destinations in 2005. The state's largest market that year was NAFTA member Canada, to which North Carolina exported goods worth \$5.0 billion. This accounted for over one-fourth (26 percent) of the state's total exports that year. Canada was followed by Japan (\$1.6 billion), and NAFTA member Mexico (\$1.5 billion). Other top markets included the United Kingdom, China, Germany, Honduras, France, Italy, and South Korea.

North Carolina's leading manufactured export category is chemical manufactures, which alone accounted for \$3.4 billion, or 18 percent, of the state's total export shipments in 2005. Other top manufactured exports from North Carolina that year were computers and electronic products (\$3.1 billion), machinery manufactures (\$2.2 billion), fabric mill products (\$1.7 billion), and transportation equipment (\$1.6 billion)."

—U.S. Department of Commerce, 2006

### NO

- "Furniture makes up nearly 10% of NC's employment, second only after textiles which has a share of 13.5%"
- "The furniture industry lost 5,300 jobs between Jan 2003 and Jan 2004, a decline of 8.4%, and textiles lost 21.4% of its employment (or 7,700 jobs)"

—Presentation at the University of North Carolina at Chapel Hill, 2004

"The North American Free Trade Agreement (NAFTA) displaced 34,150 more jobs in North Carolina than it created between 1993 and 2004, according to a new study by the Economic Policy Institute. The study, *NAFTA's Cautionary Tale*, shows that rising foreign trade deficits with Mexico and Canada resulting from NAFTA displaced more jobs in North Carolina than in all but nine states. Advocates for working families in North Carolina fear Congress's decision to pass the Central American Free Trade Agreement (CAFTA) will lead to more job losses."

—North Carolina Justice Center, 2005

## Debating the Issue

1. **Inferring** Why might labor unions be opposed to NAFTA?
2. **Explaining** In what ways might consumers benefit from free trade between countries?
3. **Summarizing** Write a sentence for each of the readings that expresses the arguments that are presented.



L. Mueller/The Charlotte Observer/AP Images

# Section 2

## The Executive Branch

### Guide to Reading

#### Big Idea

The constitution gives the executive branch the power to execute, or implement, the law.

#### Content Vocabulary

- commute (p. 384)
- parole (p. 385)

#### Academic Vocabulary

- complex (p. 385)
- enormous (p. 387)

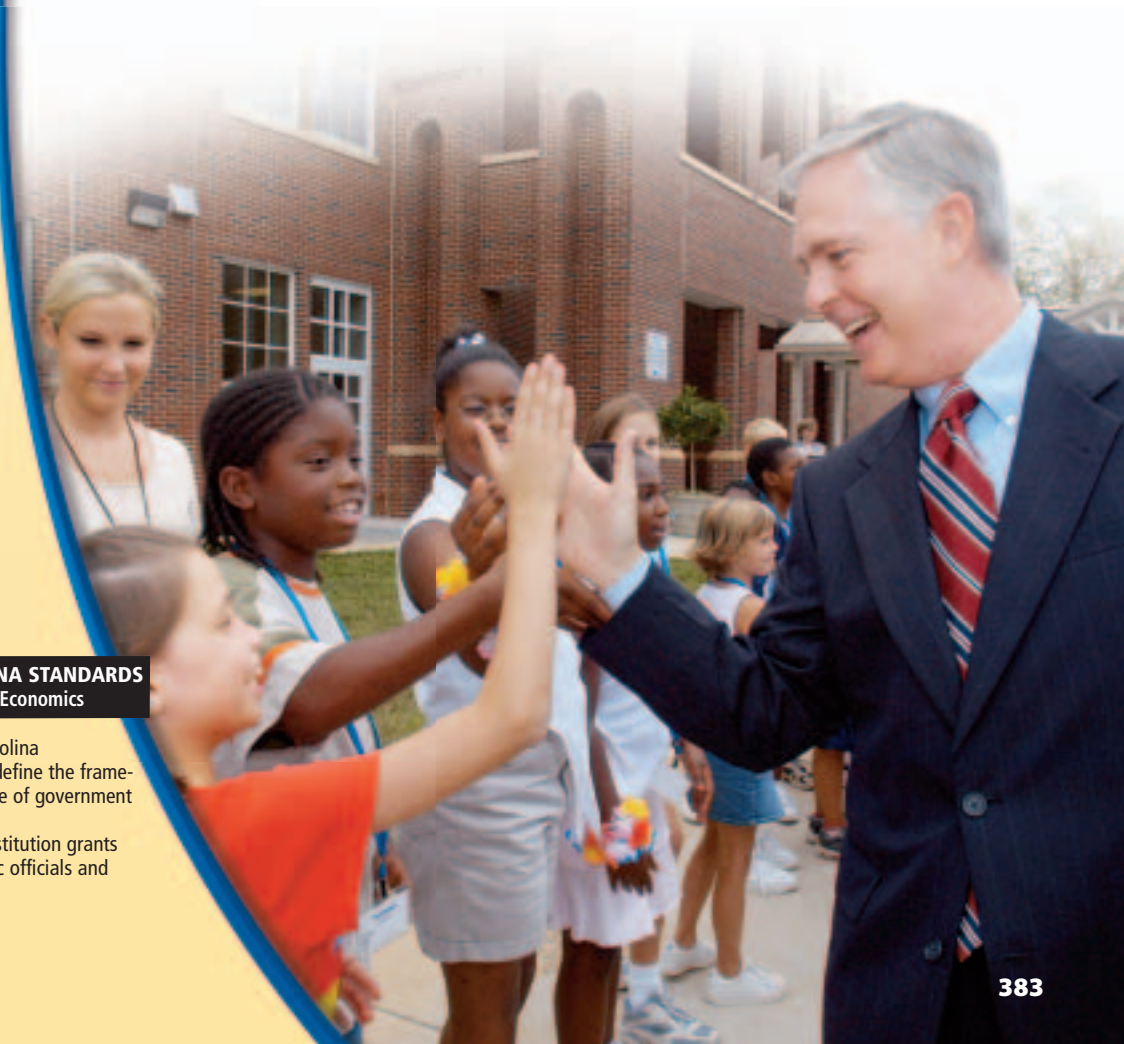
#### Reading Strategy

**Classifying** As you read, complete a graphic organizer like the one below by identifying the different responsibilities of the governor.



