

Essential  
**Question?**

How and why does government function, and what are the rights and responsibilities of citizens?

# Our Government in Action

*The New Mexico State Capitol is called the Roundhouse. It was built to look like the Zia sun symbol on New Mexico's flag. The Roundhouse is the only round state capitol in the United States. Who works in the capitol and what do they do?*



**Find the Main Ideas**

*When reading nonfiction, good readers hunt for important pieces of information. These pieces are the main ideas. Finding the main ideas helps readers organize new information. Main ideas can be found in chapter titles, lesson titles, and headings.*

*Use the chapter features to help you find the main ideas. Think about the most important information as you read about government.*

# Why Is Government Necessary?

## Key Ideas

- Government exists to promote the public good.
- The United States and New Mexico constitutions support federal, state, tribal, and local governments and protect the rights of citizens.
- New Mexicans have freedoms, privileges, and benefits, but they also have responsibilities.

## Key Terms

amendments  
 Bill of Rights  
 checks and balances  
 civics  
 democracy  
 federal system  
 municipalities  
 ordinances  
 public good  
 republic



### Comprehension Strategy

Web of Main Ideas

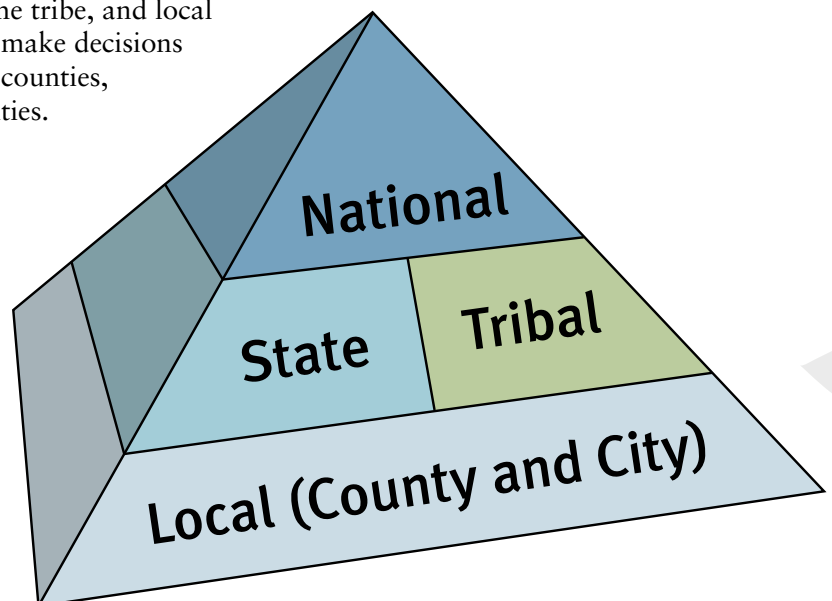
For thousands of years, people have formed governments to promote the **public good**. Public good means the general welfare or the common well-being of a community. People want to live in communities where they feel comfortable, safe, and secure. Therefore, they have formed governments to protect and promote the public good. For example, the police force protects citizens (the public) from lawbreakers. The fire department aids homes and businesses when there is a fire. Immunization clinics protect people from diseases. Our military protects our country from attack. These services help people feel good; hence, the term “public good.”

## A Democratic Republic

The United States of America is a **democracy**. That means we have organized a government in which the majority rules. Our nation is also a **republic**. That means citizens elect representatives to make laws. The people (voters) typically do not vote directly on issues. Instead, the people vote for representatives, and those representatives vote on the issues. Decisions are made by a majority vote, which means the group with the most votes wins.

## Levels of Government

Citizens of New Mexico are affected by four different levels of government—federal (national), state, tribal, and local. The federal government makes decisions that affect everyone in the country. State governments make decisions for people in each state. Tribal governments make decisions that affect everyone in the tribe, and local governments make decisions for people in counties, towns, and cities.



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## Separation of Powers

One of the most important features of our government is the separation of powers. Our government separates power among three branches of government. Each branch has its own responsibilities and limits the power of the other two. This systems of **checks and balances** makes sure no single branch becomes too powerful.

The three branches of government are the executive, legislative, and judicial. Both the national and state government are divided into the same three branches. On the national level, the three branches are the President, Congress, and the Supreme Court. On the state level, the chief executive is the governor. You will read more about the separation of powers in Lesson 2.

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## The Federal System

The U.S. Constitution was written in 1787 and explains the purpose and organization of the government. The U.S. Constitution established a **federal system**. This means our national, or federal, government shares its power with state and local governments.

The federal government's purpose is to carry out functions that are too large and expensive for local governments. It also establishes rules and regulations to keep society and the economy running smoothly. For example, a major purpose of the federal government is to protect the nation. State governments do not have the financial resources to maintain huge military forces.

The federal government also regulates interstate trade. There would be chaos if each state passed laws affecting the economy in other states. To maintain order and ensure fair practice, the federal government establishes laws about things that affect every state.

## The Three Branches of Government



### Executive

The executive branch carries out, or executes, the laws.

### Legislative

The legislative branch makes the laws.

### Judicial

The judicial branch interprets the laws.

## The Bill of Rights

When the U.S. Constitution was written, some people worried their rights would not be protected. They wanted to add a list of **amendments**, or changes, to the Constitution to guarantee their basic rights and freedoms. The first ten amendments to the Constitution are known as the **Bill of Rights**. The Bill of Rights ensures our government cannot make laws that take away our basic rights.

## Freedom of Speech and Freedom of the Press

The first amendment protects freedom of speech. Think about the right we have to express our feelings. You have opinions and your own point of view, and the First Amendment protects your right to express those opinions. Do you blog? Do you like to

read other people's blogs? Our right to blog and to comment on other people's blogs is protected by the First Amendment. Do you have a Facebook page? If your right to free speech was not protected by the First Amendment, you would not be allowed to express your opinions on Facebook. How would you feel if you always had to keep your opinions to yourself?

The First Amendment also protects freedom of the press. Freedom of the press is the right to communicate or express ideas, opinions, and points of view. In some countries, this is not the case. The government controls the newspapers and magazines and allows only certain stories to be printed. Can you guess why? Freedom of the press and freedom of speech are especially important in New Mexico where we have so many different cultures, traditions, and beliefs.

*These middle school students are using a computer to access the Internet. Which amendment protects your right to share your opinions online?*



## Fairness

One of the great purposes of government is to ensure that people are treated fairly, or equally. To better understand fairness, let's say you and your friend both help a neighbor with yard work. The two of you do the same kind of work for the same amount of time. Would it be fair for your friend to be paid twice as much as you? Of course not!

