

THE AMERICAN LEGION

**MISSOURI
BOYS
STATE**

CITIZENSHIP MANUAL



2017 Edition



MISSOURI BOYS STATE CITIZENSHIP MANUAL

“Democracy Depends on Me”

The security of my rights, privileges and responsibilities as an American citizen, depends on me.

Citizen Name

MBS City Name

City Counselor Name

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CHAPTER ONE

Introduction

A. Welcome

Congratulations on being selected to attend Missouri Boys State! This program is, without question, the finest high school leadership program in the country. If that sounds boastful -- it's not! The fact is, we are extremely proud of the program you are about to experience. This Boys State program is recognized nationally for its innovative style and training expertise. The American Legion Boys State of Missouri ("Boys State" for short) is not a recreational summer camp... although you will have fun and the friendships you make will last a lifetime. It is not summer school... although you will learn more during this week than most high school civics classes. It is not church camp... although you'll be moved by the spirit of democracy and patriotism. It is not boot camp... although you will learn to work as a cohesive unit and develop "esprit de corp" with other talented young men from across Missouri. It is not an athletic camp... although you will have an opportunity to compete against Missouri's finest student athletes. Boys State is a combination of all these things -- and much, much more. You'll hear us refer to Boys State as "A Week to Shape a Lifetime." That's not just a catchy slogan. Several years from now, as you look back upon the friends and events that shaped your young adult life -- we're sure that you will understand why we're so proud of this program, and why we welcome the opportunity to share it with you.

B. Overview

This manual contains written material to orient and prepare you for your experience at Missouri Boys State. (Please use the Table of Contents for inquiries into specific topics.)

What is Missouri Boys State? Missouri Boys State is an interactive citizen leadership program intended exclusively for young men of the highest quality in Missouri. These young men come together to establish a mythical 51st state that mirrors the city, county, and state governmental structures utilized in the real state of Missouri but features a constitution, body of law, and practices unique to it alone, developed by the citizen participants (past and present).

Missouri Boys State is organized and administered under the direction of The American Legion Boys State of Missouri, Inc. An eight day session of Boys State is held annually in June on the campus of the University of Central Missouri in Warrensburg, Missouri. Since its inception in 1938, over 70,000 young men have participated in Missouri Boys State.

They experienced both the challenges and rewards of citizenship by creating their own State. This rich heritage is now yours to experience and savor; the torch is being passed to you, a new generation. Your response to the challenge will prove that our founders were correct in giving the people the

power to determine their own destiny. In America, we believe in the abilities of our citizens. Consequently, you will quickly learn that at Boys State, "if it is to be, it is up to me." Those that have come before you responded to that challenge by having an experience of a lifetime, an experience that caused them to see their future in a new light with a deeper appreciation for what it is to be an American.

Greater than one hundred counselors, most of whom are former citizens of Missouri Boys State, volunteer their time to prepare for and conduct the annual session of Boys State. Each city has at least one City Counselor and one Assistant City Counselor, under the direction of the Dean of Counselors. Your City Counselor will provide you with personal instruction and guidance concerning the activities and challenges at Boys State. The primary goal of your City Counselor is to assure that each citizen in your city has the finest learning experience possible. Instruction given in "core" and "focused" educational programs is provided by actual professionals in the particular subject area being discussed. This means that when you are discussing the practice of law in society, your lectures and discussions will be led by practicing attorneys and judicial staff. Additional counselors, under the direction of the Director, Dean of Operations, and Dean of Education, function throughout the week to assure that your overall experience at Boys State is unmatched.

Funds for operating Boys State are obtained in the form of fees collected as donations from sponsoring organizations. This sum provides for your food, housing, written materials, badges, and a week's subscription to the newspaper published by your fellow Boys State citizens. It is not necessary for you to spend any money of your own while at Boys State, although most participants do bring small amounts of money to take care of incidentals, such as snacks and soft drinks. We encourage you to purchase a Missouri Boys State T-Shirt to wear for a group photograph. Your sponsors and/or the American Legion may arrange transportation to and from Boys State.

C. Administrative Organization

The officers and members of the Board of Directors of The American Legion Boys State of Missouri, Inc. formulate policies and administer the affairs of Missouri Boys State. We are a non-partisan, non-profit educational corporation operating under the laws of The State of Missouri. Complete authority for administering the affairs of Missouri Boys State rests with the Board of Directors.

D. Orientation to the Program

As its primary goal, Boys State strives to "educate our youth in the duties, privileges, rights and responsibilities of American

citizenship.” Your participation in Boys State will provide you with a broad understanding of the privileges and responsibilities of citizenship in a democratic republic.

Boys State endeavors to provide you with a better understanding of and appreciation for self government. To do so, Boys State will promote democratic ideals, expand your knowledge of the underlying principles of governmental organization, and give you an opportunity to participate in the government of Boys State.

As a Boys State citizen, you will organize your own city, county and state governments. You will elect your own governmental officials and select your own political party officials. You will introduce and debate your own bills in your state legislature. Your law enforcement agencies and court systems will administer justice. You will earn money using “Boys State Bucks”, the official currency of Boys State, in order to obtain legal services, buy campaign commercials, start businesses and pay taxes, among other endeavors. At Boys State, you will truly “learn by doing.” You will hold the same responsibilities and promise as any citizen in the everyday world. In effect, you will live as a participating citizen of a mythical fifty first state patterned after the government of Missouri.

In addition to learning about the functions of our form of self-government, citizens produce daily Boys State media, including the MBS Record newspaper and KMBS radio and television broadcasts. These media outlets provide for the exchange of information and are used for various advertisements produced by you. Also during the week, you will have an excellent opportunity to hear many outstanding speakers from a variety of walks of life. All of this is designed to make your session of Boys State “A Week to Shape a Lifetime.” Boys State also offers recreational activities that allow for keen competition among many of Missouri’s finest young athletes. A portion of each afternoon is used in an organized program of intramural sports activities under skilled supervision.

E. Functional Activities

The instructional program of Missouri Boys State consists of three phases: ‘Core’ and ‘Focused’ educational instruction; Formation and operation of a City, County, and State Government; and General Assembly presentations.

You will have the opportunity to study in one of six self-selected “schools of instruction.” Each school teaches a separate area relevant to the functioning of a modern democracy. This instruction is provided by real-world practitioners within each discipline, such as attorneys, state representatives, and Missouri Highway Patrolmen, who will provide training to you regarding how to effectively perform the duties and responsibilities of work in that field. The areas of instruction and their respective schools include:

1. Campaigning and Political Operations
2. Public Administration (Municipal & County Governance)

3. Legislative
4. Law Enforcement
5. Law (Provision and Judicial Practices)
6. Journalism (Function of Media)

Each citizen will receive instruction in the area of their choice through an interactive program of interactive presentations and group discussions during the first few days of the program. These sessions will allow for questioning and personal interaction with the instructors and assistants. **Attendance at particular schools is required for certain offices and positions at Boys State.** (See Chapter 4.)

Combining rigorous academic programming and active engagement in the formation and operation of your own government is the distinctive hallmark of the Missouri Boys State program. Boys State provides numerous opportunities for participation in the political and government systems, such as organizing political parties, developing a party platform, nominating candidates for offices from each party, campaigning for those candidates and electing governmental officials on the ward, city, county and state level. More importantly, once candidates are elected, they will have the opportunity and responsibility to operate all facets of a viable, functioning government.

This government will consist of a court system where cases are argued and judgments rendered; a city council and state legislature where ordinances and bills are passed into law; law enforcement agencies with the responsibility of enforcing the laws; and an executive branch responsible for administering the laws. Defined times are set aside for all governmental activities and such activities constitute the chief means through which citizens “learn by doing.”

As the week progresses, the staff continues to counsel each unit and branch of government in the performance and understanding of their respective duties. For example, a city of Boys State may be encouraged by its counselor to create and then maintain a city park for the enjoyment of the city residents. In this way, Boys State is both structured and flexible so as to encourage a unique citizenship learning experience that closely approximates the real world. What each city is able to accomplish is limited only by the imagination and dedication of its citizens.

Assemblies for all citizens will be held beginning Saturday evening. The purpose of the assemblies is to hear presentations from and ask questions of state and national civic leaders. Such assemblies supplement the instructional material and provide an opportunity for you to meet prominent individuals, many of whom were former citizens of Boys State. During the Wednesday evening assembly, the leaders of your Nationalist and Federalist parties present their platforms and candidates for state office. This will give you an opportunity to decide which candidate or party you will support.

F. Scholarship Information

During the 50th anniversary session of Missouri Boys State in 1988, the Board of Directors began the Harley Wyatt Memorial Scholarship Program. This scholarship program makes available over \$2,000,000 of scholarships annually by a variety of Missouri colleges and universities for the benefit of the students who have attended Missouri Boys State. You were given information during orientation so you can take advantage of this opportunity.

At the 1993 session, a new scholarship was introduced to Boys State citizens. The inaugural "Citizen of the Week" Scholarship was awarded to citizen Ralf David Emerson of Scott City, MO. The annual scholarship was developed through the A.B. Weyer Memorial Trust Fund (now called The Missouri Boys State Memorial Trust). Each year, the Boys Stater selected as "Citizen of the Week" receives up to \$10,000 in scholarship money for the college or university of his choice, not to exceed a period of 4 years. This citizen is also expected to return to serve on staff during the duration of their scholarship period.

In addition to the academic scholarships noted above, the University of Central Missouri will allow those Boys State participants who successfully meet the course requirements and complete the program to apply for 2-3 hours of college credit at a special rate determined annually by the University. Information from the University was provided in the materials disseminated at the orientation meetings.

G. Conclusion

The organization that sponsored you has made an investment in your future; it expects a return on its investment. This begins with your full participation in the activities that are provided for you. As a citizen of Boys State, we expect each citizen to make a sincere effort to contribute to the program and to take the ideas and knowledge you've gained and put them to use in your own high schools and communities. Boys State would fail in its objectives if this were not the goal for every young man who attends the annual session.

The Board of Directors of The American Legion Boys State of Missouri, Inc., has an obligation to the numerous civic, fraternal, and commercial organizations and the many spirited citizens who each year make this program possible for the youth of Missouri not to permit any deviation from the purposes for which the annual sessions are held. Prior to your acceptance as a citizen, you were provided with information packets which contained the following statement: "Boys State is in no sense a disciplinary or recreational camp. Only boys with outstanding qualifications in character and leadership, who will have a serious attitude toward an intensive citizenship training program, should be selected."

If you have read Chapter 1 carefully, you will understand the responsibility you have to your community, your school, your sponsor, and your family to give this program your best. Make a commitment to work hard and push yourself for the entire week, and you will truly enjoy the Missouri Boys State program.

Boys State Creed

American Citizenship is my most priceless possession. I believe in the constitutional form of government of the United States of America - which guarantees me the right to worship God as I choose and as a citizen, equal opportunity, and equal educational rights. It is my obligation to participate in and contribute my effort to the civic and political welfare of my community, state and nation. I resolve to learn and understand government and the civic needs of my community and I hereby dedicate myself to the task of arousing and maintaining a like interest in my fellow citizens. Therefore, may the experience of Boys State be ever with me as a reminder of my obligation to my country.

EXECUTIVE COMMITTEE
Missouri Boys State

CHAPTER TWO

Code of Conduct

While the administration of the government of Boys State is in the hands of the citizens themselves, the Missouri Boys State Board of Directors is charged with insuring that every citizen has the best possible experience while protecting the integrity of the program. Because of this responsibility, the Board of Directors has established a “Code of Conduct” to which all citizens are expected to adhere.

Citizenship at Boys State, just like the real world, entails both privileges and responsibilities. Citizenship is contingent upon your acceptance of the principles and regulations set forth in this code. Citizens who violate the letter or spirit of these regulations are subject to dismissal from Boys State without refund of fees and are barred from further participation in the program. Dismissal also forfeits all benefits of program completion including, but not limited to, certification of participation, collegiate scholarship awards, and academic credit.

Further detail on the rules and regulations of Boys State may be found in the publication “Instructions and Information” which is issued to each citizen at the orientation meetings.

The Missouri Boys State Code of Conduct states:

1. No citizen shall bring, possess, or obtain firearms, fireworks, liquor, drugs, nor any substance declared to be illegal under the Missouri Revised Statutes or the United States Code.
2. No citizen shall leave the grounds of the Boys State program without signed permission of the Director, Dean of Counselors, or Dean of Operations.
3. No citizen shall steal, deface, or destroy Boys State property, the property of another citizen, or the property of the host university.
4. No citizen shall operate any automobile or form of transportation while at Boys State.
5. No citizen shall use electronic devices such as pagers, computers and handheld video games. Citizens may use cellular phones **ONLY** in designated areas and during designated times.
6. No citizen shall trespass in portions of any buildings not specifically assigned to the Boys State program and delineated for citizen use.
7. No citizen shall harass or threaten any person, nor attempt to cause physical harm in any manner or form, either as an individual or as a member of a group.
8. No citizen shall engage in offensive conduct, which includes, but is not limited to, the following: boisterous or rowdy conduct: using lewd, profane, or obscene language; possessing obscene pictures or printed material.
9. No citizen shall violate the rules of common courtesy and decency in his relationship with another citizen or counselor.
10. All citizens shall be amenable to the rules, ordinances, and statutes of the government of Boys State, and shall cooperate with all duly elected or appointed citizen officials.
11. All citizens shall respect the authority of the counseling staff and shall conform to requests made by them in the line of duty.
12. All citizens shall render proper respect to the Flag of the United States at all times.

CHAPTER THREE

Citizenship & Exercising the Right to Vote

A. United States Constitution

Under the Fourteenth Amendment to the United States Constitution all persons born or naturalized in the United States are both citizens of the United States and also of the state in which they reside. Although the United States largely prescribes citizenship requirements, voting qualifications for the election of state, county and local officials is reserved mainly to the states. Three notable exceptions the United State Constitution places upon the state's power to determine their own voting qualifications are to be found in the Fifteenth, Nineteenth and Twenty Sixth Amendments.

The Fifteenth Amendment provides that no citizen shall be denied the right to vote "on account of race, color or previous condition of servitude." The Nineteenth Amendment states that no citizen shall be denied the right to vote "on account of sex." And, the Twenty Sixth Amendment requires that "The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any state on account of age."

B. Missouri Constitution

Section 1. Qualifications of Voters-Disqualifications - All citizens of the United States, including occupants of soldiers' and sailors' homes, over the age of eighteen and who have resided in this state thirty days, and the county, city or town thirty days preceding the next election at which they offer to vote, and no other person, shall be entitled to vote at all elections by the people; provided no person while confined in any public prison shall be entitled to vote, and persons convicted of felony, or crime connected with the exercise of the right of suffrage may be excluded by law from voting; and incapacitated persons may retain the right to vote upon order of the Probate Division of the Circuit Court.

Missouri Boys State: All citizens have the right to vote.

Section 2. Methods of Voting Numbering and Recording Ballots Secrecy of Ballot Exceptions - All elections by the people shall be by ballot or by any mechanical method prescribed by law. Every ballot voted shall be numbered in the order received and its number recorded by the election officers on the list of voters opposite the name of the voter. All election officers shall be sworn or affirmed not to disclose how any voter voted; provided, that in cases of contested elections, grand jury investigations and in the trial of all civil or criminal cases in which the violation of any law relating to elections, including nominating elections, is under investigation or at issue, such officers may be required to testify and the ballots cast may be opened, examined, counted, compared with the list of voters and received as evidence.

Missouri Boys State: Election judges and clerks shall not disclose how any citizen voted.

Section 3. Privilege of Voters from Arrest Exceptions - Voters shall be privileged from arrest while going to, attending and returning from elections, except in cases of treason, felony or breach of the peace.

Missouri Boys State: Same.

Section 4. Registration of Voters - Registration of voters may be provided for by law.

Missouri Boys State: All citizens are automatically registered to vote.

Section 5. Retention of Residence for Voting Purposes - For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while engaged in the civil or military service of this state or of the United States, or in the navigation of the high seas or the waters of the state or of the United States, or while a student of any institution of learning, or kept in a poor house, or other asylum at public expense, or confined in public prison.

Missouri Boys State: Same.

Section 6. Absentee Voting - Qualified electors of the state who are absent whether within or without the state, may be enabled by general law to vote at all elections by the people.

Missouri Boys State: Historically, there is no absentee voting.

C. Levels of Government

In both the United States and Missouri Boys State, citizens vote for individuals to represent them at local, regional, and national levels of government. At each level, candidates are often supported by political parties that promote their campaign (More information about political parties can be found in Chapter 4). The following terms delineate these varying political and governmental subdivisions:

1. **Nation** – All 49 American Legion Boys State programs make up Boys Nation. Two citizens of Missouri Boys State are selected by staff to attend Boys Nation as Senators.
2. **State** – Missouri Boys State is comprised of eight geographical counties.
3. **County** – Each County in Missouri Boys State is comprised of two adjacent Cities.
4. **City** – There are sixteen total cities in Missouri Boys State, each of which is divided into 3 geographical wards.

5. **Ward** – A ward is a political sub-division within a city. At Missouri Boys State, each ward has a Nationalist and Federalist political party organization.
6. **Precinct** - A precinct is a political sub-division of the Ward. *(Not used at Missouri Boys State)*

D. Caucuses

Due to the limited duration of Missouri Boys State, we use the caucus method for the selection of each party's candidates for all offices in Missouri Boys State except statewide officers. The caucus method of nominating candidates for office features a local meeting run by party officials where people can verbally express support for candidates. The caucus method is often used by political parties in naming candidates for city, county and state offices. This method has long been used by the two major parties in various states as a means of determining which candidates for the presidency and vice presidency of the United States receive each state's delegates for the National Convention.

E. Voting in the Direct Primary

The purpose of the primary is to nominate candidates from among other candidates from the same party for the general election. Unlike a caucus, a primary election features an actual secret ballot. The winning candidate is the one who receives the largest number of votes. His name and the names of nominees representing other political parties having candidates for that office are then placed on the general election ballot.

In the primary election there are as many different ballots available as there are political parties with candidates seeking office in the election. On the federalist ballot will be found only names of the federalists; on the nationalist ballot only names of nationalists. In the primary election, each political party selects its own set of candidates for the offices to be filled. At Missouri Boys State, to vote in a primary election, the voter must designate his party affiliation, shown on each citizen badge, and can vote only on his own party ballot.

F. The General Election

The purpose of the general election is to elect candidates to serve in public office. The winning candidate is the one who receives the largest number of votes, a plurality vote. Whereas the primary election is an election within a political party, the general election is an election between all political parties. In the general election there is only one ballot including only the names of the candidates who were nominated in the primary election. The ballot also indicates the party of each candidate.

In this election a Federalist may vote for a Nationalist and vice-versa, so long as they do not vote for more candidates than there

are offices to fill. At Boys State, all citizens will attend a Joint-Party Rally the evening before the general election to listen to candidates from both parties give speeches about their candidacy.

G. Aspects of Effective Voting

Before casting his ballot a good citizen always give consideration to the individual needs of others and the collective needs of government, in addition to his own personal interests.

In order to reach a meaningful choice among candidates and issues, a good citizen:

1. Gathers information on social and economic conditions,
2. Weighs the information for its possible bias and
3. Discusses issues with his fellow citizens and the candidates concerning their positions.

Only citizens who strive to understand the issues at stake and the plans of those seeking public office can make a meaningful choice.

While loyalty to one's party is considered essential to the formation and proper functioning of political parties at Boys State and is the reason each party develops a platform of beliefs representing its constituency, every citizen is encouraged to vote his conscience.

CHAPTER FOUR

Political Organization

A. The Political Party

The citizens of Missouri Boys State are divided into two political parties, the “Federalists” and the “Nationalists.” These political parties have no relationship to political parties outside Boys State. Citizens are assigned to political parties randomly.

At Boys State, great emphasis is placed on political parties, political campaigns and elections. Often, citizens of a community, state or nation have a better opportunity to express themselves in government through the means of political parties than through their individual efforts as citizens. Political parties afford the opportunity for collective thinking and cooperation in analyzing problems that affect citizens as a whole. Political parties develop **platforms** which define party aims and ideals. In Boys State each party should give serious thought and careful deliberation to the formulation of a platform. These platforms often include positions on both real world and Boys State issues that party members feel are in the interest of Boys State citizens and will help to attract voters and differentiate them from the other party.

Keep in mind throughout the week that the political party structure is separate and distinct from the state governmental structure. The political party structure is basically formed for the purpose of formulating certain common ideas and goals in the form of a party platform. The political parties achieve their goals by nominating candidates for government offices and campaigning for those candidates so that they will be elected to office. The elected officials for each party then become part of the governmental structure. ***You must understand this important distinction between the political structure and the governmental structure in order to obtain the full benefit of the Boys State program.*** One of the more obvious differences between the party political structure and the governmental structure is that a citizen can hold as many political party offices at the same time as he can obtain. However, a citizen can only hold one governmental office at any one point in time.

In order to achieve the goals of nominating the best candidates and getting those candidates elected, political parties form committees responsible for providing the leadership for the party. These committees are formed at ward, city, county and statewide levels. The diagram at the end of this Chapter shows the overall party political organization of Missouri Boys State.

Each party elects certain party officials that will represent the party on various party committees. The following is a description of the party political offices that will be elected and the duties of each such office:

CITY WARDS

A Ward is the political subdivision within a city. At Missouri Boys State, each Ward has a Nationalist and Federalist organization. There are three Wards per party in each city and members

of each political party in each ward must select a ward committeeman for the party. Each ward will also select two delegates to their party’s respective County Committee, a ward candidate for City Council, and two delegates to their party’s respective State Convention.