**Real World Civics** The governor's activities range from proposing and signing legislation to visiting foreign countries to seeking business for the state. The executive branch of state government carries out laws the state legislature passes. The governor's responsibilities include budgeting, appointing officials, planning for economic growth, and coordinating the work of the executive departments. People look to the governor for leadership. Therefore, the governor is expected to play an important legislative role.

▼ Governor Michael Easley greets students at Myers Park Traditional Elementary in Charlotte



### NORTH CAROLINA STANDARDS Civics and Economics

- 3.02** Explain how the North Carolina Constitution and local charters define the framework, organization, and structure of government at the state and local level.
- 3.03** Explain how the state constitution grants and limits the authority of public officials and government agencies.



# North Carolina's Governor

**Main Idea** Governors are the chief executives in all state governments.

**Civics & You** What do you know about North Carolina's executive branch? Read to find out about its organization and responsibilities.

Every state has an executive branch of government headed by a governor. The Constitution of North Carolina spells out the duties and qualifications of the governor.

## The Governor

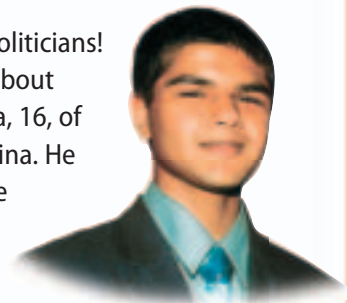
The governor is North Carolina's chief of state, the symbolic leader who speaks for North Carolina. The governor is also North Carolina's chief executive, responsible for seeing that state policies are carried out.

The governor appoints many key state officials, coordinates the work of most state agencies, administers the state budget, and also proposes a state budget as well as other legislation. The governor may grant pardons to convicted criminals or **commute**—reduce—a criminal's sentence. The governor also represents North Carolina when dealing with the other states and with the federal government.

The North Carolina governor's term is for four years. The state constitution limits the governor to two consecutive terms. However, a governor who has served two terms can leave office and then serve again. This is what Governor James B. Hunt did. He was first elected in 1976 and then was elected to a second term in 1980. In 1992 he ran again, was elected, then reelected, and served until 2000. To run for the office of governor, one must be at least 30 years old, must have been a U.S. citizen for at least five years, and must have lived in North Carolina for at least two years immediately before election.

## Prateek Peres-da-Silva

Paging all future politicians! Check out this story about Prateek Peres-da-Silva, 16, of Carrboro, North Carolina. He spent one week in the North Carolina Governor's Page Program.



**QUESTION:** What's the Governor's Page Program all about?

**ANSWER:** High school students get the chance to spend a week in the state capital and learn about how government functions. Pages, students in the program, are assigned to help state workers with various tasks.

**Q:** How many pages are there?

**A:** About 1,000 kids from different counties around the state participate each year—20 each week. In addition to the daily responsibilities, pages attend press conferences, tour historic landmarks like the capitol and the legislative building—and they can meet the governor.

**Q:** Speaking of the governor, did you work with elected officials?

**A:** Yes! I attended meetings at the senate and spoke to several state senators. I also delivered mail and filed documents in the State Office of Management and Budget.

**Q:** How were you chosen for the program?

**A:** I filled out an application form and requested a reference letter from my district senator.

### ACTION FACT:

A music and sports lover, Peres-da-Silva was born in Goa, India.



North Carolina state legislature

Making a Difference

CITIZENSHIP

**Describing** What might be some of the goals of students who take part in the page program?



## Lieutenant Governor

The lieutenant governor is also elected for a four-year term. The lieutenant governor automatically succeeds the governor if the governor's office becomes vacant for any reason. The lieutenant governor must, therefore, meet the same qualifications for office as the governor. In 2000, North Carolina voters elected the state's first female lieutenant governor, Beverly Perdue, a former teacher and state legislator from New Bern.

The lieutenant governor also serves as president of the state senate and serves on various commissions and boards. Sometimes lieutenant governors work closely with the governor, but this is not always the case.

Unlike the president and vice president, who run for office on a single ticket, the governor and lieutenant governor run for office and are elected separately. Sometimes the voters have even chosen a governor and lieutenant governor from different political parties.

**Reading Check Describing** What are the formal qualifications for being governor?

## Other Executive Officers

**Main Idea** Executive agencies help carry out North Carolina state policies.

**Civics & You** While the governor might be the most visible member of the North Carolina executive branch, the governor does not work alone. Read to find about the executive cabinet and agencies.

To assist in evaluating and running the many different aspects of a **complex**, or complicated, and modern state government, the governor appoints 10 head administrators to oversee separate departments. Just as in the federal executive branch, this group of appointed administrators is called the cabinet. The North Carolina cabinet includes the Department of Administration, which shapes the state budget and the Department of Corrections, which runs the prison and **parole** systems, or the release of prisoners.

### Powers and Duties of Governor

Article III of the Constitution of North Carolina creates the executive branch of our state government. The governor is the chief executive officer in the state.

#### Executive/Administrative

Carries out state laws; appoints officials; prepares a budget

#### Legislative

Proposes legislation; approves or vetoes legislation

#### Commander in Chief

In charge of the military forces of the state

#### Judicial

Offers pardons; grants paroles

#### Ceremonial

Greets important visitors; represents the state

#### Party Leader

Leads the political party in the state



**1996** Governor Jim Hunt (left) is reelected to a record fourth term.



**1864** Governor Zebulon Vance (left) continued to operate schools, courts, and the railroads during the Civil War.

### Analyzing Charts

**Comparing** What role of the governor would probably take the most time? Why?



**Lieutenant Governor** Beverly Perdue, lieutenant governor of North Carolina, discusses Tobacco-Free Schools program with student. **Explaining What are the lieutenant governor's responsibilities?**

Other cabinet departments are the Department of Crime Control and Public Safety, which administers emergency management as well as the North Carolina Highway Patrol.

In addition to these basic governmental services, other cabinet positions include the Department of Health and Human Services, which oversees public health and social spending, and the Department of Environment and Natural Resources, which assists the governor with environmental protection policies and administering state parks.

**Who Reports to Whom?** Because the governor appoints the heads of these departments (and many of those who work for them in key jobs), the governor is directly in charge of what they do. Other departments of state government do not report to the governor, however. The governor's authority to coordinate implementation of state policies is limited to the cabinet departments. Other departments report to executives elected directly by North Carolina's voters. See the organization of the executive branch on the chart on page 395.