Our government passes laws to make sure every citizen is treated fairly and equally. For example, when you buy something, you pay the same percentage of sales tax as the next person in line. Another example of fairness in our government is the election system. Every citizen in America has the right to vote in elections when he or she turns 18. In each election, you may vote one time for the candidate you want. Would it be fair for people to get more than one vote?

# The Bill of Rights

Although the U.S. Constitution limited the power of government, some people were still worried their rights would not be protected. They wanted to add a list of amendments to the Constitution to guarantee basic rights and freedoms for the American people. The first 10 amendments to the Constitution are known as the Bill of Rights. The Bill of Rights makes sure our government cannot make laws that take away our rights.

## 1st Amendment

- Freedom of speech
- Freedom of the press
- Freedom of religion
- Freedom of assembly
- Right to petition the government



## 7th Amendment

- Right to trial by jury

## 8th Amendment

- Protection against:
  - ◆ Excessive bail
  - ◆ Excessive fines
  - ◆ Cruel and unusual punishment

## 2nd Amendment

- Right to bear arms

## 3rd Amendment

- Protection against housing soldiers in civilian homes

## 4th Amendment

- Protection against unreasonable search and seizure
- Protection against the issuing of warrants without probable cause

## 5th Amendment

- Protection against:
  - ◆ Trial without formal accusation
  - ◆ Being tried twice for the same crime
  - ◆ Self-incrimination
  - ◆ Property seizure

## 6th Amendment

- Right to a speedy trial
- Right to be informed of charges
- Right to be confronted by witnesses
- Right to call witnesses
- Right to legal counsel

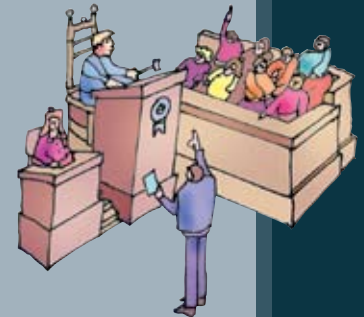


## 9th Amendment

- Rights granted in the Constitution shall not infringe on other rights.

## 10th Amendment

- Powers not granted to the federal government in the Constitution belong to the states or the people.



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# New Mexico's State Government

While the national government is very powerful, the 10th Amendment to the U.S. Constitution states that it has only very specific powers. All other powers remain with state governments and with the people. Every state has a plan for the structure and functions of the state government. In New Mexico, this plan was written in 1910 and is called the New Mexico Constitution.

## Linking the Past to the Present



The preamble of the New Mexico Constitution states: "We, the people of New Mexico, grateful to Almighty God for the blessings of liberty, in order to secure the advantages of a state government, do ordain and establish this constitution." What does the preamble tell you about the people who wrote our state constitution? What do you think of the words used in the preamble? Do they reflect our values today?

## What Do You Think?



Since the United States was first established, there has been ongoing debate about which level of government should have the most power. Do you think the federal government should have more power than state governments?

## A Multi-Cultural Constitution

Although every state has a constitution, New Mexico's constitution differs from most other states. For example, Article II of the New Mexico Constitution is a bill of rights in addition to the Bill of Rights already provided by the U.S. Constitution. Section 5 of this article states:

The rights, privileges and immunities, civil, political and religious guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidalgo shall be preserved inviolate.

The Treaty of Guadalupe Hidalgo served many purposes, but one was to provide rights to the people living in Mexico who became U.S. citizens. Other sections of the constitution also reflect sensitivity to the many cultures that thrive in New Mexico.

## State Government Supports Other Levels of Government

Not only does our state constitution outline and define the state government, it also helps support other levels of government. Since every citizen of New Mexico is also a citizen of the United States, the programs and laws that help New Mexicans also help the nation. State-run programs that protect the environment, provide affordable health care, prevent drug abuse, educate students, help the aging, protect and promote various cultures, prepare for emergencies, and build the economy serve the federal government as well as tribal and local governments in two ways. First, our state government supports the efforts of other levels of government that do the same things. Second, our state government removes the burden of providing these services from the other levels of governments.

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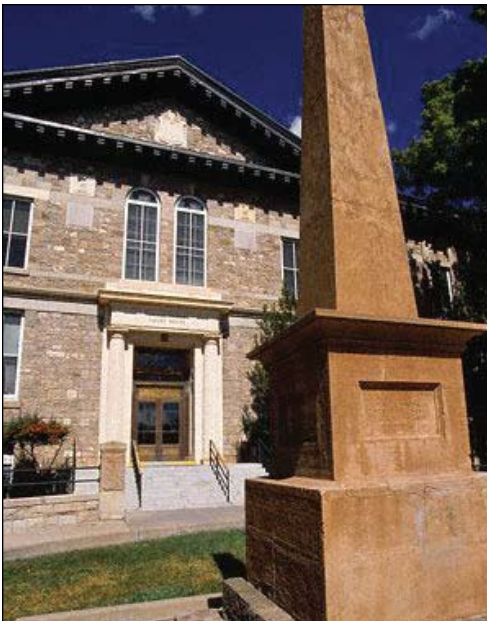
## Local Government

In addition to the federal and state government, New Mexicans are governed by local governments. Local governments include counties, cities, and towns. The power of a local government is divided much like it is on the federal and state level.

## County Government

New Mexico is divided into 33 counties. One town in each county is the county seat where the county government is located. Each county is run by county commissioners who are elected to four-year terms. This group acts as both the executive and legislative branches of government. The job of the county commissioners includes:

- Creating and adopting the county budget
- Imposing and collecting taxes
- Making spending decisions
- Enacting ordinances and resolutions (local laws)
- Zoning and business regulation in unincorporated areas
- Adopting land-use policies and rules for development
- Supervising county road construction and maintenance



*The Santiago E. Campos U.S. Courthouse is a historic building in Santa Fe.*

## City Government

New Mexico has 103 **municipalities**, or city governments. Each is governed by one of the following:

- Mayor and city council
- City manager and city council
- Commissioners

The city council acts as a legislative branch with the mayor or city manager as the chief executive. Both counties and cities make laws called **ordinances**. They also collect tax money and spend it on services for citizens. They may provide services for police and fire protections, water, sewage, streets, libraries, and hospitals. City governments usually provide services only to people living in the city.

*Firefighters provide a great service to our communities. Fire protection is one of many services local governments often pay for with tax dollars. What other services do local governments provide?*





# Civic Duties

**Civics** is the branch of political science that deals with the rights and duties of citizens. Citizens have a responsibility to take part in government. Adults get to choose who will lead the country, their state, their tribe, and their community. They do this by voting during elections. People who are citizens of the United States, and who are at least 18 years old, can vote.