Ward Committeeman

There are three Ward Committeemen for each party in each city. The Ward Committeeman is his party’s representative at meetings of the City Committee. He conveys party plans from the City Committee to the members of his ward. He is responsible for seeing that the members of his party in his ward get to the polls to vote. It is also the responsibility of the ward committeemen to assist in appointing election officials for each election.

CITY COMMITTEE

The city committee is comprised of the three Ward Committeemen. The Ward Committeemen will meet to appoint the City Chairman, Vice-Chairman and City Party Secretary from their own ranks. Together, the three Ward Committeemen make up the City Committee. It is the job of the city committee to select two election judges and one clerk to serve from each party for each election. If an election judge or clerk appears on the ballot, a replacement election official must be selected.

City Chairman

The City Chairman’s contacts are with the ward committeemen, rather than with the members of the party. He is also an ex-officio member of the County Committee of his party. The City Chairman is responsible for coordinating and drafting a platform for his political party at the city level.

The platform should be geared toward issues that directly affect citizens at the local level (e.g., economic development, taxes) and shape the week at Boys State. The members of the political party in the city must approve the platform at the city caucus. The City Chairman may form a committee of party members to help him draft the platform.

The first big job that he will perform is to hold a caucus of the members of the party in his city to nominate citizens for city offices and candidates for the state House of Representatives and state Senate. After the city election, the city chairman will preside at another city party caucus to nominate candidates for the County Commissioner.

COUNTY COMMITTEE

The County Committees of each party will meet and organize, electing a County Chairman, a Vice-Chairman, and a County Party Secretary. The two delegates elected from each ward serve as members of the county committee along with the city committee chairman as an ex-officio member of the county committee. The county chairman and vice-chairman shall take

the leadership in managing the affairs of the party in their county.

The members of the County Committee are responsible for drafting a County Platform for their party. They may draft the platform themselves or form a committee to serve as the authors of the platform. The members of the county political party must approve the platform at the County Caucus.

County Chairman

The County Chairman's duties are essentially the same as the duties of the City Chairman but at the county level (i.e., communication with City Committees and coordinates party's election strategy on county level,). At the outset, the most important job of the chairman and vice-chairman is to organize and run the County Caucus, a meeting where citizens select a slate of party nominees for county offices to be voted on.

STATE CENTRAL COMMITTEE

The State Central Committee of each party consists of the chairman and vice-chairman from each county (16 citizens). Each State Central Committee will meet with counselors specifically assigned to that party as advisors.

Each committee will elect from its members a State Central Committee Chairman, Vice Chairman, Secretary, Treasurer, and Sergeant-at-Arms. In addition to serving as the leaders of the party, the five officers of the State Central Committee also serve as the chairmen of the five standing committees.

The remaining members of the State Central Committee who do not serve as one of these five officers serve as the party's Platform Committee. Additionally, the members of the State Central Committee organize and preside over the State Party Convention meeting.

STATE PARTY CONVENTION

The State Party Convention serves as the party's statewide workgroup. The convention consists of the two delegates from each city ward (96 citizens) and members of the State Central Committee (16 citizens) with the State Chairman, as selected by State Central Committee, presiding. During its meeting, the State Party Convention will organize into five standing committees under the direction of the chair. The five standing committees include:

Platform Committee

The remaining members of the State Central Committee who are not an officer (i.e., Chairman and Vice Chairman) shall serve as the party's Platform Committee. The Platform Committee is responsible for developing the party's position on a variety of issues which will serve as the basis for the political campaigns at Boys State. The chairman of the State Central Committee serves as chair of the Platform Committee.

Strategy Committee

The Strategy Committee consists of members of the State Party Convention and is led by the Vice Chairman of the State Central Committee. The Strategy Committee is responsible

for communicating the party's platform to the rest of Boys State and for coordinating the campaign activities of the party's candidates (i.e. buying advertising in Boys State media, organizing the party members at city and county levels, and publishing the party platform).

Credentials Committee

The Credentials Committee consists of members of the State Party Convention and is led by the Secretary of the State Central Committee. The Credentials Committee is responsible for verifying the nominating petitions of the candidates for statewide office before the party rally.

Finance Committee

The Finance Committee consists of members of the State Party Convention and is led by the Treasurer of the State Central Committee. The Finance Committee is responsible for planning and implementing fundraising for the party, and for managing the party's finances. The funds the Finance Committee raises help finance the activities of the Strategy Committee and the campaigns of the party's candidates.

Rules Committee

The Rules Committee consists of members of the State Party Convention and is led by the Sergeant-at-Arms of the State Central Committee. The Rules Committee is responsible for determining the format and rules for the party's nominating rally for statewide offices. Additionally, the Rules Committee from each party will work together to coordinate the format and rules for the Gubernatorial Debate and the Joint Party Rally.

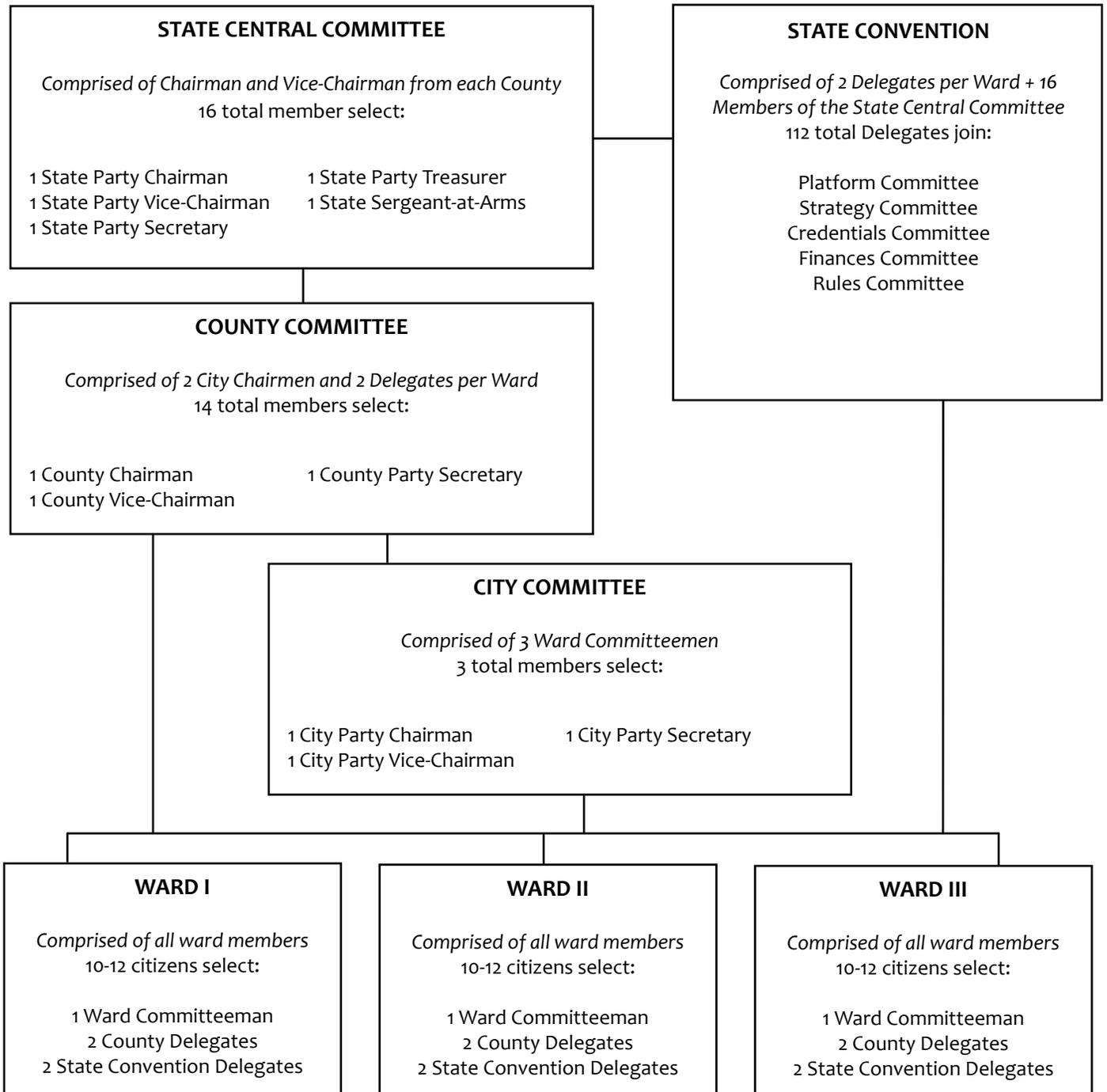
B. Nominating Petition

All candidates for statewide office, including the Governor, Lieutenant Governor, Secretary of State, Attorney General, State Auditor, and State Treasurer, shall file nominating petitions. Nominating petitions can be obtained from your City Counselors. Nominating petitions for any state office shall be signed by not less than 25 nor more than 30 bona fide citizens of the same political party as that of the candidate. *No citizen may sign a petition for more than one candidate for each state office.*

Prior to the Joint Party Rally, the Credentials Committees shall receive and review the various nominating petitions, to ensure they comply with the rules as set forth above. The committee may, at its discretion, disqualify any candidate whose nominating petition does not comply with the rules set forth above. Any party that is disqualified by the Credentials Committee may challenge that decision and they should see their City Counselor for more information about that process.

MISSOURI BOYS STATE POLITICAL PARTY STRUCTURE

(The Structure is Identical for both Nationalist and Federalist Parties)



CHAPTER FIVE

Campaigning

A. Introduction

The objective of a campaign is to win and to communicate to voters how the candidate intends to govern when elected to office. The successful candidate conveys a message to targeted voters, a sufficient number of times, to convince enough of those voters to go to the polls and vote for the candidate. The campaign is the vehicle that initiates and coordinates contact with the voter. The candidate's message can be communicated in person (e.g., speeches and handshaking) through volunteers (e.g., door to door and telephone) or with the media (e.g., TV, radio, posters, and mail).

But a campaign must be more than a series of random contacts with voters. The best campaigns attempt to establish a personal and emotional relationship between the candidate and the electorate, which makes voters willing to choose between candidates and develop long standing loyalty to one candidate or party. To accomplish this, a campaign becomes a strategic management of limited resources. The resources of any campaign are time, people, and money. They are always limited and must be managed carefully. A campaign, therefore, can be divided into three components: Campaign planning, Voter contact, and Turnout.

B. The Campaign Plan

Essential to an effective campaign is a written campaign plan, a management control that puts all campaign activity on a program basis. In essence, the campaign plan ties the theme to specific, timed, and budgeted programs intended to reach voters with the campaign's message. The following are elements of a good plan:

Assessment of Strength and Weakness

The planning process involves a careful assessment -- before a campaign starts -- as to the personal and political strengths of the candidate and the opponent. This includes: experience for the office, public record, appearance, communication skills and education. In the plan, a decision is usually made to emphasize the positive points of one's candidacy and bolster weak points only if the weakness must be improved to win. For example, a candidate who is a poor speaker does not need to make costly speech lessons if the campaign plans to do 90% of all campaigning with direct mail.

Targeting

Targeting means concentrating limited resources (time, money, and volunteers) where they will be most effective. In the plan, established priorities for which voters, wards or cities your candidate should concentrate limited campaign time. Two methods of targeting at Boys State

are: 1) overview targeting; and 2) election data targeting.

In overview targeting, write down the logical voters who should vote with you (e.g., party members, roommates, friends, neighbors, and teammates). Count them to see if they might equal 51% of the vote (less if there are more than two (2) candidates in the race). If the total seems like enough to win, these become target voters. If not, expand the list. Rank your target voters into three (3) categories; "most likely" to vote for you, "persuadable", and "not likely" to vote for you. Concentrate campaign programs on the "most likely" and "persuadable" voters.

The second targeting method is election data targeting. The best predictor of future voting behavior is first, party affiliation and second, past voting behavior. Keep accurate records of every vote. At Boys State, votes are posted and kept on file by election judges. As the week progresses, campaigns become larger, involving more and more voters. Vote targeting can be achieved by reviewing past votes and concentrating on wards, cities, and counties where your party has won races. List as "most likely" areas where your party has won major offices. Define "persuadable" areas as those places where both parties have each won some positions. Don't waste time campaigning in areas your opponent will be strong in. Concentrate your resources on the areas that give you the best chance to win.

Theme Development

A campaign theme is the message that is communicated to voters. The theme should unify the voters' interest with the candidate's strengths. It is much more than a slogan, although it is frequently captured as a slogan. Ideally your campaign theme should be an expression of what kind of leadership the voters want in a candidate. But it must also include a link to what kind of candidate you are, what your experience is or the key issues in the campaign. A theme should be a statement explaining why a voter should support you. In developing a campaign theme the most important thing to remember is this: Voters do things for their reasons, not the candidates. In short, a campaign theme should answer the hardest question a voter can ask a candidate. "Why should I vote for you?" Your campaign theme should be the answer to that question.

C. Campaign Structure

The most effective campaign organization is the strong manager structure. A campaign run by committee usually fails because decisions don't get made. The strong manager structure allows major decisions to be made by the campaign manager with veto powers reserved for the candidate. Each department of the campaign reports directly to the manager and is responsible only to the manager as shown in the accompanying statewide campaign organizational chart.

The Candidate

The candidate's job in a campaign is to win votes -- not run the campaign. In the planning process, the candidate should help structure the theme and develop issue positions consistent with how the candidate believes government should be run. During the campaign, and until the polls close, the candidate's major responsibility, other than fundraising, is to meet the voters and try to persuade them favorably. The only other important use of the candidate's time should be spent preparing for major campaign events, such as speeches, press conferences, debates, etc. Although the candidate does not run the campaign, each should have veto power over all decisions.

The Campaign Manager

The Campaign Manager runs the campaign. The Manager is responsible for devising the strategy on how to win, helping to draft the campaign plan and implementing all programs of the campaign aimed at winning votes. The Manager has responsibility for recruiting the Staff Directors and, if necessary, firing them. All Staff Directors report to the Manager, not the candidate. The Manager should be trusted completely by the candidate.

The Organization Director

The Organization Director is responsible for recruiting volunteers for the campaign, or coordinating with the party organization. To accomplish this, the Organization Director should build a pyramid organization, first recruiting eight (8) County Coordinators who each recruit two (2) City Coordinators (total 16) who in turn each recruit three (3) Ward Coordinators (total 48). The Ward Coordinators are responsible for contacting individual voters in their ward on behalf of the candidate. In most campaigns the party serves this function during the general election.

Using the campaign organization, the Organization Director is then responsible for campaign literature distribution and any specific voter contact program called for in the campaign plan (e.g., individual talks with voters, direct mail, and invitations to meet the candidate). The campaign organization is responsible for identifying favorable and undecided voters. On the day of the election, the Organization Director and campaign organization are responsible for getting "favorable" voters to the polls to vote and those undecided voters who may have been persuaded at the last minute.

The Scheduling Director

The Scheduling Director is responsible for scheduling all campaign events and deciding where it is most important for the candidate campaign. Scheduling decisions should be made first on the basis of targeting done in the plan and secondly on invitations and events "required" of all candidates.

The Scheduling Director is also responsible for creating novel and catchy campaign events geared at maximizing a candidate's exposure. The Scheduling Director must also make sure the candidate stays on time. This frequently requires someone to be with the candidate at all times.

The Publicity Director (Press Director)

The Publicity Director is responsible for creating and producing all campaign materials. In cooperation with the Organization Director, the Publicity Director is also responsible for distribution of all materials. The Publicity Director shall produce any materials including posters, buttons, direct mail letters, hats, etc. which may be required by the campaign plan. In addition, the Publicity Director is responsible for all dealings with the Boys State media, including arranging news conferences, writing press releases or creating news events.

The Finance Director

The Finance Director is responsible for raising monies to purchase campaign materials, radio or television commercials, newspaper advertisements, and to pay campaign workers, if necessary. At Boys State, the KMBS-TV network, Boys State radio, and the MBS Record newspaper charge a substantial amount of Boys State Bucks in exchange for political commercials or advertisements. The specific amount is determined by each media outlet and may change as the election approaches. Hence, the finance director is a very important position within any campaign organization.

The Research Director

The Research Director is responsible for compiling and analyzing all election data used in voter targeting. The Research Director must also help the campaign draft its platform and issue positions to be used in the campaign. Finally, the Research Director should help write major speeches and prepare the candidate for press conferences or debates.

D. Voter Contact

Voter contact programs have two purposes: 1) to communicate the candidate's name and message to target voters; and 2) to canvass voters by individually identifying every favorable and undecided voter. Undecided voters are repeatedly contacted in an effort to persuade them and favorable voters are maintained to be turned out on Election Day.

Types of voter contact include: 1) personal contact by the candidate or a volunteer; 2) direct mail or telephone contact; 3) campaign literature contact such as posters and buttons; and 4) media contact either by advertising or news coverage.

A good campaign might use a variety of voter contact programs or try and do one extremely well. The best programs have these elements:

- a. Planned -- materials prepared, candidates time scheduled and volunteers recruited.
- b. Targeted -- voter contact program attempts only for key target groups.
- c. Repetitive -- the voter should be contacted from a minimum of three (3) to seven (7) times.
- d. Measured -- the campaign should keep careful records of all favorable voters, and

then remind them to vote on Election Day.

- e. Persuasive -- all campaign materials and the message of both volunteers and the candidate should be to convey the campaign theme to target voters.

E. Turnout: Get-Out-The-Vote

The final phase of the successful campaign is the Get-Out-The-Vote effort. This generally occurs in two stages.

The first stage, on or shortly before Election Day, is to remind favorable voters, identified during the campaign, to vote on Election Day. The second stage is to carefully monitor who votes on Election Day to determine if any favorable voters have not yet voted and to give them extra encouragement while the polls are still open to get out and vote.

CHAPTER SIX

Governmental Organization

A. Introduction

The functioning governmental units at Missouri Boys State are the wards, the cities, the counties and the state.

There are three wards in each city. The only official elected on the ward level is one city councilman from each ward. Once elected, this city councilman represents his ward on the City Council and has full power to act along with the other city councilmen to pass city ordinances and function as the legislative body for the city. The remaining members of the city council are elected at-large (meaning they can reside in any of the three wards).

The next level of government at Boys State is the city. There are 16 cities at Missouri Boys State, each comprised of approximately 60 citizens. In many respects, the city is the most important governmental unit at Boys State. After the Mayor and City Council have been elected, these officials are charged with running the city. The citizens in each city will spend most of their time at Missouri Boys State working together to accomplish goals at all levels of the program. Because development, cooperation, and leadership at the city level are such an important part of Boys State, your Mayor is one of the most important elected governmental officials at Boys State. The Mayor will be the leader of the city and will play a great role in determining how well your city performs in relationship to others.

County and City Organizations		
County	Cities	Judicial District
Scott	Pershing / Carver	1
Frank	Boone / Crowder	2
Barton	Lewis / Clark	3
Benton	Kohn / Whitfield	4
Bradley	Doniphan / Carnahan	5
Gamble	Blair / Richardson	6
Newberry	Duggan / Ingle	7
Bacon	Weyer / Gambrel	8

Once the city is organized, the next level of government to be organized is the county. Each county is comprised of two cities. There are a total of eight counties at Missouri Boys State. County officials are elected on a county ballot and operate the county government, enforce the laws of Boys State, and run the state trial court system. The two cities comprising a county are normally located in close proximity to each other and, during the week, work together to make their county function efficiently and serve the county population. Each county also constitutes a judicial circuit and provides a circuit and an associate circuit court to hold sessions where lawsuits will be filed and tried by the citizen attorneys.

At Missouri Boys State, the counties and cities are named after distinguished individuals from Missouri or after individuals who have played a major role in the history of Missouri Boys State. A list of these individuals and short corresponding biographies can be found on the MBS website or the MBS mobile app.

All the hard work of the citizens during Boys State will ultimately lead to the formation of an entire state government. The state has a total population of approximately 960 citizens. The state functions through a General Assembly that considers and passes bills, an executive branch that administers the laws, a Highway Patrol that enforces the laws and a Supreme Court that interprets and applies the laws and acts as the supreme judicial body in the state. The executive officers are elected in a statewide election and Senators and Representatives are elected from each city in the first city election. The Highway Patrol is appointed by law enforcement counselors after an application and interview process. And the Supreme Court is selected through Missouri's non-partisan court plan (see Chapter 9).

The officials from each level of government must work together, and collectively, they have the responsibility to function as any government must function, for the benefit and at the pleasure of those citizens they represent.

B. The Nomination and Appointment of Governmental Officials

All governmental officials at Missouri Boys State are either elected or appointed. Candidates for elective governmental offices are first nominated by their parties and, once nominated, their names are placed on the ballot. City and county officials (as well as state senators and representatives) are nominated by their parties at a party caucus held for the purpose of nominating or slating candidates for the respective ballot. Additionally, candidates for state office, except Senators and Representatives, are nominated by petition and are chosen by their party by a statewide primary election. Although it is considered a more difficult path to election, a citizen may seek office as a write-in candidate if not nominated by his party. **NOTE: A citizen cannot hold more than one governmental office at any one time.** He may, however, hold one office and run for a higher office; but if elected to the higher office, he must resign from one of the offices, for which a special election will be held, or another appointment made, to fill the vacated position. In contrast to governmental offices, a citizen may hold as many political positions as desired (*as described in Chapter 4*).