## The Council of State

In addition to the governor and lieutenant governor, the voters of North Carolina also elect eight heads of state agencies. These

state executives are called the Council of State. Thousands of people work for North Carolina state executive agencies. Most of these people are "career employees" who are selected on the basis of their qualifications for office and continue to work for the state regardless of who is elected to executive offices. Almost all of North Carolina's executive agencies have their headquarters in Raleigh, although many have field offices throughout the state. In one way or another, these employees are working for the largest segment of the state government, the executive branch. For more information about the executive agencies of North Carolina state government, go to [www.ncgov.com](http://www.ncgov.com).

## Offices of the Council

Each member of the Council of State has specific areas of responsibility. The attorney general oversees the state Bureau of Investigation, and the commissioner of agriculture and consumer services directs agricultural research and product safety monitoring. The commissioner of insurance regulates insurance companies in the state, while the commissioner of labor oversees worker safety and fair employment practices. The secretary of state registers corporations, and the superintendent of public instruction oversees and guides the regulation of the state's public school system. The state auditor reviews the actions of other state departments, and the manager of the state's money is the state treasurer.

**Terms** Each of these Council of State officers is elected to a four-year term. Unlike the governor and lieutenant governor, each can be reelected to an unlimited number of terms.

## Divided Authority

Each elected Council of State agency head appoints key staff members in his or her agency. Each Council of State agency head is responsible for deciding how to carry out the programs and policies the General Assembly



has assigned to that department. Thus, these eight departments operate independently of the governor. This independence sometimes means that state agencies are working at cross-purposes or are even in conflict with each other.

Like other divisions of governmental authority, having executive authority divided among the governor and other elected executives can have both positive and negative effects.

**Positive Effects** Supporters of electing multiple executives argue that giving the voters the opportunity to elect department heads allows them to choose executives who share their views on agriculture, education, labor, or other important aspects of government. They also suggest that having independently elected officers such as the auditor and attorney general provides these investigative agencies more freedom to explore potential problems in other agencies of government than they might have if they answered to the governor.

**Negative Effects** Critics of having a divided executive branch argue that few voters really know very much about the Council of State agencies or the candidates for those offices. They suggest that having the governor appoint these agency heads would lead to greater coordination in state government, and they say that greater coordination of state agencies would reduce the overall cost of government and lead to better services for the public.

What cannot be argued is the vital role that the executive branch plays in the modern state government. Implementing the laws passed by the legislature as well as guiding and watching over the many government programs is an **enormous**, or very large, job. More than a single individual, the executive branch is a multitude of people working for the betterment of the state.

 **Reading Check** **Describing** What is the role of the state treasurer?

## Section Review 2

### Vocabulary

- Write** a paragraph about the powers of the governor using the following terms: *commute*, *parole*.

### Main Ideas

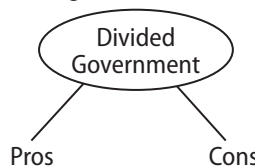
- Describing** What are the terms of office for the governor and the lieutenant governor?
- Contrasting** How is the Council of State different from the cabinet?

### Critical Thinking

- Evaluating** Do you think the governor should have the

power to pardon, or commute, the sentence of a person convicted of a crime? Why or why not?

- BIG Ideas** Evaluate the disagreements between those who support dividing authority in the executive branch and those who want to centralize that power. Complete a graphic organizer like the one below by filling in the pros and cons of divided government.



### CITIZENSHIP Activity

- Expository Writing** Some people consider that the governorship is excellent preparation for the presidency. In what ways do you think being governor would prepare someone for the presidency? In what ways do you think it would not? Answer these questions in a one-page essay.



**Study Central™** To review this section, go to [glencoe.com](http://glencoe.com).



Section  
**3**

# The Judicial Branch

## Guide to Reading

### Big Idea

The judicial branch is charged with interpreting the law.

### Content Vocabulary

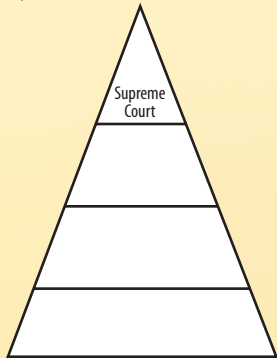
- civil case (p. 389)
- misdemeanor (p. 389)
- defendant (p. 390)

### Academic Vocabulary

- issue (p. 389)

### Reading Strategy

**Classifying** As you read, complete a graphic organizer like the one below by filling in the four levels of the state judicial system.



***Real World Civics*** Most state courts are organized in the same way as the federal courts. The highest position is the chief justice of the state supreme court. When Henry Frye was appointed to that position by the governor of North Carolina in 1999, he became the first African American to serve as chief justice in the state's history. Like the U.S. Supreme Court, the North Carolina Supreme Court does not make law or rule on the facts of a case, but it does rule on errors in legal procedures and on judicial decisions regarding existing law. Chief Justice Frye presided for two years alongside six other justices in reviewing cases.

▼ **Chief Justice Henry Frye congratulated by granddaughters**



**NORTH CAROLINA STANDARDS**  
Civics and Economics

**3.02** Explain how the North Carolina Constitution and local charters define the framework, organization, and structure of government at the state and local level.

**3.05** Analyze court cases that illustrate that the North Carolina Constitution is the law of the state.



Gerry Broome/AP Images

# North Carolina's Court System

**Main Idea** Different levels of state courts administer justice.

**Civics & You** Would you like to serve on a trial jury? Read to find out how your state's court system operates.

**N**orth Carolina courts resolve disputes that arise under North Carolina law. This includes lawsuits in which people bring their private disagreements for the court to settle as well as criminal prosecutions in which the state charges someone with violating state law. All North Carolina courts are organized and administered by the state, although some officials are selected locally.

## Types of Trial Courts

Trial courts hear the evidence and arguments of the parties in a case and **issue**, or deliver, a decision. North Carolina has two kinds of trial courts: district courts and superior courts. Both regularly hold sessions in each of the state's 100 counties. Trial courts are thus closest to the people of North Carolina. In addition to the courts themselves, there are other court-related officials in each county of North Carolina to support the trial courts' work. These include police and sheriff departments, district attorneys and magistrates, and special language consultants.