Voting is a very important privilege. Voters can influence government by electing representatives who support the issues that are important to them. If elected officials do not do the job voters elected them to do, they may be replaced in the next election.

## Volunteering in Your Community

Some people help their communities by being volunteers. Some volunteers help elderly people take care of their homes. Some volunteers help people learn to read. Others may volunteer to walk or feed the animals at a local shelter. What kind of volunteer work have you done?



### Rights and Responsibilities

#### Right

You can vote when you are 18 years old.

You get to help make the laws.

You have the right to meet with any group as long as the group does not hurt others.



#### Responsibility

You should learn about the candidates and issues.

You must obey the laws.

You should respect those same rights for other people.

*Citizens wait in line for an available voting booth on election day. What measures are being taken to protect the privacy of voters?*



# Check Your Understanding

## Know

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1. How is power divided in a local government?
2. Define the term “public good.”
3. What are two ways our state government supports our national government?
4. List three responsibilities of a county commissioner.
5. Which amendment to the U.S. Constitution protects freedom of speech and the press?
6. What is one example of fairness within our government?

## Apply

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7. What are the basic functions of local governments?
8. Explain how all levels of government promote the “public good.”
9. Sort the /state-run programs listed on page 224 into separate categories. How does each program support national, local, or tribal government?
10. Compare city governments to county governments and determine which of these forms of local government is organized more like state and national government.
11. Explain how freedom of speech and press give everyone equal opportunity to express his or her point of view.
12. Discuss ways federal and state governments work together to ensure all citizens are treated fairly.

## Analyze

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13. Imagine all services presently provided by local government were provided instead by our state government. Anticipate the problems that would arise if there were no local governments.
14. Identify why the “public good” should be central to the thinking of all government leaders and also why it should guide decision making at every level of government.
15. How does New Mexico state government support the interests of the people who live here? How could our state government better serve New Mexicans?
16. Correlate what you know about democratic republics with the responsibilities of a county commissioner. Then explain how commissioner decisions reflect the desires of the community.
17. Examine the reasons some countries do not allow citizens to express their points of view in public. Predict how life in the United States would change without free speech and a free press.
18. Describe fairness in your own words and give examples of fairness in government today. Also, cite examples of unfairness in government today.

# How Government Works

## Key Ideas

- Government is organized into separate branches that create laws, carry out the laws, and determine whether laws have been broken.
- The New Mexico Constitution outlines the structure and function of the state legislature.
- Each Indian tribe in New Mexico determines the structure and function of its tribal government.
- Sound leadership is critical to the success of a democratic society.

## Key Terms

- bicameral
- bill
- direct democracy
- initiative
- recall
- referendum
- veto



In the previous lesson, you learned that New Mexico has a state constitution that outlines the structure and function of our state government—just like the U.S. Constitution outlines the structure and function of the national government. According to the New Mexico Constitution, our state government is organized into executive, legislative, and judicial branches. Each branch has its own responsibilities and limits the power of the other two.



National, State, and Local Government Organizations

	Executive	Legislative	Judicial
National	President	U.S. Senate and U.S. House of Representatives	U.S. Supreme Court
State	Governor	State Senate and State House of Representatives	Washington Supreme Court and Court of Appeals
County	County Executive	County Commissioners	Superior Court, Juvenile Court, and District Court
City or Town	Mayor and/or City Manager	City Council	Municipal Courts
Tribal	Chairperson	Tribal Council	Tribal Courts

## Comprehension Strategy

*Make an Outline of Main Ideas*

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# The Executive Branch

On the national level, the president of the United States heads the executive branch. The vice president, cabinet, and hundreds of appointed offices and agencies support the president. The current president of the United States is Barack Obama, and the vice president is Joe Biden.



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## Leadership in a Democracy

In a democracy, decisions are made by the majority of the people. But wherever there are many people, there are many ideas. Imagine what would happen if the country had no leadership. There would be a lot of disagreement and arguing. In a democracy, it is very important to have people with strong leadership qualities who can lead and guide people to make good decisions.

Leaders must exemplify (be good examples of) the ideals of the communities they represent. The president should be an honest, law-abiding citizen. Our governor should be committed to improving life in our state and feel proud to be a New Mexican. A tribal president should understand the issues facing the tribe and work to promote and preserve tribal culture. The mayor of a town should want the town to be successful.

All leaders must be familiar with the problems and concerns of the communities in which they live. They should be good communicators and influential so people will listen to them and follow them. They must be hardworking and dedicated to finding creative solutions to difficult problems. They should also be fair and honest.

A photograph of President Barack Obama and Vice President Joe Biden. President Obama is on the right, smiling, wearing a dark suit, white shirt, and blue tie. Vice President Biden is on the left, looking slightly to the right, wearing a dark suit, white shirt, and blue patterned tie.

*President Barack Obama (right) and Vice President Joe Biden (left) were elected in 2008.*

## New Mexico's State Executive Branch

The chief executive of the state of New Mexico is Governor Bill Richardson. The governor's main duties are the following:

- Hiring a staff of hundreds of people
- Presenting the legislature with the "State of the State," a report on how the state is doing and what the governor's plans are for the next year
- Commanding the New Mexico State National Guard
- Submitting bills to the legislature
- Signing bills into laws
- New Mexico's governor has a power the president does not have. Governor Richardson may **veto**, meaning reject, an entire bill or use a "line-item veto" for single sections of a bill.

## New Mexico's Executive Officers

There are a number of people who work within the state's executive branch. They are all elected officials.

- The **Lieutenant Governor** is similar to the vice president. If the governor is unable to finish a term, the lieutenant governor would replace him or her. The lieutenant governor acts in the place of the governor if he or she is out of the state or temporarily unable to do the job. Also, the lieutenant governor serves as president of the state senate.
- The **Secretary of State** runs state elections, registers corporations, and maintains records.
- The **Secretary of the Department of Cultural Affairs** works to preserve and celebrate the cultural integrity and diversity of our state.
- The **Secretary of the Children, Youth, and Families Department** works with communities to strengthen families to be productive and self-sufficient.
- The **Secretary of the Indian Affairs Department** works to improve the quality of life for the state's Indian population.
- The **Secretary of the Department of Public Education** oversees public schools, state education standards, and funding for education.

## NEW MEXICO P O R T R A I T

**Bill Richardson**  
(1947–)

William "Bill" Richardson III was born in Pasadena, California. His parents met in Mexico City while Richardson's father, an American, was on business.

Richardson lived in Mexico until he was 13 when he was sent to live in Concord, Massachusetts. Richardson later earned two college degrees, and went to work in Washington D.C. In 1978 Richardson moved to New Mexico and quickly moved up in the state's Democratic Party.