Once nominated, candidates are elected by secret ballot in elections which are held in designated polling stations. All citizens are expected to vote. There are four elections at

Missouri Boys State: city, county, state primary and state general. The times for these elections appear on the schedule and will be discussed in your city. The law of Missouri Boys State is that no citizen can appear on the same ballot twice. This means, for example, that you cannot run for city councilman and any other city office at the same time since both of these offices appear on the city election ballot. Also, you cannot run for senator or representative and any other city office because all of these offices appear on the same ballot.

Certain governmental officials at Missouri Boys State are appointed and not elected. Generally, these officials are appointed by specific elected officials at each level of government. If a citizen is interested in an appointive office, he should talk with the elected official with the power to make the appointment in order to obtain the position. The specific selection criteria of these appointive positions are generally left up to the selecting officials.

C. Functions and Duties of Governmental Officials

CITY OFFICIALS

The elected officials in a city are:

1. Mayor
2. City Treasurer
3. Municipal Judge
4. City Council

The cities of Missouri Boys State can be organized in accordance with either the Mayor-Council or the City Manager form of government. Unless otherwise decided by a majority of the City Council, the Mayor-Council form will be followed.

A. MAYOR-COUNCIL FORM

MAYOR

The Mayor is the elected chief executive of the city. The Mayor:

1. Presides at all meetings of the City Council.
2. Appoints the following officials with the consent of the City Council: City Clerk, City Attorney, Chief of Police, Fire Chief, and Health Commissioner. He shall also appoint assistants to the appointive officials as required and recommended. He may remove any appointive official for cause.
3. Supervises the work of all appointive officials, and holds them responsible for the proper performance of their duties.
4. Within twenty four hours after he takes office, presents to the City Council a message containing information relative to the affairs of the city, including budget and tax recommendations, and to recommend measures that he may deem expedient.
5. May veto ordinances passed within twenty-four hours by the City Council, provided that, by a two

thirds vote of its members, the council may pass an ordinance over his veto.

6. Proposes to the City Council a complete budget, including salaries for appointive positions and taxing recommendations that may be required to fund city government.
7. May make arrests without warrant, and may exercise police powers personally to suppress disorder and maintain the peace. In case he finds himself unable to cope with a state of disorder, he shall be obligated to call upon the Governor for aid by the State Highway Patrol.
8. Is responsible for city conduct and behavior at general assemblies and meals. He should call upon counselors and law enforcement officials to assist him in these duties, when necessary.
9. Is responsible for preparation of the City Report. The City Report will contain all city ordinances, minutes of City Council meetings, and the city financial report. The City Report will be due to the State Auditor, State Treasurer, and Secretary of State on Friday immediately following lunch.
10. Participates in the Mayors' Conference.

CITY COUNCIL

The City Council is composed of one councilman elected from each of the three wards and four councilmen elected from the city at-large. The Mayor presides over the Council, but he has no vote except in the case of a tie. The City Council:

1. Acts as a legislative unit for the city government by enacting ordinances for the welfare of its citizens.
2. Considers the Mayor's recommendations regarding the budget, legislative measures, salaries, taxes, appointments, etc.
3. Hears reports submitted by the Mayor and other elective and appointive officers.
4. Establishes city services and facilities to benefit the welfare of its citizens.
5. Establishes sources of revenue for the city.
6. Establishes a budget of revenues and expenditures for the city. The budget should contain an estimate of revenues by source, and expenditures required to pay for city projects, salaries and services.
7. Approves all expenditures made with city monies.

B. CITY MANAGER FORM (OPTIONAL)

The City Manager form of government operates in much the same way as the Mayor-Council form, except that a City Manager is hired to handle the day-to-day operations of the city. The roles of these three types of officials in the City Manager form of government are discussed below.

MAYOR

The Mayor is the political and ceremonial leader elected by the city. The Mayor:

1. Is a regular voting member of the City Council and presides over the meetings of the City Council.
2. Within 24 hours after taking office, delivers to the City Council a message containing information relevant to the city and recommend measures that he deems expedient.

and place for holding its sessions, and requires any peace officer within his jurisdiction to enforce his decisions.

3. Hears and renders a decision with regard to all cases that are properly brought before him.
4. Appoints a clerk of the Municipal Court.

CITY MANAGER

The City Manager serves as the chief administrative officer of the city. He is appointed by the City Council by majority vote and may be discharged by a majority of the council at any time. The City Manager:

1. Manages the daily operations of the city.
2. Makes recommendations to the City Council concerning city problems and needed ordinances.
3. Has the full administrative and police powers that are exercised by the Mayor in the Mayor Council form.
4. Appoints the City Clerk, City Attorney, Chief of Police, Fire Chief and Health Commissioner.

CITY APPOINTED OFFICIALS

The following officials shall be appointed by the Mayor, subject to the consent of the City Council: City Clerk, City Attorney, Chief of Police, Fire Chief, and Health Commissioner. The Municipal Judge appoints the Clerk of the Municipal Court. All appointive officials shall be fairly compensated for their work and paid daily in Boys State Bucks as outlined in the city budget.

CITY CLERK

The City Clerk is the official record-keeper and chief budget officer of the city. The City Clerk:

1. Attends meetings of the City Council and keeps a record of its proceedings in the journal.
2. Prepares the budget as approved by the City Council, maintains the financial records of the city, and prepares the city’s financial statement.
3. Serves as secretary in general administrative procedures to the Mayor and City Counselor.
4. Receives and distributes mail and MBS Record, the Missouri Boys State newspaper.

CITY COUNCIL

The City Council is comprised of one councilman elected from each of the three wards and four councilmen elected at-large. The City Council selects a City Manager who shall be the chief administrative officer of the city and otherwise acts as a legislative unit in the same manner as in the Mayor-Council form.

CITY ATTORNEY

The City Attorney is the chief legal officer of the city. In Missouri Boys State, a City Attorney must attend law school and pass the MBS Bar Exam. The City Attorney:

1. Gives legal advice to the Mayor and other officers of the municipal government.
2. Defends the city against law suits and represents the city when it is the plaintiff before any court.
3. Acts as a prosecutor before the Municipal Court of any citizen charged with the violation of a city ordinance.

CITY ELECTED OFFICIALS

CITY TREASURER/EX-OFFICIO COLLECTOR

The City Treasurer is the official custodian of the city’s property and monies. The City Treasurer:

1. Is the official custodian of all city monies.
2. Maintains the financial records of the city.
3. Acts as ex-officio collector of revenue and is responsible for collecting all monies due the city.
4. Requisitions and secures necessary property and supplies from the proper authorities. No supplies shall be issued to citizens except upon instructions of the Mayor or ordinance of the City Council.
5. Keeps a record of all articles such as city signs, campaign materials, scissors, pens/markers that are to be returned. He is responsible for their prompt return when due.

CLERK OF MUNICIPAL COURT

The Municipal Court Clerk:

1. Attends all sessions of the Municipal Court.
2. Keeps a record of the Municipal Court’s proceedings in the court journal.
3. Acts as a clerical assistant to the Municipal Judge.

MUNICIPAL JUDGE

The Municipal Judge has jurisdiction for infractions of city ordinances. In Missouri Boys State, a Municipal Judge must attend law school and pass the MBS Bar Exam. The Municipal Judge:

1. Issues warrants of arrest upon complaint filed in proper form by the city attorney.
2. Organizes the Municipal Court, fixes a regular time

CHIEF OF POLICE

The Chief of Police is the principal agent for law enforcement in the city. The Chief of Police:

1. Sees that ordinances are observed and order maintained.
2. Designates three citizens of his city, one from each ward, as Policemen to assist him in his duties.

POLICEMEN

Policemen assist the Chief of Police in enforcing city ordinances and maintaining public order.

FIRE CHIEF

The Fire Chief:

1. Inspects his city area for fire hazards, including piles of waste, electrical connections, etc.
2. Organizes a fire department consisting of six citizens, two from each ward, for emergency purposes.
3. Develops a budget for fire department operations for approval from city government.
4. Develops fire codes and ordinances and ways for enforcement.
5. Develops an innovative fire prevention/safety message/campaign and emergency action plan for city.

HEALTH COMMISSIONER

The Health Commissioner is alert at all times to detect sickness or injuries among citizens, and reports his findings to the City Counselor. The Health Commissioner:

1. Makes daily sanitary inspections throughout the city area, including the condition of the restrooms, showers, baths, toilets, drains, etc.
2. Takes charge of coordinating morning clean up of rooms.
3. Appoints three assistants, one from each ward.

Note: The Health Commissioner may file a complaint before the Municipal Judge and thereby cause the arrest of any citizen failing to cooperate with sanitary regulations.

2. COUNTY OFFICIALS

The elected officials in a county are: Presiding Commissioner, County Commissioners (one from each city), Circuit Judge, Associate Circuit Judge, Clerk of the Circuit Court, County Clerk, County Treasurer, Prosecuting Attorney, and Sheriff.

COUNTY ELECTED OFFICIALS

COUNTY COMMISSION

The County Commission, as the governing body, is the executive and legislative branch of the county government. The commission is composed of three members, including the Presiding Commissioner, who is elected at-large from either city within the county, and two Associate Commissioners, one elected from each of the county's two equal districts. At Boys State, each city represents a district.

A quorum (simple majority) of the Commissioners is necessary to do business. The County Commission is responsible for highways, roads, buildings, county parks, and county farms. The County Commission also establishes a county budget,

levies taxes, establishes revenue sources, sets county salaries, and authorizes all expenditure of county monies. The County Commission may appoint such department directors as needed to carry out its responsibilities, but has no administrative authority over other elected officials.

At Missouri Boys State the Commissioners are also responsible for preparing the County Report. The County Report will contain all county ordinances, minutes of commission meetings, and the county financial statement. The County Report is due to the State Auditor, State Treasurer, and Secretary of State on Friday immediately following lunch.

CIRCUIT JUDGE

The Circuit Judge presides over the circuit court. The Circuit Judge hears mainly civil cases, but maintains jurisdiction over all cases filed in his court. The Circuit Judge must attend law school and pass the MBS Bar exam. See Article VI of the Missouri Boys State Constitution and the Law Manual for a full description of the Circuit Judge's functions.

ASSOCIATE CIRCUIT JUDGE

The Associate Circuit Judge may hear all cases that are filed in the circuit court or that are assigned to the associate court by the Circuit Judge. Typically, the Associate Circuit Judge hears criminal cases. The Associate Circuit Judge must attend law school and pass the MBS Bar exam. With consent of the Circuit Judge, the Associate Circuit Court Judge may appoint one Associate Circuit Court Clerk to serve as the clerk for his court. See Article VI of the Missouri Boys State Constitution and the Law Manual for a full description of the Associate Circuit Judge's functions.

CLERK OF THE CIRCUIT COURT/EX-OFFICIO RECORDER

The Clerk of the Circuit Court receives the filings for civil and criminal cases, and then schedules each matter for trial. He has the important responsibility of notifying parties and their counsel of their trial time, as well as assuring that the Circuit and Associate Circuit Judges in his county are trying cases at all times during governmental activities sessions. He may transfer cases between the Circuit and Associate Circuit Judges as needed in order to accomplish this task. With the consent of the Circuit Judge, the Clerk of the Circuit Court may appoint a deputy to serve as a general assistant and/or as a jury commissioner to keep lists of jurors available for service. All filing fees taken in by the Clerk of the Circuit Court are to be turned over to the County Treasurer to be included in the county's general revenue.

As ex-officio recorder, he is responsible for recording property deeds exchanged during land transactions, and other documents as requested by citizens (wills and codicils.) All fees for service by the ex-officio recorder are to be turned over to the County Treasurer to be included in the county's general revenue.

COUNTY CLERK

The County Clerk is the chief budget officer of the county as well as an important administrative official. He acts as Clerk to the County Commission by keeping a complete record in his journal

of the proceedings of this body, including meeting minutes and copies of county ordinances. The County Clerk prepares the budget for approval by the County Commission, maintains the county's financial records, and prepares the county's financial statement. Additionally, the County Clerk issues licenses, and serves as the official custodian in the county for clerical supplies (e.g., forms, bulletins, and publications.) With the consent of the County Commission, the County Clerk may appoint one deputy to serve as a general assistant.

COUNTY TREASURER/EX-OFFICIO COLLECTOR

The County Treasurer/ex-officio collector is responsible for collecting all monies due the county, then acts as custodian of the county's monies. This includes maintaining the county monies in a secure location, disbursing county monies at the direction of the County Commission, and accounting for all monies received, disbursed, or held by him.

PROSECUTING ATTORNEY

The Prosecuting Attorney's principal duties relate to the enforcement of criminal law. In this capacity, he investigates crimes either upon his own initiative, or upon the complaint of citizens, and may institute criminal action by filing information with the courts, or by drawing up indictments and submitting them to a grand jury. He prosecutes all citizens charged with the violation of state or county laws, and brings to trial any public official suspected of misconduct in office. He must attend law school and pass the MBS Bar exam. With the consent of the County Commission, the Prosecuting Attorney may appoint one qualified attorney as an assistant. To qualify, the appointee must attend law school and pass the MBS Bar exam.

SHERIFF

The Sheriff is the chief agent of law enforcement in each county. He is responsible for the arrest and safe-keeping of citizens charged with a crime, and is the custodian of the residence hall which houses his county and of the equipment therein. The Sheriff or his Deputies supervise the carrying out of sentences imposed upon citizens in his custody, and is also responsible for the general conduct of the citizens of his county when they are together as a group in general meetings, in the dining hall, or on the athletic fields. Sheriffs or Sheriff Deputies serve process for state courts and make a return to the court issuing process, as well as open all court sessions and serve as bailiffs under the direction of the judge. With the consent of the Circuit Judge, the Sheriff may appoint up to four Deputy Sheriffs. The Sheriff typically names one as Chief Deputy, then assigns them each specific duties.

A Sheriff has the authority to arrest citizens of other counties anywhere in Boys State when they are violating the law in his presence, but his enforcement responsibilities lie mainly with the conduct of citizens of his own county.

COUNTY APPOINTED OFFICIALS

Each of the elected county officials may appoint one or more assistants or deputies. Assistants or deputies may be removed

at any time by the official appointing them.

DEPUTY SHERIFF

The Sheriff may appoint four Deputy Sheriffs with consent of the Circuit Judge. The Sheriff typically names one as Chief Deputy and assigns them each specific duties.

DEPUTY COUNTY CLERK

The County Clerk can appoint one deputy to serve as a general assistant. This appointment must be made with the consent of the County Commission.

DEPUTY CIRCUIT COURT CLERK

The Clerk of the Circuit Court may appoint a deputy to serve as a general assistant and/or as a jury commissioner to keep lists of jurymen available for service. This appointment must be made with the consent of the Circuit Judge.

ASSISTANT PROSECUTING ATTORNEY

The Prosecuting Attorney may hire one qualified attorney as an assistant. This appointment must be made with the consent of the County Commission. He must attend law school and pass the MBS Bar exam.

ASSOCIATE CIRCUIT COURT CLERK

The Associate Circuit Court Judge may appoint one Associate Circuit Court Clerk to serve as the clerk for his court. This appointment must be made with the consent of the Circuit Judge.

3. STATE LEGISLATURE

The state government of Missouri, as well as Missouri Boys State, is divided into three distinct branches. The legislative branch makes the laws. The executive branch is responsible for seeing that the laws are faithfully carried out. And the judicial branch applies the laws and decides whether or not they are in harmony with the constitution.

The Missouri Boys State General Assembly, or state legislature, consists of two houses: the Senate with six Senators from each county (three from each city), and the House of Representatives with twelve Representatives from each county (six from each city). The General Assembly is the legislative branch of state government. Its function is to enact statutes, for the general control and well-being of the citizens of the state, and to appropriate monies for the operation of the state government.

State legislators at Boys State are elected in the city election. Each party sets a slate of nominees for each legislative office in their city caucus. The party caucus plan is substituted for the primary election in nominating legislators. Both branches of the legislature have their initial meetings under the supervision of the legislative staff counselors.

The officials of the House consist of a Speaker, Speaker Pro Tem, Chief Clerk, Chaplain, Sergeant-at-Arms and other minor

officials. The Speaker necessarily must be a person of ability as a presiding officer. He must be thoroughly informed on parliamentary rules and the rules of the House. He is elected by a majority vote of the members. The Chief Clerk must attend the legislative school.

The Lieutenant Governor is the presiding officer of the Senate. Other senate officials include a President Pro Tempore, Secretary of the Senate, Chaplain, Sergeant-at-Arms, and other minor officers. The Secretary of the Senate must attend the legislative school.

Legislation, to become law, must be passed by a majority of the elected members of both houses and approved by the Governor. Legislation may be passed over the Governor's veto by a two-thirds majority vote of the membership of each house, or may become law if the Governor does not veto a bill and fails to sign the bill within the prescribed time limit. No act of the General Assembly shall take effect until 90 days after adjournment, unless in case of emergency (which emergency shall be expressed in the title and body of the Act), in which the General Assembly may, by a vote of two-thirds of all members elected to each house, direct that the law shall take immediate effect.

Suggested rules for legislative procedure will be placed before the legislators of Boys State by a staff counselor in the first joint meeting of both houses. Each house determines its own rules and elects its own officers.

4. STATE OFFICIALS

Two groups of officials perform the executive functions of state government. The first group has been provided for in the Constitution and is comprised of the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, and Attorney General. The second group consists of departments and divisions which have been created by statute for the purpose of performing special administrative tasks. The officials in the first group are elected by a vote of the citizens of Boys State; those in the second group are appointed by the Governor, with the advice and consent of the Senate, or as the law may direct.

STATE ELECTED OFFICIALS

GOVERNOR

The Governor is the chief executive of the government of Missouri Boys State. The Governor:

1. Serves as the presiding official at all assemblages of the citizens of the state.
2. Informs the legislature of the condition of the state and recommend measures deemed expedient.
3. By and with the advice and consent of the Senate, has the power to appoint such executive assistants and other officials as are provided by law.

4. Is responsible for the proper supervision of appointed officials and shall have power to remove them from office for cause.
5. Signs or vetoes all bills passed by the legislature. The power of veto must be exercised within twenty four hours from the time a bill reaches his hands; otherwise the bill becomes a law without his signature. A bill vetoed by the Governor may be enacted into law upon the vote of two thirds of the membership of both houses of the legislature.
6. Under his constitutional requirement to sign a balanced budget, has the power to line item veto any portions of the budget he deems fiscally irresponsible or make withholdings within the fiscal year, if necessary, to keep the state's budget balanced in accordance with the Missouri Boys State Constitution.
7. Has the power to pardon or commute sentences of citizens convicted of violating the laws of Boys State.
8. Serves as the official representative of Missouri Boys State in all contacts with the Governor or officials of the State of Missouri, or with other Boys States.
9. Commits to attend the next session of Missouri Boys State and preside as Governor until the next duly elected Governor is sworn.
10. Has the power to make appointments to fill vacancies in state offices until such vacancies can be filled at the next general election. These appointments must be by and with the advice and consent of the Senate if the legislature is in session. If the legislature is not in session, interim appointments may be made and placed before the Senate for consideration at its next session.

LIEUTENANT GOVERNOR

The functions and duties of the Lieutenant Governor:

1. Acts as Governor in case the office shall be vacated through death, impeachment, disability, or felonious conduct of the Governor, and upon occasions when the Governor is absent from the state.
2. Acts as president of the Senate when it is in session, but has a vote only when it is equally divided.
3. Commits to attend the next session of Missouri Boys State and serve as Lt. Governor until the next duly elected Lt. Governor is sworn.

SECRETARY OF STATE

The function and duties of the Secretary of State:

1. Licenses all businesses at Missouri Boys State and is responsible for licensure enforcement.
2. Serves as the chief election officer of the state and shall have responsibility for calling, conducting and certifying all primary, general and special statewide elections at Boys State.

3. Has charge of the records of Missouri Boys State, and shall attest all executive orders, commissions, and certificates issued by the Governor.
4. Serves as the official custodian of all state archives.
5. Assists the State Treasurer and State Auditor in reviewing city and county reports, which include financial statements, ordinances and minutes of meetings. A joint report from the three officials on the status and ranking of these city and county reports is due to the Dean of Counselors by 6:00 p.m. Friday.
6. Registers all paid lobbyists.
7. Works in harmony with the Dean of Counselors of Missouri Boys State and shall assist him in compiling and summarizing reports of the various activities of Boys State government.
8. Commits to attend the next session of Missouri Boys State and serve as Secretary of State until the next duly elected Secretary of State is sworn.

STATE TREASURER

The State Treasurer is the custodian and collector of all state monies. The State Treasurer:

1. Serves as the official custodian of all state monies.
2. Maintains the financial records of the state. Immediately upon taking office, the State Treasurer should begin compiling financial statements for each state agency, which account for all state funds.
3. Acts as ex-officio collector of revenue, is ultimately responsible for collecting all monies due the state. He should work with the Director of Revenue to ensure collections are appropriately performed.
4. Assists the State Auditor and Secretary of State in reviewing city and county reports, which include financial statements, ordinances and minutes of meetings. A joint report from the three officials on the status and ranking of these city and county reports is due to the Dean of Counselors by 6:00 p.m. Friday.
5. Assists the State Auditor in preparing the State Financial Report. This report is a compilation of the financial transactions of each county at Boys State and the state government and is based on county-prepared financial statements and the financial transactions of each state agency. The State Treasurer is responsible for accumulation of all information and preparation of the report. The State Financial Report should be turned into the Dean of Counselors by 6:00 p.m. Friday. It will become part of the record of the session of Missouri Boys State.
6. Makes recommendations to the Governor, legislature, and appointed officials concerning governmental financial matters.
7. Commits to attend the next session of Missouri Boys State and serve as State Treasurer until the next duly elected State Treasurer is sworn.

