



AMERICAN LEGION AUXILIARY  
**MISSOURI GIRLS STATE**

Citizen Manual

June 11-18, 2022





**AMERICAN LEGION AUXILIARY MISSOURI GIRLS STATE  
An Institute on Government**

**A TEXTBOOK AND MANUAL**  
Compiled by Lutie Long Smith, 1940

REVISED BY COMMITTEE 1945, 1951, 1965

REVISED BY DIRECTOR 1953

REVISED BY MRS. ROBERT M. BLACK, DIRECTOR AND STAFF MEMBER 1972

REVISED BY MRS. ALFRED FRANZ, DIRECTOR 1979

REVISED BY DR. BRUCE MORGAN 1981

REVISED BY MRS. ALFRED FRANZ, DIRECTOR, AND MISS CAROLL J. MILLER 1983

REVISED BY MR. L.R. HUGHES, LINCOLN UNIVERSITY EXTENSION 1985

REVISED BY DR. BRUCE MORGAN 1988

REVISED BY MARTHA YANCEY, DIRECTOR 1997

REVISED BY THE COLLEGE CURRICULUM COMMITTEE (SHARI BAX, CHAIR; SARAH DUBBERT; ERIN NASH; JACKIE RAHM; AND NATALIE RILEY) 2004, 2006, 2009, 2012. REVISIONS MADE BY AMANDA KAHLER, KELSEY WHITT, KAYTLYNN CLEMONS 2015. THE MANUAL MUSIC PAGES WERE REVISED BY MARIE BOEDEKER 2004, 2006.

REVISED BY SHARI BAX, ERIN DIERKSEN, JACKIE DUNN, MACAE MICKENS, ERIN NASH, WHITNEY NOLAN, NATALIE RILEY, KATY SCHWARTZ DROWNS, ABBY TWENTER, KELSEY WHITT 2018.

REVISED BY ERIN DIERKSEN, MACAE MICKENS, MARISSA NOWLING, KELSEY WHITT 2021.

REVISED BY ERIN DIERKSEN, MARISSA NOWLING, GINNA RIVERA, KATY SCHWARTZ DROWNS, ERIKA SMITH, TRICIA SWARTZ, KELSEY WHITT, MEGAN WILSON 2022.

## Table of Contents

---

---

CHAPTER 1: Functional Citizenship.....	3
CHAPTER 2: Code of Conduct.....	6
CHAPTER 3: Introduction to Governmental Structure at ALA Missouri Girls State .....	8
CHAPTER 4: Constitution of ALA Missouri Girls State.....	13
CHAPTER 5: The Legislative Branch.....	17
CHAPTER 6: The Executive Branch .....	30
CHAPTER 7: The Judicial Branch.....	34
CHAPTER 8: Law Enforcement .....	66
CHAPTER 9: County Government .....	75
CHAPTER 10: City Government .....	79
CHAPTER 11: Political Organization and Procedures .....	87
CHAPTER 12: The Economy of ALA Missouri Girls State.....	94
CHAPTER 13: Model United Nations .....	107
CHAPTER 14: Educational System of ALA Missouri Girls State.....	110
CHAPTER 15: History and Background of ALA Missouri Girls State.....	114
APPENDICES .....	123
APPENDIX A: Informal City Meeting Agenda .....	123
APPENDIX B: City Central Committee Meeting Agenda.....	125
APPENDIX C: City Council Meeting .....	126
APPENDIX D: General Assembly Nominations Agenda.....	128
APPENDIX E: County Meeting Agenda.....	129
APPENDIX F: Agenda for First Meeting of the House & Senate .....	130
APPENDIX G: Information for the State Central Committee Meeting .....	136
APPENDIX H: ALA MGS Legal Forms.....	137
APPENDIX I: Songfest .....	150

## CHAPTER 1 FUNCTIONAL CITIZENSHIP

---

Congratulations on being selected to attend American Legion Auxiliary Missouri Girls State (ALA MGS). This program is among the finest high school leadership programs in the country. The American Legion Auxiliary, Department of Missouri is extremely proud to sponsor this program — a program recognized nationally for its innovative style and training in government and civic leadership. ALA MGS is not a recreational summer camp; although, you will have fun and the friendships you make will last a lifetime. It is not a summer school; although, you may learn more this week than you would in an entire semester of American Government. It is not a church camp; although, you may be moved by the spirit of democracy and patriotism. It is not a boot camp; although, you will learn to work as a cohesive unit to become leaders with other talented young women from across the state of Missouri. ALA MGS is a combination of all these things and much more.

Girls State was developed on the fundamental assumption that citizens can best “learn by doing.” The government at ALA MGS is structured to mirror real city, county, and the state government of Missouri. Some deviations have been made due to time limitations in the program; however, for all practical purposes, ALA MGS is a simulated state with a constitution, a body of law, and practices peculiar to it alone.

Girls State is a representative democracy. All of its citizens may vote and are eligible to hold office. The government is operated “of, by, and for the people.” The goal of the program is to demonstrate the wide



range of opportunities for participation in all phases of government. Your experience will match your willingness to participate in various citizenship activities; so get involved, have fun, and remember, at ALA MGS, “if it is to be, it’s up to me.”

Our government is designed to serve the people. In order for this to occur, citizens must understand how it works and the opportunities it offers, as well as be accountable for its success. This is the objective of ALA MGS.

### **Overview**

What is ALA MGS? It is an interactive citizen leadership program intended exclusively for the highest quality young women in the state. It is a simulated state, all sponsored, organized, and administered by the American Legion Auxiliary, Department of Missouri. A seven-day session of ALA MGS is held annually in June on the campus of Lindenwood University (LU) in St. Charles, Missouri.

Approximately 100 staff members, many of whom are former Girls State citizens themselves, volunteer their time to conduct the annual session of ALA MGS. Each city has a City Counselor, who is under the direction of a County Counselor and the Dean of Counselors. Your City Counselor will provide you with instruction and guidance throughout the week; she is here for the sole purpose of ensuring you have the best learning experience possible. Assistant Counselors function throughout the week to assure your stay is enjoyable. Professionals in their particular subject areas will staff the Schools of Instruction.

Funds for operating ALA MGS are obtained in the form of fees collected by the American Legion Auxiliary, Department of Missouri and donations from supporting civic and non-profit organizations. These funds provide your food, housing, written materials, badges, campaign materials, and additional programming supplies. Traditionally, citizens bring small amounts of money to cover such items as snacks, soft drinks, souvenirs, t-shirts, and other items in the ALA MGS Shoppe.

### **Orientation to the Program**

As an ALA MGS citizen, you will organize your own city, county, and state governments, and choose your own officials in accordance with ALA MGS election procedures. You will introduce and debate your own bills in the state legislature, and you will administer justice in the court system. At ALA MGS, you will “learn by doing.” You will perform exactly the same functions as a citizen in the everyday world.

### **Functional Activities**

The instructional program of ALA MGS consists of three phases: Schools of

Instruction, Formation and Operation of State Government, and General Assemblies for all citizens.

You will choose one School of Instruction. Regardless of which School you choose, you must attend that School for the entire ALA MGS session. Each School of Instruction will be explained at the Orientation Assembly on Sunday morning so you can make your choice prior to attending the first class later that day. Attendance at a particular School may be required to hold certain elected offices.

While classes are important, the heart of ALA MGS is the actual formation and operation of a state government. ALA MGS provides numerous opportunities for participation in political and governmental 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 levels. More importantly, once candidates have been 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, and a city council, a county commission, and a state legislature where ordinances and bills are passed into law. Also included are law enforcement agencies with the responsibility of enforcing the laws and an executive branch responsible for administering those laws. Times are set aside for governmental activities, and these activities constitute the chief means through which citizens “learn by doing.”

Assemblies for all citizens will be held daily. The purpose of these assemblies is to gain information and inspiration, and ask questions of various speakers of significance. Such assemblies supplement the instructional material and provide opportunities for you to meet prominent elected officials and leaders.

### **ALA MGS Economy**

The ALA MGS economy is based off of MGS Bucks. For the purpose of stimulating the economy, each ALA MGS citizen is given \$500 MGS Bucks upon arrival and check in. A tax on this economic stimulus must be paid by each citizen as directed by the ALA MGS General Assembly. MGS Bucks are the official currency of ALA MGS and are used in the following activities:

- Purchase campaign materials from the Campaign Store
- Purchase goods or services from an ALA MGS business
- Advertise an ALA MGS business
- Purchase goods and supplies to operate an ALA MGS business
- Purchase supplies for the MGS State Fair or to participate in State Fair activities
- Hire an attorney or campaign manager

- Purchase advertisements in the MGS newspaper or KMGS broadcast
- Make donations to your party or a specific candidate for city, county, or state elections
- Hire a lobbyist to influence state legislators
- Pay salaries
- Pay applicable state and local taxes

In addition to taxes received from its citizens and businesses, each city, county, and state government, as well as each political party, is allotted a budget of MGS Bucks in order to operate their respective governmental functions and to care for its constituents. City and County elected officials can decide how to appropriate their MGS Bucks, including:

- Creating an initiative to unify the community and/or improving the quality of life of its citizens
- Purchasing supplies to decorate, including building city roads, signs, locations, etc.
- Paying salaries of elected officials
- Providing tax refunds to citizens
- Purchasing supplies for MGS State Fair booths

## CHAPTER 2 CODE OF CONDUCT

---

While the administration of the ALA MGS government is in the hands of the citizens themselves, the American Legion Auxiliary, Department of Missouri Girls State Committee is charged with ensuring every citizen has the best possible experience while protecting the integrity of the program. Because of this responsibility, the Committee has established a “Code of Conduct” to which citizens are expected to adhere.

Citizenship at ALA MGS — 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 spirit of these regulations are subject to dismissal from ALA MGS without refund of fees to their sponsors 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, college scholarship opportunities available through ALA MGS, and Lindenwood University course credit.

The material contained herein is in addition to any information you may have received in the months before you arrive at ALA MGS.

### **ALA MGS Code of Conduct**

No citizen shall bring, possess, or obtain firearms, fireworks, liquor, drugs, tobacco products, or any substance declared to be illegal under the Missouri Revised Statutes or the United States Code.

No citizen shall leave the grounds of the MGS program without signed permission from the Director or Dean of Counselors.



No citizen shall steal, deface, or destroy MGS property, the property of another individual, or property of the host university.

