

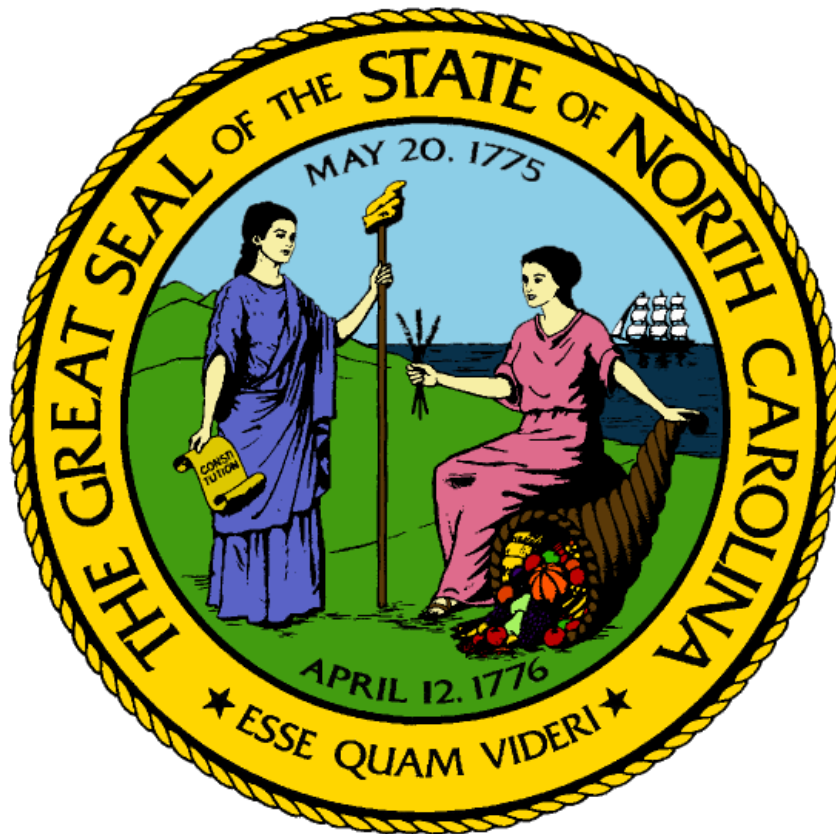
NC Legislative Handout

Updated: August 2010

Chatham County Concerned Bikers Association

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NC State Seal and State Motto:

Our State's motto was adopted by the General Assembly in 1893. The Latin words "Esse Quam Videri" mean "To be rather than to seem."

Purpose:

The purpose of this handout is to communicate the legislative process to new CBA members and to remind existing members of the process and level of involvement it takes to get an idea made into a law.

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Structure of the North Carolina State General Assembly

Laws of North Carolina, known as statutes, are made by the General Assembly. The North Carolina General Assembly (NCGA) is made of two bodies or houses: the Senate, which has 50 members; and the House of Representatives, which consists of 120 members. Each legislator represents either a Senatorial District or a House District. The legislative powers of these 170 individuals are limited to North Carolina state laws only. North Carolina is represented at the federal level in the U.S. Congress by two U.S. Senators and thirteen U.S. Representatives.

The General Assembly meets in regular session beginning in January of each odd-numbered year (2007), and adjourns to reconvene the following even-numbered year (2008) for a shorter session. One legislative session is two years long – called a biennial.

The Senate and the House of Representatives meet in their respective chambers on Monday evenings; in the middle of the day (usually at 1:30) on Tuesday, Wednesday, and Thursday; and on Friday mornings. The members return to their homes to take care of their affairs and be available to their constituents during the weekend. During the week, committee meetings are held in the morning and late afternoon. A great deal of the legislative work is done in the committee meetings.

The House of Representatives is presided over by a Speaker, elected from its membership. The presiding officer of the Senate (called the President of the Senate) is the Lieutenant Governor of the State. She/he has no vote in the Senate except to break a tie. The Senate and House also elect other officers from their respective memberships including a President Pro Tempore in the Senate and a Speaker Pro Tempore in the House.

At the beginning of each session, the President Pro Tempore of the Senate and the Speaker of the House of Representatives appoint members to serve on the standing committees of each body. There will be a dozen or more committees for each body, and their work is very important, as every bill introduced will be studied by at least one committee in the Senate and in the House of Representatives. Every legislator serves on several committees.

Each house elects a Principal Clerk who is responsible for keeping the necessary records of the house. Each also elects a Sergeant at Arms, who serves as "police officer" for his house and whose assistants act as doorkeepers while the body and its committees are meeting. A third officer is the Reading Clerk who reads all documents or parts thereof which the rules or the presiding officer require to be read during the daily session.