STATE AUDITOR

The State Auditor is the official auditor of all transactions of the government of Missouri Boys State. Hence, he is the “watchdog” of the taxpayers monies. The State Auditor:

1. Is responsible for performing financial and compliance audits of the transactions of all state agencies, legislative bodies, state elected officials, circuit courts, associate circuit courts, municipal courts, and counties as deemed necessary by his office or upon request by the Governor.
2. Performs financial and compliance audits of any political subdivision of the state upon the filing of a petition containing the signatures of at least twenty-five percent of the citizens within the political subdivision, or upon request by the Governor.
3. Assists the Secretary of State and State Treasurer in reviewing city and county reports, which include financial statements, ordinances and minutes of meetings. A joint report from the three officials on the status and ranking of these city and county reports is due to the Dean of Counselors by 6:00 p.m. Friday.
4. Assists the State Treasurer in preparing the State Financial Report. This report is a compilation of the financial transactions of Boys State and is based on county-prepared financial statements and the financial transactions of each state agency. The State Auditor is responsible for final approval of the completeness and accuracy of the report. The State Financial Report should be turned into the Dean of Counselors by 6:00 p.m. Friday. It will become part of the record of the session of Missouri Boys State.
5. Makes recommendations to the legislature concerning governmental financial matters.
6. Commits to attend the next session of Missouri Boys State and serve as State Auditor until the next duly elected State Auditor is sworn.

ATTORNEY GENERAL

The Attorney General must attend law school and pass the MBS Bar exam. The Attorney General:

1. Serves as the legal adviser to all state officials and agencies.
2. Represents Missouri Boys State in all suits or legal actions to which the state is a party in the Supreme Court.
3. Assists County Prosecuting Attorneys with the prosecution of citizens charged with the violation of the laws of the state, upon their request.
4. Commits to attend the next session of Missouri Boys State and serve as Attorney General until the next duly elected Attorney General is sworn.

STATE SUPREME COURT

The Supreme Court serves as the judicial branch of state government. The function of the Supreme Court is to serve as

the final arbiter of all legal disputes in the state, to adjudicate challenges to the constitutionality of state laws and acts of state officials, and to regulate the conduct of all judges and licensed attorneys in the state. There are seven members of the Boys State Supreme Court, six judges and one Chief Justice. The Chief Justice serves as the presiding judge of the Supreme Court when it is in session and is elected among the membership of the Court.

Just as in the State of Missouri, the MBS Supreme Court is selected through the non-partisan court plan. Any licensed MBS attorney can apply for a position on the Supreme Court. The applications are then reviewed by the Supreme Court Selection Commission which identifies a group of applicants to interview. At the conclusion of the interviews, the Commission will select a two-candidate panel for each open seat on the Supreme Court. The Governor then conducts his own interview process and appoints a judge from each panel to each open seat on the Court. If the Governor does not timely appoint a judge from one or more of the panels of candidates, then the Commission is empowered to make its own appointments. Judges appointed to the MBS Supreme Court will stand for retention election on the state-wide general election ballot.

The Supreme Court Selection Commission is comprised of seven members. Three members are elected from the membership of the MBS Bar Association. Three non-attorney members are appointed by the Governor. The seventh member, and chairperson, of the Commission is the presiding Chief Justice of the MBS Supreme Court (a citizen from the previous year).

STATE APPOINTED OFFICIALS

At the present time, the statutes of Missouri Boys State provide for the following state appointive positions that perform the described functions during the week:

OFFICE OF THE GOVERNOR

PRESS SECRETARY

The Press Secretary shall serve as the Governor's spokesman and represent him before the media. Additionally, the Governor's Press Secretary will also assume the role of press secretary of each state department.

GENERAL COUNSEL

The General Counsel will provide legal advice to the governor and his office.

LEGISLATIVE ASSISTANT

The Legislative Assistant shall be an individual skilled in the legislative arts. The Legislative Assistant will advise the governor on issues relating to the legislature as well as represent the Governor's views before the General Assembly.

SUPREME COURT SELECTION COMMISSION

Three non-attorney members of the seven-person Supreme Court Selection Commission will review applications for the

MBS Supreme Court, interview applicants, and select panels of qualified candidates from which the Governor will choose who to appoint to the Court. [Note: This is not a full-time governmental position.]

OFFICE OF THE LIEUTENANT GOVERNOR

LEGISLATIVE ASSISTANT

The Legislative Assistant shall be an individual skilled in the legislative arts. The Legislative Assistant will advise the Lieutenant Governor on issues relating to the legislature as well as represent the Lieutenant Governor's views before the General Assembly.

OFFICE OF THE SECRETARY OF STATE

DIRECTOR AND ASSISTANT DIRECTOR OF BUSINESS SERVICES

The office is responsible for the registration of all MBS businesses in Missouri. These entities include for profit and nonprofit corporations. In addition, corporations file various documents required by law, such as annual reports and articles of amendment, merger, consolidation, dissolution, termination and withdrawal.

DIRECTOR AND ASSISTANT DIRECTOR OF SECURITIES

The office is responsible for ensuring compliance with state securities laws, intended to protect investors from unfair practices and fraudulent investment schemes. The Director should primarily investigate and expose issues dealing with business fraud. He will act as a lobbyist to the legislature and initiate legislation criminalizing unfair business dealings.

OFFICE OF THE STATE TREASURER

DIRECTOR OF BANKING AND INVESTMENTS

The office serves as MBS's Banking Director. While not a bank itself, the treasurer's office must authorize payments and balance accounts. The office determines the amount of state funds not needed for current operating expenses and invests the remainder in risk-free accounts.

OFFICE OF THE STATE AUDITOR

GENERAL COUNSEL

This person will advise and represent the State Auditor and his office in any and all legal matters.

AUDIT DIRECTORS

These individuals will assist the State Auditor in investigating governmental fraud and abuse at the state level, and by petition, at the local level.

OFFICE OF THE ATTORNEY GENERAL

CHIEF COUNSEL – GOVERNMENTAL

This person shall serve as the expert and primary litigator of cases against the government of Missouri Boys State.

CHIEF COUNSEL – PUBLIC ISSUES

This person shall serve as the expert and primary litigator of cases on behalf of the government of Missouri Boys State in the area of public welfare.

CHIEF COUNSEL – CRIMINAL

This person shall serve as the expert and primary litigator of cases on behalf of the government of Missouri Boys State in the area of criminal prosecution.

STATE SOLICITOR

This person solicits cases and advertises the services provided by the Office. The State Solicitor reviews and organizes the cases received by the office. This person also serves the administrative needs of the Office.

DEPARTMENT OF AGRICULTURE, CONSERVATION, AND NATURAL RESOURCES

The Department enforces state laws that regulate agriculture, conservation, and the natural and energy resources of the state and works to inspire their enjoyment and responsible use for present and future generations. The Department is also responsible for the State Fair. The Department consists of one Director.

DEPARTMENT OF ECONOMIC DEVELOPMENT

The Department of Economic Development administers a wide array of services designed to enhance economic growth. These services focus on workers, businesses and communities. The Department administers a large grant program designed to aid in economic development. The Department consists of one of each of the following: Director, Business Development Agent, Workforce Development Agent, and Tourism Development Agent.

DEPARTMENT OF LABOR

The Department of Labor promotes economic security, safe and healthy workplaces as well as protects wage earners against discrimination by improving working conditions, enforcing labor and anti-discrimination laws and helping those unemployed, injured on the job and victims of crime. This Department consists of one Director.

DEPARTMENT OF PUBLIC SAFETY

The Department of Public Safety is responsible for coordinating statewide law enforcement, criminal justice and public safety efforts for the purpose of ensuring a safe environment for MBS citizens. The Department consists of one Director who supervises the following divisions.

EMERGENCY MANAGEMENT

This Division works to coordinate all state agencies to come together during an emergency, gather information from local jurisdictions and quickly respond to the disaster. This Division consists of one Director.

FIRE SAFETY

The Division of Fire Safety is charged with development and enforcement of various programs to maintain the safety and well-being of the general public. Responsibilities include providing fire safety standards and inspections; investigating all suspicious fires and explosions in the state; and inspecting amusement parks, among other duties. This Division consists of one State Fire Marshal and two Deputy Fire Marshals.

GAMING

The Division of Gaming is responsible for regulating operations at gaming facilities, with an emphasis on the integrity of gaming, the protection of assets, and the safety of patrons and staff. This Division consists of three commissioners.

CAPITOL POLICE

The Capitol Police are responsible for safety and security at the Missouri Boys State Capitol, the Ward Edwards Building. Capitol police are charged with enforcing State Statute as well as Code of Regulations while protecting all patrons in the MBS Capitol. In addition to safety and security, the Capitol Police are charged with assisting the House of Representatives and Senate with the delivery of subpoenas and other documents.

DEPARTMENT OF REVENUE

This Department operates under Article VIII of the Boys State Constitution and shall establish such procedures as to collect a 10% income tax from all citizens in the form of Boys State Bucks. This tax is to be collected as soon as possible. The General Assembly has the power to adjust the tax rate. Income shall be defined as any wages, lottery proceeds, business profits or other sources of income as defined by the Director of Revenue. All political subdivisions are exempt from the tax. The Department consists of one Director who supervises four tax agents responsible for collecting delinquent taxes as well as the State Lottery Commission.

LOTTERY COMMISSIONERS

The Commission supervises the lottery by issuing rules and selling chances. This Division consists of eight Commissioners, one per county, one of which will be elected Head Commission among the eight Commissioners.

DEPARTMENT OF SOCIAL SERVICES

The Department is charged with administering programs to promote, safeguard and protect the general welfare and to aid people in need as they strive to achieve their highest level of independence. The department consists of one Director.

DEPARTMENT OF TRANSPORTATION

The Department is committed to providing the public with a safe and modern transportation system. In addition to designing, building and maintaining roads, it establishes and enforces laws regarding state highways. The Department consists of one Director

5. SUMMARY OF ALL GOVERNMENTAL OFFICIALS

For the convenience of the citizens of Missouri Boys State, we have set forth all elective and appointive officials at Missouri Boys State as follows:

WARD ELECTED OFFICIALS

- City Councilman from each ward (3 total)

CITY ELECTED OFFICIALS

- Mayor
- City Treasurer
- Municipal Judge
- 3 City Councilmen from each Ward
- 4 City Councilmen at Large

CITY APPOINTED OFFICIALS

- City Clerk (and 1 Assistant)
- City Attorney (and 1 Assistant)
- Chief of Police (and 3 Policemen; one from each ward)
- Chief of Police (and 3 Policemen; one from each ward)
- Fire Chief (and 6 Firemen; two from each ward)
- Health Commissioner (and 3 Assistants)
- Clerk of Municipal Court

COUNTY ELECTED OFFICIALS

- Presiding Commissioner (at large)
- County Commissioners (one from each city)
- County Clerk
- County Treasurer
- Circuit Court Judge
- Associate Circuit Court Judge
- Circuit Court Clerk
- Prosecuting Attorney
- Sheriff

COUNTY APPOINTED OFFICIALS

- Associate Circuit Court Clerk
- Deputy County Clerk
- Assistant Prosecuting Attorney (1)
- Deputy Sheriffs (4)
- County Environmental Recycling Engineer (1)

STATE LEGISLATURE ELECTED OFFICIALS

- State Representatives (6 from each city)
 - Speaker
 - Speaker Pro Tem
- State Senators (3 from each city)
 - President Pro Tempore

STATE LEGISLATURE APPOINTED OFFICIALS

- Chief Clerk (House)
- Secretary of the Senate
- Chaplain (both chambers)
- Sergeant at Arms (both chambers)

STATE ELECTED OFFICIALS

- Governor
- Lieutenant Governor
- Secretary of State
- State Treasurer
- State Auditor
- Attorney General
- Supreme Court (7 Justices)

STATE APPOINTED OFFICIALS

- Governor's Press Secretary
- Governor's General Counsel
- Governor's Legislative Assistant
- Lieutenant Governor's Legislative Assistant
- Secretary of State's Director of Business Services
- Secretary of State's Director of Securities
- State Treasurer's Director of Banking/Investments
- State Auditor's General Counsel
- State Audit Directors (4)
- Attorney General's Chief Counsel: Governmental
- Attorney General's Chief Counsel: Public Issues
- Attorney General's Chief Counsel: Criminal Issues
- Attorney General's State Solicitor
- Director of Agriculture/Conservation/Resources
- Director of Economic Development
 - Business Development Agent
 - Workforce Development Agent
 - Tourism Development Agent
- Director of Labor
- Director of Public Safety
- Director of Emergency Management
 - State Fire Marshal
 - Deputy Fire Marshal (2)
 - Gaming Commissioners (3)
 - Capitol Policemen (4)
- Director of Revenue
 - State Tax Agents (4)
 - Lottery Commissioners (8)
- Director of Social Services
- Director of Transportation

CHAPTER SEVEN

The Legislative System

A. General Introduction

At Missouri Boys State, just as in the real world, the legislature holds a great deal of power, and likewise, a great deal of responsibility. The purpose of this chapter is to give you an idea of the actual legislative process that the General Assembly uses to fulfill these responsibilities so that you as a citizen will be better prepared to impact the process as it happens.

B. The Bicameral Legislature

The Missouri General Assembly is divided into two power-sharing chambers: the Senate and the House of Representatives. These chambers share many similarities but also several key differences (outlined below).

SIZE OF EACH CHAMBER

The most obvious difference between the Missouri House of Representatives and the Missouri Senate is the size of each body. The Senate has 34 members, whereas the House of Representatives has 163 members. A senator's district is much larger than a representative's district so a Senator represents more people in the General Assembly.

THE "RIGHTS" OF EACH CHAMBER

HOUSE: The Missouri State Constitution stipulates that the House of Representatives starts all of the appropriations bills (a.k.a.: the budget). These bills are always labeled HB 1 through HB 21 of each session and are reserved for the budget, a key piece of legislation.

SENATE: The Senate has the constitutional right to give their advice and consent on all gubernatorial appointees.

LEADERSHIP OF EACH CHAMBER

SPEAKER OF THE HOUSE/PRESIDENT PRO-TEM OF THE SENATE.

The Speaker of the House of Representatives and the President Pro-Tem of the Senate basically have the same job in their respective chambers, even though titles differ. They are both elected by the entire chamber, but generally come from the majority party. They preside over debate and, with the Majority Floor Leader, decide what direction the chamber will go. Some of the other specific duties of these two individuals are:

1. Appoint committee chairs
2. Refer bills to the committees of his chamber
3. Rule on points of order that are raised during debate

MAJORITY LEADER OF THE HOUSE / MAJORITY LEADER OF THE SENATE. Not surprisingly, the Majority Floor Leader is chosen by the majority party. The Floor Leader will then work with the presiding officer (Speaker or President Pro-Tem) to run

the chamber. The main role of the Floor Leader is determining what calendar a bill is going to go to and in what order. Also, the Floor Leader is the person recognized by the presiding officer for a motion to stop debate and go to a vote. He is also responsible for using the rules to help pass or kill bills his party has targeted.

C. How A Bill Becomes A Law

STEP ONE: A bill must be written and introduced. One of the main rights of a legislator is to sponsor legislation. The legislator that introduces a bill is known as the sponsor. In the real world, bills may have more than one sponsor. All sponsors of an individual bill are called co-sponsors.

Although a legislator often is an author of legislation, in many cases, lobbyists and other organizations author legislation to advocate their positions to the legislature. However, only legislators may introduce legislation in their respective chambers. In other words, a Representative introduces (sponsors) bills in the House of Representatives and a Senator introduces (sponsors) bills in the Senate.

STEP TWO: The bill is submitted. In Missouri, a bill must be read three times, each on a different day before it can be passed. Due to this rule, a bill is placed on the First Reading Calendar directly after it is submitted. Then, at the appropriate time, the calendar will be read through on the floor of the chamber and the bill will move to the Second Reading Calendar.

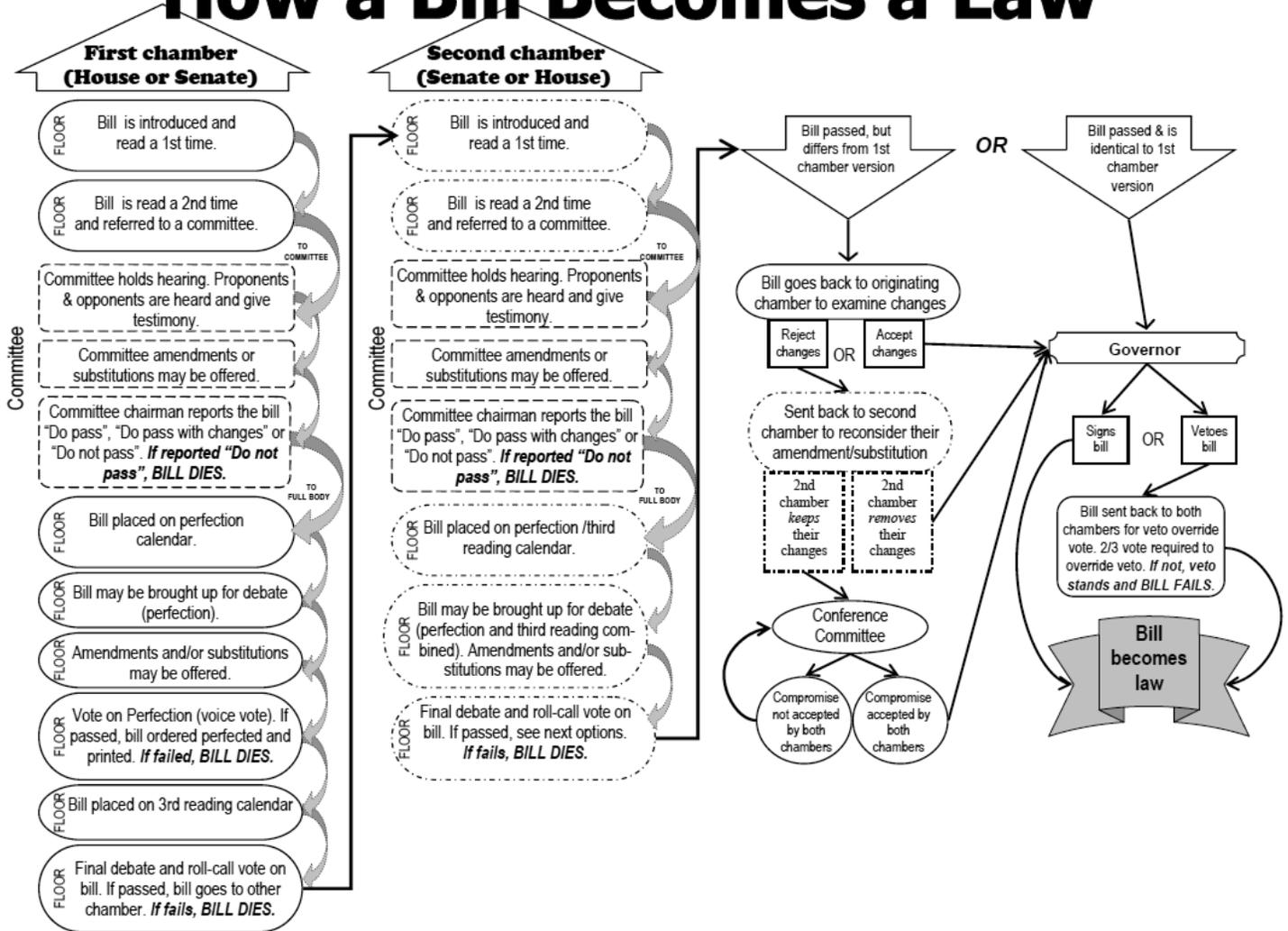
STEP THREE: Referral to committee. After a bill has been read twice, it is referred to a committee. The Speaker of the House of Representatives or the President Pro-Tem of the Senate is the one who decides which committee the bill will go to. A committee is simply a smaller group of legislators that will take up the bill, have a more in-depth knowledge of a specific policy area, and work with the bill in a more focused environment.

The leadership in each chamber determines committee memberships. The Speaker or the President Pro-Tem will choose the majority members and will designate one of those members to be the Chair. Likewise, the Minority Leader will choose the minority party members of each committee.

STEP FOUR: The committee. The committee will take up the bill and basically has three options: recommend it "DO PASS", recommend it "DO NOT PASS", or simply do what is called pigeonholing. Pigeonholing is simply the practice of a committee taking no action on a given bill at all for any reason.

Other than when pigeonholing a bill, a committee will want to take action on a given bill that has been referred to them. The committee will have a hearing where people can come and explain their positions on the proposed legislation.

How a Bill Becomes a Law



These people can be anyone from members of the public and registered lobbyists to other legislators and statewide elected officials.

It should also be noted that the committee can recommend a bill “DO PASS” without amending it, after amending it, or providing a substitute to the original bill. However, each amendment or substitute must be approved by the entire chamber later on.

STEP FIVE: The bill is reported out of committee. Once the committee has determined they are going to recommend a piece of legislation “DO PASS,” they will report it out of committee back to the chamber. The bill will then be placed on the perfection calendar where it will go before the entire chamber.

STEP SIX: Perfection. The keys to perfection are simple. A bill can be passed on a voice vote, or if a roll call vote is taken, then it can be passed with a majority of those present at that time. The other key is that a bill in perfection CAN be changed. It can be amended, and like before, it can be done with a majority of those present.

The other thing one must remember about perfection is that

If the committee has adopted any substitutes or amendments, they must be adopted by the entire body. Also, the amendments will be debated and adopted or failed before the chamber takes up the actual bill.