No citizen shall operate any automobile or other form of non-pedestrian transportation while at ALA MGS.

Citizens may bring cell phones to ALA MGS; however, cell phones should be used with discretion. We aim to educate our citizens about proper business etiquette using technology so all cell phones will be put away during Schools of Instruction, assemblies, meetings, and ceremonies (including flag raising and lowering). You will receive a reminder for having your phone out for any purpose including text messaging, games, and camera during these times. Continued use of your phone during such times without explicit permission from ALA MGS staff will result in your phone being temporarily held

by the Dean of Counselors. You will have to coordinate with the Dean of Counselors to use your phone until the end of the session on Saturday.

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. Harassment and bullying will not be tolerated. For purposes of this policy, they are defined as intimidation or harassment of a delegate or multiple delegates perpetrated by individuals or groups. Bullying includes, but is not limited to: physical actions, including violence, gestures, theft, or damaging property; oral or written taunts, including name-calling, put-downs, extortion, or threats; or threats of retaliation for reporting such acts.

No citizen shall engage in offensive conduct, which includes, but is not limited to, the following: boisterous or rowdy behavior; using lewd, profane, or obscene language; or possessing obscene pictures or printed materials.

No citizen shall violate the rules of common courtesy and decency in her relationship with another citizen or member of the ALA MGS counseling or Lindenwood University staff.

All citizens shall be amenable to the rules, ordinances, and statutes of the government of Girls State; and shall cooperate with all duly elected or appointed ALA MGS officials.

All citizens shall respect the authority of the ALA MGS staff and shall conform to requests made by them in the line of duty; each citizen shall honor the spirit and purpose of the program by cooperating with all figures of authority.

## CHAPTER 3 INTRODUCTION TO GOVERNMENTAL STRUCTURE AT AMERICAN LEGION AUXILIARY MISSOURI GIRLS STATE

---

### **Introduction**

ALA MGS, sponsored by the American Legion Auxiliary, Department of Missouri, is a week of hands-on citizenship training for approximately 740 young women who have completed their junior years of high school. Participants have been selected and sponsored by both high schools and American Legion Auxiliary units that work with local high school educators who assist in evaluating potential leadership qualities of the citizens. The citizens of ALA MGS learn governmental procedures by actually creating a simulated state (electing public officials on local, county, and state levels) and making their government function, all in one week's time.



### **Organization**

The functioning units of government established at ALA MGS are as follows:

**City** - The first level of government to be elected at ALA MGS is the city government. There are 16 cities at ALA MGS 2022, comprised of approximately 35 citizens each. ALA MGS counselors will advise you in the formation of your city government. Each city will elect a Mayor, Municipal Judge, and six Councilwomen. The Mayor and other elected officials also will appoint additional officials as outlined in this manual.

**County** - The next level of government to be organized is the county level. Each of the eight counties is comprised of two cities. The county officials elected at ALA MGS include a Presiding County Commissioner, two Associate County Commissioners, Sheriff, Prosecuting Attorney, Presiding Circuit Judge, two Associate Circuit Judges, Clerk of the Circuit Court, County Collector, County Treasurer, County Clerk, Recorder of Deeds, and Assessor. These elected officials will be responsible for operating the county government, enforcing the laws of ALA MGS, and running the court system.

Each county also constitutes a judicial circuit, which will be organized and will hold sessions where lawsuits may be filed and tried by the citizens in their respective circuit and associate circuit courts.

The names of the cities and counties along with the number of the judicial district for each city and county are as follows:

<u>County</u>	<u>City</u>	<u>Judicial District</u>
Bacon County	Bradley City Compton City	1
Barton County	Benton City Broeg City	2
Davidson County	Boone City Clark City	3
Dewitt County	Carver City Cronin City	4
Johnson County	Adreon City Drake City	5
Price County	Covington City Lewis City	6
Scott County	Pershing City Stephens City	7
Truman County	Anthony City Crowder City	8

**State** - There are three distinct branches of state government at ALA MGS and the state of Missouri. The legislative branch makes the laws; the executive branch sees 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.

Legislative - The General Assembly of ALA MGS is bicameral, meaning it has two houses — the Senate and the House of Representatives. The General Assembly is the legislative branch of state government and is responsible for considering and passing legislation for the general welfare of the people, socially, economically, and politically.

In the state of Missouri, there are separate districts for Senators and Representatives, with each district being set up according to population. There currently are 34 senatorial districts and 163 representative districts in the state of Missouri. To avoid confusion at ALA MGS, each city constitutes a state representative district and each county constitutes a senatorial district. Four Representatives are elected from each representative district (city); and Three Senators are elected from each senatorial district (county).

Executive - The executive branch is responsible for the proper execution of the laws. The executive branch offices include Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, and State Auditor. The primary election takes place first, followed by the general election; thereafter, the elected officials are sworn into office.

Judicial - The judicial branch consists of seven Judges of the Supreme Court. Since 1941, the Missouri Nonpartisan Court Plan has governed the selection of Missouri Supreme Court judges. Under the Missouri Nonpartisan Court Plan, judges are selected based on merit rather than political affiliation. The ALA MGS Supreme Court is selected using a modified version of the Missouri Nonpartisan Court Plan. The Supreme Court is responsible for interpreting and applying the laws, and it acts as the supreme judicial body in the state.

**Non-Partisan Positions** - There are several positions at ALA MGS where an official election is not held, and party affiliation is irrelevant. These positions include:

Highway Patrol - There will be two citizens selected from each city at the beginning of the week to serve on the ALA MGS Highway Patrol. The Highway Patrol will be responsible for enforcing the laws of ALA MGS and the state of Missouri, unless appropriate steps are taken to resign. **Any citizen who is selected to serve on the ALA MGS Highway Patrol will not be eligible for any other elected or appointed city, county, or state positions so long as they serve on the ALA MGS Highway Patrol. They also must attend the School of Law Enforcement.** A patrolwoman may receive promotions during the week including Lieutenant, Corporal, and/or Sergeant. One individual

will be selected by the newly elected Governor to serve as the Superintendent of the Highway Patrol at the next session of ALA MGS.

Media - One citizen from each city will be selected as journalism staff for the ALA MGS Gazette. Those interested in writing or reporting for the Gazette should pursue selection. In addition, ALA MGS has implemented its own broadcast program, and it is also limited to one citizen from each city. These citizens will collect footage, produce, edit, and anchor their own broadcasts for ALA MGS citizens. Citizens who serve as newspaper or broadcast journalism staff may be elected or appointed to government and/or political positions unless she serves as the editor-in-chief of the newspaper. **Newspaper and Broadcast members must attend the School of Journalism and Media.**

ALA MGS also has a blog on its website. Any citizen may submit articles to be considered by ALA MGS staff for publication on the blog.

Color Bearers - Two citizens will be selected from each city to assist in daily flag raising and lowering ceremonies. Citizens who are selected to serve as color bearers may be elected or appointed to government and/or political positions.

Better Business Bureau - Each city will appoint one delegate as a director/member of the ALA MGS Better Business Bureau (BBB). An appointee to the BBB may not own or operate a business at ALA MGS. As this is an appointed position, members of the BBB may be elected or appointed to government and/or political positions. (For further explanation of ALA MGS businesses, see Chapter 12.)

### State Board of Education –

According to the Missouri Constitution, “The supervision of instruction in the public schools shall be vested in a state board of education ...” (Article IX, Section 2a). This provision gives the State Board of Education general authority for public education, within limits set by the General Assembly.

The Board is made up of eight citizens (selected through an application process and interview conducted by the Dean of the School of Education) and approved by resolution of the Missouri State Senate. No more than four members of the Board may belong to the same political party. No more than one member of the Board may reside in the same county.

### Commissioner of Education –

The Commissioner of Education directs the department and fulfills other duties as prescribed by law (Section 161.122, RSMo). The law states that the commissioner shall “seek in every way to elevate the standards and efficiency of the instruction given in the public schools of the state.” At ALA MGS, the Commissioner is appointed by newly elected Governor based on the recommendation from the State Board of Education.

City Positions - Each city’s Mayor, with consent of the Council, will appoint a City Clerk, City Attorney, Postmistress, and Sanitation Director. The Council will appoint the City Manager. The City Manager will appoint the Police Chief, Fire Chief, Health Director, and Finance Director. Citizens who are selected to serve in any of the above-mentioned positions also may be elected or appointed to government and/or political positions.

### Nomination and Appointment of Governmental Officials

Although many of the individuals who work for the Missouri state government are hired based on merit through an application and interview process similar to the process used by many businesses, most of the supervisory positions either are elected or appointed. To prevent conflicts of interest and to maintain a separation of personnel, there are state regulations and laws that prevent government officials from holding other government offices. Moreover, Missouri law states that a citizen cannot appear on the same ballot twice. Typically, elected officials are nominated for office by one of the recognized parties within Missouri and then are elected during a general election amongst all the different party nominees.

Similarly, the government officials of ALA MGS either are elected or appointed. A citizen cannot hold more than one elected or appointed office at the same time, nor may she appear on the same ballot twice. For example, a citizen cannot be a candidate for Mayor and City Council since these offices are elected simultaneously. A citizen, however, may hold one office and run for a higher office. If she is elected to the higher office, she must resign from the lower office. In contrast to government offices, a citizen may hold more than one political position, such as ward committeewoman, city chairman, and/or national party whip (For further explanation of political positions, see Chapter 11.)

All city and county elected officials shall be nominated for office by their respective parties within the party caucus. State officials shall be nominated by the direct primary method, with the exception of Senators and Representatives who shall be

nominated within their respective cities and counties. Once nominated, candidates' names are placed on the ballot, and an election is held at the polling location. All citizens are expected to vote. There are city, county, general assembly, state primary, and state general elections, as well as additional elections as needed. The times for these elections appear in the ALA MGS schedule. Certain

governmental officials at ALA MGS are appointed rather than elected. These officials generally are appointed by certain elected officials at each level of government. If a citizen is interested in an appointed office, she should consult the appropriate chapter of her manual and notify both candidates running for the office that has the power to make such appointment.



**CHAPTER 4**  
**CONSTITUTION OF ALA MISSOURI GIRLS STATE**

---

---

**PREAMBLE**

We, the people of Missouri Girls State, with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness, do establish this Constitution for the better government of the State.

**ARTICLE I --- NAME**

The name of this state shall be "Missouri Girls State," sponsored by the American Legion Auxiliary, Department of Missouri.