## District Courts

North Carolina counties are grouped into court districts. Counties with larger populations are single-county districts. Counties with smaller populations are joined with adjacent counties in multicounty districts, but the district courts hold session in every county. In district courts, the judge who hears the case decides the verdict. There is no jury.

Cases in district courts can involve juvenile law, divorce and other family law, mental hospital commitments, traffic violations, **civil cases**, or disputes, involving less than \$10,000, minor crimes (which are known as **misdemeanors**), and the initial hearing of more serious criminal cases called felonies.

Each district has one or more district court judge, depending on the number of people in the district. The voters in each district elect these judges for four-year terms. District court judges must live in the district in which they are elected and serve.

## Superior Courts

Superior courts handle civil cases involving more than \$10,000 and felonies. These cases often take longer to try than do most district court cases. Many superior court cases involve jury trials.

Because the Constitution of North Carolina guarantees all **defendants**, or the accused, in criminal cases, the right to a trial by jury, those who are found guilty of misdemeanors in district court can request an entirely new trial by jury in a superior court. Superior courts across North Carolina deal with more than 300,000 cases each year.

**Levels of State Courts** Sarah Parker is chief justice of the North Carolina Supreme Court, the state's highest appellate court. **Identifying What are the trial courts in North Carolina?**







**Judicial District** The state is divided into eight judicial divisions, each containing several superior court districts. The voters in each district elect superior court judges for eight-year terms. Superior court judges then travel throughout their entire judicial divisions each holding court in several different counties throughout the year. In addition to the elected superior court judges, the governor also appoints about 15 special superior court judges who serve as needed.

## Other Judicial Officers


Voters in each county elect a clerk of superior court for that county. The duties of the clerk of superior court include establishing the validity of wills and conducting the sale of property to pay an owner's debts, known as foreclosure.

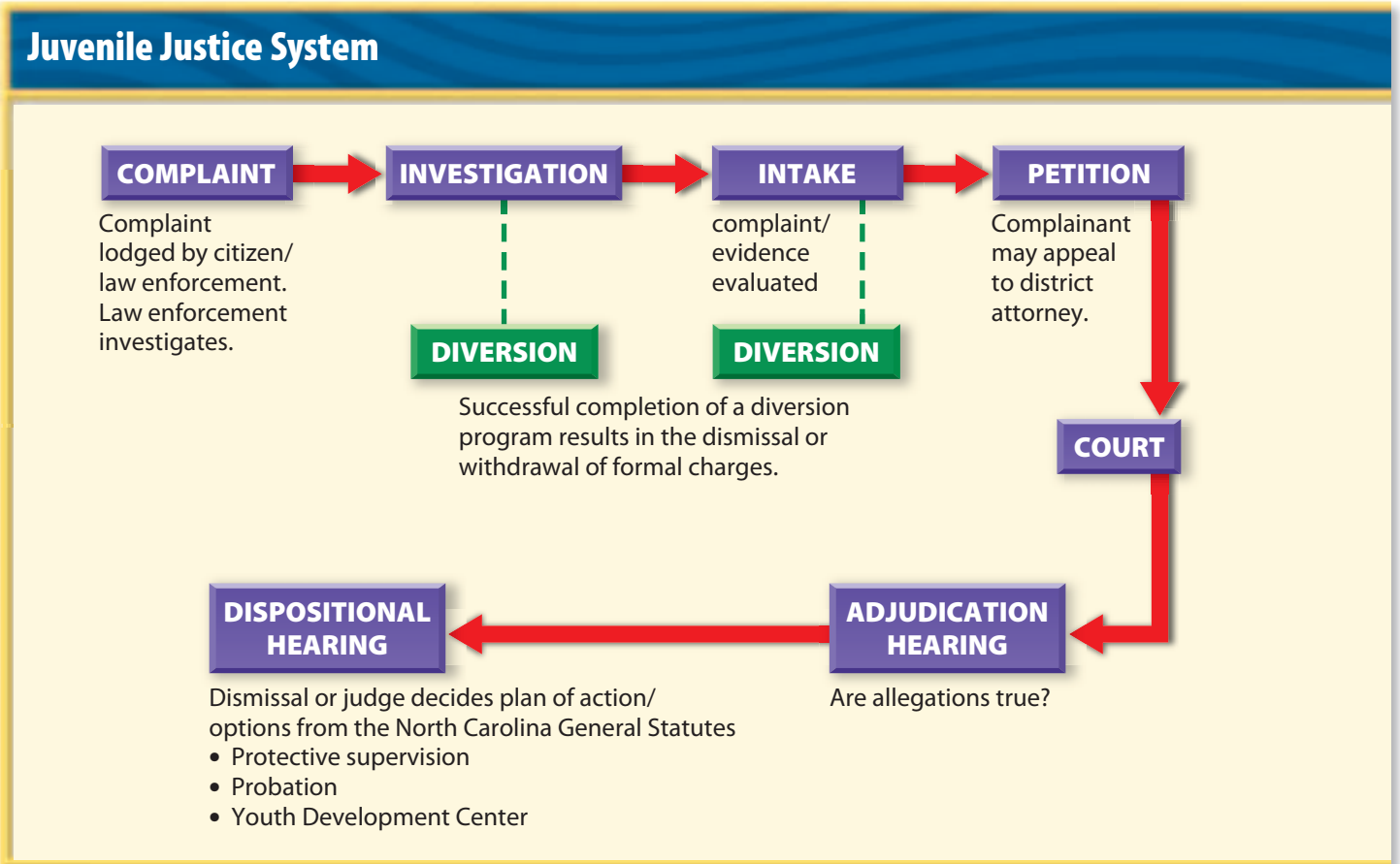
Each county also has at least one magistrate. Magistrates issue search warrants and

arrest warrants. Magistrates are appointed by the resident superior court judge with the greatest seniority, and are supervised by the chief district court judge.

The voters in each of the state's court districts also elect a district attorney. The district attorney represents the state in all criminal cases in district and superior courts. The district attorney also represents the state in juvenile delinquency proceedings in district courts.

The state of North Carolina also provides lawyers for those persons accused of crimes who are unable to pay for their own defense attorneys. Some judicial districts have public defenders. The district public defender is a full-time state employee whose responsibility is to represent extremely low-income, or indigent, persons who are accused of a crime.