STEP SEVEN: Third Reading of the bill. Once a bill is adopted on perfection, it will move to the Third Reading Calendar. The Third Reading Calendar is where the bill gets one last vote by the entire chamber it started in. At this point, the chamber will take up the bill, BUT they may only fix errors, such as grammar and spelling, that will not alter the meaning. If an amendment alters the meaning of the bill, it CANNOT be accepted on third reading.

The entire chamber can debate the bill again and will eventually vote on the bill, as well. However, this vote must be a roll call and pass with a “constitutional majority,” which is half the chamber’s total membership, plus one. If that number cannot be achieved, then the bill will die.

STEP EIGHT: First and Second Reading in the other chamber. (Same as Step 2, but in the other chamber.) After a bill has passed third reading in the first chamber, it must go through the other chamber. When a bill passes the first chamber, the

sponsor will find someone from the other chamber to handle the bill in the other chamber. ***It is the responsibility of the original lead sponsor to find a handler from the other chamber.*** Once a handler is found, the bill will be first and second read on two different days in the other chamber and will then begin the process of getting through the second chamber.

STEP NINE: Referral to committee. (*Same as Step 3, but in the other chamber.*) See step 3.

STEP TEN: The committee. (*Same as Step 4, but in the other chamber.*) See Step 4.

STEP ELEVEN: The bill is reported out of committee. Once the committee has determined that they are going to recommend that a piece of legislation “DO PASS,” they will report it out of committee back to the chamber. The bill will then be placed on the Third Reading Calendar of the other chamber, where it will go before the entire chamber. This is a key difference of the process. House Bills that go to the Senate are placed on the “*House Bills for Third Reading Calendar.*” Likewise, Senate Bills that go to the House are placed on the “*Senate Bills for Third Reading Calendar.*”

STEP TWELVE: Third Reading of the bill in the other chamber. This step for the other chamber is really perfection and final passage all in one step. The members of this chamber may amend and substitute as they see fit. It should be noted, however, that any changes made to the bill by the other chamber must be adopted by the originating chamber before the bill can be sent to the Governor for his signature.

Another key point about this calendar is that like in the originating chamber, a constitutional majority is required to pass the bill, so a roll call vote is mandatory.

STEP THIRTEEN: The fork in the road. Where the bill goes now depends on the members of the other chamber, but here are some options:

- a. *To the Governor* – If the other chamber did not alter the bill, and they passed it, then it is ready to be sent on to the Governor.
- b. *Back to the originating chamber* – If the other chamber made changes to the bill, they would send it back to the originating chamber to get those changes accepted. In the event the changes are not accepted, a conference committee may be appointed.
- c. *To a conference committee* – A conference committee is a committee comprised of members of both chambers who meet to create a passable compromise on the bill in question. The membership of a conference committee is chosen by the Speaker, and the President Pro-Tem and the Minority Floor Leaders in each chamber. The lead sponsor in the originating chamber and the lead handler in the other chamber will also be a members of the committee. Once the conference

committee irons out a compromise, the bill returns to both chambers for adoption. Unless authority is granted by the House and Senate to exceed the differences, the conference committee must confine themselves to matters in the bill that are within the scope of the differences between the House position and the Senate position.

STEP FOURTEEN: Signed or Vetoed? Once a bill has passed both chambers, with or without a conference committee, it goes to the Governor. The Governor can sign or veto it. In the event he signs it, it will go into law on a predetermined date; however, if both chambers have adopted the bill with an emergency clause, then it will go into effect as stated in the emergency clause.

An *emergency clause* is the last section of a bill that states that the bill will become law as soon as it is passed by both chambers of the General Assembly and signed by the Governor. The emergency clause must be adopted by both chambers on a separate vote.

In the event the Governor vetoes the bill, then it is returned to the originating chamber. Then, if that chamber has a two-thirds majority of their membership that wish to vote to override the veto, the bill will go to the other chamber for a similar vote. In the event that two-thirds of both chambers are in favor of the bill, it will become law even though the Governor vetoed it.

D. Role of Lobbyists in the Legislative Process

WHAT IS A LOBBYIST? Lobbyists are individuals who attempt to influence the process of making laws and other actions of the General Assembly. Lobbyists can represent businesses, non-profit organizations, or, simply, themselves. Lobbyists can be paid for or volunteer their time. It is their mission to help ensure the legislation they support passes and they oppose dies. Lobbyists are often experts in their fields and can provide valuable information to legislators on the issues they are lobbying for or against. They work through personal one-on-one meetings with legislators and testimony before committees.

REGISTERED LOBBYISTS: A HELPFUL MENACE. In the state of Missouri, if you are representing a group and intend to have close and frequent contact with members of the General Assembly, you must register as a lobbyist. There are also laws that govern when a lobbyist must register and what he must do to comply with the law.

A SYNOPSIS OF MISSOURI LOBBYING REGULATIONS

1. If you are going to be compensated for your work as a lobbyist, you **MUST** register.
2. If you are going to work as lobbyist on a frequent or regular basis, you **MUST** register.
3. If you are going to engage in spending more than \$50 while lobbying during a 12-month period, you **MUST** register.

4. After registering, you must submit a monthly report to the Missouri Ethics Commission that details your activities, the issues you are working for and against, and your itemized expenses. The Ethics Commission will keep track of the reports, what officials have been visited, how much money was spent on them, etc. What the commission is essentially doing is attempting to ensure lobbying, not bribing, is occurring.

***NOTE:** A lobbyist must only complete #4 if they are actively lobbying. Many times, lobbyists will complete the registration process, but will not actively lobby.

ACTIVITIES OF A LOBBYIST: What does a registered lobbyist do to influence the process?

Committee Work. When a bill is sent to a committee (see *Steps 4 and 10 in Section C of this chapter for more information*), the chair may hold a hearing on that bill where lobbyists and citizens can testify on the issues raised in that bill. On occasion, lobbyists will go and simply explain their position, or in some cases, they will bring other individuals who can better represent their position. A good example of this is when a lobbyist for the American Cancer Society might bring in several victims of cancer or cancer researchers to help persuade a committee to fund cancer research.

Meetings. Lobbyists also meet with the members of both chambers of the General Assembly. They try to get to know them on a personal level. They will use these meetings as opportunities to represent their position to a member one-on-one and to build valuable friendships that could be useful later.

“Hobnobbing.” Lobbyists may take the public officials out to dinner or invite them to high-class affairs. There, the lobbyist can work his position on a given issue in a different environment. Lobbyists also enjoy going to the receptions held in Jefferson City. They are another valuable opportunity to bend a legislator’s ear about a topic or bill.

Dollar Distribution. The final tool a lobbyist will use is money. They will contribute money to election campaigns of the officials they are lobbying. Many times, the organization the lobbyist represents will also contribute money to officials. In the end, this money can add up to a very helpful sum to that elected official for re-election or a future political campaign.

E. Parliamentary Procedure

The rules under which any organized group conducts business in an orderly manner are called parliamentary procedure/law. They are so called because the first modern code designed for such purposes was that which evolved in the legislature of England, known as Parliament. Two main functions are performed by such rules:

1. They permit the majority of the group to carry out

their desires in an orderly manner.

2. They protect the rights of the minority.

The chair or presiding officer is established as a referee or neutral official and charged with the responsibility of seeing that the rules are observed and that order prevails in the meeting. Much power is granted to the chair so that he may carry out his responsibilities. In order to protect the group from the possibility of unfair use of power, the rules provide certain checks that may be used by members of the group to restrain the chair’s actions.

The motions and rules discussed in these few paragraphs give a good working knowledge of parliamentary procedure. They are taken from “Robert’s Rules of Order,” the standard set of rules used for most organizations in the United States. ***If you learn these well, you will be able to conduct yourself effectively in any group meeting.***

[Please note, though, that the rules of procedure for the MBS House and Senate are based on the rules of the Missouri House and Senate, which are significantly different from the rules used by all the other entities found at Boys State and from *Roberts Rules of Order*, outlined below. Those attending the Legislative School and those elected to the MBS House and Senate will receive specific instruction on the *Rules of the House* and the *Rules of the Senate*. They are not provided in this chapter to avoid confusion by the majority of citizens who will not be required to conduct their meetings by these rules].

Robert’s Rules of Order

1. Main Motions – The principal question or proposition being discussed or voted upon.
2. Subsidiary Motions – Making amendments to the main motion, stopping debate, calling for a previous question, or changing the length of a debate.
3. Incidental Motions – Points of order, procedural inquiries, informational requests, or requests to suspend the rules.
4. Privileged Motions – Motions to adjourn or recess, calling for order (following the agenda of the day), points relating to comforts of the assembly (I can’t hear), or reconsideration of a vote.

1. Main Motions

A group takes action by voting on a question or proposition after deliberation or discussion. The question or proposition is brought before the group when a member makes a motion. Generally, he rises, gets the attention of the chair, is recognized by the chair, and then states the motion: “I move that we purchase a typewriter for the use of our secretary.” ***It is necessary for another member to second the motion***, after which discussion is in order. Only one such main motion may be before the group at one time.

2. Subsidiary Motions

There are a number of subsidiary motions that affect the

disposition of the main motion. Any member may move to amend the main motion or, when discussion is on an amendment rather than a main motion, may move to amend the amendment. Such a motion requires a second and may then be debated and discussed. The group must dispose of the amendment before debate on the main motion is again in order. It is disposed of by a vote of the group or by being withdrawn by the person who made the motion. During discussion of a main motion, amendments may be moved and disposed of one after the other as long as any member wishes to make one, unless debate is stopped in some manner.

The motions used to stop debate are also subsidiary motions. Anyone may “move the matter be postponed indefinitely” or “postponed until _____.” A second is required and the motion may be debated, but the only amendment to such a motion that would be in order would be to change the time specified in the motion. Another method of stopping debate is a motion to “refer the matter under discussion to a committee.” Such a motion requires a second and is debatable and amendable. A motion to “lay the questions on the table” also requires a second. It differs from other motions, however, in that it may not be discussed or amended. Once it is seconded, the chair immediately calls for a vote. If the motion passes, the question cannot be discussed further at the same meeting. At any subsequent meeting, any member may move that the questions be “taken from the table” and considered further. All of the motions discussed in this paragraph require only a majority vote for passage.

There is one subsidiary motion that requires a two-thirds vote: “to call for the previous question.” The reason for requiring the greater majority becomes clear if we consider the effect of this motion. All the motions discussed in the preceding paragraph would stop debate at the time they are adopted, but a call for the previous question puts a final stop to consideration. After such a motion is seconded, the chair must put it to a vote at once. If the vote reflects a two-thirds affirmative vote, the chair must immediately take a vote on the amendment or main motion that was under discussion at the time the motion was made to call for the previous question. This is drastic action and is possible only if two-thirds of the group agree it is advisable. A very similar motion is one “to limit debate to (length of time)” or to move the “debate be stopped at (time).” When one of these motions is made and seconded, it may not be debated. An amendment to change the time or length of time would be in order, however. These motions also require a two-thirds vote.

3. Incidental Motions

A second group of motions are referred to as incidental motions. These concern matters of procedure arising out of the business of the group and must be settled at once. Any member may “rise to a point of order,” “rise to a parliamentary inquiry,” or “rise for information.” In the truest sense, these three actions are not motions. They require no second and are not voted upon by the group. Nevertheless, any member has the right to rise for such purpose at any time and may, in fact, interrupt the

person who has the floor and is speaking in order to make such a point or ask such a question. When a member is recognized, he states the point of order or asks the question and receives an answer from the chair. In raising a point of order, a member is objecting to the procedure being followed as being contrary to the rules of order or parliamentary procedure. If the member is correct, the chair announces “the point is well-taken” and corrects the procedure to conform to proper parliamentary procedure. If the chair believes the member is wrong, he states “the point is not well-taken” and proceeds. The chair may give other members an opportunity to state their views before ruling. When a member rises to a parliamentary inquiry or rises for information, the chair may give an answer or explanation or may call on another member to answer.

When the chair has ruled on a point of order or has held any attempted motion or action to be out of order, a member may “appeal from the decision of the chair.” Such motion requires a second, may be debated, and requires a majority vote to either uphold or reverse the ruling of the chair. When the chair has announced the results of a voice vote, any member who questions the result may “call for a division of the assembly” (usually stated merely as “I call for a division”). The chair then calls for a standing vote or for the raising of hands to verify the voice vote. The chair may refuse to grant a division if he feels it is requested merely to delay business or annoy the group, but such refusal would be subject to an appeal as discussed above.

Two other incidental motions relate to the scope of activity of the meeting. A member may “move to suspend the rules” in order to do something which would not ordinarily be permitted or which would be out of order at that time. This motion requires a second, cannot be debated or amended, and requires a two-thirds vote. Almost the opposite of this is when a member “objects to the consideration of this motion” (applies to main motions only). This does not require a second, cannot be debated or amended, and requires a two-thirds vote, which is actually a two-thirds negative vote since the question will be stated in the affirmative (e.g., “Those in favor of considering the motion, vote “aye”. Those opposed to considering the motion, vote “no.”).

4. Privileged Motions

A third group of motions are called privileged motions. Because of their importance or urgency, they outrank all other motions. They may be made at any time except when a vote is in progress, even if it is necessary to interrupt the person who has the floor. Either a motion to “adjourn” or to “recess” requires a second and is not debatable. If the motion calls for adjournment or recess to a particular time or place, an amendment is in order to change the time or place. A majority vote is necessary. A motion to “call for the orders of the day” is appropriate in groups that have a specified order of business whenever the matter under consideration or about to be considered is not taken up in proper order. It means, in effect, that the group should get back to the proper business. No second is required, no debate or amendment is possible, and after the vote on the motion, the orders of the day are immediately returned to

unless two-thirds of the group vote against returning to the proper order.

At any time, a member may “rise to a question of privilege” in order to raise a point relating to the right of one member or relating to the group’s comfort or interest. This is not a true motion in that no second or vote is required. An example would be, “We in the back of the room are unable to hear the chair.”

Any member who voted with the prevailing side on a question may, at the same or the next meeting, “move to reconsider the vote by which we _____.” This motion requires a second and is debatable. No amendment is possible. A majority vote on such question immediately brings up the question previously voted for more discussion and another vote.

F. Legislative Vocabulary

Appropriation Bill - A bill allocating a sum of money for a specific purpose. In Missouri, it will generally originate in the House of Representatives. In the United States Congress, an appropriation bill may originate only in the House of Representatives and, before passage, must be considered by the committee of the whole.

Bill - A proposed law. A bill may be introduced in the House of Representative by any Representative and in the Senate by any Senator. No other person may introduce bills.

Body of a Bill - Follows the title and enacting clause. It is, of course, what the bill proposes to make law and is divided into numbered sections. After the bill becomes law, section headings are added which afford users a clue as to the contents.

Calendar - A list of the bills of a legislative body in the order in which they are to be taken up.

Caucus - An informal and extra legal body having no official standing. Its purpose is to assure party harmony in the legislative body. The majority and minority members decide in caucus on party policy, program, and officers. Members normally support the caucus decision of their particular party.

Common Law - Law handed down by precedents based upon judicial determinations and customs.

Constitutional Law - The supreme law of the land representing the law of the whole people. The Supreme Court interprets the Constitution and, in particular cases, decides whether or not a citizen’s constitutional rights have been violated. Every citizen has the right of appeal to the Supreme Court where constitutional issues are involved, but there is no appeal from the decisions of the Supreme Court of the United States.

Constitutional Majority - Requires that, in order to pass, a bill must receive a majority of the votes of the members elected as contrasted to majority of members present (e.g., fifty percent plus one). The United States Constitution has no such rule.

Gerrymander - The practice of changing boundaries in electoral districts in order to give one party an advantage over the other party.

Home Rule Charter - Originated in Missouri in 1870. Constitutional right of municipalities to govern themselves to certain extent without State intervention.

Journal - The daily minutes of the proceedings which are read at the opening of the next day’s session unless dispensed with by vote of the members under the rules.

Impeachment - Right of a legislative body to remove a member or other public official for misconduct. A member of the United State House of Representatives or Senate cannot be impeached, but may be expelled by the chamber.

Initiative - Right of the people to propose and to approve laws independently of the legislative body.

Initiative Petition on Constitutional Amendments - Right of eight percent of legal voters in two-thirds of Missouri’s congressional districts to petition for change in the constitution by placing something on a ballot for a popular vote.

Introduction of Bills or Resolutions - Presenting the bill for formal consideration by the chamber according to the rules of the chamber.

Lieutenant Governor - In Missouri, the presiding officer of the Senate. He does not have a vote except in case of a tie.

Lobbyists - Individuals who represent certain interest groups and are employed to apply pressure on legislative members to pass or kill legislation. A lobbyist must register and provide information under oath.

Local Laws - Laws which affect one particular locality. The right of the legislative bodies to enact such laws is specifically limited by constitutional law.

Motion - Method of presenting a matter before a legislative body; the order of precedence being governed by the rules of the particular legislative body.

Names of Members - In a debate in either chamber, one member never refers to another member by his given name. In the House of Representatives, he says “the gentleman/lady/ Representative from _____” (city, county, state) and in the Senate, “the Senator from _____” (city, county, state).

Nepotism - The practice of members of the United States Congress and the Missouri General Assembly or other public officials placing their relatives on their own payroll to supplement their incomes.

Oath of Office - Every member of the General Assembly must take oath of office consisting of a promise to support the state

and national constitutions, to faithfully perform his duties in office, and to accept no bribes. The oath is administered by the Speaker of the Missouri House of Representatives and the Lieutenant Governor in the Missouri Senate.

Order of Business - The method by which the different chambers determine the order in which different matters shall be brought before them.

Parliamentary Law - Rules controlling all matters concerning the organization and procedure of legislative bodies insofar as they are not controlled by higher forms of law such as constitutions and statutes.

Party Caucus - In the United States Congress and the Missouri General Assembly, this is a meeting of the elected members of both parties to agree on party unity, policy, and officers such as floor leaders and whips.

Personal Privilege - Right of a legislator when he has been personally attacked in debate, either directly or indirectly to reply. If so speaking, he does not necessarily have to confine remarks to the subject being discussed.

Pigeonholing - The practice of laying bills aside in committee and letting them die by not reporting them out. This is often done at the request of the sponsor or the presiding officer.

Point of Order - The parliamentary method of questioning a procedure during debate in a legislative body.

Pork Barrel Bill - A bill introduced by a member which is primarily intended to secure particular benefits to his district regardless of whether it is necessary or not.

Previous Question - During the course of the debate upon any subject, any member may “move for the previous question” which is a privileged motion and stops all debate until the original proposition is voted upon. By custom in Missouri, the Speaker of the House will only recognize the Majority Floor Leader to make this motion. It is seldom used in the Senate.

Quorum - The number of members necessary to be present to transact business in a legislative body. It consists of a majority of the membership.

Reading of Bills - In both the United States Congress and Missouri General Assembly, a bill must be read three times. The presiding officer designates the number of the reading each time before the bill is read by the clerk or secretary.

Reconsideration - A motion to reconsider the vote by which a bill is finally passed. This is made by a member on the prevailing side. In Missouri, this motion may be made any time within three days of passage or rejection of the bill.

Riders - Extraneous matter tacked on to a bill in order to defeat it or to enact legislation that otherwise would not be passed. It is usually used in committees and particularly attached to

appropriation measures. Riders may not be used in the Missouri General Assembly.

Rules - At the beginning of the session, a legislative body adopts rules to govern procedure for the rest of the session. Missouri, by custom in both chambers, adopts the Rules of Congress insofar as they are applicable.

Sine Die - Literally “without day” meaning there will be no further legislative days and the session is finally adjourned.

Speaker of the House - Presides over the House of Representatives, keeps order, and recognizes members on the floor. He is a member of the House and, unlike the President of the Senate, is entitled to a vote on all matters.

Spoils System - “To the Victor belongs the spoils” is a familiar quotation. It means simply that the majority party usurps, as far as is possible, all political appointments and material benefits that may be gained from being in power.

Standing Committees - At the opening of the session, these committees are chosen from the membership. They are divided according to particular subject matter and policy areas. When a bill or business comes before a legislative body, it will be referred first to the standing committee that logically would attend to such a matter.

Statutory Law - Law enacted by a legislative body as distinguished from constitutional and common law.

Subcommittee - A smaller part of any standing committee delegated to carry out some specific function for the main committee.

Title of a Bill - A brief and concise statement of the subject matter of a bill. In Missouri, it must contain only one subject, be broad enough to be enacted by the bill, and be clear enough to inform the legislators of the contents.

Veto - Rejection by the President or Governor of a bill that has passed both chambers. A bill may be passed over the veto by a two-thirds majority of the elected members in each chamber.

CHAPTER EIGHT

Law Enforcement

A. Introduction

At Missouri Boys State the law enforcement structure emulates that of Missouri's own criminal justice system. This system incorporates formal law enforcement structure at each level of government: city, county, and state. The system includes municipal police departments (city), County Sheriff's offices (county), the Missouri Boys State Capitol Police (state), and the highest law enforcement agency in the state, the Missouri Boys State Highway Patrol (state).

B. State Highway Patrol

The Missouri Boys State Highway Patrol (MBSHP) is the highest level of law enforcement at Missouri Boys State. As such, the selected patrolmen require special qualifications for appointment. Selection occurs prior to the first election at Boys State and the chosen members will receive specialized training from actual Missouri State Highway Patrol Troopers and other law enforcement officers from across Missouri. These individuals serve as counselors for the orientation of officers and Law Enforcement educational programming.