The Legislative Services Commission, consisting of seven members of each house, is the management authority for the General Assembly. The Commission, through its Legislative Services Officer and staff, provides the following services to the legislature: bill drafting, legal assistance, fiscal analysis, general research and library services, administration of the legislature's budget, clerical assistance, computer services, proofreading, printing, supply, food service, and building maintenance and security.



How a Law is Made:

(Please also review the flowchart in appendix B, page 15)

1. Drafting of Bills

A bill is a proposed law. It may be drafted by any concerned citizen, organization, or legislator. The Legislative Services Commission's Bill Drafting Division drafts bills at the request of the members of the General Assembly. The Office of the Attorney General has the statutory duty to draft bills for the State departments and agencies generally, including the General Assembly. Thus, legislators have two separate offices to which they may turn for drafts of bills.

2. Introduction of Bills

Only a member of the General Assembly may introduce a bill - that is, present it to the General Assembly for its consideration - and he or she is called the bill's introducer or sponsor. At the proper time during each daily session, the presiding officer (called the Chair) announces "Introduction of Bills and Resolutions." A member wishing to introduce a bill has already filed the bill with the Principal Clerk on the previous legislative day when it received a bill number. It is received by the Reading Clerk who reads aloud the name of the introducer, the bill number, and the bill title. At this point the bill has passed its first reading.

3. Reference to Committee

Normally, as soon as a bill is introduced, the President Pro Tempore for Senate bills and the Speaker of the House of Representatives for House bills name a committee to which the bill will be assigned for careful study and recommendation. If the committee approves the bill, it reports this fact and the bill is placed on the calendar - the daily schedule of business - for consideration by the full membership of the body. Amendments may be recommended by the committee or may be proposed by any member from the floor.

4. Consideration by First House

When the time comes for a consideration of the bill by the full membership of the house (Senate or House of Representatives), the Chair will recognize the chair of the committee which recommended the bill for passage. This chair, or a member designated by the chair, will explain the bill, and then any member who wishes to speak for or against the bill will be heard. Sometimes there is lengthy and heated debate; sometimes there is virtually no debate at all. After all who wish to be heard have spoken, a vote is taken. If the vote is favorable, the bill is said to have passed its second reading and moves to its third and final reading, at which time there may be more debate.

5. Consideration by Second House

After a bill has passed its third reading in the house in which it was introduced, it is sent to the other house, where it goes through the same process as in the first house - that is, it is referred to committee, and if approved, is debated and voted on at the second and third readings on the floor.

6. Concurrence in Amendments

It often happens that the second house will make changes in a bill which was passed by the house in which the bill originated. In such cases the bill must be returned to the house of origin with a request that that body concur in the changes. If the original house does concur, the bill is ready to be enrolled and signed into law. If the original house objects to the amendments adopted in the other house, the two presiding officers appoint members to a conference committee which seeks to reconcile the differences between the two houses. If the committee can agree upon the disputed subject, the committee reports to each house, and the two houses vote on the recommended text. If either house rejects the conference committee's recommendation, the bill is defeated.

7. Enrollment, Ratification, and Publication

After a bill passes both houses, it is enrolled, that is, a clean copy, including amendments, is prepared, with space for the signatures of the two presiding officers, and the governor, if necessary. The enrolled copy is taken to each presiding officer during the daily session. Each officer signs the enrolled copy. When the second signature is affixed, the bill is said to have been ratified. If the bill is a local law, it will become law. In November 1996, the citizens of North Carolina voted to amend the State Constitution to allow for a gubernatorial veto. All Public Bills other than bills making appointments or revising districts are presented to the Governor on the day following ratification for the Governor's approval or veto. If the Governor signs the bill or takes no action on the bill within ten days after presentation, the bill becomes law. If the Governor vetoes a bill, the bill is returned to the original house where 3/5 of present and voting members can vote to override the veto. If the original house votes to override the veto, the bill is sent to the second house where 3/5 of present and voting members must also vote to override the veto before the bill can become law. After it becomes law, the term "bill" is no longer used. The enrolled act or law is given a chapter number and is published under that number in a volume called "Session Laws of North Carolina."

Legislative Facts:

When is the Legislature in Session?

Regular Sessions: -They start every-other January after election years. (Jan 2009 to Dec 2010)
Extra sessions: -The approval of: three-fifths of the Senate and three-fifths of the House is required.

Who can be a Legislator?

Every NC voter who is at least 21 years of age is eligible to run for public office.

Requirements for **Senator**

- must be at least 25 years old
- lived in the State as a citizen for two years
- lived in the district for which he is chosen for one year.

Requirements for **Representative**

- lived in the district for which he is chosen for one year.