**ARTICLE II --- PURPOSE**

The purpose of Missouri Girls State shall be to provide citizenship training to afford an opportunity to live together as self-governing citizens; and to become informed about the duties, privileges, rights, and responsibilities of American citizenship, in order that we may better understand and participate in the functioning of our government.

**ARTICLE III --- CITIZENSHIP AND SUFFORAGE**

Section 1. Any person who has met the requirements of eligibility and is enrolled in the current session of Missouri Girls State shall have the privileges and responsibilities of citizenship in this state.

Section 2. Citizens of Missouri Girls State shall take the following oath of citizenship:

"I do solemnly swear upon my honor:

To obey the rules and regulations of Girls State.

I promise to do all within my power to lift high the banner of Girls State and pledge my full support and cooperation to the staff, faculty, and the American Legion Auxiliary to make this the most outstanding session of Girls State.

All this I pledge upon my honor."

Section 3. The right of suffrage shall be limited to qualified voters.

**ARTICLE IV --- SESSION**

Missouri Girls State shall be held annually at such time and place as shall be designated by the Girls State Committee and approved by the American Legion Auxiliary, Department of Missouri.

## ARTICLE V --- UNITS OF GOVERNMENT

Section 1. Missouri Girls State shall be divided into the following governmental units: cities, counties, and state. The boundaries shall be determined each year by the Missouri Girls State Committee.

Section 2. In each governmental unit, there shall be elected such officials as the Missouri Girls State Manual may direct.

Section 3. The duties of these respective officials shall be such as shall be prescribed by the Missouri Girls State manual.

## ARTICLE VI --- DISTRIBUTION OF POWER

The power of government of this state shall be divided into three distinct departments — the Legislative, Executive, and Judicial branches; and no person belonging to one of these departments shall exercise any power properly belonging to either of the others except as directed by Missouri Girls State.

## ARTICLE VII --- LEGISLATIVE DEPARTMENT

Section 1. The legislative power shall be vested in a Senate and a House of Representatives to be styled, “The General Assembly of Missouri Girls State.”

Section 2. The House of Representatives shall consist of five representatives from each district (city). ***In 2022, the citizen population requires each district (city) to have four (4) representatives.***

Section 3. The Senate shall consist of four senators from each senatorial district (county). ***In 2021, the citizen population requires each senatorial district (county) to have three (3) senators.***

Section 4. Each city’s central committee may nominate up to five candidates to stand for election to the House of Representatives. Each county’s central committee may nominate up to four candidates to stand for election to the Senate.

*Prior to its amendment in 2005, Article VII read as follows:*

### *ARTICLE VII --- LEGISLATIVE DEPARTMENT*

*Section 1. The legislative power shall be vested in a Senate and a House of Representatives to be styled, “The General Assembly of Missouri Girls State.”*

*Section 2. The House of Representatives shall consist of five representatives from each district (city).*

*Section 3. The Senate shall consist of **two** senators from each senatorial district (city).*

*Section 4. Each city's central committee may nominate up to five candidates to stand for election to the House of Representatives. Each county's central committee may nominate up to four candidates to stand for election to the Senate.*

#### ARTICLE VIII --- EXECUTIVE DEPARTMENT

The Executive Department shall consist of all state elective and appointive officials except the officials of the legislative and judicial departments.

#### ARTICLE IX --- JUDICIAL DEPARTMENT

The judicial power of Missouri Girls State shall be vested in a Supreme Court, circuit courts, associate circuit courts, and municipal courts.

#### ARTICLE X --- OATH OF OFFICE

Officials of Missouri Girls State before entering upon their official duties shall take and subscribe to the following oath of affirmation:

“I do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of Missouri, and the Constitution of Missouri Girls State, and will faithfully discharge the duties of (insert office) at Missouri Girls State, according to the best of my ability.”

#### ARTICLE XI --- EMBLEMS

Section 1. The official insignia of Missouri Girls State shall be the outline of the State of Missouri with the American Legion Auxiliary emblem superimposed.

Section 2. Missouri Girls State shall have an official banner bearing the Missouri Girls State insignia.

Section 3. The official pin of Missouri Girls State shall be a miniature replica of the insignia.

Section 4. The official Girls State song shall be “Girls State in Missouri.”

#### ARTICLE XII --- AMENDMENTS

This Constitution may be amended by a majority vote of both houses of the General Assembly and a majority vote of the electorate at any session of Missouri Girls State, provided such proposed amendment has been approved by the Missouri Girls State Committee.

Note: This revised constitution was enacted by the Missouri Girls State General Assembly June 28, 1950, and adopted by popular vote of the citizens of Missouri Girls State, June 29, 1950.

Amendment to Article VII of the Missouri Girls State Constitution was introduced by Senator Reagan Albert and Representative Julie Southworth, passed by the Missouri Girls State General Assembly held June 19-25, 2005, and adopted by popular vote of the citizens of the 64<sup>th</sup> Session of Missouri Girls State in their General Election held June 23, 2005.

*Note: The MGS Constitution may be changed by completion of the process laid out in Article XII. Any changes made will take effect upon ratification by the Missouri Girls State Committee and will henceforth be part of the Missouri Girls State Constitution.*

## CHAPTER 5 THE LEGISLATIVE BRANCH

---

The Missouri state government is divided into three branches: legislative, executive, and judicial. The legislative branch makes the laws; the executive branch enforces the laws; and the judicial branch interprets the laws and decides whether or not the laws conflict with the state constitution. ALA MGS government is divided likewise.

### **Structure and Organization of the Missouri General Assembly**

The General Assembly of Missouri is bicameral, meaning it has two houses<sup>1</sup> — the House of Representatives and the Senate. House members are elected to represent one of 163 districts throughout the state and serve two-year terms. Senators are elected to represent one of the 34 districts throughout the state and serve four-year terms. Senatorial districts are much larger in geographic size and population. Together the two houses provide for the general welfare of the people by passing bills into law, approving the state budget, confirming appointments to state departments and agencies, and acting on federal constitutional amendments.

The officers of the Missouri General Assembly include the Lieutenant Governor, who is designated by the state constitution to serve as the President of the Senate; and the Senate President Pro Tempore (often referred to as the Pro Tem), who is elected by the Senate from its members to serve in the Lieutenant Governor's absence. The presiding officer of the House of Representatives is the Speaker, who is elected by the House from its members; the Speaker is assisted by the similarly

selected Speaker Pro Tempore (commonly called the Speaker Pro Tem), who also serves in absence of the Speaker as the presiding officer. The main responsibility of any presiding officer is to maintain order during floor session. To this end, the presiding officer has to recognize a member before they can address the floor, and it is the presiding officer who calls the body to order, rules on any points of order and voice votes, and calls for all votes and announces the result of the vote. The Speaker of the House, being an elected member of the House of Representatives, has a vote on all questions; while the President of the Senate, not being an elected member of the Senate, has a vote only in the case of a tie.

In addition, both parties within each house are organized into caucuses. There is the Democratic House Caucus, the Republican House Caucus, the Democratic Senate Caucus, and the Republican Senate Caucus. The caucus allows party members within the same house to organize and coordinate their activities. Each caucus selects a floor leader and an assistant floor leader to direct the party's legislative activities.

### **The General Assembly at ALA Missouri Girls State**

The ALA MGS General Assembly consists of two branches: a Senate, consisting of three Senators from each county; and a House, consisting of four Representatives from each city, for a total of 24 Senators and 64 Representatives. The ALA MGS General Assembly's function is to pass

---

<sup>1</sup> It is important to note that "House" always refers to the House of Representatives, whereas "house"

is a pseudonym for chamber and may be used to refer to the House of Representatives or Senate.

laws that will provide for the general welfare of the people, socially, economically, and politically. The Senate and House of Representatives act as a balance to each other; however, each may enact rules and regulations to govern its own activities. A member of the ALA MGS General Assembly may not hold any other government office; she may, however, hold a political office within her party.

The leadership of both houses employs several staff members, including at least one clerk, a chaplain, a sergeant-at-arms, and a doorkeeper. These individuals are employees of the chamber for which they work, not elected members of that house.

The officers of the ALA MGS General Assembly shall resemble those which exist in the Missouri General Assembly. Their duties, powers, and responsibilities will mirror those of the Missouri General Assembly unless otherwise noted in the rules of the ALA MGS General Assembly, in ALA MGS law, or in the ALA MGS Constitution.

The officers of the House shall include a Speaker and Speaker Pro Tem, both who shall be members of the House and who are selected by the House. The Speaker must be a person capable of serving as a presiding officer. She should have knowledge of parliamentary procedure (particularly Rules of Order) and the rules of the House. **Both the Speaker and Speaker Pro Tem must attend the School of Legislative and Lobbying Process.**

The State Senate is presided over by the Lieutenant Governor. The President Pro Tem will be elected by the Senate from amongst its members. The President Pro Tem should be a person capable of serving

as a presiding officer. She should have knowledge of parliamentary procedure (particularly Rules of Order) and the rules of the Senate. **She must attend the School of Legislative and Lobbying Process.**

The ALA MGS House will select a clerk, a chaplain, and a sergeant-at-arms from non-members. The clerk must attend all House sessions. She shall prepare and keep the House records and files. The sergeant-at-arms also must attend all House session. She is responsible for assisting the Speaker in preserving order during the session of the House. The chaplain opens each session with a prayer.

The Senate will select a secretary, a sergeant-at-arms, and a chaplain from non-members with duties similar to those of the House. Each house shall name its own clerical employees in any manner it sees fit. **These individuals, however, shall not be from the ranks of elected members of the legislature and must attend the School of Legislative and Lobbying Process.**

### Legislative Process

In the Missouri General Assembly, the legislative process is difficult and long. Each bill receives extensive review and scrutiny, and only a relatively small percentage of bills are passed each year. In order to be passed, most bills must complete the following process:

The bill must be introduced by a member of the house in which it is being introduced. This individual is called a sponsor. Upon introduction, the bill is given its first reading, assigned a number by the clerk or secretary, and referred to a standing committee by the house leadership.

Then, the bill is reviewed by the committee to which it is assigned. A hearing is held at which any citizen from the state may testify on the bill. After the public hearing is held, the committee chair will, at his or her discretion, schedule an executive session. During the executive session, the committee will amend (commonly referred to as “mark up”) the bill as it deems necessary and then vote as to whether the bill should be reported out of committee.