Richardson has been in government for over 30 years. During his career, Richardson has focused on helping the economy, environment, education, and reforming immigration laws. He has worked in local and state government, and served as the U.S. ambassador to the United Nations. In 2008, Richardson briefly ran for president of the United States. Richardson is currently serving his second term as New Mexico's governor.



# The Legislative Branch

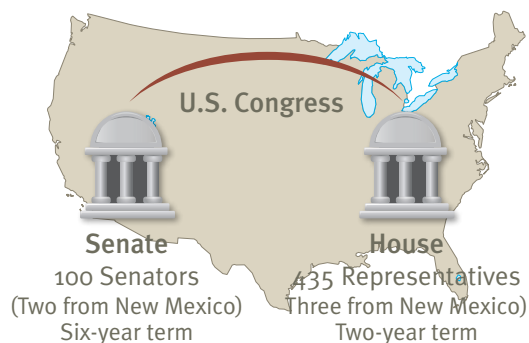
Article 1 of the U.S. Constitution describes the legislative branch of the government:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Because the legislative branch has two houses, it is known as a **bicameral** legislature. Voters in each of the 50 states elect people to represent them in the two houses of Congress.

One house is called the Senate, and the other is the House of Representatives. Every state elects two Senators to serve in the Senate, which means every state is equally represented. The state with the most people, California, has exactly the same number of senators as the state with the lowest population, Wyoming.

In the House of Representatives, the number of representatives from a state depends on the population of the state. States with large populations have more representatives than states with small populations. California has 53 representatives in the House, but Wyoming has only one. New Mexico has three. If the state's population goes up or down, we may have to add or lose a representative.



## New Mexico's Bicameral Legislature

Like the federal government, New Mexico has a bicameral legislative branch where laws for our state are made. Just like the U.S. government, one part is a house of representatives and the other is a senate. Members of the house and senate do not receive pay for their work, but they receive a daily allowance for each day of official legislative work. They meet in Santa Fe for 30-day sessions in even-numbered years and for 60-day sessions in odd-numbered years. Legislators are elected from districts of approximately equal population, but several counties with small populations may be combined to form a single district.



*New Mexico legislators Tom Taylor and Janice Arnold-Jones review documents before making a presentation.*

## The State House of Representatives

The state house of representatives is where elected representatives consider proposed laws. There are 70 representatives in the house of representatives, and each is elected for a two-year term in office. Each representative represents one house district. To find the representative from your home district, visit the official website of the New Mexico Legislature. Select the “Find Your Legislator” link on the Members menu.

The highest-ranking member of the state house of representatives is the speaker of the house. The speaker is elected by house members and usually belongs to the majority political party. He or she presides over special sessions when the house of representatives and senate meet together. He or she also determines when bills will be debated and voted on.

## The State Senate

The senate is much like the house of representatives but smaller. There are only 42 senators, and each serves for four years. Each representative represents one senate district. Like the house of representatives, our senate meets in Santa Fe and considers bills to improve New Mexico. Senators gather as much information as they can before they vote for or against a bill.

To find the state senator from your home district, visit the official website of the New Mexico Legislature. Select the “Find Your Legislator” link on the Members menu.

The lieutenant governor is the official leader of the state senate, but his responsibilities keep him away from the senate most of the time. Therefore, the acting leader of the senate is the president pro tempore. *Pro tempore* is a Latin term meaning “for the time being.” In keeping with tradition, senators elect the senior member of the majority party to this position. The president pro tempore appoints other senators to committees.

## Legislative Responsibilities

The legislature oversees:

- **Tax policies**—Legislators determine what to tax and how much the tax will be.
- **Spending**—Legislators decide what the state will spend tax money on.
- **Business and trade**—Legislators make policies that govern the conduct of business and regulate trade within the state.
- **Local governments**—Legislators oversee the activities of local governments and give authority to counties and towns.
- **State constitution**—Legislators can amend the constitution within the state guidelines of the constitution itself.

## Committees

The work of the legislature is done in committees. Committees review proposed laws before they are sent to the house of representatives or senate for a vote. Legislators are appointed to specific committees, and every legislator serves on more than one.

*Governor Bill Richardson greets Senator Mary Jane Garcia after delivering the annual State of the State address. How is the State of the State address similar to the president’s State of the Union address?*



## Making Laws

Proposed laws are called bills. Bills can be about any issue, including our environment, our schools, our taxes, our health care, and equality among groups. Senators and representatives gather information about each new bill by listening to people who have knowledge and opinions about the bill. Then they discuss whether each bill will be good or bad for our state. After some discussion and thought, our senators and representatives vote on the bills. For a bill to become a law, it must be passed by both the house of representatives and the senate. Then it must be approved by our governor.

New Mexico has several processes that are called *direct democracy*. These processes allow citizens to be directly involved in the lawmaking process. These processes include initiative, referendum, and recall.

- An *initiative* allows citizens to draft laws or constitutional amendments that will be put on the ballot for the action of the voters.
- A *referendum* allows for citizens to vote on laws passed or constitutional amendments approved by the legislature.
- A *recall* allows citizens to remove elected officials from office.

## Majority Rule and Minority Rights

Since decisions that affect everyone are made by the majority, one might wonder what happens to the rights of the minority. Thomas Jefferson, one of our nation's Founding Fathers, worried that the rights of the few (the minority) would be ignored by the many (the majority). When he became president, he warned, "that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect . . ."

The idea of protecting the minority is built into our legislative system. The U.S. Senate was created as the half of the legislative body in which all states are equally represented by two senators, regardless of the population of the individual states. Even though New Mexico's population is only 1 or 2 percent of the population of California, in the U.S. Senate, the two states have equal power. A senator from New Mexico (the minority) has exactly the same voting power as a senator from California (the majority).

In New Mexico, protecting the rights of the minority is written into our state constitution. Section 1-2-19 is entitled "Oral assistance for language minority voters (1989)." This law states that if a voter does not have the language skills to read and understand the ballot, someone must read the ballot aloud to the voter in his or her native language. The law protects the voting rights of every New Mexican, even those who do not speak the majority language.

## What Do You Think?

Although it is clear that our leaders think about minority rights, it is also clear that the rights of minorities in New Mexico and other parts of the country have not always been protected. Sadly, this has happened all too often in our history. What can you do to help protect the rights of the minorities in your neighborhood and at your school?





# How a Law Is Made

**1** A **bill** is a written proposal for a law. Anyone can suggest an idea to a legislator. But only legislators can introduce a bill to the state legislature.



**2** Once the bill is written, the legislator sponsoring it presents it to either the senate or house. The bill is given a number and read aloud. The bill then goes to a committee.