Leadership Of The State Of North Carolina:

Executive Branch

Governor: Beverly Perdue 116 W. Jones Street Raleigh, NC 27603-8001 Phone: (800) 662-7952 or (919) 733-2391
Fax: (919) 733-2120 governor.office@nc.gov

Lieutenant Governor Walter Dalton Attorney General: Roy Cooper
Secretary of State: Elaine Marshall Treasurer: Janet Cowell

Judicial Branch

Justice Building: 2 East Morgan Street Raleigh, NC 27601-1451 (919)733-3711

Supreme Court of North Carolina

Justice Robert H. Edmunds, Jr.	Justice Mark Martin
Chief Justice Sarah Parker	Justice Mark M. Newby
Justice Robin E. Hudson	Justice Patricia Timmons-Goodson
Justice Edward Thomas Brady	www.nccourts.org/Courts/Appellate/Supreme/Biographies/Seating.asp

Legislative Branch

Senate

SENATE LEADERSHIP

President (Lieutenant Governor) - Walter Dalton
President Pro Tempore – Marc Basnight
Deputy President Pro Tempore – Charlie Dannelly
Majority Leader – Martin Nesbitt
Majority Whip – Katie Dorsett
Permanent Democratic Caucus Chair – R.C. Soles
Democratic Caucus Secretary – Charles Albertson
Republican Leader – Phil Berger
Deputy Republican Leader – Harry Brown
Republican Whip – Jerry Tillman

House

HOUSE LEADERSHIP

Speaker of the House – Joe Hackney
Democratic Leader – Hugh Holliman
Democratic Whip – Larry Bell
Democratic Freshman Chair – Jane Whilden
Republican Leader - Paul Stam
Republican Whip - Thom Tillis
Republican Freshman Chair – Justin Burr

I'm REALLY bored today and would love to read the North Carolina Constitution. Where can I find it? 8-)

<http://www.ncga.state.nc.us/Legislation/constitution/nconstitution.html>

How much do Legislators get paid?

Position	Annual Income	Monthly Allowance
Speaker of the House	\$38,151	\$1,413
President Pro Tempore of the Senate	\$38,151	\$1,413
Speaker Pro Tempore of the House	\$21,739	\$836
Deputy President Pro Tempore of the Senate	\$21,739	\$836
Majority and Minority Leaders	\$17,048	\$666
Other members	\$13,951	\$559

How many Legislators are there in the NC General Assembly?

NC Senators 50 NC Representatives 120

Where do they meet?

The Legislative Building is a five-domed marble structure that occupies a city block and houses the Senate and House of Representatives Chambers as well as members and staff offices and committee rooms. The Legislative Office Building (LOB) houses committee rooms, members and staff offices, as well as offices of the Secretary of State and State Auditor.



North Carolina State Legislative Building

Located on Jones Street, between Wilmington St. and Salisbury St.

Directions to the Legislative Building: <http://www.ncleg.net/help/directions.html>

How do I find more information ?

Visit the web site of the NC General Assembly: <http://www.ncleg.net>

How do I find a bill?

Go to: <http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl> and enter the bill #: (ex: H670)

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

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

Search: <http://www.ncleg.net/GIS/RandR07/Home.html>

Which Representatives are on which committees?

Senate and House Committees: <http://www.ncleg.net/gascripts/Committees/Committees.asp>

What can I do to help the CBA and all NC motorcyclists?

- Write letters to the legislators that represent you so they understand your position on issues relating to bikers.
- Arrange meetings and talk to your legislators to explain your position on the issues.
- Arrange your personal and work schedules so when all NC CBA members are asked to go down to the legislative building in a show of support (lobby day), you can participate. Understand that a bill must undergo three readings in each of the two chambers, pass several committee meeting votes, as well as be approved by the Governor before it becomes law. The CBA benefits from representation at EACH committee meeting and chamber reading.
- Communicate the CBA's mission to other motorcyclists and encourage them to join a state level Motorcyclists Rights Organization (MRO) like the CBA or ABATE. Also, encourage them to join a national MRO like the MRF and the AMA.
- Register to vote and VOTE. One vote DOES count.
- Learn where candidates stand on motorcycle issues before voting.
- Take the BRC and ERC safety courses for yourself and to reduce injury stats. Fewer accidents = more power.
- Make sure you have motorcycle insurance. If you don't – you are part of the problem, not the solution.
- Make sure you have medical insurance. If you don't – you are part of the problem, not the solution.

Glossary:

Whips: Assistants to the floor leaders who are also elected by their party conferences. The Majority and Minority Whips (and their assistants) are responsible for mobilizing votes within their parties on major issues. In the absence of a party floor leader, the whip often serves as acting floor leader.

President Pro Tempore: A constitutionally recognized officer of the Senate who presides over the chamber in the absence of the President (Lt. Governor). The President Pro Tempore (or, "president for a time") is elected by the Senate and is, by custom, the Senator of the majority party with the longest record of continuous service.