In order to be eligible to serve as an MBS Trooper, citizens must be at least 16 years of age. Citizens who have had experience in leadership and law enforcement roles will be given preference. Citizens who are interested in qualifying for membership in the Missouri Boys State Highway Patrol should consult their City Counselor upon arriving at MBS.

Just as in the State of Missouri, this system operates under a jurisdictional code stipulating which agency at which level will enforce which laws, giving statewide jurisdiction to the Missouri Boys State Highway Patrol. The Troopers (8 in total) of the MBS Highway Patrol are able to not only enforce the laws of the state given under the constitution but also the individual laws set by county and city governments.

The Superintendent of the State Highway Patrol will be appointed by the Governor. The specific ranks of Troopers in the MBSHP shall be appointed by the Superintendent. Just like the actual Missouri State Highway Patrol, our states highest level of law enforcement, troopers are ranked in a quasi-military fashion. The Superintendent will rank as the Colonel while his second in command is the Lieutenant Colonel and so on.

In Missouri, the MSHP is responsible for leading regional task forces to combat criminal activity and lead focused investigations. The Highway Patrol will recruit law enforcement officers from throughout the state to serve. This includes all areas under the Department of Public Safety (i.e., Missouri State Fire Marshall, Gaming Division and Department of Corrections).

While all citizens will receive instruction regarding the role of

Law Enforcement Oath

On my honor, I will never betray my badge, my integrity, my character, or the public trust.

I will always have the courage to hold myself and others accountable for our actions.

I will always uphold the Constitution, the community and the agency I serve, so help me God.

law enforcement in democracy, the Boys State Highway Patrol, along with city and county law enforcement officials will receive detailed instruction in duties and responsibilities relating to the practice of law enforcement.

C. Capitol Police

The MBS Capitol Police consists of four officers, including one Chief of Police. The Capitol Police are charged with enforcing State Statue as well as Code of Regulations within the MBS Capitol Building.

MBS Capitol Police have the following duties:

1. Maintain a log that tracks investigations and inspections.
2. Work as a team to create team goals and inspection criteria.
3. Meet with Local, County and State law enforcement/ fire agencies to maintain an open communication channel in the event of an emergency.
4. Be familiar with the Department budget.
5. Establish policies for enforcement of Statutes as well as continuing safety of the Capitol Building and executives within.

D. County Sheriffs

Each MBS county, consisting of two cities, will operate a functioning law enforcement unit under the direction of an elected County Sheriff. Sheriff's offices and their Deputies are charged with enforcing laws and statutes set forth by the constitution but also those of the entire county, which include those laws enacted by both the cities within the county. At Missouri Boys State the County Sheriff's Office is made up of an elected Sheriff who employs Deputies to patrol all jurisdictions within the county lines.

The Sheriff of a county has the following duties:

1. Serves as the Chief agent of law enforcement in the county.
2. Is the custodian of the physical space which houses the county and its assets.
3. Responsible for the safe-keeping of persons charged with a crime under the laws of the state and municipalities therein.
4. Responsible for the enforcement of county laws regarding the general conduct of the citizens of his county when they are gathered at any function.
5. Although his responsibilities are largely in connection with the conduct of the citizens of his own county, he has the authority to arrest citizens of other counties anywhere in Boys State when they are violating the law in his presence.
6. Opens and attends all sessions of state courts with the exception of the Supreme Court and maintains order under the direction of the Presiding Judge. Serves all process of state courts and makes return to the court issuing the process.
7. Appoints Deputy Sheriffs with the consent of the Circuit Judge and assigns their duties. Deputy Sheriffs may, under the direction of the Sheriff, perform any of his legal duties.

duties. At Missouri Boys State, all law enforcement officers receive directed instruction during focused class periods. Police Officers will assist the Chief of Police in carrying out his duties and shall be appointed by the Chief.

Additional county officials not officially elected or appointed at Missouri Boys State may include County Assessor, County Coroner, Public Administrator, County Surveyor, and County Superintendent of Public Schools.

E. Municipal Police Departments

Each MBS City will operate a functioning law enforcement unit under the direction of an appointed Chief of Police. The municipal (city) level of law enforcement at Missouri Boys State is charged with the enforcement of laws set forth by the state and the county as well as those laws its presiding City Council deems enforceable and votes into municipal law.

Just as every other law enforcement officer in the state, each municipal law enforcement officer is state commissioned and accredited. In Missouri this is gained through attending a LETC (Law Enforcement Training Center) or a Regional Police Academy. At Missouri Boys State a Commission is gained through attending the Law Enforcement School and successfully passing the course. This commission allows all law enforcement officers to have police powers within the entire state when formed together as a JTF (Joint Task Force) and working with members of other jurisdictions to complete a specified task or focused enforcement. Task forces such as this are typically ordered and directed by members of the Missouri Boys State Highway Patrol.

The Chief of Police will act as the principal agent for law enforcement in the city, seeing that ordinances are observed and order maintained. He shall designate three citizens of his city, one from each ward, as policemen to assist him in his

CHAPTER NINE

The Judicial System

A. Overview

The Judicial Branch, along with the Executive and Legislative Branches, form the three co-equal parts of our state government. At Missouri Boys State, the Judicial Branch serves a very important role. The criminal justice system, with citizens serving as prosecutors and judges, maintains law and order for Missouri Boys State citizens. As a citizen, it also may be necessary for you to seek the intervention of the legal system through a civil action to protect your rights or address wrongs committed against you either by other citizens or some governmental entity. The courts in Missouri Boys State have been called upon to determine the qualifications of candidates, to prevent cities or counties from taking unconstitutional actions, and to examine the propriety of elections, among other things.

The following section is intended as an overview of the legal system for all citizens of Missouri Boys State.

B. Lawyers and Judges

Any citizen of Boys State is eligible to become an attorney, although he must apply for a law license to be issued by the Boys State Law Counselors under the authority of the Boys State Supreme Court. Only licensed attorneys may practice law, although any citizen may represent himself in a case to which he is a party. The Supreme Court may for good cause revoke the license of an attorney. All attorneys are officers of the court and subject to such rules as the court may adopt. When an attorney is admitted to the practice of law he takes the *Attorney's Oath* before the court which has admitted him.

An attorney is an advocate. It is his function to present to the court all evidence favorable to his client and to advise the court of the law that is applicable in the case. He is also a counselor to his client in legal matters concerning the client. Most legal advice is given to a client in an effort to help the client avoid legal problems or to help the client resolve conflict without the necessity of a trial. Nevertheless, it is sometimes necessary for the parties to resolve their disputes in civil cases through litigation, and criminal charges often result in criminal trials.

The result in each case depends almost entirely upon the facts, circumstances, and events that give rise to the legal problem. However, the knowledge, skill, and dedication of the attorney can also impact the outcome. The attorney must first meet with his client to ascertain the facts and to determine the client's goals. This meeting is called the initial client interview. To ascertain all of the facts, the attorney will often engage in further investigation or discovery, to ensure that the opposing party does not surprise him with evidence or facts not known by him. After learning the facts, the attorney determines what law is applicable to the facts to predict the likely outcome of a lawsuit. Finally, the attorney advises his client on a course of

Attorney's Oath

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the state of Missouri;

That I will maintain the respect due courts of justice, judicial officers and members of my profession and will at all times conduct myself with dignity becoming an officer of the court in which I appear;

That I will never seek to mislead the judge or jury by any artifice or false statement of law or fact;

That I will at all times conduct myself in accordance with the Rules of Professional Conduct; and

That I will practice law to the best of my knowledge and ability and with consideration for the defenseless and oppressed.

So help me God.

action, keeping in mind the facts, the law, the likely outcome, and arriving at a decision. He must maintain such order and decorum in holding court that the parties to the cause will be able to fairly present their side.

At Boys State, all judges, except for the MBS Supreme Court, are elected to their office from among the citizens and all judges must be duly licensed by the Supreme Court. In the State of Missouri, all judges are elected except those of the Supreme Court, Courts of Appeal, and Circuit Courts of Jackson County, Green County, St. Louis County, and the City of St. Louis. The appeals court judges are appointed by the governor from among three persons submitted to him by a commission. The commission is composed of seven members, three of whom are laymen appointed by the governor and three of whom are attorneys elected by members of the Bar. The chairman is the chief judge of the Supreme Court. A similar commission recommends the persons for circuit judges when a vacancy occurs, except when its members are residents of the circuit. When a circuit or associate circuit judge retires at the end of his or her term, candidates run for the position without being designated with a party affiliation, i.e., as "Republican" or "Democrat." Once appointed, appellate judges do not have political opposition but run against their own record on the basis of whether or not they should be retained in office. This method of selecting judges has received nationwide attention and is often referred to as "Non-Partisan Court Plan," or "The

Missouri Plan.” At Missouri Boys State, the Supreme Court is selected using the non-partisan court plan.

C. The Court System

Establishment. Courts are created and established by the Constitution. At Boys State, these courts are the Supreme Court and Circuit Courts. The Circuit Courts consist of the Circuit Court, the Associate Circuit Court, and the Municipal Division of the Circuit Court.

Purpose. The purpose of a court is to define rights and settle disputes or controversies between persons and then to enforce its decision. This process of determination may be known as causes of action, cases, or lawsuits. “Persons”, in the legal sense, may refer to individuals, businesses, associations, corporations, cities, school districts, governmental agencies, the state itself, or other recognized legal entities.

Boys State Courts. The jurisdiction and kind of courts, the method of selecting judges, citizens who are eligible to be judges, and the term of office are set out in the Constitution of Missouri Boys State, in Article VI. Only duly licensed attorneys of Boys State at the current session may practice law in the Courts.

Jurisdiction. The power of a court to hear, determine, and enforce its decisions, which is conferred upon it by the Constitution is called jurisdiction. If the Constitution does not confer or recognize a power in the courts, then the courts lack jurisdiction and hence have no authority to act. To have jurisdiction, a court must have been authorized to hear the cause of action that is before it and then have the power to enforce its judgment between the parties.

Classification of Jurisdiction. The jurisdiction of courts is in two general categories: original and appellate. Some courts possess only one type of jurisdiction while other courts exercise both. The power and authority to hear evidence and determine the facts and then apply the law to the facts in order to render a judgment is the exercise of *original jurisdiction* (sometimes called “trial jurisdiction”). *Appellate jurisdiction* is the power to review and change or affirm the judgment of the trial court. At Boys State, the Supreme Court exercises appellate jurisdiction while the circuit judges exercise trial jurisdiction and appellate jurisdiction over municipal judges. Associate circuit court judges and municipal judges exercise only trial jurisdiction.

Venue. The place where a court exercises its jurisdiction is its venue. It is a geographical area usually determined by counties, cities, or a group of counties, which may be called districts or circuits. In Boys State, a municipal judge may only take action upon matters occurring within the physical area (venue) of the city while the associate circuit judges are limited to the area of their county. Circuit judges are limited to their circuit, which may consist of more than one county. Because much of Boys State is not within any county area, any circuit judge or associate circuit judge may hear matters arising within the state, but not

occurring within a county area. Under our procedure a party is entitled to one change of venue, i.e., the transfer of a case from one court to another.

Classification of Cases. There are two kinds of cases over which courts have jurisdiction: civil and criminal. *Criminal* cases are prosecutions by the state by and in the name of the people of the state against a person for violation of a state law. In criminal cases, the state is always the prosecuting party. The penalty for violation of the law may be by fine, and in the real world, confinement in the county jail or imprisonment in the state penitentiary. A *misdemeanor* is a crime for which the maximum penalty that may be imposed is a fine and/or confinement in the county jail. A *felony* is a crime for which the penalty may be imprisonment in the penitentiary. It is not necessary that a person be actually imprisoned, but that he could be under the law, in order to constitute a felony. The violation of a *municipal ordinance* in this state is not a crime since ordinances are not state laws, but rules adopted by the governing body of a municipal corporation, which has been chartered by the state legislature.

All persons have rights and also obligations, and if their rights have been infringed upon by another person or they have failed to fulfill their obligations to the damage of another person, these acts or the failure to act, may be the subject of a cause of action, case, lawsuit, etc. which is known as a civil case. In *civil cases* the remedy for these breaches of a person’s legal rights or obligations is *monetary* compensation called *damages* or an order from the court either to do or to cease doing that which is unlawful called an *injunction*. Types of civil actions include actions to recover unpaid bills, for injuries received in accidents, for failure to carry out agreements, etc.

Process. In order to fulfill its function a court must be able to notify persons that an action is pending against them, require the attendance of witnesses and the production of evidence, and provide for the enforcement of the judgment that is rendered. To do this the court issues “orders” which are called *legal processes*. There are many different kinds of process and they vary between civil and criminal cases. The process is normally issued to the sheriff by the county clerk of the court upon the order of the judge or by the judge himself. The sheriff of the county then carries out the order of the court. In the case of the Supreme Court the process is issued to the marshal. An order of the municipal judge is given to the chief of police, who then carries out the order either himself or it is carried out by a deputy. The act of carrying out the order is known as “serving” the process and after this is completed the officer making a “return” reports it to the court. Most legal process must be served personally upon the person that the court is ordering to do something, although some types of process may be left at his usual place of residence with a member of the family or mailed to the person. Usually the process can only be served within the venue of the court; however, in Boys State process may be served anywhere in the state.

Running the Courts. All courts should maintain records of their proceedings, which should include the nature of the case, the

persons involved, and the disposition of the case. In Boys State all of the courts established by the Constitution are Courts of Record. In Missouri all state courts are Courts of Record while most municipal courts are not. In addition to these records, the Circuit Courts in Missouri have court reporters that keep a verbatim transcript of all proceedings conducted by each court. The clerk of the court is responsible for keeping and maintaining these records.

D. The Jury System

General. The type of jury that participates in the trial of civil and criminal cases is known as a *Petit Jury*. In Boys State jurors are selected from among the citizens who reside where the particular court has jurisdiction and venue. In Missouri, at the present time, municipal judges do not have the power to hear jury trials unless the circuit court judge appoints the municipal judge as a “Special Associate Circuit Court Judge.” In order to allow municipal judges the power to hear jury trials at Boys State, it is assumed that all municipal judges have been appointed Special Associate Circuit Court judges, and therefore, have the power to hear jury trials.

Petit Jury. The *petit jury* normally consists of twelve persons, although a lesser number is appropriate at Boys State if the clerk certifies that fewer than twelve jurors are available to hear the case. In a civil case three-fourths of the jurors must agree to render a verdict and in a criminal case all of the jurors must agree to render a verdict. If all of the jurors cannot agree in a criminal case to a verdict of either “not guilty” or “guilty,” then it is said to be a “hung” jury and the judge will discharge the jury and another one may be impaneled and the case retried. The purpose of a petit jury is to hear the evidence. When they have determined what the facts are then they are to apply them to the law that they are instructed by the judge is applicable. The jury’s decision is called the *verdict*. Usually before the final arguments are made by the parties, the judge will give the *jury instructions* as to what law is applicable under the various views of the evidence that the jury could find did exist. These jury instructions are sometimes given after final arguments and before retiring. The jury selects by majority vote a foreman who reports the verdict to the court. When the jury retires to consider its verdict the court places it in the custody of the sheriff or chief of police and no one is allowed in its presence during deliberations. The jury may request further instructions from the judge at any time during its deliberations. In important cases the court may order the sheriff to *sequester* or “lock up” the jury which means that he must find suitable quarters for them and keep them from all contact from other persons until they arrive at their verdict or the court is satisfied they cannot arrive at a verdict in which case the judge will discharge them and other jury may be selected.

Grand Jury. Another type of jury is called a *grand jury*. A grand jury consists of at least twelve members, nine of whom must agree in order to take action. The jury is summoned and instructed by the Circuit Court. Its purpose is to investigate such matters as ordered by the circuit judge, the violation of

criminal laws, and to inquire into the performance of public officials to see that they are properly performing their duties. It may make recommendations and reports to the Circuit Court. If nine of its members believe that a person has violated the criminal law the grand jury may return an indictment which charges a crime. A warrant will be issued to the sheriff and served as a legal process. A separate petit jury will then hear the case unless trial by jury is waived.

E. Criminal Law

Arrest. An arrest is made by an actual restraint of a person or by his submission to the custody of an officer under authority of a warrant or otherwise. An officer must inform the person arrested by what authority he acts and show the warrant, if the person requests.

An officer may make an arrest when he has “*probable cause*” to believe that the person arrested has committed the offense. For an officer to have “probable cause” to make an arrest requires that he has a good belief that the person he is arresting has committed a crime and must not have acted arbitrarily in forming this belief.

If the arrest is found to be unlawful, then a court must exclude from evidence anything found as a result of a search of the person or premises at the time of the arrest, and, some courts would exclude from evidence anything obtained as a result of the arrest including any statements made by the person arrested while he is in custody.

Commencement of a Criminal Action. In a criminal case, a *Complaint, Information, or Indictment* commences the action of the state against a person. These pleadings initiate criminal proceedings by the state, against a person for the violation of a state law. The violation of an ordinance is alleged by a complaint which is in substantially the same form. A *complaint* is a sworn statement by the prosecuting attorney or his assistant that a certain person has committed acts which constitute the violation of a state law and is filed in Circuit Court before the associate circuit judge. An *information*, i.e., the formal charge, may also be filed. An indictment is a formal charge filed before a circuit judge by a Grand Jury. When a criminal charge is filed, a warrant is issued to the sheriff commanding him to take physical custody of the person and bring him immediately before the court to answer the charge. If the offense charged is of a minor nature a summons may be used as in civil cases, except that failure to appear will cause the issuance of a warrant. The use of subpoenas is generally the same as in civil cases.

Criminal Answer. The defendant typically files no formal written answer in a criminal case. When he is brought before the court by the sheriff or other law enforcement officer under the warrant issued by the court, he is advised of the nature of the complaint or information and asked how he pleads. The defendant then orally enters a plea of guilty or not guilty, or not guilty by reason of mental defect or disease excluding responsibility. If the defendant says nothing, then the court is

required to enter a plea of not guilty on behalf of the defendant. If the plea is guilty, then the court proceeds to impose sentence and if the plea is not guilty then the case proceeds to trial at a time designated by the court.

Intent. Every crime requires the commission of an act and the intent to commit the act. The various degrees of the crime usually depend upon the intent with which the act is committed. Almost all felony crimes require a specific intent to do the act, which may be shown by the facts and circumstances surrounding the commission of the offense as well as statements of the defendant concerning his intent. Misdemeanor crimes usually only require a general intent which may be inferred from the fact that the fact was done or the offense occurred. At Boys State, all crimes are considered misdemeanors and therefore a showing of general intent will suffice for conviction.

Punishment. If the judgment is that the person is guilty and probation or parole is not granted, a sentence is imposed. If the person is ordered to pay a fine then an execution is issued to the sheriff to collect the fine or confine the person until the fine is paid or until he has been confined a sufficient length of time to satisfy the fine. If the sentence is to confinement, then a commitment is issued to the person in charge of the county jail or penitentiary setting forth the length of time the person is to be confined. In Boys State, fines may be imposed only in Boys State Bucks.

F. Civil Actions

In General. The law requires of every person certain obligations or duties. The law also defines certain personal rights that may not be violated by a person in his relationships with others. The violation of these rights or the failure to fulfill these obligations may give rise to a lawsuit, case, etc. against the person responsible or obligated, for damages or other relief. Often the plaintiff will seek relief which will put him back in the same position he was in before his rights were injured, or compensate him for the unfulfilled obligations due him. These lawsuits are civil in nature and called civil actions. In general, they arise from property rights, contracts and torts. In some cases actual damages must be shown by the party making the claim while in other cases the law implies the damages because the duty was breached or the obligation unfulfilled. If events occur that give rise to a lawsuit, you are encouraged to hire a Boys State attorney to file your case in the appropriate court and proceed to trial.

Types of Civil Actions

- a. **Contracts.** A contract is a binding agreement between persons. It may arise from a written or oral agreement between persons or from their conduct toward each other from which the law implies an agreement. It is based upon the intention of the parties and only obligates the parties to the agreement. For a contract to exist, there must be an exchange of promises between persons resulting

in an obligation to do or not do something. The contract must be for a lawful purpose and between competent parties or the courts will not enforce it.

- b. **Torts.** Law abiding conduct by everyone in his relationship with other persons is key to a free society. A tort is a private or civil wrong or injury arising from the violation or breach of a duty imposed by law on all persons. It usually results from the voluntary act of someone, in violation of his legal duties to others, although it may arise from a voluntary failure to act when the legal duty exists. To be the basis for a civil action for damages, the act complained of, in addition to being a breach of one's legal duty, must also be the proximate cause of the injury or damages to the complaining party. In other words, the injury or damages must be the natural, ordinary, and probable consequences that one might reasonably expect to result from the commission of the voluntary act.

There are two general classifications of torts, those that result from *intentional acts* and those that arise from *negligent acts*. The requirement of proximate cause is different when the act is intentional rather than the result of negligence. If intentional, the law presumes the result is the proximate cause of the act whether the particular injury that in fact occurred could reasonably have been expected. Thus, if one is struck in the face by a fist, and falls down and in falling, breaks his leg, the injury to the leg would be considered to be proximately caused by the blow to the face, even though, under normal circumstances this type of injury would not be a reasonably expected result from one blow to the face. If the acts are negligent, they must be such that one could foresee the reasonable probability of some injury resulting from the doing of the act although it is not necessary to have been able to forecast the exact nature of the injury.