If the bill is reported out, it is forwarded to the leadership of that house to be placed on the perfection calendar. The order of the perfection calendar is at the complete discretion of the leadership.

At its time as designated by the perfection calendar, the bill is taken up by the floor for perfection (at this point, the house also is known as the Committee of the Whole). The bill is given another reading (because it is possible it has changed in form and content since its first reading). Once the bill has been read, the chair usually recognizes the sponsor who provides a brief explanation and argument on behalf of the bill, and then, other members of the house may speak on the bill (in support or opposition). Members also may make inquiries and amendments. This period of debate commonly is limited in the House with each member being given a specific allotment of time to speak, whereas debate is unlimited in the Senate. At the conclusion of discussion, the sponsor is recognized to close and “renew his/her motion” for perfection and a vote is taken. This vote, as well as most votes on amendments, usually is conducted by voice.

If the perfection vote succeeds, the bill is placed on the calendar for third reading. At its time as designated by the third-reading calendar, the bill is given its third

reading (because once again, it may have changed form and content), and it may be discussed but no amendments offered.

Once discussion has ended, the sponsor is again recognized to “renew the motion” and a final vote is taken. This vote is conducted by roll call or division vote. In order to pass, the bill must receive support from a constitutional majority of the house, meaning a majority of the house's members must vote in support, not just a majority of those present.

If the first house approves the bill, it is then sent to the other house, which reviews it using the same process as the first house. Commonly, upon passing the second house, the bill has assumed a different form and content (because the second house has had opportunities to amend it similar to the first house). When this occurs, a conference committee is created by the leadership of both houses. The conference committee consists of an equal number of Representatives and Senators, and the committee is charged with reconciling the two versions of the bill into one bill.

If a compromise can be reached, the consensus version is reported to both houses for final approval. At this point, the houses may debate, but cannot amend, the conference committee's consensus version. The vote in both houses is conducted by roll call or division vote.

Once the bill is approved by a constitutional majority in both houses, it is sent to the Governor for consideration. The Governor has 15 days to act on a bill if it is sent to him/her during the legislative session and 45 days if the legislature has adjourned or recessed for a 30-day period. The Governor may sign the bill, veto the bill, or allow the bill to pass into law without a gubernatorial signature. If the

Governor vetoes a bill, a two-thirds vote of both houses is required to override the veto. This is usually done in a special veto session.

In Missouri, no law can take effect until 90 days after the end of the session at which it was enacted. An emergency clause may be attached to a bill allowing it to take effect immediately upon the Governor's signature. Passage of an emergency clause requires a two-thirds vote of both houses.

### **Legislative Process at ALA Missouri Girls State**

Legislation at ALA MGS will fulfill a similar process. As such, to be effective, a bill must be passed by a constitutional majority in both houses and approved by the Governor. Legislation can be passed over the Governor's veto by a two-thirds majority vote of the membership of each house. All laws passed by the ALA MGS General Assembly take effect within 24 hours unless an emergency clause is passed. An emergency clause requires a two-thirds vote of each house in order to pass.

### **Organization and Procedure for Legislative Sessions**

Prior to convening for their first meetings, there is a great deal of organization which must occur within each house of the General Assembly. The House and Senate each divide into their party caucuses. Each caucus meets to organize the party's efforts, determine party leadership (floor leaders and whips), and nominate caucus members for leadership positions within the House or Senate. Once selected, each house's leadership will determine what standing committees will exist and the size of each committee. The leadership proposes this committee organization in a resolution which must be passed by a majority of that house. Then, the leadership of

both caucuses deliberates and comes to an agreement regarding how many seats on each committee will be appointed by each caucus.

At the first meeting of the house, newly elected members are sworn in, presiding officers are officially elected, and bills are introduced. Thereafter, there is a regular order of business which is prescribed by the rules of that house. Bills are taken up depending on what stage of the process they are in as the house deals with that order of business. All of the bills awaiting introduction are introduced at the same point in time, and bills for perfection are addressed during the time set aside each day for perfection. Typically, each year within the first two weeks of session, the Governor of Missouri will meet with a joint session of the General Assembly in the House of Representatives chamber and deliver the State of the State address. Similarly, the Chief Justice will give a State of the Judiciary address within the first month of session.

### **Organization and Procedure for Legislative Sessions at ALA Missouri Girls State**

For the first session of the ALA MGS General Assembly, members of both houses meet in the assembly room of the House of Representatives to receive instructions for caucuses. Then, the Senators go to the Senate chamber. Each house divides into the two political parties to hold caucuses to name those who will be placed in nomination for offices. Each caucus elects a chairwoman, a secretary, and its floor leader. The floor leader will be responsible for promoting the legislation sponsored by her caucus, working with the rest of the house's leadership regarding house rules and organization, and assigning the members of her party caucus

to committee seats awarded to her party's caucus. Each house meets as a body in its respective chamber for caucuses under direction of ALA MGS General Assembly advisors.

For the second session, each house will meet in its respective chamber with its respective presiding officer chairing. The business of the day will occur as follows:

- \*Prayer by the Chaplain
- \*Pledge of Allegiance
- \*Oath of Office
- \*Roll call
- \*Introduction of bills and resolutions
- \*The presiding officer announces a brief adjournment to allow the standing committees to consider bills; all citizens may testify on bills
- \*The presiding officer then will reconvene her respective house, at which time the general order of daily business will be continued

The daily business of each house of the ALA MGS General Assembly is conducted according to Rules of Order, unless the house has adopted specific rules of order. Each house convenes in its respective chambers with its respective presiding officers chairing. Each house conducts its business in the following order:

- \*Prayer by the Chaplain
- \*Pledge of Allegiance
- \*Roll call
- \*Reading of the journal of the previous day; journal approval
- \*Introduction of bills and resolutions
- \*Communications
- \*Committee reports
- \*Calendar for perfection (At this point, sponsors of the bills will provide brief statements on their bills; there will be debate, and amendments may be offered.)

\*Calendar for third reading (At this point, bills will be voted upon for final approval.)

\*Adjournment

All proceedings of this session will be under the direction of the ALA MGS General Assembly advisors and will be as authentic as possible.

At the designated time, the members and officers of both houses will meet in joint session to hear the annual address of the ALA MGS Governor and to receive distinguished ALA MGS officials.

### **ALA MGS Lobbyist Program**

Lobbyists play an important role in helping legislators draft legislation, providing information to legislators, and influencing the passage or killing of legislation. The ALA MGS Lobbyist Program is comprised of one individual from each city. The lobbyists shall not be a state official and must register with the ALA MGS Secretary of State.

### **Important Terms and Concepts**

**Adjourn** - The act of closing the business of the House or Senate.

**Amendment** - A change to a bill or another amendment. An amendment may be offered in committee, on the floor, or in conference committee.

**Appropriations Bill** - A bill to allocate state and federal funds to the uses of state government. In Missouri, the first 25 House bill numbers are reserved for appropriations bills each session.

**Bill** - Legislation, which changes current laws either by enacting new statutes, repealing old statutes, modifying current statutes, or appropriating public money. A bill introduced in the House is called a House bill, and a bill introduced in the

Senate is called a Senate bill. Bills are numbered consecutively upon introduction.

**Calendar** - The order of business in the House or Senate. The calendar contains bills, resolutions, and reports in various stages of consideration.

**Caucus** - A voluntary organization of members of the House or Senate. There are partisan caucuses and caucuses organized around geographical and economic interests. Partisan caucuses normally meet in closed sessions.

**Chair** - Formal title for the head of a committee. The presiding officer of each house may designate a chair to temporarily preside over that house.

**Chief Clerk** - An officer of the House, in charge of monitoring House proceedings and maintaining House records.

**Companion Bills** - Bills introduced in both the House and the Senate in identical form.

**Concurrent Resolution** - A resolution that is passed by both the House and the Senate. It may originate in either body.

**Conference Committee** - A committee made up of five members of each house, appointed to reconcile differences between the House and Senate versions of a bill.

**Confirmation** - Approval of a gubernatorial appointment. The Missouri Constitution gives this power to the state Senate.

**Consent Bill** - A non-controversial bill which does not cost anything to implement.

**Constitutional Majority** - The constitution requires approval by a majority of all of the members elected to the Senate and to the House for a bill to be considered "passed." In other words, 18 of the 34 Missouri Senators must pass a bill regardless of how many are in attendance.

**Co-Sponsor** - When two or more members of the House or two or more members of the Senate jointly introduce a bill, each is called a co-sponsor.

**Division of the Question** - A dividing of any item of business so that separate votes are held on each part.

**Division Vote** - A vote taken that records the Ayes and Nays to include a roll call vote and a vote by standing.

**Do Pass (Voted or Reported)** - A bill that is voted "do pass" is approved by the standing committee and returned to the house for consideration; a bill also can be voted and reported "do not pass," indicating disapproval.

**Effective Date** - The date on which a bill takes effect. When no effective date is specified, the effective date is 90 days after adjournment of the session in which the bill was passed.

**Emergency Clause** - A clause on a bill declaring an emergency and making a bill or part of a bill effective sooner than 90 days after the session in which it is passed; it requires a two-thirds vote of each chamber.

**Enacting Clause** - A clause of a bill that declares the source from which the proposed law derives its authority.

**Executive Session** - A meeting of a committee to conduct business, usually to vote on bills referred to the committee.

**Filibuster** - A delaying of action by extending debate. It occurs in the Senate, where members have the right to unlimited debate. In the House, a member is limited by rule to 15 minutes of debate on a bill or amendment.

**Fiscal Note** - An estimate of the effect a bill will have upon state and local revenues.

**Floor Leaders** - Each party selects a floor leader. The majority floor leader controls the order of business of the chamber, while minority leader represents the interests of the minority party.

**Germane** - Pertaining to the subject matter of the item of business being considered. Amendments are required to be germane to the bill to which they are offered.

**Hearing** - A meeting of a committee of the House or Senate to receive testimony from the public on a bill or topic.

**Inquiry** - A member asking questions of another member in the course of floor debate; members must consent to being inquired of.

**Joint Committee** - A committee made up of both members of the House and members of the Senate. These normally are interim or statutory committees.

**Joint Resolution** - An enactment of the General Assembly that places a proposed amendment to the state constitution before voters for approval or that approves an amendment to the U.S. Constitution. If introduced in the House, it is a House Joint Resolution. If introduced in the Senate, it is a Senate Joint Resolution.