Bicameral: The quality of having two branches, chambers, or houses, such as Congress which is composed of the Senate and the House of Representatives.

Full glossary located at:

http://www.senate.gov/pagelayout/reference/b_three_sections_with_teasers/glossary.htm

<http://bensguide.gpo.gov/9-12/glossary.html>

CBA / A.B.A.T.E.

Safer Riding Through Education, Better Legislation Through Involvement !



Chatham County Concerned Bikers Association

CBA is a non-profit organization that supports all motorcyclists' rights as well as promoting an atmosphere of education, cooperation, and fun. The Chatham County chapter is heavily involved in fund raising for community sponsorships and promoting all motorcyclists in a positive light. Open to all riders of all makes of motorcycles.

We strive to preserve the universal right to a safe, unrestricted, motorcycling environment. CBA is a neutral, non-profit organization that allows all riders to unite. CBA works to safeguard our motorcycling rights, while allowing us to be individuals with different views. Our main concern is putting motorcycle legislation in its proper perspective. This is being accomplished through motorcycle safety education programs, public awareness programs, and other programs designed to prevent injury or fatal accidents to motorcyclists. CBA keeps the legislature informed of our position on legislation that is unfair or discriminatory towards motorcyclists. We work closely with motorcycle rights organizations across the nation to stop discriminatory legislation aimed at all motorcyclists.

Contact: Mike Mohan (919) 363-8662, Vinny Neuman (919) 522-4922

Meets 1st Thursday of every month at 7:00 PM.

Virlie's Grill downtown Pittsboro, NC

Come to our dinner meeting and meet the group!

Check our web page for more information:

www.ChathamCBA.org

Appendix A:

Additional history on U.S. (National) Government verses State Government:

National versus State Government

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

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

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

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

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

Exclusive Powers of the National Government and State Governments

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

Powers Denied to the National Government and State Governments

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

Branches of U.S. National Government

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

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

Executive Branch

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

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

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

Departments: Department heads advise the President on policy issues and help execute those policies.
Independent Agencies: Help execute policy or provide special services.

Judicial Branch

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

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

Legislative Branch

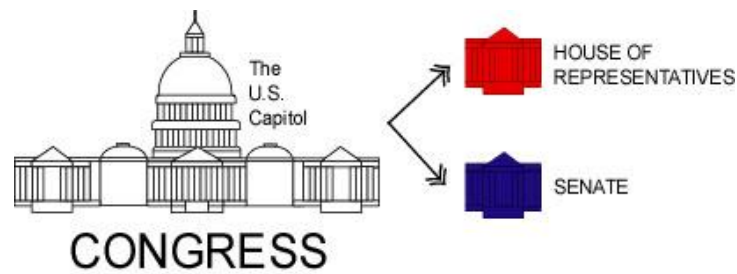
Article I of the Constitution establishes the legislative or law making branch of government with the formation of a bicameral Congress. This system provides checks and balances within the legislative branch.

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

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



The U.S. Congress



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

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

The Powers of the U.S. Congress

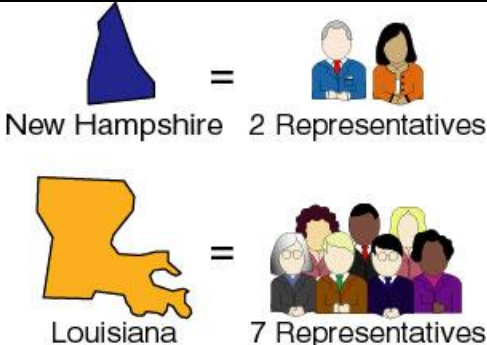
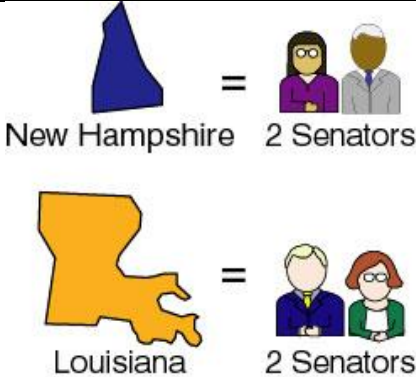
The Constitution grants Congress "all legislative powers" in the national government. The Constitution gives Congress the authority to "make all laws which shall be necessary and proper," an implied source of power sometimes called the Elastic Clause. One of the most important implied powers is Congress's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

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



The U.S. Congress: Two Chambers

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

House of Representatives	The Senate
 <p>New Hampshire = 2 Representatives</p> <p>Louisiana = 7 Representatives</p>	 <p>New Hampshire = 2 Senators</p> <p>Louisiana = 2 Senators</p>

The U.S. Congress: House of Representatives

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

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

The U.S. Congress: The Senate

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

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

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

State Government

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

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

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

The Civil War Amendments

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

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

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

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