 **Reading Check Identifying** What are the two types of trial courts in the state of North Carolina?





# Appellate Courts

**Main Idea** Sometimes the decision of a general trial court may be appealed to an appellate court.

**Civics & You** The highest state court is the supreme court. Read on to find out about North Carolina's appellate court system.

**A**ppellate courts hear disputes about whether the decision of a trial court should be overturned. Appellate courts look at questions of law and procedure, but not usually questions of fact. The decisions of each state's highest court on all questions of state law are final, unless overruled by the Supreme Court of the United States. North Carolina has two appellate courts: the court of appeals and the state supreme court.

- The juvenile justice system is the legal system through which cases involving minors are handled.
- The juvenile justice system is separate from the adult justice system.
- Juvenile law is mainly governed by state law and most states, including North Carolina, have enacted a juvenile code.
- The North Carolina Department of Juvenile Justice and Delinquency Prevention has across-the-board state control of delinquency services, institutions, and aftercare.
- The North Carolina juvenile court system has original jurisdiction over persons 15 and younger.

## The North Carolina Court of Appeals

The court of appeals hears most of the cases appealed from the state's trial courts. Voters elect the 15 appeals court judges. These judges hear cases in groups of three, called panels. At least two of the three judges must agree in order to reach a decision. The court of appeals hears more than 2,000 cases a year. Appeals court judges are elected state-wide for terms of eight years.

## The North Carolina Supreme Court

The final level of state appeals is the North Carolina Supreme Court. The supreme court reviews cases that a lower court has already decided. The state supreme court also interprets the state's constitution and laws. This court consists of seven judges known as justices. The head of the court is called the chief justice. Voters elect the chief justice and the six associate justices for eight-year terms. These seven justices decide which of the cases being appealed should be considered. Those they decide not to consider are heard by the court of appeals. The state supreme court also hears appeals of all death sentences. A majority of the seven justices must agree to a decision. The North Carolina Supreme Court hears about 600 cases each year. Unless there is an issue that involves the U.S. Constitution, the decision of the state supreme court is final.

In addition to issuing the final decision on the law, the state supreme court also supervises all the other courts in North Carolina. The chief justice can name special superior court judges and can temporarily reassign superior and district court judges. The chief justice also appoints the director of the administrative office of the courts, which supports all the state's courts.

**Reading Check** **Describing** What is the role of the chief justice of the supreme court?

# American Biography

## Samuel Ashe (1725–1813)

According to one prominent North Carolina historian, “the Ashe family contributed more to the success of the Revolution than any other in the State.” One member of that extraordinary family, **Samuel Ashe**, helped lead North Carolina during this era and through early statehood.

An orphan at the age of nine, Ashe was raised by an uncle in Rocky Point. Ashe attended Harvard College before returning to North Carolina to work as an attorney. Ashe was instrumental in the War for Independence. He served in the state legislature, where in April, 1777 he was elected Speaker of the first North Carolina Senate. He was also appointed to the committee that drafted the first North Carolina Constitution.

In 1777, Ashe was named presiding judge of the state superior court, which later became the North Carolina Supreme Court. He took part in the landmark

case of *Bayard v. Singleton*. After serving 18 years on the court, in 1795 Ashe was elected the ninth governor of North Carolina. He served three one-year terms, the constitutional limit at that time.

In addition to his contributions as a governor, judge, and legislator, Ashe was a cofounder of the University of North Carolina at Chapel Hill and served as president of the Board of Trustees when the university opened in 1795. Ashe County and the cities of Asheville, North Carolina, and Asheboro, North Carolina, are named in his honor. The liberty ship USS *Samuel Ashe* was also named in his honor. Liberty ships were cargo ships built during World War II. Ashe died in Rocky Point and is buried on the grounds of his plantation “the Neck.”

### Making a Difference

CITIZENSHIP

**Evaluating** Which of Ashe’s accomplishments do you think is most impressive? Why?

## Landmark Court Decisions

**Main Idea** Some court decisions establish precedents that significantly change the interpretation of the law.

**Civics & You** You have read about U.S. Supreme Court landmark decisions. Read to find out about significant decisions handed down by the North Carolina Supreme Court.

A landmark court case is a key decision on an important issue. A landmark decision either reinforces the law or changes the interpretation of the law. These decisions also have an important effect on many people.

**Bayard v. Singleton (1787)** During the American Revolution, state governments sometimes seized the property of Loyalists because of their support for the British cause. After the war, Elizabeth Bayard filed a lawsuit to reclaim her family’s property in New Bern that had been seized by the state and sold to merchant Spyers Singleton of New Bern.

A North Carolina appeals court ruled in Bayard’s favor. The court struck down the Confiscation Act, passed by the General Assembly during the American Revolution. The *Bayard* decision, the first by a state court to declare a state law unconstitutional, introduced the idea of judicial review. The power of judicial review makes the U.S. Supreme Court the final authority on the Constitution and laws of the United States.



**State v. Mann (1830)** Slaveholder John Mann was arrested for beating and wounding an enslaved African American named Lydia. A Chowan County jury convicted Mann of battery. On appeal, the North Carolina Supreme Court overturned the lower court’s ruling. Justice Thomas Ruffin ruled that according to the laws of North Carolina, slaveholders could not be prosecuted for attacking the enslaved.

Ruffin’s opinion defended the legality of slavery. At the same time, Ruffin questioned the morality of slavery. He admitted to being torn between the “feelings of the man and the duty of the magistrate.” In her novel *Uncle Tom’s Cabin*, Harriet Beecher Stowe used the *Mann* case to illustrate the degree to which the South would protect the institution of slavery.

**The Leandro Case** Article I, Section 15, of the Constitution of North Carolina states: “The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.” In 1994 people from five North Carolina counties filed a lawsuit against the state, claiming that the

state was not giving their children “adequate or equal educational opportunities.” These counties spent much less per pupil than many other North Carolina counties. They spent less because they had less to spend. These were “low-wealth counties” that were not able to raise as much from taxes as more wealthy counties could raise.

By 1997 this case, titled *Leandro v. State of North Carolina*, had reached the North Carolina Supreme Court. The court ruled that the state constitution does not require equal funding of education. Then in *Hoke v. State*, a superior court concluded that “at-risk children require more resources, time and focused intervention in order to learn,” which are the state’s responsibility to provide. In 2004 the North Carolina Supreme Court affirmed some parts of the *Hoke* decision, agreeing that at-risk students had been denied a sound basic education. In response, North Carolina education officials proposed new programs and new streams of funding.