**Joint Session** - A session of both the House and Senate. Joint sessions are held in the House chamber and normally are called to hear the Governor or the Chief Justice of the Supreme Court.

**Journal** - The record of the proceedings of the House and the Senate.

**Lobbyist** - A person who attempts to influence the legislative process as a part of his or her job or under hire by someone else.

**Perfection** - The process of considering a bill in which the bill is subject to amendments. At the conclusion of this process, upon a favorable vote, a bill is order

perfected and printed, which means any amendments adopted are incorporated into the printed bill.

**Personal Privilege** - A right of a member to speak on a matter of personal concern. Used to introduce special guests.

**Point of Order** - A challenge to the procedure that is being followed or to the germaneness of an amendment or substitute.

**President** - The Lieutenant Governor is the President of the Senate. The only power the President has is to preside over Senate business and joint sessions, and to vote in case of a tie.

**President Pro Tempore** - The leader of the Senate, elected by the Senate. The full title, President Pro Tempore, means Temporary President. It is commonly shortened to President Pro Tem.

**Previous Question** - A motion to end debate on the matter before the chamber.

**Privileged Motion** - A motion that takes precedence over other motions and must be acted upon when offered.

**Quorum** - The number of members required for a body to do business. The rules of each chamber set this number for committees. The state constitution requires a majority of members to be present for the House and the Senate to conduct business.

**Reading** - A term used to indicate a step in the legislative process. First reading occurs when a bill is introduced; second reading when it is referred to committee; and third reading when it is approved by a constitutional majority of a chamber.

**Reconsider** - A motion to re-open a question that has been previously decided. Must be offered by a member who voted with the prevailing side.

**Referendum** - A vote of the people upon a law already enacted by the General

Assembly or upon a proposal to change the law.

**Resolution** - An act of the House or Senate or of both together that ordinarily has no effect of law. It commends some achievement, expresses an opinion, urges another entity such as Congress to take some action, or takes some internal action such as establishing a committee.

**Roll Call** - The taking of votes by individual member either in committee or in the full chamber. In the House chamber, roll calls are conducted by electronic means. In the Senate, they are done by orally polling senators one at a time. The state constitution requires the House and the Senate to take a roll-call vote (“a vote by yeas and nays”) on final passage of a bill, on adoption of conference reports, and on concurrence in amendments by the other chamber; however, it grants any five members the right to have a roll call on any question (Missouri Constitution Article III, Sections 26 and 27). House and Senate roll calls are recorded in the House and the Senate. Committee roll calls are recorded in minute books kept by each committee and filed in the Missouri State Archives at the end of each year.

**Rules** - The general practices, processes, and policies adopted by a chamber regarding how it operates. A rule may be adopted by a simple majority of the chamber which the rule will govern. The leadership and standing committees formally are designated through the adoption of a rule at the beginning of each session.

**Secretary of the Senate** - An officer of the Senate who monitors Senate floor proceedings and maintains the records of the Senate.

**Speaker** - The presiding officer of the House also is normally the leader of the majority party of the House. The Speaker is elected by the House.

**Speaker Pro Tem** - An officer of the House who presides in the absence of the Speaker. The full title was originally Speaker Pro Tempore, which means “Temporary Speaker.”

**Sponsor** - The member of the House or the member of the Senate who introduces a bill. The sponsor is sometimes called the author.

**Standing Committee** - A committee established by the rules of that house.

**Substitute** - A replacement for the item of business under consideration. There are substitute amendments and substitute bills. If a substitute bill is offered by a committee, it is called a committee substitute. If a substitute is offered when the bill is being perfected, it is called a House Substitute or a Senate Substitute. If it is offered by a conference committee, it is called a Conference Committee Substitute.

**Title** - A part of a bill which gives notice of the subject of the bill and the sections of current law that will be affected by the bill.

**Truly Agreed to and Finally Passed** - The final action on a bill — sending it to the Governor or to the people.

**Veto** - The rejection by the Governor of an act of the General Assembly.

**Veto Session** - A session of the General Assembly to consider overriding vetoes of the Governor. If any bill is vetoed late in or after the end of a regular session, a veto session is held starting on the Wednesday following the second Monday in September.

### **Summary of Rules of Order**

As Vice President of the United States, Thomas Jefferson wrote a manual of parliamentary procedure for use in the U.S. Senate. The U.S. formally adopted the manual as part of its rules in 1837.

Several state legislatures, including Missouri's General Assembly, use it, also. The following are some excerpts from *Jefferson's Manual*:

**Regarding Quorum:** A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

**Regarding Roll Call:** On a call of the house, each person rises up as he is called, and answers. Then the absentees are called a second time, and if still absent, excuses are to be heard.

**To be Recognized by the Chair:** When any member means to speak, he is to stand up in his place, uncovered, and to address himself, not to the house, or any particular member, but to the Speaker, who calls him by his name, that the house may take notice who it is that speaks.

**Regarding Right to Speak:** No man may speak more than once to the same bill on the same day; or even on another day if the debate be adjourned. But if it be read more than once in the same day, he may speak once at every reading.

**Regarding Decorum:** No one is to speak impertinently or beside the question, superfluously or tediously. No person is to use indecent language against the proceedings of the house, no prior determination of which is to be reflected on by any member, unless he means to conclude with a motion to rescind it. No one is to disturb another in his speech by hissing, coughing, spitting, nor to stand up or interrupt him; nor to pass between the Speaker and the speaking member, nor to go across the

house; or to walk up and down it, or to take books or papers from the table, or write there.

**To Debate:** When a motion has been made, it is not to be put to the question or debated until it is seconded.

**Regarding the Presentation of Legislation:** Every bill shall receive three readings, previous to its being passed; and the President shall give notice at each whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise, or, unless by a joint vote of both houses, or the expiration of their term, the session is to be closed within three days.

**To Call the Question:** When any question is before the house, any member may move a previous question "Whether that question (called the "main question") shall now be put?" If it passes in the affirmative, then the main question is to be put immediately, and no man may speak anything further to it, either to add or alter. The previous question being moved and seconded, the question from the chair shall be, "Shall the main question be now put?" and if the nays prevail, the main question shall not then be put.

**Regarding Speaking on Amendments:** On an amendment being moved, a member who has spoken to the main question may speak again to the amendment.

**To Reconsider:** When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority, to move for the reconsideration thereof.

#### **Examples of Legislation**

There are four basic types of legislation - a bill, a concurrent resolution, a joint

resolution, and a simple resolution. A bill deals with a public question and, upon passage, becomes a law. A concurrent resolution must be approved by both houses and the Governor. Concurrent resolutions carry the same weight as a law but usually deal with issues in a more limited manner. Concurrent resolutions also can be used to express the joint sentiments of both houses in which case they do not require gubernatorial approval. A joint resolution is passed by both houses and is used to make or amend rules which apply to both houses, to express joint sentiments, or to submit a law or constitutional amendment to the voters. An amendment to the U.S. Constitution also is approved through passage of a joint resolution. A simple resolution only requires the passage of one house and either makes or amends a rule of that house or expresses the sentiments of that house.

Each piece of legislation is designated as originating in the House or Senate. For example, a bill which originates in the House is designated a House Bill. The following examples of a bill, concurrent resolution, and joint resolution originated in the House in 2004. Bold lettering within

the text of the legislation indicates changes being made to currently existing law. Notice that the sponsor and co-sponsors are identified, and a title which provides a brief explanation of the legislation's purpose is provided. Bills begin with the statement, "Be it enacted by the General Assembly of the state of Missouri, as follows;" concurrent resolutions begin, "Be it resolved by the House of Representatives, the Senate concurring therein;" whereas, joint resolutions use a "Whereas . . . Now therefore be it resolved" format.

### **Legislation at ALA MGS**

The ALA MGS General Assembly uses the same types of legislation as the Missouri General Assembly. Bills should address ALA MGS, whereas Resolutions may be used to address issues of local, state, national, or even international significance. If a member wishes to change the ALA MGS Constitution, she should offer a joint resolution. Both houses will use simple resolutions (passed by only one house) to change or add rules for that house to include the creation of committees within that house.

SECOND REGULAR SESSION

HOUSE BILL NO. 1154

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BROOKS (Sponsor), EL-AMIN, OSKINS, HUBBARD, BOYKINS, CURLS, BLAND, WALTON, HAYWOOD, SHOEMYER, DONNELLY, JONES, ABEL AND WILLOUGHBY (Co-sponsors).

AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to strip searches of public and charter school students.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 167, RSMo, is amended by adding thereto one new section, to be known as section 167.166, to read as follows:

**167.166. 1. No employee of any public school or charter school within this state shall perform a strip search, as that term is defined in section 544.193, RSMo, of any student of any such school. In addition, no employee of any public school or charter school shall direct a student to take part in, direct, or supervise a strip search of a fellow student. For the purposes of this section, the term "employee" shall include all temporary and part-time employees of such public schools and charter schools.**

**2. Any employee of a public school or charter school who violates the provisions of this section shall be immediately suspended without pay, pending an evidentiary hearing when such employee is entitled by statute or contract to such hearing.**

SECOND REGULAR SESSION  
**House Concurrent Resolution No. 8**  
92ND GENERAL ASSEMBLY

**AN ACT**

Relating to a declaration of African American business enterprise day in the state of Missouri.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

**Whereas**, African American businesses have made significant contributions to the progress and growth of the State of Missouri; and

**Whereas**, with ingenuity born of adversity and perseverance stemming from hardship, African American entrepreneurs have created a vast and diverse array of business enterprises in this state; and

**Whereas**, with successful enterprises ranging from small businesses to major corporations, African American entrepreneurs have uniquely influenced the business culture of this state and have built an enduring legacy of success for future generations; and

**Whereas**, success in the face of adversity has always been worthy of recognition and celebration:

**Now, therefore, be it resolved** that the members of the House of Representatives of the Ninety-second General Assembly, Second Regular Session, the Senate concurring therein, hereby declare the first Thursday of February of this year and each successive year to be "African American Business Enterprise Day" in the State of Missouri; and

**Be it further resolved** that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

SECOND REGULAR SESSION  
HOUSE JOINT  
RESOLUTION NO. 29  
92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WARD (Sponsor) AND SKAGGS (Co-sponsor).

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 8 of article III of the Constitution of Missouri and adopting one new section in lieu thereof relating to term limits.