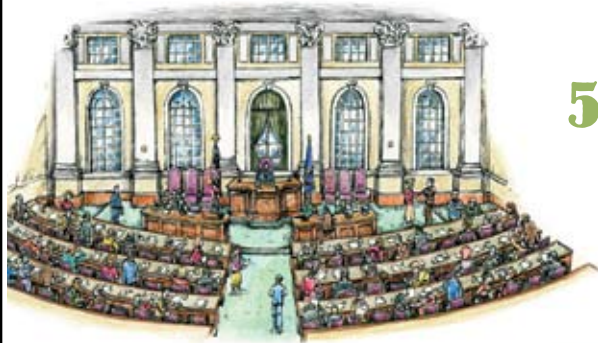


**3** The committee reviews the bill. If it is approved, the bill moves on to a hearing. Any interested person can testify for or against the bill. After the hearing, amendments can also be made to the bill. The committee can let the bill “die” by not taking further action.

**4** If the committee approves the bill, it goes to the rules committee and is placed in the calendar to be discussed. Legislators debate, or discuss, the bill and then vote.

VOTING BOARD		
House Bill 22		
Representative	YES	NO
ADAMS	●	●
ANDERSON	●	●
BOYER	●	●
COLLINS	●	●
DAVIS	●	●
EDWARDS	●	●
FARMER	●	●
FRANKLIN	●	●
GAINES	●	●
GODDARD	●	●
HANSEN	●	●
HARRIS	●	●
HUGHES	●	●

**5** If legislators pass the bill, it is reviewed once more by the rules committee. Once it leaves the rules committee, it goes for a final vote before the house or senate.



**6** When the bill is passed by one of the houses, it moves on to the other house. The bill must then go through the same process.

**9** The governor can also veto the entire bill or parts of it. However, the legislature can override, or cancel, the governor’s veto. To do this, a two-thirds majority of both houses is needed. This is one of the checks and balances of power—neither the legislative nor executive branch can make a law alone.



**7** Once the bill is accepted by both houses, it is signed by their leaders and is sent to the governor. At this point, citizens can contact the governor to voice their opinion on the bill.

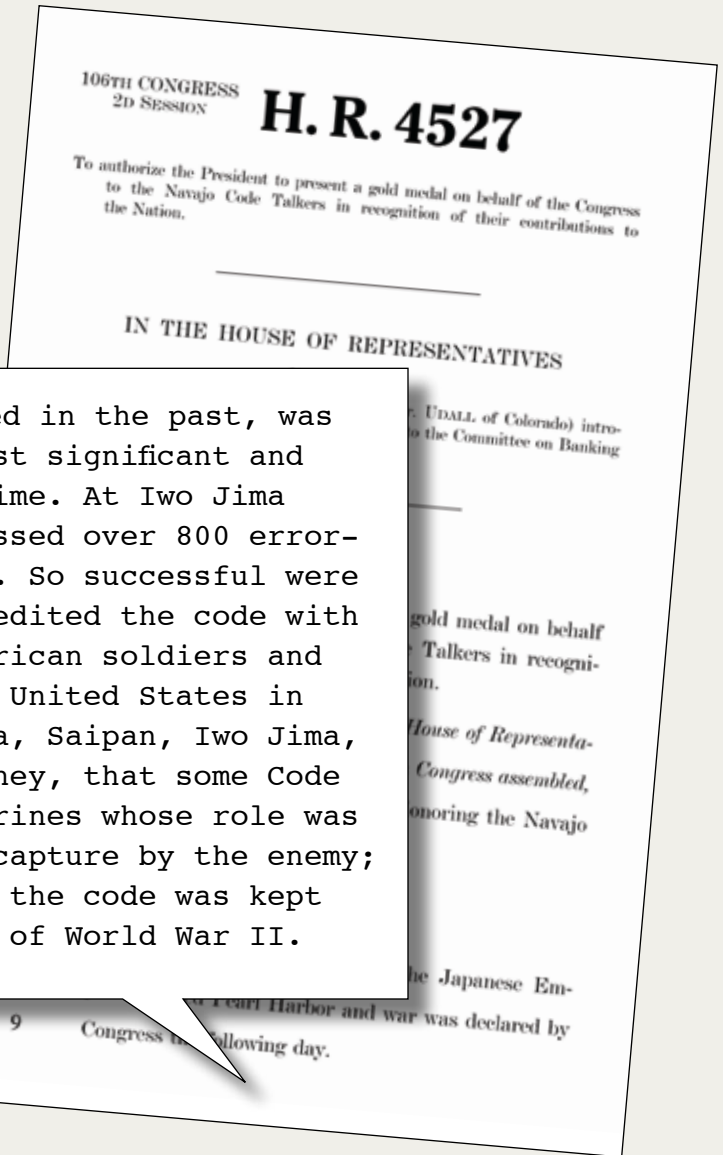
**8** The governor reviews the bill. If the governor signs the bill, it becomes a law. If the governor does nothing, the bill can still become a law in some cases.

# Go to the Source!



## Examine a Bill

In 2000, New Mexico Congressman Tom Udall introduced a bill (H.R. 4527) to honor the Navajo Code Talkers. President George W. Bush presented medals to 21 Navajo Code Talkers in a special ceremony in 2001. Read an excerpt from the bill and answer the questions.



The Navajo language, discouraged in the past, was instrumental in developing the most significant and successful military code of the time. At Iwo Jima alone, the Navajo Code Talkers passed over 800 error-free messages in a 48-hour period. So successful were they, that military commanders credited the code with saving the lives of countless American soldiers and the successful engagements of the United States in the battles of Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa; So successful were they, that some Code Talkers were guarded by fellow marines whose role was to kill them in case of imminent capture by the enemy; and so successful were they, that the code was kept secret for 23 years after the end of World War II.

9 Congress the following day.

OBSERVE	EVALUATE	CONCLUDE
<ul style="list-style-type: none"><li>• Describe the design of the bill.</li><li>• In what battles were the Navajo Code Talkers credited with saving American lives?</li></ul>	<ul style="list-style-type: none"><li>• Explain the significance of this quote: "... some Code Talkers were guarded by fellow marines whose role was to kill them in case of imminent capture by the enemy ..."</li></ul>	<ul style="list-style-type: none"><li>• Why do you think the code was kept secret for so long?</li></ul>

# The Election Process

We elect officials at all levels of government—federal, state, and local. We also elect officials for both the legislative and the executive branch. Sometimes we also elect judges. The two major types of elections held in New Mexico are primary elections and general elections.