**Reading Check Explaining** What is significant about the *Bayard v. Singleton* decision?

## Section 3 Review

### Vocabulary

- Define** each of the following terms and use them in complete sentences related to the North Carolina judicial system: *civil case*, *misdemeanor*, *defendant*.

### Main Ideas

- Summarizing** How do local governments assist in the operation of the state-run judiciary?
- Describing** What is the role of North Carolina’s appellate court system?
- Explaining** Why was the *Leandro* court case filed?

### Critical Thinking

- Explaining** How is it ensured that district court judges, who are state employees, are knowledgeable about the district in which they serve?
- BIG Ideas** Complete a graphic organizer like the one below by explaining how criminal trials and civil trials differ.

Criminal Trials	
Civil Trials	

### CITIZENSHIP Activity

- Expository Writing** Research to discover cases decided by the North Carolina Supreme Court in the last two years. What legal areas has the court reviewed during this time? Express your findings in a one-page essay.



**Study Central™** To review this section, go to [glencoe.com](http://glencoe.com).



# LANDMARK SUPREME COURT CASE STUDIES

## Swann v. Charlotte-Mecklenburg Board of Education

Following the 1954 landmark ruling in *Brown v. Board of Education of Topeka, Kansas*, school districts across the country struggled to balance schools in regards to their white and African American student population.

### Background of the Case

The Charlotte-Mecklenburg, North Carolina, school district had a policy that African American and white students alike could choose to attend particular schools. In 1965, when his son was denied access to a neighboring white school, African American Darius Swann sued the school district. After several rounds of review by lower courts, the case eventually ended up in the United States Supreme Court.

### The Decision

The Court ruled in *Swann v. Charlotte-Mecklenburg Board of Education* that the school district's policy of freedom of choice for school assignments was not a successful method for integrating schools. The Court also ruled that more active plans, such as busing, should be employed. As stated by the Court,

**“Nearly 17 years ago this Court held, in explicit terms, that state-imposed segregation by race in public schools denies equal protection of the laws. . . . If school authorities fail in their affirmative obligations under these holdings, judicial authority may be invoked.”**

—U.S. Supreme Court

The Supreme Court said in *Swann* that if school boards failed to achieve integration, federal courts would. The Court made it clear that it viewed busing to achieve integration as a permissible, and often necessary, step. Following this decision, the Court upheld busing in many cities, including Columbus, Ohio; Dayton, Ohio; and Denver, Colorado.



North Carolina classroom

### Why It Matters

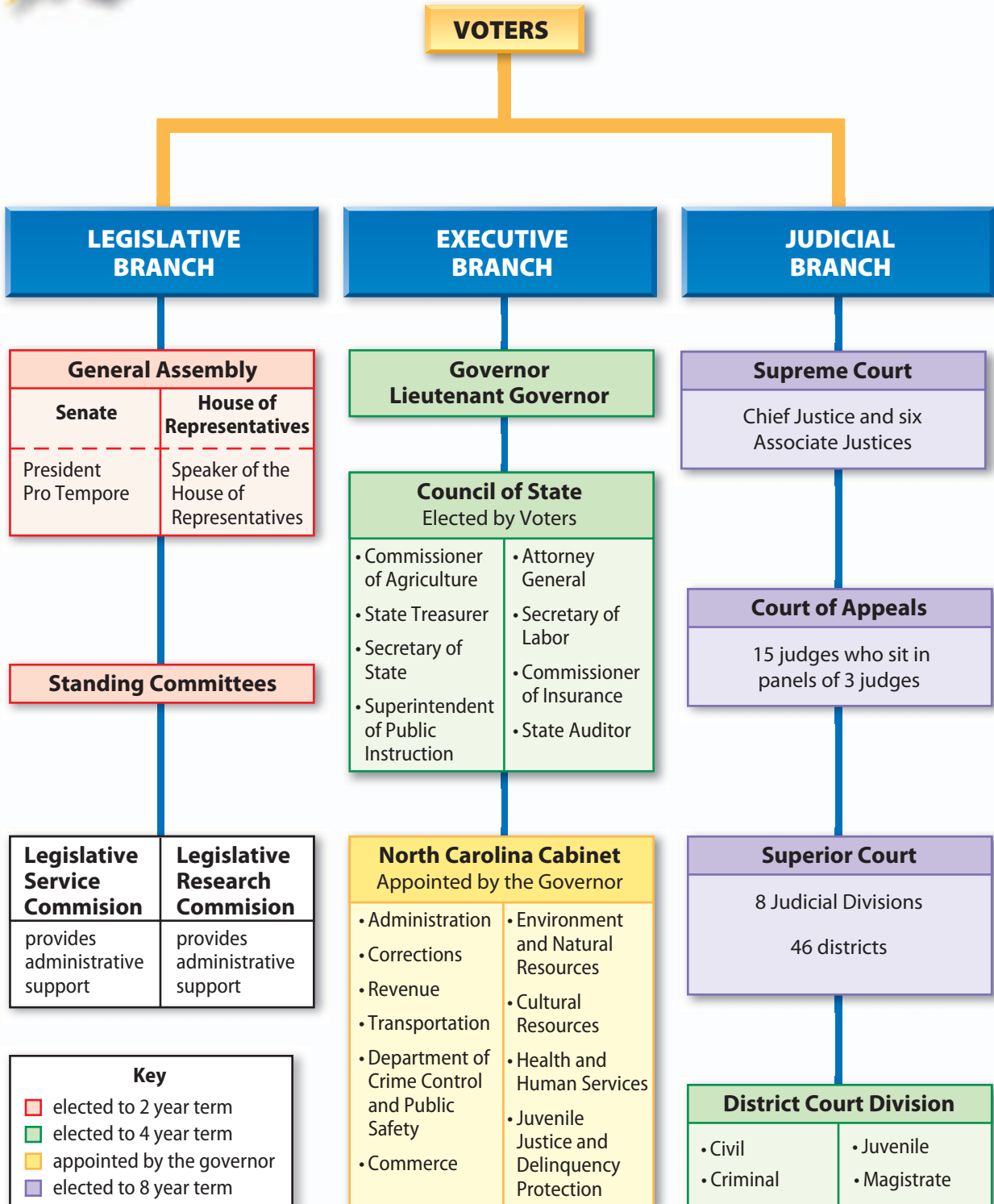
With this ruling, the U.S. Supreme Court recognized that the Constitution, even with its protections and freedoms, is not an effective document if its basic ideas are not actively implemented. It did the Court no good to mandate the integration of schools if the school boards themselves did not employ efficient methods for implementing these rulings. Citizens must be aware of their rights and responsibilities and demand that they be applied equally. Local governments must act to uphold the U.S. Constitution.