Damages are usually classified as special, general, and punitive. *Special damages* are actual out of pocket expenses. *General damages* are for pain, suffering, and the anticipated expenses as a result of the injury. *Punitive damages* are for punishment and awarded only when the pleadings allege a willful, wanton, and reckless disregard for the rights of others or the act alleged is done maliciously with intent to cause harm, and one or the other of these allegations is proved. Every person, once injured or damaged, has the duty to lessen his damages. Failing to do so may be taken into account and an appropriate credit may be given to the party required to pay damages.

Extraordinary Actions. There are times when it appears that great injustice is being done by the government, its officials, or by private persons for which no legal remedy is apparently provided. To remedy this injustice, the law allows individuals or entities to file certain *extraordinary writs* before the associate or circuit court judge to address the grievances. The more commonly used writs include the Writ of Habeas Corpus ("you should have the body"), the Writ of Mandamus ("we command"), the Writ of Prohibition ("we prohibit"), and the

Writ of Certiorari (“to be informed of, to be made certain in regard to”).

Civil Procedure. There are very specific rules under which attorneys operate when participating in civil litigation. These rules are known as “*Rules of Civil Procedure.*” The following is a summary of the procedures:

- a. Petition. In a civil case, a petition is filed with the court to commence an action against another person.
- b. Summons. The court then issues a summons, which the sheriff serves on the person against whom the action is brought. The summons commands that person to appear in court at a certain time and make an answer to the action brought against him. If he does not heed the summons, the other party is entitled to whatever relief he has requested from the court and a “default” judgment may be entered. If he does appear and contests the allegations, then the case will be set down for trial.
- c. Answer. This is a pre-trial pleading which may be filed by the defendant in a civil case. It may be a statement that nothing in the petition is true which is called a *general denial*. Alternatively, it may be a statement that a part of the petition is true but not all of it and, therefore, the plaintiff is entitled to no relief. The answer may also contain a statement that the events related by the plaintiff are true but that for other reasons, called *affirmative defenses*, the plaintiff is still not entitled to recover.
- d. Counterclaim. This is a pre-trial pleading in the nature of a petition but it is made by the defendant against the plaintiff. It permits the court to determine all controversies or disputes that may exist between the parties to be finally decided in the same lawsuit. Its form and content are essentially the same as a petition.
- e. Crossclaim. This is another form of pre-trial pleading in civil cases which may occur only when there is more than one plaintiff or more than one defendant. It is in the nature of a petition and may only be filed by a plaintiff against another plaintiff or a defendant against another defendant in which it is claimed that if he is found legally responsible by the court, his co-defendant or co-plaintiff is legally responsible to him and he is, therefore, entitled to relief from his co-party.
- f. Motions. A motion is an application to the court for some type of order or relief in regard to a pending case. It may require a final disposition of the case although more usually it attacks the jurisdiction, venue, service of process, or pleadings as being legally insufficient in some way. If there is a legal defect, the court, in its discretion, may allow

the defect to be corrected or it may dismiss the action. During trial, motions are usually directed to the suppression of evidence or the release of a party from the case as not being liable. After trial motions are normally called motions for a new trial and are directed to errors the court may have made in the law, errors the jury may have made in finding the facts, or misconduct of the participants in the trial, which have deprived the parties of a fair trial and in the interest of justice they are entitled to have the court order a new trial.

- g. Execution of Judgment. If a judgment results in an award of monetary compensation, upon request of the prevailing party, a general execution may be issued which is an order to the sheriff to demand of the losing party a sum sufficient to satisfy the judgment. If the party does not tender the required sum a garnishment in aid of the general execution may be issued ordering any other person who holds money for the losing party (such as a bank or employer) to pay such money over to the court or an attachment in aid of general execution may be issued ordering the sheriff to take custody of the losing party’s property and sell it at public auction.

G. Trial Procedure

Adversary Proceeding. A trial of a lawsuit is an *adversary proceeding*. It is the duty of the attorneys for the plaintiff and defendant to present all available evidence on behalf of their respective clients and to cite to the court whatever law supports their client’s case. It is the duty of the jury to listen to the evidence that is admitted and after judging the credibility of the witnesses and the weight to be given the evidence, determine the truth of the dispute that exists between the parties. It is the duty of the *judge* to decide what evidence that is offered is to be admitted for consideration by the jury and to determine the law that is applicable to the case and instruct the jury so that they may arrive at a verdict. The judge should be careful to do nothing in the presence of the jury that would indicate his opinion as to what the outcome of the trial should be or the weight that the jury should accord to the evidence that they have heard.

Because of the adversary nature of trial proceedings one or all of the participants or spectators may lose control of their emotions and say or do things that are improper, which they would not otherwise have done, except for the competitive nature of the proceedings. The judge should be alert for these occurrences to admonish the offender or recess, if necessary. As a last resort, the judge may have to punish the offender for *contempt of court*, if it is a serious or repeated occurrence. If it is of such a nature that the passion or prejudices of the jury have been aroused so that it does not appear that the jury can return an unbiased and considered verdict, then the judge should declare a *mistrial*, discharge the jury and reset the case for trial. If the admonition involves one of the parties or his

attorney, it should be done out of the hearing of the jury, if possible, or if not possible, then by the judge in such a manner to avoid prejudicing the jury against the party or his attorney. It should not be necessary to excuse the jury except in extreme circumstances.

Right to Jury Trial. In all criminal cases the defendant has a constitutional right to a speedy public trial before an impartial jury from the venue where the offense is alleged to have occurred. To waive this right the defendant must affirmatively make his desire known to the court. The state is entitled, by statute, to a jury trial but may waive this right by failing to request a jury or proceeding to trial without one.

In civil cases, the plaintiff and defendant are entitled to a jury trial, if the action is one at law, but not if it is equitable in nature and calls for equitable relief. They may waive this right by failing to appear, by oral or written consent, or by entering into the trial without objection. In either case each party in the case must waive the right. In equitable actions the judge may summon a jury but their verdict is advisory only and the judge is not bound to follow it. The right to trial by jury before a municipal judge is governed by the rules in civil cases.

Contempt of Court. Contempt of court is an offense against the state and not the judge, personally. Contempt of court is caused by any breach of the peace, noise or other disturbance which directly tends to interrupt the proceedings, by willful disobedience of any process or lawful court order, or by unlawful refusal of a witness to be sworn or after sworn to refuse to testify. Contempt may be committed at any time by any person even though he is not connected with the court or the case. If the action of the person is in the immediate view and presence of the court while it is in session, this is *direct contempt* and may be punished summarily by the court without a hearing. If it does not occur in the immediate presence of the court then it is *indirect contempt* and the person so charged is entitled to a notice and a hearing and to present any defense he may have. Persons alleged to have committed contempt of court are not entitled to a jury trial and are not entitled to disqualify the judge. Punishment for contempt of court may be by fine or commitment to the county jail in the discretion of the judge.

Court Relations with the Public. All court hearings and trials are open to the public, as are the records of the court, unless specifically made secret by statute, such as in certain juvenile proceedings or cases involving mental incompetence. It is desirable for court officials, parties involved in the lawsuit, and their attorneys to refrain from public comment during the course of a trial to assure that no improper information or influence reaches the jury. Grand jury proceedings, however, are never public.

Burden of Proof. In a criminal case the burden of proof is always on the state to establish *beyond all reasonable doubt* the guilt of the accused. The accused is presumed to be innocent and is under no duty to prove that he is innocent. The accused is entitled to remain silent and present no evidence and the

court and jury are not allowed to draw any inferences from this silence. The defendant may find it advisable to try to prove his innocence at the trial but he is under no legal obligation to do so.

In a civil case the burden of proof is on the party who alleges the truth of his claim to establish it by a *preponderance of the evidence* (greater weight of the evidence). This burden of proof is not measured by the number of witnesses or documents presented by each party, but by the believability of the evidence that is presented. Failure to carry the burden of proof may result in a directed verdict against the failing party or the dismissal of one or more claims alleged to be true by the failing party. Once credible evidence has been received on an issue the burden of going forward with the evidence may shift to the opposing party to present impeaching or contradictory evidence or the truth of the issue may be accepted by the court and jury.

Trial by Judge. When a jury has been waived or is not a matter of legal right, then the judge sits as the trier of fact as well as law. When this occurs there is no real need for the use of the procedures used with a jury to avoid the hearing of prejudicial or inadmissible matter, although the wise attorney will adhere to the same rules of jury practice as nearly as possible.

Pre-Trial Discovery. After a petition has been filed in a civil action or a complaint or information in a criminal action, the parties involved in the lawsuit are entitled to use legal process to compel the opposite party to disclose certain information available to him concerning the merits of his case. The *discovery* may be accomplished by subpoenaing a witness and taking his *deposition* where the parties and attorneys for both sides may be present and question the witness, whose testimony is then recorded verbatim under oath. The recorded testimony may later be presented in court if the witness is not available at time of trial. It may also be accomplished by one party serving *written interrogatories* to the opposite party requiring the written disclosure of specific information which might be pertinent in the preparation of the case. Another form of discovery occurs when a party files a *Request for Production of Documents and Things*. This is a motion requiring a party to produce certain written documents (such as contracts or agreements) or physical evidence such as photographs, clothing, or other objects.

Disqualification of Judge and Change of Venue. The judge assigned to try a case may disqualify himself at any time before the commencement of the trial for any reason which makes him feel that he will not be able to provide the parties with a fair and impartial trial. There may be as many voluntary disqualifications by the judge until one is assigned that is capable of presiding over a fair and impartial trial. Where the judge voluntarily enters disqualification he will immediately transfer the case to another judge who has the same kind of jurisdiction to sit in his place. If he is unable to obtain another judge, the disqualified judge will request the Supreme Court to assign a judge specifically to hear the matter. A change of venue may be requested by either by filing a motion, sworn under oath, either

that the judge is biased and prejudiced, or that the inhabitants within the jurisdiction of the court are so biased and prejudiced against one of the parties that they could not render a fair and impartial verdict in the case as jurors. Each party is entitled to only one change of venue and when it is granted the entire case is transferred, upon order of the court, to another court that has the same jurisdiction.

Motions. Motions may be made at any time before, during or after the trial is completed. They are typically in writing except that during the course of the trial some motions may be made orally. The typical kinds of motions commonly used are Motions to Dismiss, Motions to Suppress Evidence, Motions for a Mistrial, Motions for Directed Verdicts, and Motions for Vacation of Sentence.

Objections. Objections are made orally before the court during a hearing on a motion or the trial of the case. They normally require a ruling by the judge at the time as to their validity, although they may be taken under advisement and ruled upon later. When an objection is made the attorney making the objection states his reasons and what, if any, relief he expects from the court. The most common objections made is whether or not evidence is admissible. Objections may invite argument from the attorney of the opposing party and care should be taken that the argument does not prejudice the jury. For this reason the judge may request the attorneys on both sides to approach the bench for a “*sidebar*” conference, out of the hearing of the jury, so that he may hear arguments and reach his decision. At this time the party seeking to have the evidence admitted may make an “*offer of proof*” which is a statement of what he intends to prove by the witness concerning the evidence over which the objection has been made. Sometimes the evidence, which has been objected to, will be connected up by the testimony of other witnesses or competent evidence and the court may rule that it is admissible subject to “connecting up.”

Recesses. Any party or the court may at any time request a recess for any reasonable purpose. The court should specifically determine the length of the recess after consultation with the attorneys for both parties. It is not a good practice for the judge to grant a recess in the middle of direct or cross-examination and this should only be done under extreme circumstances in his discretion. Request for recesses should be promptly granted or overruled.

CHAPTER TEN

Journalism

A. Introduction

The Media: press, radio, and television, exist in all countries and in conjunction with all forms of government from democracies to dictatorships. However, the rights, responsibilities and role of the media differ greatly between the various forms of government.

B. Organization of the Media

In the United States, the press consists of newspapers and magazines, televised information programs, radio broadcasts, and countless web-based formats.

In general, the written press consists of over 100,000 newspapers and magazines. These publications are distinguished by their geographic areas of coverage; local, regional, national, and international, their frequency of publication; daily, weekly, monthly, and periodically, and their areas of interest; general news, financial, trade, sports, and hobbies.

There are over 8,000 licensed AM and FM radio stations in the United States. Each one is assigned a frequency by the Federal Communications Commission (FCC) and given the right to broadcast at a certain power rating. While all radio stations are required to originate some local programming, many stations receive programs from syndicators or networks. Other stations are broadcast solely on the internet.

Television takes three forms: broadcast, cable, and satellite. Broadcast television includes over 1,500 UHF and VHF stations. The majority of these stations are affiliated with one of several major networks, while the remaining stations are considered independent. All licensed broadcast television stations are now required by the Federal Communications Commission to broadcast their signals in High Definition.

Web-based formats offer an ever-widening variety of media for consumption, both that produced by major print or electronic outlets and that of small and large groups or individual citizens.

Three major media formats are clearly represented at MBS; MBS Record, a daily newspaper, KMBS Radio, a professional radio station broadcasting daily, and KMBS TV, a fully functional television station, producing a daily newscast detailing events of importance to Boys State. Reporters for each of these outlets will also repurpose content for Missouri Boys State websites and social media channels. These entities are publicly owned by the sponsoring organizations of MBS, who have directed the Dean of the MBS Journalism School to hire citizens to fully operate the companies.

C. Advertising

The funding for most newspapers, radio, and television stations comes from the sale of advertising. Costs for advertising are generally determined on the basis of size or length of the ad, size and type of audience exposed to the advertisement, and the value of the media time or space. There are various laws regulating the content and claims of advertisements. Other laws provide for “fairness” in covering public issues and “Equal Time” for legally qualified federal candidates.

At MBS any citizen, group or business may raise “Boys State Bucks” currency to purchase advertisement time or space from the three media outlets.

D. Rights of the Media

In a dictatorship, the media is used as a propaganda instrument to provide the people of the country and other countries only information that the government decides to make known. In some countries, the media is actually state owned and operated. Views which are contrary to those held by persons in power may not be allowed to be published or aired by the media in these countries.

The freedom of the media is specifically guaranteed in the United States by the First Amendment of the Constitution.

The First Amendment provides:

Congress shall make no law . . . abridging the freedom . . . of the press . . .

This concept is carried over into the Missouri Boys State Constitution in Article II, Section 4, which provides:

Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth when published with good motive, and for justifiable ends, shall be a sufficient defense.

These laws demonstrate the belief of the citizens of the United States and Missouri Boys State in the vital necessity for the free flow of information and differing opinions for the continued existence of a democracy.

Despite these constitutional guarantees, there are restrictions on the journalist’s right of free speech, such as the laws relating to defamation. Defamation can be defined as a statement that damages a person’s reputation by bringing him into contempt or ridicule to others. Libel is written or broadcast defamation and slander is spoken but not broadcast defamation.

Certain defamatory statements are deemed to be libel or

slander per se. Among these are accusing a person of being a criminal or the member of a criminal group and making a statement that would damage a person in his trade, business or profession.

When an individual is accused of making a defamatory statement, he must assert one of the following defenses. First, truth is a defense to a defamatory statement. Second, the person making the defamatory statement may be protected by an absolute privilege. An example of a situation in which a person has an absolute privilege to speak is a judicial proceeding; however, even in a court proceeding, false and malicious statements that are clearly irrelevant and impertinent may give rise to a defamation action. Legislators generally enjoy absolute immunity in the course of performing their legislative duties. In certain situations, the absolute privilege extends to the executive branch of government; however, the extent to which the absolute privilege reaches has been the subject of litigation.

A journalist may have a defense to a defamation under a conditional or qualified privileged event. To assert this privilege, the story must be confined to the absolutely privileged event; it must be fair and accurate; it must not have been made with any improper motive; and it must be a report -- not a comment.

It should be noted that the rights granted to the media under the constitution and the subsequent case law in the defamation area distinguish between public figures and private persons. Public figures include public officials such as officeholders and other government officials. Other examples of public figures include sports personalities and movie stars. For a public figure to recover in a defamation action, it must be shown that the offending statement was made with actual malice: knowing that the statement was not true, or having reckless disregard for the truth. Actual malice need not be shown for recovery in an action by a private person.

Other areas where absolute freedom of the media are regulated include obscenity and concern for national defense. The test for obscenity is a local standard as opposed to a national standard. Further, the government may regulate the media if the media were to endanger the national defense. This is also a source of recent litigation.

A classic dilemma comes about in the area of the freedom of the press versus the constitutional protections accorded persons charged with crimes. Often persons charged with crimes have argued that pre-trial publicity made it impossible to obtain a fair and impartial trial. Courts have often granted a change of venue -- the place of the trial setting -- in order to minimize the chance that pre-trial publicity might in any manner jeopardize the right to a fair and impartial trial.

E. What is News?

News is difficult to define because it involves many variable factors. News must be factual, yet not all facts are news. What

is important news for one school or community may be of little or no news value in another school or community. Similarly, what is news for one person may not be news for another.

Two factors necessary for news -- interest and importance -- are not synonymous. The news story of the most importance is often the least interesting. Yet a story that receives the most display in a newspaper or time on radio or television may be one of the least important stories. Therefore, most news media try to balance interest and importance to determine the play that a story should receive.

F. Qualities of News

The job of the reporter is to make facts interesting to a particular audience. Therefore, a story written at Missouri Boys State would be written differently than a story written for your community newspaper.

News must be factual. This means that every statement and quotation must be verifiable. Accuracy means correctness not only of specific detail but also of general impression -- that is, the way the details are put together and the emphasis is given. Reporters must query their sources carefully. Often, young reporters do not ask enough questions to get all the facts necessary to write an accurate story. Rather than relying on the source to "tell" the story, a good reporter will ask questions to "dig" it out.

News must be balanced. This is a matter of emphasis and completeness. It is putting each fact in proper relation to every other fact and establishing its relative importance to the whole story. News is usually considered balanced and complete when a reporter informs the audience of all important details in proper relationship.

News must be objective. It should be as much as possible the factual report of an event, not the event as a person might wish it to be seen. A reporter should report news as impartially and honestly as possible. At Missouri Boys State, reporters must step back from their allegiance to a political party or city to achieve objectivity. Fairness and impartiality are essential for a newspaper, radio or television station to retain credibility.

G. Making News Interesting

Immediacy or timeliness is one of the most important elements to help make facts interesting to people. The words "today" or "tomorrow" characterize most stories. At Missouri Boys State, this usually means informing the other citizens of what is going to happen, but in greater detail than they can achieve from the schedule of events or from their city counselor. If a story must concern events that happened in the past, the reporter should seek a "today" angle -- an angle that still would be of interest to persons who have already attended an event.

Proximity is the second requirement for news. Citizens at

Missouri Boys State are interested in what is happening at MBS. Therefore, stories usually should focus on activities that occur at MBS or events that affect its citizens.

Conflict is one of the most basic news elements. This no doubt is the news element that appears most frequently in the news media. It is inherent in many stories, whether they involve sports, crime or the actions of governmental bodies such as city councils or the state legislature.

Other elements that make news interesting include oddity or unusualness, drama, prominence of the figures involved, emotions and progress.

H. Developing a “Nose for News”

To be successful, a reporter must develop his “nose for news.” This means simply developing a curiosity about people, what they do, and what makes them act as they do. It also means having the ability to recognize a newsworthy event. As a reporter, you should begin to think of everything that happens at Missouri Boys State as a possible story. Report to your editor all possible ideas. If they interest you, they probably will interest others. As you begin to think of every event and every person in terms of a possible story, you will develop your news sense.

I. Gathering News

The media at Missouri Boys State obtain news and other stories from the following sources:

- a. Beats such as city news, athletics, the general assembly, political parties, courts, and the Director of MBS;
- b. The Daily Schedule of Activities is a calendar of all events occurring during the week.
- c. An alert corps of reporters who discover news stories as they go about their daily routines.

J. News Techniques

News gathering requires that as a reporter you do the following before covering the story:

1. Consult your editor to make certain you know what is expected.
2. For background information, look up previously related stories in earlier issues. Also, talk with a city counselor or the media school counselors. Use facts that will help to make your story more interesting.
3. Consider what sources to talk with about the story. Determine who the most informed sources are for a particular story and consult them.

4. Plan in advance questions to ask in interviews with news sources. Write the questions down.

Only after completing the previous tasks should the reporter begin writing his story. One of the weaknesses of many young reporters is that they get only the surface facts -- the so called five (5) W's and H. Real reporting is hard work and demands that a reporter get every significant detail. Only by exhaustive reporting can a news story be made interesting.

To improve your reporting techniques, make sure you understand the story. Don't approach news sources with only a vague idea of what the story is about; do some homework first, so you know what questions to ask. Second, organize most of your questions in advance and write them down, so you won't forget what to ask. Third, listen to the answers to your questions and follow up with other relevant questions.

Remember: to make a story interesting, you must learn to dig beneath the surface facts. To do this takes time -- both in researching the story and talking to all the relevant people who may provide information about the story. Keep in mind the elements of news and consider how they may suggest information for the story.

K. Writing News Stories

Most factual news stories are written in the order of decreasing importance or in the inverted pyramid form. That means that the most important information is in the first paragraph, the next most important information is in the second paragraph, etc.

There are several reasons for writing news stories in the inverted pyramid form. It facilitates reading for the hurried person; in one or two paragraphs, all the important information is summarized. Second, it satisfies curiosity in a logical way. That is, it relates details in decreasing order of importance. Finally, it facilitates makeup. Stories easily may be cut to fit space or time requirements.

While the inverted pyramid form is probably the most well known style of writing news stories; it is becoming less common in articles today, and will be used only occasionally at Missouri Boys State. Much news today -- in communities and at MBS alike -- is complicated and requires in depth or interpretive reporting and writing. Stories requiring much background so that readers can understand the why behind the what do not lend themselves to the traditional inverted pyramid.