## Primary Elections

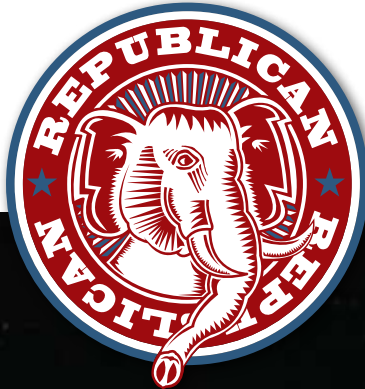
A primary election is an election to choose a political party's candidate for. A political party is an organization of people who select a candidate to run for an office and then work together to get their candidate elected. Once in office, the members of a political party generally work together to pass legislation (laws). Not all members of a party agree on every policy, but they typically share basic beliefs and support much of the same legislation. The purpose of the primary election is to narrow down the field of candidates for a particular office within a political party.

In New Mexico, primary elections are closed. That means voters may vote only for candidates of the party in which they are registered. Republicans can vote only for republican candidates, and Democrats can vote only for democratic candidates. Since independents do not specify a political party, they do not get to vote in closed primaries such as New Mexico's.

## General Elections

After the primaries, general elections determine which candidate will hold the political office. In the general election, voters may select any candidate. It does not matter whether they are registered as a Republican, Democrat, Independent, or other. Some people vote a straight party ticket, which means they vote for all the candidates from a certain party. Others choose some candidates from one party and some from another party. Voters can also write in the name of someone who is not on the ballot. This is called a write-in vote.

*Democrats gather after a debate during the 2008 presidential primaries. From left to right is Mike Gravel, Barack Obama, Christopher Dodd, John Edwards, Dennis Kucinich, Joe Biden, Bill Richardson, and Hillary Clinton. Who did Democrats choose as their candidate? Who won the general election?*



# Choosing Our State Symbols

In 1999, the New Mexico legislature passed a law that provided for 16 official state symbols. Every state symbol was discussed in the legislature. Our state representatives wanted to make sure our state symbols truly reflect life and culture in New Mexico. Some of the symbols are pictured below. In addition to these official symbols, each culture in New Mexico can be identified by other unofficial symbols. In this way, cultural symbols help strengthen a culture and help it to endure, or survive. How do the official and unofficial symbols pictured here reflect enduring elements of the many cultures in New Mexico today?



**Nickname:** The Land of Enchantment

**Insect:** Tarantula  
Hawk Wasp



**Vegetable:** Chile and Pinto Bean



**Gem:** Turquoise



**Fish:** Cutthroat Trout



**State Flower:** Yucca



**Tree:** Nut Pine (Piñon)



**Bird:** Roadrunner



## Unofficial State Symbols



*Descansos* (roadside memorials)



Hot Air Balloon

*Coyote alebrijes*  
(wood carvings)





*This is the front of the U.S. Supreme Court building in Washington, D.C. What are the main features of this building?*

## The Judicial Branch

The U.S. Supreme Court is the highest court in the nation. Its nine judges determine if laws made by the U.S. Congress are constitutional. The judicial branch also determines exactly what the laws mean. Unlike the legislative and executive branches, Supreme Court judges are not elected officials. The president appoints them. As part of the system of checks and balances, the legislature must approve of judicial appointments.

### Major Responsibilities

The courts are the main part of the judicial branch and have four major responsibilities:

- A civil court provides a peaceful place for people or groups to resolve disagreements.
- A criminal court determines whether a law has been broken, and sets the punishment for people who break the law.
- Both civil and criminal courts have the authority to determine whether a law or an act of government is in agreement with the federal or state constitution.

## New Mexico's Justice System

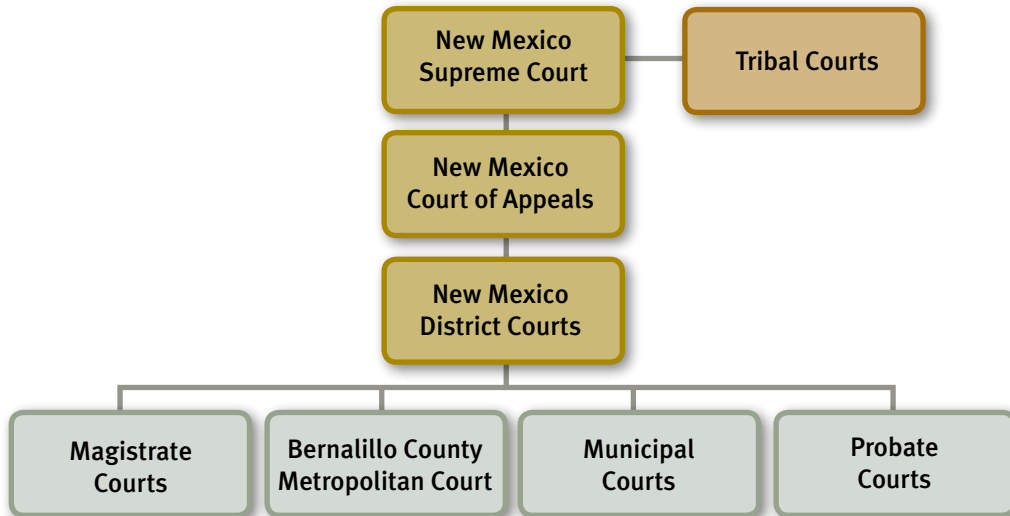
Courts in New Mexico handle cases that primarily involve the laws of our state and local governments. Our judges also interpret the meaning of the state constitution and can overturn laws that violate the state constitution. Our state courts receive their authority from the state constitution and from laws enacted by the state legislature.

The highest court in the state is the New Mexico Supreme Court. It is made up of five justices and is located in Santa Fe. Below the New Mexico Supreme Court are the Court of Appeals in Santa Fe and Albuquerque. Ten judges preside over this court, and they sit in panels of three. The next level of courts is the District Court, where 88 judges preside in 13 different districts.

Four courts are below the district courts. One is the Magistrate Court, where 66 judges preside over jury trials in these 54 courts. Because Bernalillo County is so large, it has its own court, the Bernalillo County Metropolitan Court, with 19 judges. The other two kinds of courts in New Mexico are municipal courts (city courts) and probate courts. Probate courts handle cases involving family matters. Neither of these last two courts hold jury trials.



## New Mexico Courts



### Trial Courts

The job of a trial court is to hear and consider evidence and then make judgments based on the facts presented and the laws that apply to the case. In criminal cases, the judgment may require serving a prison sentence, paying fines, making restitution (paying for loss, damage, or injury), or performing community service.

District court judges hear both civil and criminal cases. In district court, a judge listens to the case and makes a decision. The district court handles cases involving the recovery or return of goods that someone claims were taken wrongfully (stolen). It also handles cases that involve disturbing the peace—too much noise, rowdy behavior, and so on. All juvenile cases are heard in the district court.