*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2004, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the Constitution of the state of Missouri:

Section A. Section 8, article III, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 8, to read as follows:

Section 8. No one shall be elected to serve more than [eight] **twelve** years total in any one house of the General Assembly nor more than [sixteen] **twenty-four** years total in both houses of the General Assembly. In applying this section, service in the General Assembly resulting from an election prior to December 3, 1992, or service of less than one year, in the case of a member of the house of representatives, or two years, in the case of a member of the senate, by a person elected after the effective date of this section to complete the term of another person, shall not be counted.

## CHAPTER 6 THE EXECUTIVE BRANCH

### Missouri State Government: Elected and Appointed Offices

There are six statewide elected executive officials in Missouri: the Governor, Lieutenant Governor (Lt. Governor), Secretary of State, Auditor, Treasurer, and Attorney General.

**The Governor** is the supreme executive of the state. As the state's chief executive officer, the Missouri Constitution states, "The governor shall take care that the laws are distributed and faithfully executed, and shall be a conservator of the peace throughout the state" (Article IV, Section 2). The Governor's powers include, but are not limited to, appointing government officials as provided for by law; serving as the commander in chief of the state militia; granting reprieves, pardons, and commuting sentences as deemed proper; and periodically informing the General Assembly as to the state of the state. In recognizing the Governor as the supreme executive power, the Missouri Constitution seemingly gives the Governor great latitude and authority, but there are several checks and restrictions on that power. For example, although the Governor has the power to fill vacancies in public offices and appoint the heads of government departments, such appointments must be confirmed by the Senate. To be Governor in Missouri, an individual must be 30 years old, a U.S. citizen for at least fifteen years, and a resident of the state for at least ten years. The Missouri Constitution does not require the Governor to have any formal education or political experience. An individual is elected to a four-year term and may serve for a total of two terms.



**The Lt. Governor** is next in the line of succession to the office of Governor and is charged by the Missouri Constitution with serving as the presiding officer of the Senate. Since 1992, the Lt. Governor also has served on several different state boards and commissions including Board of Fund Commissioners; Board of Public Buildings; Missouri Community Service Commission; Missouri Development Finance Board; Missouri Housing Development Commission; Missouri Rural Economic Development Council; Missouri SenioRx Program; Missouri Tourism Commission; Second State Capitol Commission; and Special Health, Psychological, and Social Needs of Minority Older Individuals Commission;. The Lt. Governor also serves as an advisor to the Department of Elementary and Secondary Education on early childhood education and the Parents as Teachers program. Additionally, the Office of Advocacy and Assistance for Senior Citizens is within the office of the Lt. Governor. The requirements to be Lt. Governor are the same as the requirements to be Governor. The Lt. Governor serves a four-year term, but there is no limitation on the number of terms.

**The Secretary of State** is the chief custodian of state records and chief election authority for the state. The Secretary of State is the keeper of the “Great Seal of the State of Missouri” and is responsible for authenticating all official state acts. It is the Secretary of State who serves as the temporary presiding officer of the House at the opening of a new legislative session. The Missouri Constitution lists no requirements or qualifications for Secretary of State, and there are no limitations on the number of four-year terms an individual may serve as Secretary of State.

**The Auditor** is responsible for establishing an appropriate accounting system for all public monies, conducting post audits of state accounts, and completing an annual audit of the state treasury. The Auditor is required by the Missouri Constitution to provide an annual audit report to the Governor and the General Assembly. In Missouri, the Auditor is the only statewide officer elected in the off year (non-Presidential elections year). This was done in an effort to isolate the Auditor’s office from national issues and to augment the Auditor’s role as an independent check on the other statewide elected officers. The term of this office is four years; and there is no limitation on the number of terms an individual may hold the office of Auditor.

**The Treasurer** is the chief custodian of all state monies. Powers and responsibilities of this office include receiving, disbursing, and investing state funds, as appropriate. The Treasurer is required to report on the status of the state treasury monthly to the Governor. There are specific qualifications for the office of Treasurer listed in the Missouri Constitution. The State Treasurer is limited to two four-year terms.

**The Attorney General** is the chief legal officer for the state and, as such, represents the State of Missouri in both federal and state courts. The position is a full-time job; therefore, the Attorney General is not permitted to engage in private practice. The Attorney General is required by law to issue legal opinions at the request of any statewide elected officer, a member of the General Assembly, a local prosecutor, or the head of a state department. Although the state constitution does not directly address qualifications or requirements to serve as Attorney General, courtroom duties are part of the official’s legal responsibility; therefore, being an attorney admitted to the state bar is an essential condition.

The Missouri Constitution outlines the line of succession to the Governorship as follows, “On the death, conviction or impeachment, or resignation of the governor, the lieutenant governor shall become governor for the remainder of the term. If there be no lieutenant governor the president pro tempore of the senate, the speaker of the house, the secretary of state, the state auditor, the state treasurer or the attorney general in succession shall become governor” (Article IV, Section 11(a)).

Within the Missouri state government, there also are numerous appointed government positions. There are 16 executive departments commonly referred to as a cabinet. These departments are headed by appointed state officers and are provided for by the state statutes passed by the General Assembly for the purpose of performing special administrative tasks. Typically, the director or head is appointed by the Governor “by and with the advice and consent of the Senate.”

The positions appointed by the Governor include directors for the following departments: Social Services, Public Safety, Economic Development, Natural Resources, Office of Administration, Agriculture, Corrections, Labor and Industrial Relations, and Revenue. The Governor also appoints commission/board members to staggered terms to head the following departments: Elementary and Secondary Education, Higher Education, Mental Health, Transportation, and Conservation. The board's commissions in charge of these departments, in turn, appoint the chief administrative officer for the department.

The State Board of Education, in particular, is charged by the Missouri Constitution with the supervision of instruction in the public schools. The board is composed of eight members appointed by the Governor, by and with the consent of the Senate; at no time shall more than four be of the same political party. This type of board is called a bipartisan board.

In addition to the Governor's power of appointment, the Missouri Constitution gives the Governor the power of dismissal. Governors, however, commonly find dismissing appointments politically difficult.

### **Statewide Elected Officials at ALA Missouri Girls State**

The government of ALA MGS incorporates the same six statewide elected offices as the state of Missouri.

The duties of the **Governor** are as follows:

- She is the presiding officer of all regular assemblies of the citizens of the state.
- She shall inform the legislature of the condition of the state and

recommend measures that she may deem expedient.

- She shall, by and with the advice and consent of the ALA MGS Senate, have the power to appoint such executive assistants and other officers as are provided for by the state laws.
- She shall be responsible for the proper supervision of appointive officers and have power to remove them from office for cause.
- She shall sign or veto all bills passed by the legislature. The power of veto must be exercised within 24 hours from the time it reaches her desk; otherwise, the bill will become a law without her signature. A bill vetoed by the Governor may be enacted into law upon a vote of two-thirds of the membership of both houses of the legislature.
- She shall have the power to pardon or commute sentences of citizens convicted of violating the laws of ALA MGS.
- She shall be the official representative of ALA MGS in all contacts with the Missouri Governor or other officials of the State of Missouri.
- She shall have 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 made with the consent of the Senate, if in session. If the legislature is not in session, the appointments may be made ad interim (meaning temporarily) then placed before the Senate for consideration at its next session.
- She must attend the next session of ALA MGS and preside as

Governor until the next duly elected Governor is sworn in. She also must attend certain conferences of the American Legion Auxiliary, Department of Missouri to provide the membership with reports on ALA MGS.

The duties of **Lieutenant Governor** are as follows:

- She shall act as Governor in case the office shall be vacated through death, impeachment, failure to qualify, disability, or felonious conduct of the Governor and upon occasions when the Governor is absent herself from ALA MGS.
- She shall act as President of the Senate when it is in session.

The duties of **Secretary of State** are as follows:

- She shall have charge of the records of ALA MGS and shall certify all executive orders, commissions, and certificates issued by the Governor.
- She shall be the official custodian of all state archives.
- She shall be the chief election officer, and therefore coordinate the elections throughout the state, including supervising the elections with the ALA MGS Elections Director and the filing by candidates and enforcing any and all election laws.
- She shall register all paid lobbyists.
- She shall convene the House for its first session and serve as its Presiding Officer until the House duly elects a presiding officer.
- She shall assist the ALA MGS staff in compiling and

summarizing the various reports associated with participation at ALA MGS.

The duties of the **Auditor** are as follows:

- She shall conduct the official audit of the records of all transactions of the government of ALA MGS.

The duties of the **Treasurer** are as follows:

- She shall be the official custodian of any funds (MGS Bucks) belonging to the government of ALA MGS.

The duties of **Attorney General** are as follows:

- She is the legal advisor to all state officials and agencies.
- She shall represent ALA MGS in all suits or legal actions to which the state is a party.
- Upon their request, or upon orders of the Governor, she shall assist county attorneys with the prosecution of citizens charged with violation of the laws of the state.
- She may bring suit or initiate and investigate demands on behalf of consumers affected by unfair merchandising practices.

### **Statewide Appointed Officials at ALA Missouri Girls State**

Due to time constraints at ALA MGS, the appointive state offices are limited, but any appointments will emulate those of the Missouri state government.

All statewide elected and appointive officers will serve under the direction of the ALA MGS staff.

## CHAPTER 7 THE JUDICIAL BRANCH

---

The Judicial Branch, along with the Executive and Legislative Branches, form the three co-equal parts of our state government. At ALA MGS, the Judicial Branch serves an important role. The criminal justice system, with citizens serving as prosecutors and judges, maintains law and order for ALA MGS 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 by other citizens, or a private or governmental entity. **MGS citizens desiring to serve as judges or attorneys must attend the School of Law and pass the bar exam.**

### **The Judicial System of Missouri**

Courts are created and established by the Missouri Constitution. 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 referred to as causes of action, cases, or lawsuits. A party to a lawsuit may be an individual, business, association, corporation, city, school district, governmental agency, the state itself, or other recognized legal entities.

Often, courts are called on to uphold limitations on the government. They protect against abuses by all branches of government. Courts protect the rights of people who cannot protect themselves. They also embody notions of equal treatment and fair play. The courts and the protections of the law are open to everybody.

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 or power to act. To have jurisdiction, the Constitution must authorize the court to hear the cause of action that is before it and then have the power to enforce its judgment against the parties.

The jurisdiction of courts is classified into 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. Appellate jurisdiction is the power to review, and affirm or reverse the judgment of the trial court, depending on whether or not the trial court committed error.