When writing a news story, study your notes carefully to determine the main point of the story; then eliminate all irrelevant and unimportant details. The story should then be written in order of decreasing importance. In writing any story, keep in mind the following points:

1. Include only one main idea or subtopic in a paragraph. Keep paragraphs short. Long

paragraphs tend to make a page look gray as well as difficult to read and comprehend. In the case of radio or TV, you should read your story out loud to decide if a viewer or listener can understand it.

2. See that sentences and paragraphs follow one another smoothly. If they do, you can say your story has continuity. This makes a story easy to follow.
3. Use ample quotations. Quoting sources makes any story more interesting, and helps “personalize” the story. To have good quotes, it’s important that the reporter ask plenty of questions and allow the source to amplify his answers. Ask “why” rather than questions that lend themselves to “yes” or “no” responses. In television and radio, quotes are known as sound bites or actualities because the viewer/listener can actually see/hear your source speaking.

A story about an event to take place in the future is called an “advance.” The purpose of an advance story is to arouse interest in an event. If you are reporting about an assembly to occur the following evening, you must go beyond simply reporting that the assembly is scheduled. A good reporter will research the topic to determine whether the speaker has been to Boys State previously, or whether the speaker currently is embroiled in a controversy in Jefferson City. The story should give the public sufficient background so that, at the assembly, the audience will be well-informed.

Writing interesting stories about events that have already occurred at Missouri Boys State probably is more difficult than anywhere else, because the writer’s audience usually has attended the event on which he is reporting. Therefore, for a reporter simply to write what happened at the event is not “news.” The reporter must search for an angle that is significant and timely. If it is an angle nearly everyone already knows, it is not a good angle because readers/viewers will feel the media has not reported anything informative.

Functions of the Media

It should be obvious that the most important function of the media is to publish the news. Merely publishing news, however, is not enough; the news must be reported fully, accurately, and fairly. This means telling the truth, presenting all sides of the story fairly, and distinguishing between fact and opinion.

Commenting on the news is an important role of the media, but it should not be done in news stories; rather, comments are reserved for the editorial pages of the newspaper or clearly labeled segments of a TV/radio broadcast. To do otherwise damages the credibility of the media and makes it difficult for readers/viewers/listeners to distinguish between fact and opinion.

Commentaries and editorials help put the day’s news in context and allow the public to agree with publishers or form differing opinions of their own.

Finally, publishing advertising is both a necessary and important function. This not only is necessary for the media to survive financially, but enables advertisers to convey a message to the public.

L. Ethics in Journalism

To improve confidence in the credibility of the media, many newspapers, radio and television stations have adopted specific codes of fairness and accuracy for their reporters and editors. Good professional journalists adhere strictly to those codes of ethics.

Following is the “Statement of Principles” of the American Society of Newspaper Editors, adopted by its board of directors on October 23, 1975: (the Radio and Television News Directors Association follows a similar code of ethics.)

PREAMBLE

- a. The First Amendment, protecting freedom of expression from abridgment by any law, guarantees to the people through their press a constitutional right, and thereby places on newspaper people a particular responsibility.
- b. Thus, journalism demands of its practitioners not only industry and knowledge but also the pursuit of a standard of integrity proportionate to the journalist’s singular obligation.
- c. To this end the American Society of Newspaper Editors sets forth this Statement of Principles as a standard encouraging the highest ethical and professional performance.

RESPONSIBILITY

- a. The primary purpose of gathering and distributing news and opinion is to serve the general welfare by informing the people and enabling them to make judgments on the issues of the time. Newspapermen and women who abuse the power of their professional role for selfish motives or unworthy purposes are faithless to that public trust.
- b. The American press was made free not just to inform or just to serve as a forum for debate but also to bring an independent scrutiny to bear on the forces of power in the society, including the conduct of official power at all levels of government.

FREEDOM OF THE PRESS

- a. Freedom of the press belongs to the people. It must be defended against encroachment or assault from any quarter, public or private.
- b. Journalists must be constantly alert to see that the public’s business is conducted in public. They must be vigilant against all who would exploit the press for selfish purposes.

INDEPENDENCE

- a. Journalists must avoid impropriety and the appearance of impropriety as well as any conflict of interest or the appearance of conflict. They should neither accept anything nor pursue any activity that might compromise or seem to compromise their integrity.

TRUTH AND ACCURACY

- a. Good faith with the reader is the foundation of good journalism. Every effort must be made to assure that the news' content is accurate, free from bias and in context, and that all sides are presented fairly. Editorials, analytical articles, and commentary should be held to the same standards of accuracy with respect to facts as news reports.
- b. Significant errors of fact, as well as errors of omission, should be corrected promptly and prominently.

IMPARTIALITY

- a. To be impartial does not require the press to be unquestioning or to refrain from editorial expression. Sound practice, however, demands a clear distinction for the reader between news reports and opinion. Articles that contain opinion or personal interpretation should be clearly identified.

FAIR PLAY

- a. Journalists should respect the rights of people involved in the news, observe the common standards of decency, and stand accountable to the public for the fairness and accuracy of their news reports.
- b. Persons publicly accused should be given the earliest opportunity to respond.
- c. Pledges of confidentiality to news sources must be honored at all costs, and therefore should not be given lightly. Unless there is clear and pressing need to maintain confidences, sources of information should be identified.

These principles are intended to preserve, protect, and strengthen the bond of trust and respect between American journalists and the American people a bond that is essential to sustain the grant of freedom entrusted to both by the nation's founders.

M. Television News Personnel

Throughout the United States, television newsrooms vary in size from TV station to TV station. Typically, the size of the television market and the financial stability of the station ownership determine the extent of the resources of a news operation. Regardless of the size of the staff in a television newsroom, the concept of gathering news and the technical composition of a newscast remains very similar throughout the industry.

It takes a team of trained professionals to execute a technically solid and visually pleasing television newscast. However, the industry as well as the viewing public often rate a newscast on its journalistic integrity and its ability to thoroughly cover the events that are newsworthy in the station's viewing area.

The following is a list of job descriptions for the various positions that are needed to execute a newscast in a mid-size television market. While some of the responsibilities may differ and the names of certain positions may vary, these are the basic positions utilized in a typical newsroom.

ADMINISTRATIVE STAFF

NEWS DIRECTOR

The individual in charge of all aspects of the news operation including all personnel, equipment and administration of the newsroom. Typically, the last word in the news operation.

EXECUTIVE PRODUCER

The individual in charge of all news producers and overall direction of the "news look" and content. This person often is in charge of special news projects (i.e. major election coverage, telethons, special reports and news telecasts, etc.)

ASSISTANT NEWS DIRECTOR

Typically this individual is the executive assistant to the News Director and handles various tasks on his/her behalf. This person sometimes deals with weekly scheduling, hiring new personnel and other supervisory activities. The duties of this position may vary greatly from station to station.

MANAGING EDITOR

This individual handles most administrative and budgeting matters in the newsroom. Much of the administrative paperwork is handled by this person (e.g., purchase orders, budgeting and travel). Many of the financial decisions made in the newsroom are the responsibility of this person. Many of these duties may be shared by the Assistant News Director. These responsibilities may vary from station to station.

ASSIGNMENT EDITOR

This individual is responsible for seeking out stories, making initial contacts for interviews and assigning reporters and camera crews. This person handles the acquisition of news for the newscast. Often supervises the scheduling of the production staff throughout the course of the day.

GENERAL SALES MANAGER

This individual is responsible for structuring sales of commercial time for all newscasts, as well as all other station programming. While this person is not officially categorized as newsroom personnel, the success of the sale of commercial time often will determine the newsroom budgets for personnel salaries and various aspects of production. Since Boys State Bucks play a major role in the Boys State system, we require the selection of a Sales Manager for KMBS-TV News.

Among the previously listed positions, KMBS-TV News will employ a News Director and General Sales Manager as administrative positions.

ON-AIR/OFF-AIR TALENT

PRODUCER

Coordinates all Reporters, Associate Producers and News Writers efforts in assembling the newscast. This person is responsible for the total content of a newscast while it is in production. This includes time allotments for each story, the order each story will air and which stories each anchor will read. Works very closely with the Assignment Editor throughout the day and with the Director during the newscast.

DIRECTOR

Responsible for the technical aspects of the newscast and the on-air look of the show. The Director brings together all of the production elements (video, audio and graphics) to provide the best technical presentation of the newscast to the viewer. The Director is in charge of the technical staff (e.g., Camera Operators, Tape Operators, Technical Director, Audio Engineer, and Graphics Coordinator) during the newscast.

ASSOCIATE PRODUCER

Provides assistance to the Producer in a variety of areas. Typically, the Associate Producer will keep track of the network news feed, view and log videotapes and assist in writing news stories.

FIELD REPORTERS

These individuals go on-location to report on various news stories. Acting on direction from the Assignment Editor or on their own leads, Field Reporters file stories from various sites in the station's news coverage area. Typically, Field Reporters write their own stories.

NEWS ANCHORS

These individuals present the news from the studios of the TV station. Typically, these individuals do a minimal amount of field reporting. They are charged with providing the continuity and flow of the newscast from their anchor position. Anchors will often assist in writing stories for the newscast. In some markets, Anchors will have some editorial power with regard to the content of the newscast and will work closely with the Producer and Assignment Editors.

Among the previously listed positions, KMBS-TV News will employ a Producer, Director, Field Reporters and News Anchors as talent positions.

3. TECHNICAL STAFF

STUDIO CAMERA OPERATOR

This individual operates the large studio camera during the newscast. There are typically three or four studio cameras utilized in a normal newscast. In many larger market stations, robotic studio cameras are in use. One technician can operate three or four cameras by remote control from a single location in the studio. This eliminates the need for three or four individual camera operators

ENG CAMERA OPERATOR

Also known as a "videographer", this individual operates the ENG (portable or handheld) cameras on-location. These camera operators are often assigned a mobile unit equipped with microwave transmission facilities or may also be assigned to a portable satellite uplink truck.

VIDEOTAPE EDITORS

These individuals are responsible for electronically editing videotape into its presentation form (e.g., packaged news reports, soundbites from interviews, and voiceover segments, promos). Often this means editing 20 or 30 minutes of raw field video into its presentation form of one to one and a half minutes.

STAGE MANAGER

Also known as Assistant Director or Floor Director, this individual is responsible for directing the on-air talent (News Anchors) from the studio.

AUDIO ENGINEER

This person is responsible for monitoring levels on all audio sources from an audio control console in the control room. Also responsible for all intercom systems, microphones and headsets used in the newscast.

GRAPHICS OPERATOR

Sometimes called "Chyron operator" because the majority of news graphics are generated by a machine manufactured by the Chyron Corporation (pronounced KY-ron). This individual is responsible for editing and composing all graphics used in the newscast.

TECHNICAL DIRECTOR

The technical staff member responsible for operating the production switcher during the newscast. The Technical Director acts on instructions given by the Director. Also known as the "TD" or "Switcher", the Technical Director sits in front of the production switcher and physically selects the camera shots, tape machine playback, or graphics used in the newscast.

TAPE PROJECTIONIST

The individual responsible for organizing, cueing, and playing back all of the edited tapes during the newscast.

TELEPROMPTER OPERATOR

The individual responsible for operating and programming the teleprompter during the newscast. The teleprompter is the machine which projects news scripts on a piece of glass mounted on the camera enabling the News Anchor to look directly into lens of the camera while reading the news.

All of the previously listed technical staff positions, with the exception of videotape editors, will be employed by KMBS-TV News.

CHAPTER ELEVEN

The Economy

A. Introduction

An economy is any combination of people, institutions and governmental agencies that take part in the production, exchange and consumption of goods and services. There are an immeasurable number of economies that exist throughout the world, and we are almost always involved in economic activity. As consumers, we seek the best goods to fulfill our needs at the most affordable prices. As producers we earn a wage by generating goods and services that will be consumed by others, and oftentimes we act as an intermediary matching production with consumption. Because of its broad definition and wide reaching grasp, the economy plays a big role in the decisions we make.

At Missouri Boys State, our goal is to establish the most realistic state economy possible. At the beginning of the week, each citizen is given an equal quantity of “Boys State Bucks” – the official currency of Missouri Boys State. Citizens then use this money to pay taxes, campaign for office, set up businesses and purchase goods or services from Boys State businesses. How citizens use their Boys State Bucks throughout the week can be very important. It may be harder to campaign and win an election later in the week if a citizen spent all his money at local businesses early in the week. However, stimulating the economy early in the week and meeting future constituents may be part of a winning campaign strategy. It is up to each citizen to decide how to spend his money.

Throughout the program, each citizen will be faced with economic decisions. This chapter provides some basic information that will help citizens make sound and informed economic decisions.

B. Money’s Role in Society and Government

As opposed to a precious stone, automobile or other useful product, money has no intrinsic value. It is ironic to think an item of no real value can play such an important role in society and government. The only value money has is the value that we give it. Since the majority of people operate under the assumption that money has value, the system works out fine. We work to earn money, knowing others are willing to exchange our money for the goods or services we desire. Other people and institutions are willing to do just the same.

The amount of money available to us is almost always limited. However, there are infinite combinations of goods and services we can spend our money on. Instead of spending all our money, we also have the option to save our money. Each combination of spending and saving produces a certain degree of utility. Utility can be described as the happiness or satisfaction that results from a combination of goods, services and savings. The study of economics operates under the assumption that people

and firms choose the combinations of saving and spending that maximize utility.

Governments spend money on many of the same goods and services that citizens do. This is not surprising; after all, governments are just a collection of individuals. However there are some differences in the way governments earn and use money. For example, individuals work to earn money that can then be used to provide for their personal needs. On the other hand, a government’s primary means of earning money is through taxation. This money is then spent to meet certain needs of the citizens represented by government. Keep in mind that an effective government is one that efficiently utilizes its fiscal resources to adequately provide for the needs of its citizens.

You might ask, “If individuals use money to meet their needs, why does the government have to be involved?” The answer to this question lies in the fact that certain needs are shared by everyone in a community. To meet certain needs, it makes the most sense for representative group (a government) to pool citizens resources rather than each citizen acting on his own. For example, everyone in society needs to be protected from fire and crime. It makes much more sense to have a city police force and fire department than it does for each individual to have his own fire engine.

C. Governmental Spending and Economic Thinking

Most people agree that governments should collect tax dollars and use that money to provide for agreed upon needs of their citizens. However, there is much debate about just how much the government should provide for its citizens. There are several reasons for disagreement about how governments should spend money. First, not everyone agrees on the specifics of what specific goods or services governments should provide. Second, not everyone agrees on what are the most efficient or economical ways to spend tax dollars to meet these needs. Government must always considering its citizen’s safety and well-being.

For further clarification, let’s look at a common example of how the government spends tax dollars: the building and maintenance of roadways. Some argue it makes the most sense for a government to provide free roads for use by its citizens. Certainly, the government spending to do so will provide jobs for people building and maintaining these roads as well as a free road on which citizens can travel. Others argue that privately constructed toll roads are more appropriate as a private construction company can build and maintain the road more cheaply than the government and it will be paid for by those who enjoy its use.

Governments must look for answers to these debates and determine the best resolution, keeping the needs of the many in mind. Though evaluating these needs is the primary task of the legislature, in an effective democracy, it is important for all citizens to be informed about these issues and make rational decisions concerning them.

As mentioned earlier, members of an economy seek to maximize utility - the satisfaction that results from a combination of goods, services and savings. Through a process called cost/benefit analysis a person or institution can determine which course of action will maximize utility. Simply put, cost/benefit analysis is weighing the costs of a decision against the benefits of that decision.

For example, Joe Citizen, is a Mayor at Boys State. One of his councilmen has just suggested that the City should establish a toll road to earn revenue. In this case, the government constructs a road and charges people to use it. At first this sounds like a great idea, but before Joe makes the final decision, he must look deeper into the issue and determine the real costs and benefits. The most obvious benefit that a toll road would bring to his city is increased revenue. A toll road would also benefit the city by creating new jobs for its citizens, because people would be needed to construct and operate the toll road. On the other hand, there are costs associated with establishing the toll road as well. The overall construction, maintenance and operation of a toll road must be considered looking at the possible toll collections. However, it must be considered that while increasing the government revenue of the city, the toll (paid access) may also lead to a decrease in the city's business revenue due to a loss of available customers. Customers that had once visited Joe's city to do business there might not be willing to pay additional fees and take their business elsewhere. Is the toll road such a great idea after all?

This brief outline by no means covers all possible costs and benefits that a councilman might have to consider. At Boys State, governmental decision-makers must make tough decisions regarding the most appropriate and economical use of governmental funds, while planning to meet specific needs of the city. Even though some decisions may seem obvious, a rational citizen will weigh the costs and benefits before making his decision.

D. Businesses at Boys State

By employing citizens to produce goods or services, businesses can drive any economy. The Boys State Constitution allows for citizens to establish businesses in the forms of corporations, partnerships, and sole proprietorships. Citizens are encouraged to participate in the Boys State economy by opening and running profitable businesses. Much like the United States economy, Boys State businesses are predominately service oriented. Creativity is key in setting up a profitable business at Boys State. Freedom is given to business owners to determine which businesses to run and how to run them; however, business owners should always operate in a means compliant with Boys State Constitution and the laws determined by city

and county governments. Those that do not may be subject to both criminal and civil litigation.

Boys State business owners are responsible for obtaining appropriate licensing for their businesses and then operating their businesses in an ethical manner. Further, the business owner at Boys State will find it necessary to be active in the political realm as well. He will need to advocate policies that are beneficial to his individual business and the business environment as a whole. Also, the business owner might serve his community by engaging in acts of charity or establishing voluntary groups such as the Chamber of Commerce. Keep in mind that many business owners also serve their communities by holding civic, governmental or political positions.

Business activities at Missouri Boys State are judged by factors such as creativity, profitability, and adherence to the appropriate ethical and financial requirement. This includes paying appropriate salaries to employees and other businesses. Businesses activities are also a factor in the determination of the Model City and Model County awards by the Dean of Counselors. In addition, one business owner will receive recognition for the most Outstanding Business at Missouri Boys State. There will be a meeting early in the week to give further instruction on the running of Boys State businesses. Your city counselor will have more information regarding this meeting.

E. How Do We Use "Money" at Boys State

Money is used at Boys State much the same way it is used in real life. Citizens work for the government, private businesses or other citizens. Some may open their own businesses and pay themselves for their work. Citizens then use this money for personal expenditures including the purchase of additional goods or services, the payment of imposed taxes or court-related fine sand costs, even the purchasing of required business licenses. Some specific examples include the following:

Taxation

As discussed earlier, governmental entities need revenue to provide services for their citizens. The city, county, and state governments at Boys State earn revenue primarily through taxation. A Boys State citizen must pay taxes and therefore should be engaged in the debate over the amount of taxation necessary and its uses. While providing for the needs of citizens, governmental entities are also responsible for using this tax revenue for their employee salaries and support of their infrastructure.

Salaries of Officials and Employees

Missouri Boys State officials must be paid salaries. All elected and appointed officials are required to be paid salaries by the city, county or state. The amount of the salaries is not dictated by Boys State rules. Each level of government must pass laws regarding the amount of salaries to be paid for each position. It is expected that the payment of salaries and the related plans for taxation will become debate items for campaigns from the first day of Boys State.

Political Donations

Campaign financing is a key issue in politics. Political parties are encouraged to seek donations and participate in fund raising to help finance campaigns for candidates and platform issues. In the past, the methods of seeking donations and the use of funds have caused rigorous debates amongst citizens. Political party leaders, starting with the Ward Committeemen, will be involved in developing these specific policies. City Committees, County Committees, and State Central Committees are encouraged to select a Finance Chairman, who will help implement the campaign financing plans developed by each committee.

Campaign Issues

It is anticipated that financial issues will become a major part of all campaigns at Boys State. Candidates for office should be prepared to answer questions and present their views on issues including taxation, campaign financing, plans for spending money after elected, and salaries of elected and appointed officials.

State Lottery

The Boys State Lottery Commission is responsible for administering a State Lottery as is present in the State of Missouri. All monies collected after paying prizes and operating expenses shall be turned over to the Director of Revenue and may be appropriated for use in Missouri Boys State by the general assembly. Only Boys State Bucks may be collected by the Lottery Commissioners. The use of lottery funds may be an issue in the statewide election and the election of the general assembly.

Media Advertising

Citizens may purchase advertising from the television and radio stations and the daily newspaper. As examples, media advertising may be used for such things as promoting campaigns, advertising products and services of citizen businesses, promoting community activities within a city, or communicating party policy. Each of these media outlets is run like a business, much the same way it happens in real life. The management of each particular business will set advertising rates and fees. Effective and innovative use of media advertising has had a dramatic impact on past Boys State campaigns.

City and County Reports

Each city and county is required to complete a budget and submit a financial report to the Secretary of State at the end of the week. Each Mayor and Presiding County Commissioner will be issued the appropriate budget documentation and instructions following election. The Secretary of State, State Treasurer, and State Auditor will be involved in reviewing these budgets and financial reports for inclusion in the determination of the Model City and Model County awards.

F. Conclusion

The individual citizen is the most important economic factor at Boys State. You will have the opportunity to develop an economic system from the ground up. As you build this system,

you will be faced with many problems. In economics every problem has many possible solutions, and every solution may be associated with far reaching effects. In determining the correct solution, it is important to look thoroughly at the costs and benefits associated with each. Throughout this process, you will get hands on experience and learn how to make effective decisions concerning economic issues.



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