In the decades after *Swann*, court-ordered busing plans were criticized by white parents and also by African American parents, who believed busing harmed African American students by requiring them to endure long commutes to and from school. Busing continued in most major cities until the late 1990s.

### Analyzing the Court Decision

- Analyzing** Did the Supreme Court rule that busing was an appropriate remedy for the problem of racial imbalance among schools? Why did the Court rule this way?
- Comparing** In what ways were the *Swann* case and *Brown* case connected?

# Visual Summary



**STUDY TO GO** Study anywhere, anytime! Download quizzes and flash cards to your PDA from [glencoe.com](http://glencoe.com).

# North Carolina End-of-Course Test Civics and Economics Practice

## TEST-TAKING TIP

When taking an exam, follow instructions exactly.

### Reviewing Vocabulary

Directions: Choose the word(s) that best completes the sentence.

- The General Assembly has the power to pass general \_\_\_\_\_, or laws that apply statewide.
 

<b>A</b> precedents	<b>C</b> vetoes
<b>B</b> appeals	<b>D</b> statutes
- The \_\_\_\_\_ is the official population count that occurs every 10 years.
 

<b>A</b> census	<b>C</b> ballot
<b>B</b> caucus	<b>D</b> constituent
- To \_\_\_\_\_ is the act of reducing a criminal's sentence.
 

<b>A</b> revise	<b>C</b> commute
<b>B</b> levy	<b>D</b> impose
- A \_\_\_\_\_ is a minor crime.
 

<b>A</b> felony	<b>C</b> lawsuit
<b>B</b> misdemeanor	<b>D</b> magistrate

### Reviewing Main Ideas

Directions: Choose the best answer for each question.

#### Section 1 (pp. 376–381)

- What is the main responsibility of the General Assembly?
 

<b>A</b> to pass laws
<b>B</b> to try people accused of committing a crime
<b>C</b> to evaluate the constitutionality of a law
<b>D</b> to make sure laws are carried out

- The North Carolina Senate has \_\_\_\_\_ members.

<b>A</b> 50
<b>B</b> 100
<b>C</b> 120
<b>D</b> 435

- On what basis does North Carolina balance the house of representatives?

<b>A</b> area
<b>B</b> parties
<b>C</b> population
<b>D</b> legislation

#### Section 2 (pp. 383–387)

- Which of the following is a legislative duty of the governor?

<b>A</b> preparing a budget
<b>B</b> suggesting new bills
<b>C</b> commanding the National Guard
<b>D</b> all of the above

- What state department shapes the state budget?

<b>A</b> Department of Administration
<b>B</b> Department of State
<b>C</b> attorney general
<b>D</b> Department of Crime Control

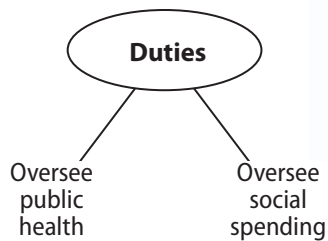
#### Section 3 (pp. 388–393)

- Misdemeanor crimes are tried in \_\_\_\_\_.

<b>A</b> superior courts
<b>B</b> district courts
<b>C</b> juvenile courts
<b>D</b> the Supreme Court

## Critical Thinking

Directions: Choose the answer for each question.



11. These duties are the responsibility of which cabinet department?
- A Commerce
  - B Corrections
  - C Cultural Resources
  - D Health and Human Services

Base your answer to question 12 on the excerpt below and your knowledge of Chapter 13.

*“The Governor shall nominate and by and with the advice and consent of a majority of the Senators appoint all officers whose appointments are not otherwise provided for.”*

—from Article III, Section 5, of the North Carolina Constitution

12. The governor has the power to make appointments, but the nominees must be approved by the state senate. This is an example of what principle of government?
- A checks and balances
  - B federalism
  - C separation of powers
  - D judicial review



For additional test practice, use Self-Check Quizzes—Chapter 13 on [glencoe.com](http://glencoe.com).

### Need Extra Help?

If you missed question...	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Go to page...	378	380	384	389	378	380	380	384	385	389	386	384	378	378	379

## Document-Based Questions

Directions: Analyze the document and answer the short-answer questions that follow the document.

Senator Elizabeth Dole discusses why she has introduced bills in the U.S. Congress to extend full federal recognition to the Lumbee Tribe of North Carolina.

*Full federal recognition for the Lumbee Tribe is the fair and right thing to do . . . The Lumbees have been unfairly denied this recognition for more than 100 years, and as a result, the tribe has been denied the education, health care and economic development opportunities that would significantly benefit not just the tribe but also the regional economy.*

*The Lumbee Tribe, with 50,000 members, is the largest tribe east of the Mississippi and the largest nonfederally recognized tribe in America. North Carolina has recognized the tribe since 1885, but in 1956 it was only partially recognized by the federal government.*

Arlinda Locklear is a Lumbee, and the first Native American woman attorney to argue a case before the U.S. Supreme Court.