The place where a court exercises its jurisdiction is its venue. It is a geographical area usually determined by cities, counties, or a group of counties, which in Missouri are called circuits.

**The Supreme Court:** Pursuant to article V, section 3 of the Missouri Constitution, the Supreme Court of Missouri shall have exclusive appellate jurisdiction in all cases involving:

- The validity of a treaty or statute of the United States;

- The validity of a state statute or provision of the Missouri Constitution;
- The construction of the revenue laws of this state;
- The title to any state office; and
- Cases where the punishment imposed is death.

In other matters, the Supreme Court of Missouri has appellate jurisdiction to review cases that have already been considered by the intermediate appellate court. Such cases come to the Supreme Court through motions for transfer, certification from the Court of Appeals, or a writ of *certiorari*. Although transfers may occur by request of the majority of the judges of the court of appeals, most cases come on motions for transfer, and it is within the discretion of the Supreme Court to accept the case. In determining whether to transfer the case, the Supreme Court considers in the general interest or importance of the question involved in the case, or the need to re-examine existing laws.

The Supreme Court may establish rules relating to practice, procedure, and pleadings for all courts and administrative tribunals, but these rules cannot change substantive rights or constitutional rights. The Supreme Court has the authority to assign a new judge to a case when the original judge may have been disqualified; appoint special judges for special hearings; or make temporary appointments in case of vacancies.

**The Court of Appeals:** There is a single Court of Appeals in Missouri. The Court of Appeals is divided into three districts, based on geography: Southern District (Springfield), Western District (Kansas City), and Eastern District (St. Louis). The Court of Appeals hears cases appealed

to it from trial courts located within the district. The courts of appeals have general appellate jurisdiction to hear all cases on appeal, except those cases which are in the exclusive appellate jurisdiction of the Supreme Court.

**The Circuit Courts:** Missouri has adopted a centralized trial court system, consolidating most general matters under the circuit court. There are 46 judicial circuits in the State of Missouri, each of which is under the guidance of a Presiding Circuit Judge. Circuits in Missouri often include more than one county. Within the circuit court, there are various divisions, such as the associate circuit, small claims, municipal, family, probate, criminal, and juvenile.

The circuit courts have original jurisdiction over all cases and matters, civil and criminal. The circuit court is the basic trial court of general jurisdiction, and it handles all cases not specifically allocated to one of its divisions.

Associate circuit courts are a division of the circuit courts that may hear and determine certain classes of cases specified by law. Associate circuit courts hear all criminal misdemeanors and infractions, and all civil actions concerning \$25,000 or less. Associate circuit courts also conduct a preliminary hearing in a criminal prosecution to determine whether there is probable cause to find that a felony has been committed and that the defendant committed it. It is also important to note that the presiding judge of the circuit court has the power to designate an associate circuit court judge to hear any case or classes of cases.

Small claims courts may be established within a given circuit to hear all civil matters involving damages \$5,000 or less.

These courts can operate with relaxed evidentiary rules, better facilitating the private individual to handle her own small claim.

**Municipal Courts:** Municipal courts have jurisdiction over violations of city ordinances and certain crimes committed within their city limits. An appeal from a municipal court judgment is called a trial de novo, which means that a new trial occurs in the circuit court where the municipal court is located.

### **The Role of Judges**

Even though she works for the state, a judge is not a law enforcement officer. A judge is not a prosecutor. Judges do not arrest people or try to prove them guilty. A judge is a neutral. It is the function of the judge to preside over the court, and hear and determine all matters brought before her that are within her jurisdiction. She ensures the rules of court procedure and evidence are followed by all parties. A judge rules according to the facts and law — without regard to which side is popular, without regard for what the spectators want, and without regard to whether the judge agrees with the law. It is her responsibility to decide what the law is applicable in each case and what evidence the jury may consider in arriving at a decision. She must maintain such order and decorum in holding court so that the parties to the cause will be able to fairly present their sides.

### **Selection of Judges**

**By Appointment:** All Supreme Court and Appellate Court judges, as well as Circuit Court judges in Clay, Jackson, Platte, Greene, and St. Louis Counties and St. Louis City, are selected in accordance with the Missouri Nonpartisan Court Plan.

During the 1930s, the public became increasingly dissatisfied with the role of politics in judicial selection and judicial decision-making. Judges were plagued by outside influences due to the political aspects of the election process, and dockets were congested due to the time the judges spent campaigning for reelection. Therefore, the citizens of Missouri voted to adopt the “Nonpartisan Selection of Judges Court Plan” as part of the Missouri Constitution in 1940. Since then, it has become a national model for judicial selection that more than 30 other states have adopted. The nonpartisan plan provides for the selection of judges based on merit rather than on political affiliation.

Under the Missouri Nonpartisan Court Plan, a nonpartisan judicial commission reviews applications, interviews candidates, and selects a judicial panel. The Commission is composed of attorneys, citizens, and one judge.

The circuit-level judicial selection commissions are composed of five members: two attorneys who are elected by members of the bar association and live in the circuit; two citizen members who are appointed by the governor; and the chief judge of the Court of Appeals for the circuit. Chief judges generally serve one- or two-year terms and are selected by the other judges on the Court of Appeals. The other four members of the commission serve six-year terms with varied expiration dates.

For vacancies in the Court of Appeals and Supreme Court, the appellate commission selects the nominees. This commission has seven members. Three are attorneys from each of the appellate districts (Eastern, Western, and Southern) elected by bar members from their respective districts, and three are citizen members, one from

each district, selected by the governor. These six individuals serve six-year terms with staggered expiration dates. The seventh member of this commission is the chief justice of the Missouri Supreme Court. This position generally rotates every two years.

With any vacancy, the appropriate commission reviews applications of lawyers who wish to join the court and interviews the applicants. It then submits the names of three qualified candidates – called the “panel” of candidates – to the Missouri governor. Typically, the governor will interview the three candidates and review their backgrounds before selecting one to fill the vacancy. If the governor does not appoint one of the three panelists within 60 days of the submission, the commission selects one of the three panelists to fill the vacancy.

The nonpartisan plan also gives voters a chance to have a say in the retention of judges selected under the plan. Once a judge has served for at least one year, that judge must stand for a retention election at the next general election. The judge’s name is placed on a separate judicial ballot, without political party designation, and voters decide whether to retain the judge based on his or her judicial record. A judge must receive a majority of votes cast to be retained for a full term of office. The purpose of this vote is to provide a citizen accountability mechanism of the nonpartisan plan to ensure quality judges.

Judges who are appointed through the non-partisan court plan serve terms ranging from four years to 12 years. The Missouri Constitution dictates that all judges retire by age 70. If a judge retires or resigns during or at the end of his/her term, a

vacancy is created, which will be filled using the Missouri Nonpartisan Court Plan.

**By Election:** In the remaining counties in the state, circuit judges are elected by the voters on a partisan ballot. These counties can adopt the non-partisan system if approved by a majority of voters in the county.

### **Judicial Independence**

Throughout American history, the independence of the judiciary has protected individual liberties and prevented a tyranny of the majority. Judicial independence assures that cases will be decided on their merits. Decisions are based on what is right and just under the law, not what is popular at the moment. Examples include extending voting rights, ending segregation, and protecting the average citizen from unwarranted government intrusion.

Judicial independence in a democracy means judges act impartially, without the undue influence of outside forces, and make just decisions. An independent judiciary upholds three critical values for a democratic society:

1. The rule of law: ensuring that every individual, regardless of social standing, enjoys the same protections and is subject to the same restrictions under the law, and that powerful people do not manipulate legal proceedings;
2. Constitutional integrity: preserving the ability of the Constitution to protect our freedoms and maintain order in our society by ensuring that one societal institution has the power to overturn laws and government actions that violate the Constitution; and
3. Enforcement of the law:

guaranteeing that legitimate laws will actually be enforced, not simply stated as theory.

Independent courts are an integral part of the American system of government. Under the Constitution's system of checks and balances (imposing a separation of powers of the three branches of government), one role of the courts is to restrain the legislative and the executive branches by ruling laws void when they violate the Constitution.

### **The Role of Attorneys**

The litigation process in the United States is referred to as an "adversarial" system because it relies on the opposing sides to present their disputes before a neutral fact-finder. According to American legal tradition, inherited from the English common law, the clash of adversaries before the court is most likely to allow the jury or judge to determine the truth and resolve the dispute at hand.

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.

It is not the duty of the attorney to win her client's case regardless of right or wrong. The highest duty of an attorney is to establish the truth and seek justice. Where the facts are not sufficient to establish a case, an attorney should advise the client as such. She must not allow her office of attorney-at-law to be used to further a fraud upon another person or upon the court. Such conduct constitutes grounds for censure or disbarment. All attorneys are officers of the court and are subject to such rules as the court may adopt. The

Supreme Court, for good cause, may revoke the license of an attorney.

An attorney is an advocate. It is the role of an attorney to represent her client zealously. The attorney must present to the court all evidence favorable to her client and must advise the court of the law that is applicable in the case. The work of collecting evidence and preparing to present it to the court is accomplished by the litigants and their attorneys. In this way, an attorney and client work in partnership in presenting the client's case to the jury or the judge.

The result in each case depends almost entirely upon the facts, circumstances, and events that gave rise to the legal problem. However, the knowledge, skill, and dedication of the attorney also may impact the outcome of a case. The attorney must first meet with her client to ascertain the facts and to determine the client's goals and objectives. 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 her with unknown evidence or facts. The attorney should interview all witnesses and note all relevant facts in the case. 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 her client on a course of action, keeping in mind the facts, the law, the likely outcome, and the client's goals and objectives. Within ethical bounds, the wishes of an attorney must take a back seat to the wishes of the client.

In preparing for trial, the attorney will need to make an outline of her opening statement, prepare her questions for direct examination and cross-examination, prepare proposed jury instructions, and make an outline of her closing argument.

Simple questions on direct examination will elicit clear answers from the witness and enable the attorney to retain control of the witness throughout the examination. The facts should be brought out in detail, guiding the witness from one fact to another until the story is told (*i.e.* what happened, what was said, what was done). This method will lessen the danger of violating the rules of evidence and prevent opposing counsel — upon objection to improper examination — from having the court strike out part of the testimony.

Only licensed attorneys may practice law, although any citizen may represent herself in a case to which she is a party. This is called *pro se* representation.