### Juvenile Court

Juvenile court is part of New Mexico's district court system. It handles cases that involve people under the age of 18. Once an individual is in the juvenile court system, the court continues its jurisdiction (legal authority) over that person until he or she turns 21. The court has jurisdiction over juveniles accused of delinquency (illegal or antisocial behavior) or committing a crime.

Some cases involving juveniles under the age of 18 are required to go to adult criminal court. These include cases in which someone 14 or older is charged with a crime that, when committed by an adult, is punishable by death or life imprisonment. First-degree murder is one example of such a crime. Someone 16 or older charged with robbery or attempted robbery with a dangerous weapon may also be tried in adult criminal court.

The goal of juvenile courts is to stop delinquent behavior as well as abuse and neglect of a child. The courts try to remove children from dangerous living situations and provide them with opportunities to improve their lives.

*A police officer escorts a teen charged with a crime. What court system do you think will hear this teen's case?*



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## Tribal Government

The issue of Indian sovereignty, which is freedom from outside control, is important to New Mexico because there are 22 American Indian tribes in our state. Congress gave additional powers to Indian tribes when it passed the Indian Self-Determination Act in 1975. The new law gave Indian tribes more sovereignty and allowed them to create governments entirely separate from the national, state, or local government. In many ways, the reservations are like separate countries within New Mexico and the United States.

### Tribal Leadership

On most reservations, tribal governments include a governor (or president) and a tribal council consisting of respected tribal leaders. Members of the tribe vote to elect their leaders and decide how the tribal government will operate. Some tribal councils are small, but others are much larger. The Navajo Nation's tribal council has 74 elected members who manage schools, community development, public safety, transportation, manufacturing, tourism, and much more.

Tribal leaders meet regularly in councils to discuss business decisions, resolve tribal problems, and make laws and policies. These laws may or may not

be the same as the laws and rules of the state government. For example, many tribes in New Mexico own and operate gaming casinos although commercial gambling is illegal in the rest of the state. The tribal leaders opened the casinos to earn money and to provide jobs for the people of the tribe.

### Tribal Courts

New Mexico's tribal courts are under the control of Indian reservations. The state and municipal courts do not have jurisdiction over these courts. That means tribal courts may follow their own laws in the state, but they are subject to rulings by the U.S. Supreme Court.

### Pueblo Indian Council

The 19 Pueblos of New Mexico are the Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Icuris, Pojoaque, Sandia, San Felipe, San Ildefonso, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia, and Zuni. These groups each govern their own communities and elect their own governors. They also belong to the All Indian Pueblo Council. This important group helps the pueblos work successfully with both the New Mexico state government and the national government.

*The Navajo Nation lawmakers meet in Window Rock, Arizona.*  
**What law gave Native Americans tribal sovereignty?**





*Alex Lujan, governor of the Sandia Pueblo, poses for photos in front of the images of former tribal leaders.*

Today, each of the 19 Pueblo governors represents their tribe on the All Indian Pueblo Council. The governors elect a chair-person, vice-chair-person, secretary, and treasurer, but only the governors may vote. Long ago, meetings lasted for days because the members did not leave until the group had made a decision on every issue brought before the council. One of the reasons meetings went so long was because members spoke several different languages or dialects. Today, the council's official language is English, so meetings do not take nearly as long—even though some older council members use interpreters. This council is active in local and national politics, and works hard to develop and support Pueblo cultural values.

## **Navajo**

Navajo government is unique in several ways. The Navajo Nation is divided into five agencies that match the five Bureau of Indian Affairs (BIA) agencies. The smallest political units are chapters, similar to counties. The Navajo Nation Council presently consists of 24 elected delegates who represent the 110 chapters in the United States. Each delegate serves a four-year term at the capital in Window Rock, Arizona. The Navajo Nation has an executive, a legislative, and a judicial branch—just like our federal and state governments—that make, carry out, and interpret laws for the Navajo.

## **Apache**

There are five Apache tribes in New Mexico, and each tribe lives on its own reservation and has its own government, laws, police, and services. Each Apache tribe is led by a chairman, vice chairman, and council elected by popular vote of the tribe. Important decisions are made by the council, and all council members must agree before action can be taken.

The Apache tribe has a legal department instead of a judicial branch. The legal department has a lead tribal attorney, called a general counsel, who is similar to the attorney general of the federal or state government. The tribal attorney serves as an advisor to the tribe's chief executives and department heads; however, he or she is not a judge. The general counsel also manages all suits and legalities as necessary to enforce tribal law, preserve order, and protect tribal rights and resources.

## **Hopi**

The Hopi tribal government also has three branches of government. The legislative branch supervises tribal business and makes tribal laws, decrees (official statements), and policies. The executive branch enforces the tribal council's laws and policies. The judicial branch explains laws created by the Hopi Tribal Council.



# Check Your Understanding

## Know

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1. Which branch carries out the laws at all levels of government?
2. What is *initiative* in the law-making process?
3. Who leads the executive branch on the state level?
4. Who may vote in New Mexico's primary elections?
5. What is juvenile court?
6. How many house districts are in New Mexico? How many senate districts?
7. What are the two parts of New Mexico's bicameral legislature?
8. How many elected members are on the Navajo Nation's tribal council?
9. What is one way the President of the United States exemplifies the ideals of the American people?
10. Who was elected president in 2008? Who was elected vice president that same year?
11. Who chooses our official state symbols?
12. Why do we have state symbols?
13. What is New Mexico's official nickname?
14. Name three symbols that combine to represent nature and wildlife in New Mexico.
15. Which president warned the majority to always remember the rights of the minority?
16. List in order the nine steps to create a law in New Mexico.

## Apply

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17. Explain the difference between making, carrying out, and interpreting a law.
18. Compare and contrast initiative, referendum, and recall in the law-making process.
19. How do the duties of a tribal chairperson differ from the duties of a city mayor?
20. How do primary and general elections work together for a common purpose?
21. Describe the kinds of cases heard by the various courts in New Mexico.
22. Discuss the structure of New Mexico's legislative districts.
23. How is the speaker of the house different from the president pro tempore of the senate? How is he or she the same?
24. Compare the structure and function of the New Mexico legislature with that of tribal governments.
25. Relate the ways local government and tribal leaders represent the ideals of their people to the ways the governor and president do the same.
26. Name three national leaders besides the president and vice president.
27. Explain how government process was used to choose our state symbols.
28. Compare the official and unofficial symbols of New Mexico found on page 237. What is the difference between them?