*There is no need for further study of the Tribe’s history. There is no need for another half measure by Congress. There is need for an act of Congress that comprehensively and once and for all addresses the status of the Lumbee Tribe and all related issues. On the Tribe’s behalf, I urge the committee’s favorable action on [the Lumbee Recognition Bill].*

—Senator Elizabeth Dole and Arlinda Locklear

13. Why is federal recognition important for the Lumbee?
14. What action do Dole and Locklear want Congress to take?

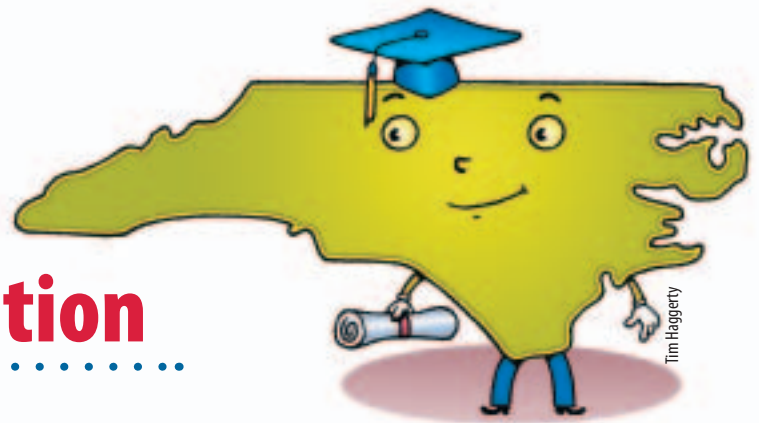
## Informational Writing

15. How is the path a bill takes to become a law similar in the North Carolina General Assembly and the U.S. Congress?





## North Carolina's Education Revolution



Innovative schools provide students with new skills and opportunities for a new century

“I want all ninth graders to hear this,” North Carolina Governor Mike Easley declared in his 2005 State of the State address. “By the time you reach 12th grade, no matter where you live, you will have the opportunity to receive a two-year college degree with just one extra year of school. A new partnership with high schools, community colleges, and universities holds great promise for fully developing our state’s talent.” Easley went on to describe two innovative school-reform efforts aimed at boosting students’ interest in school while preparing North Carolinians for the workforce. For details on both of these programs, see below.

North Carolina’s school-reform initiatives have received major backing from Bill and Melinda Gates. Through their foundation, the Gateses have donated approximately \$23 million to helping the state modernize and improve its high schools.

“We know that to keep kids in school and increase our college-going rate, we have to do something different,” explained Easley. Declaring that “21st-century schools must teach 21st-century skills,” Easley went on to make a bold prediction: “Soon, the best-educated work force in America will be found within the borders of this state.”

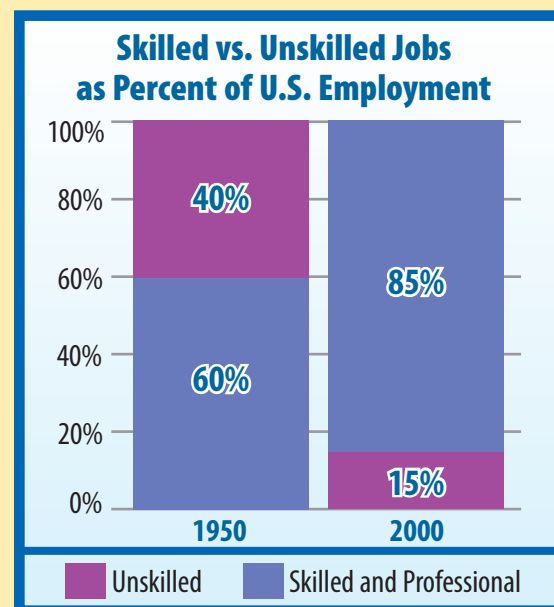
### What Makes North Carolina Schools Different?

#### Learning and Earning

North Carolina launched a network of “early college” high schools in 2004. These unusual schools—part of the Learn and Earn program—give students an opportunity to graduate in five years with a high school diploma along with an associate’s degree or two years of college credit.

Thirty-three Learn and Earn schools are open as of 2007; eventually, students in all 100 North Carolina counties will have the opportunity to attend a Learn and Earn school.

“There is a real demand for skilled workers in our transitioning economy,” said Governor Easley (*see graph*). Many companies, he added, “are looking for workers with at least an associate’s degree. Our Learn and Earn program will meet that need.”



## Redefining the Three R's

"We must reinvent our high schools so that they give all students a new version of the three R's: rigor, relevance, and relationships." This vision, expressed by Melinda Gates of the Bill and Melinda Gates Foundation, is at the heart of education reform in North Carolina. But what does it mean?

**Rigor** means that all students master the skills needed to succeed in challenging classes such as algebra, chemistry, and writing, and that they learn to solve complex problems and to think critically.

**Relevance** means that courses and projects motivate students to see the real-world connections between what they are studying and their own interests, communities, and careers.

**Relationships** means that students work with adult mentors who encourage them to succeed and help them plan for the future.



Courtesy of TIME

**REFORMERS** TIME named Melinda Gates (right), Bill Gates (left), and Bono (center) Persons of the Year in recognition of their commitment to improving society.

## Milestones in NC Education

- 1718** North Carolina's first free school, supported by a religious group known as the Society for the Propagation of the Gospel, opens in Bath.
- 1840** North Carolina's first public school opens in Rockingham County.
- 1869** North Carolina institutes a school tax and four-month school term.
- 1937** North Carolina provides free textbooks for students in grades one through seven.
- 1943** School lunch program established in North Carolina.
- 1994** School boards in Hoke, Cumberland, Robeson, Halifax, and Vance counties sue the state of North Carolina, arguing that students in their schools do not have the same educational opportunities as students in wealthier districts. The suit takes the name of Robb Leandro, the lead plaintiff.
- 2002** In the *Leandro* case, Superior Court Judge Howard Manning rules that the state is responsible for providing an equal education to all NC students. He orders the state "to remedy the Constitutional deficiency for those children who are not being provided the basic educational services" of well-trained teachers, effective principals, and sufficient school funding. The NC Supreme Court upholds Manning's ruling in 2004.
- 2006** North Carolina launches a state lottery, which is intended to raise \$400 million for education in its first year.

## A Network of Smaller Schools

In addition to the Learn and Earn program, North Carolina is converting conventional high schools into smaller, theme-oriented schools. More than 75 of these "schools within schools"—each with a maximum of 400 students—will be created across the state by 2008.

"These schools will focus on areas such as health sciences, biotechnology, and information technology, the very fields that have the most growth potential," said Governor Easley. "And the students will work in these sectors as part of their education."

Educators are also partnering with the Asia Society and other organizations to create a network of international studies high schools across the state. These schools are designed to help prepare students for careers in international business and foreign relations.



AP Photo/Gerry Broome

**A NEW APPROACH** Students at the Clement Early College High School in Durham will be eligible for an associate's degree after completing a fifth year of high school.