- 29.** What law-making process could New Mexicans follow if they did not like our state symbols and wanted to suggest new ones?
- 30.** What symbols are combined in a roadside memorial, and what does each represent?
- 31.** Explain how a bicameral legislature ensures that the rights of the minority are protected.
- 32.** Compare the law-making process of the state of New Mexico with the law-making processes of the Pueblo, Navajo, Apache, and Hopi.

## Analyze

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- 33.** Describe a current event in which one branch of government is limiting the power of another.
- 34.** Draft a bill for a new law that you want New Mexicans to vote on.
- 35.** Write a job description for the president of the United States. Analyze each of his major functions.
- 36.** Research and summarize the results of one of New Mexico's senators in every election in which he or she has run.
- 37.** Defend or attack this statement: It is sometimes appropriate for a juvenile to be tried as an adult.
- 38.** Explain why there are fewer senate districts than house districts in New Mexico.
- 39.** Describe the agenda for a typical day in session in the New Mexico House of Representatives.
- 40.** Summarize Indian sovereignty, the reasons Indian tribes have the right to create their own governments, and the advantages or disadvantages of that sovereignty to the rest of the state.
- 41.** Predict the problems that might arise if New Mexico had a governor who had lived in the state for a year or less.
- 42.** Research one member of the U.S. Supreme Court and describe the contributions of that justice to American society.
- 43.** How does the New Mexico state legislature identify symbols representative of our state?
- 44.** Analyze whether or not each symbol shown on page 237 is an enduring element of the culture it represents.
- 45.** Make a list of five core American beliefs and principles. Explain how our state symbols reflect or do not reflect those beliefs and principles.
- 46.** Explain how symbols, songs, icons, and traditions combine to reflect various cultures over time.
- 47.** Consider our many state laws and city ordinances. Identify and summarize a law, besides "Oral assistance for language minority voters (1989)," that protects the rights of minorities in New Mexico.
- 48.** Discuss how democracy allows New Mexicans to actively participate in law making.

# NEW MEXICO Social Studies Skills

## Study a Cartoon

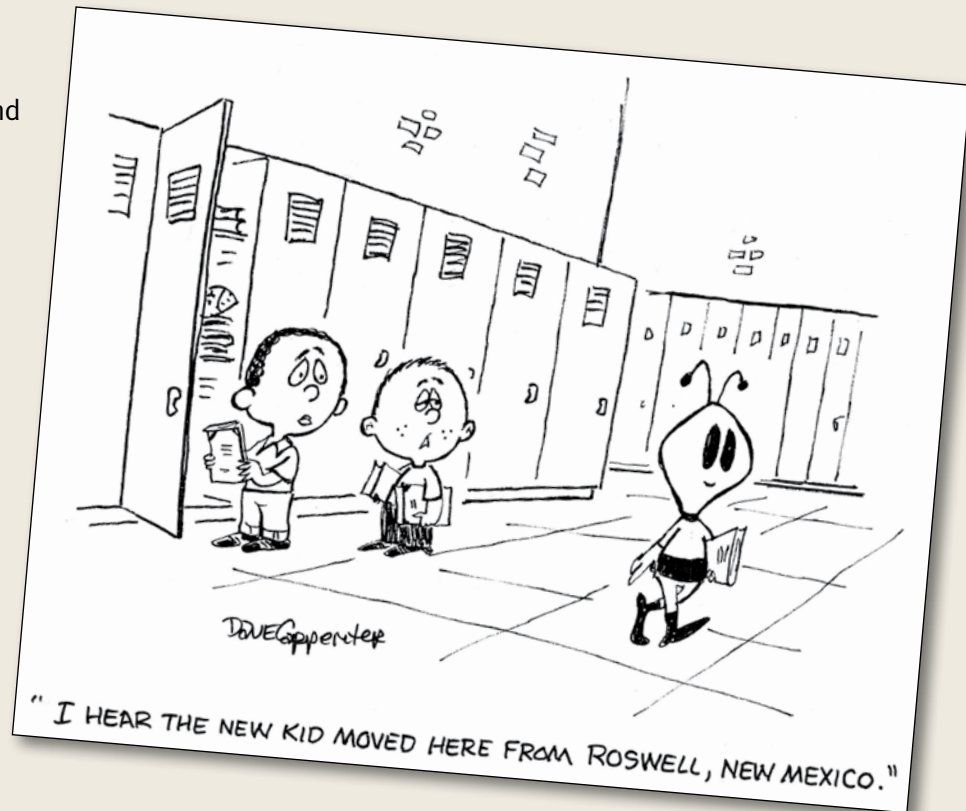
Have you ever heard the saying “a picture is worth a thousand words”? Pictures and other images allow people to learn about a topic without reading many or any words. Political cartoons are one way of doing just that. Political cartoons often use funny or exaggerated images to make a point.

## Cartoonists Use Different Techniques

Cartoonists use different techniques to help make a point. Two common techniques are the use of symbols and the use of exaggeration. Symbols are used to draw attention to an idea or topic. A dove or an olive branch usually symbolizes peace. An image of Uncle Sam or the American flag symbolizes the United States. Death is sometimes symbolized with a skull and bones or a vulture. Exaggeration can be funny and helps emphasize a point. The cartoonist might exaggerate a physical feature such as large nose or ears, bushy eyebrows, baldness, or clothing style. A cartoonist may use a caption or a title.

## Analyze a Cartoon

1. Identify the people or objects in the cartoon.
2. Identify any symbols and what they mean.
3. Describe any action taking place in the cartoon.
4. Does the cartoon use exaggeration? How so?
5. Explain how the caption, title, or both, fit the action taking place and the symbols used.
6. If there is no caption or title with the cartoon, write one or both that would be fitting.
7. Identify the event or issue that may have inspired the cartoon.
8. Describe the cartoonist’s view of the event or issue.
9. Can the cartoon be interpreted in more than one way? If so, how?
10. Use these observations to explain the message of the cartoon.



# Chapter **7** Review

## Key Idea Review

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### Lesson 1

1. What is the purpose of government?
2. Why are the U.S. and New Mexico constitutions important?
3. Give examples of some of the rights and responsibilities of New Mexicans.

### Lesson 2

4. Why is the New Mexico constitution important to the organization of state government?
5. List and describe the roles of the three branches of government.
6. What is the unique role of tribal government?
7. Why do you think it is important to have sound leadership in New Mexico and the United States?

## Comprehension Strategy

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### Find the Main Ideas

When reading nonfiction, good readers hunt for the main ideas. Thinking about the main idea helps readers organize the new information. There are features in textbooks that help you determine the main ideas.

What is the main idea of this chapter? Write a paragraph explaining how you know it is the main idea. Use details from the chapter to support your main idea. The chapter is organized with features that help you easily determine the main idea and supporting details.