**Any citizen of ALA MGS is eligible to become an attorney provided she attends the School of Law and passes the bar examination.**

### **The Jury System in Missouri**

A jury is a group of people summoned and sworn to decide the facts in issue at a trial. The jury is composed of people who represent a cross-section of the community. The jury listens to the evidence during a trial, decides what facts the evidence has established, and draws inferences from those facts to form the basis for their decision. The jury decides whether a defendant is “guilty” or “not guilty” in criminal cases and “liable” or “not liable” in civil cases. When cases are tried before a jury, the judge still has a major role in determining what evidence may be considered by the jury. The jury is the fact-finder, but the jury is left to “find” facts only from evidence that is legally admissible. The judge instructs the jury on the legal principles or rules that must be followed in weighing the facts. If the jury finds the

accused guilty, it is up to the judge to sentence the defendant.

The type of jury that participates in the trial of civil and criminal cases is known as a petit jury. The purpose of a petit jury is to hear the evidence and decide the facts of the case. The petit jury typically consists of 12 persons. 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. The judge then will discharge the jury, and another jury may be impaneled to retry the case.

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. The jury then retires to the jury room where they select by a majority vote a foreman who leads the jury in its deliberations and reports the verdict to the court. When the jury retires, the court places it in the custody of the sheriff, and no one is allowed in its presence during deliberations. Once the jury has determined the facts, it then applies those facts to the law that the judge has instructed them is applicable. 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 the jury, which means that the sheriff must find suitable quarters for the jury and ensure that the members of the jury avoid all contact from other persons until a verdict is reached; if the court is satisfied the jury cannot arrive at a verdict, the judge will

discharge the jury members and another jury may be selected.

A grand jury is distinct from a petit jury. A grand jury's purpose is to investigate the violation of criminal laws and to inquire into the performance of public officials to see that they are properly performing their duties. A grand jury consists of at least 12 members, nine of whom must agree in order to act. A grand jury is summoned and instructed by the Circuit Court. It may make recommendations and reports to the Circuit Court. If nine of its members believe that a person has violated a criminal law, the grand jury may return an indictment charging that individual with a crime. A warrant will be issued to the sheriff and served as a legal process. A separate petit jury then will hear the case unless trial by jury is waived.

In Missouri, a juror must be at least 21 years of age; a resident of the county or city with jurisdiction over the case in question; not previously convicted of a felony unless his/her civil rights have been restored; and able to read, speak, and understand the English language. Women were not permitted to serve on Missouri juries until 1945.

### **Classification of Suits: Civil v. Criminal**

There are two kinds of cases over which courts have jurisdiction: civil and criminal.

**Civil:** A civil action allows a citizen to protect her rights, or to address wrongs committed against her by another citizen or an entity. Usually, the litigants are private individuals or businesses, but the government also can be a plaintiff or defendant.

In a civil suit, the plaintiff must prove her case by a "preponderance of the evidence." In other words, she must prove that it is "more likely than not" that her version of the facts is true. In numerical terms, 51 percent of the evidence is sufficient to tip the scale in her favor. This threshold by which a plaintiff must prove her case is called the "burden of proof."

The remedies for breaches of a person's legal rights or obligations can be in the form of monetary compensation, called "damages," and/or an order from the court either to do or to cease doing that which is unlawful, called an "injunction." Damages are a "legal remedy," while an injunction is an "equitable remedy."

Common types of civil cases include contracts and torts.

**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 must be between competent parties or the courts will not enforce it.

**Torts** - 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. There are two general classifications of torts — those that result from *intentional* acts (a voluntary act of someone in violation of her legal duties to others) and those that arise from *negligent* acts (a voluntary failure to act when the legal duty exists).

*Intentional vs. Unintentional:* An example of an intentional tort is assault or battery. In addition to possible criminal charges by the state against the offender, the individual victim could file a civil tort claim to recover monetary damages for her injuries. Another example of an intentional tort is defamation of character. Defamation in written form is called libel. Defamation in spoken form is called slander. The plaintiff must prove the statements are untrue for the matter to be actionable. Conversely, unintentional torts result from some form of negligence. For example, a shopkeeper could be found negligent for failing to maintain a safe entrance to the business premises. If a customer slips on a patch of ice and breaks her leg, the shopkeeper would be liable. Similarly, if a manufacturer makes a defective product that injures a consumer, then the manufacturer is liable.

*Causation:* 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, also must 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 consequence that one might reasonably expect to result from the commission of the voluntary act.

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. For example, if one who is struck in the face by a fist falls down, and, in falling, breaks her leg, the injury to the leg would be considered to be proximately caused by the blow to the face, even though, under normal circumstance this type of injury would not be a reasonable 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:* Damages are usually classified as special, general, and punitive. Special damages are actual, out-of-pocket expenses (e.g., medical bills). General damages are for pain, suffering, and the past, present, and 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 if 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 mitigate or lessen her damages. Failure to do so may result in a credit being given to the party required to pay damages.

**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. The state is always the prosecuting party. In other words, the plaintiff is always the government. The focus in a criminal suit is on protecting society while guaranteeing the defendant's constitutional rights. Because of the potential restrictions on the defendant's liberty if convicted, the burden of proof necessary to convict someone of a crime is heavier than the burden in civil cases. In criminal cases, the state must prove its case against the defendant "beyond a reasonable doubt."

*Penalties:* The penalty for violation of the law may be a fine and/or 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 for up to one year. A felony is a crime for which the penalty may be imprisonment in the penitentiary. The violation of a municipal ordinance in Missouri is not a crime since ordinances are not state laws, but rather are rules adopted by the governing body of a municipal corporation, which has been chartered by the state legislature.

### **Judicial Process**

In order to fulfill its function, a court must be able to notify a person that an action is pending against her, 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,” known as legal processes. There are many different kinds of processes, 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 herself. 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 herself or by a deputy. The act of carrying out the order is known as “serving” the process; after this is completed, the officer making a “return” reports it to the court. Although most legal processes must be served personally upon the person that the court is ordering to do something, some types of process may be mailed or left with a family member at the person’s residence.

### **Trial Procedure**

A trial is an adversarial 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 clients’ cases. 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 to the evidence, determine the truth of the dispute that exists between the parties. It then is the duty of the judge to decide what evidence offered is legally admissible for consideration by the jury, determine the law applicable to the case, and instruct the jury regarding the applicable law 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 her 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 adversarial nature of trial proceedings, one or all of the participants or spectators may say or do things that are improper. The judge should be alert for these occurrences to admonish the offender or call a recess, if necessary. As a last resort, the judge may punish the offender for contempt of court. Contempt of court is an offense against the state and not against the judge personally. If the improper act arouses the passion or prejudices of the jury such that it cannot render an unbiased verdict, then the judge should declare a mistrial, discharge the jury, and reset the case for a new trial. A new jury will be selected.

### **Judicial Disqualification**

The judge assigned to try a case may voluntarily “recuse” herself (*i.e.*, remove herself from the case) at any time before the commencement of the trial for any reason which makes her feel she will not be able to provide the parties with a fair and

impartial trial or if she believes that, by serving as a judge for the case, the public may reasonably doubt the judge's independence, integrity, or impartiality. Similarly, a party may move for a change of judge. In some cases, a party is entitled to one change of judge "as of right," meaning for no reason. In situations where a party believes a judge to be biased but the judge hasn't voluntarily recused herself, the party may move to disqualify the judge. Once the basis for the change of judge is established — whether by voluntary recusal, "as of right," or by proving bias so as to obtain disqualification — the judge will transfer the case to another judge who has the same kind of jurisdiction to sit in her place. If she is unable to find another available judge, she will request the Supreme Court to assign a judge specifically to hear the matter.

### **Change of Venue**

A change of venue may be requested by filing a motion, sworn under oath, stating 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 jurors from the jurisdiction could not render a fair and impartial verdict in the case. Each party is entitled to one change of venue. When it is granted, the entire case is transferred upon order of the court to another court that has the same jurisdiction.

### **Jury Trial vs. Bench Trial**

Every trial has a "finder of fact." The fact finder determines the credibility of the witnesses and other evidence presented during the trial. The fact finder may be a judge or a jury.

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 her desire known to the court.

In civil cases, the plaintiff and defendant are entitled to a jury trial if the action is one at law (*i.e.*, the plaintiff is requesting relief in the form of monetary damages) but not if it is equitable in nature and calls for equitable relief (*i.e.*, the plaintiff is requesting relief in the form of an injunction). The parties may waive their right to a jury trial by failing to appear, by oral or written consent, or by entering into bench trial without objection. In equitable actions, the judge may summon a jury, but the jury's 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.

When a right to a jury trial is exercised, the jury tries the questions of fact and the judge decides the questions of law. Where the parties are not entitled to a jury trial or where they have waived that right, the judge sits as the finder of fact. This is called a "bench trial."

### **Jury Selection**

Juries of six to 12 persons are selected from a jury pool. The jury pool is a group of citizens called at random from which the jury may be selected. The size of jury varies from state to state and depends to some extent on the type of case at trial. In civil cases, especially in courts of limited jurisdiction, the standard size is six. Alternate jurors are selected in some cases to take the place of jurors who may become ill during the trial. Alternate jurors hear the evidence just as the other jurors do, but they don't participate in the deliberations unless one replaces an original juror.

In many jurisdictions, jury selection begins when the court clerk calls 12 people on the jury list and asks them to take a place in the jury box. The judge usually makes a brief statement explaining what kind of case is to be tried and inquiring whether there is any reason the potential jurors cannot serve. The judge or the lawyers then ask the potential jurors questions as to whether they have any knowledge of the case or have had specific experiences that might cause them to be biased or unfair.

This questioning of the potential jurors is known as “*voir dire*.” If either lawyer believes there is information that suggests a juror is prejudiced about the case, he/she can ask the judge to dismiss that juror for cause. For example, a juror can be dismissed for cause if he/she is a close relative of one of the parties or one of the lawyers or if he/she works for a company that is part of the lawsuit. Each lawyer may request the dismissal of an unlimited number of jurors for cause. Each request will be considered by the judge, and the request may or may not be allowed.

In addition to challenges for cause, each lawyer has a specific number of peremptory challenges. A peremptory challenge permits a lawyer to excuse a potential juror without stating a reason. In effect, challenges allow a lawyer to dismiss a juror because of a belief that the juror will not serve the best interests of the client. Peremptory challenges are limited to a certain number determined by the kind of lawsuit being tried. Challenges cannot be used to discriminate on the basis of race or sex.

When both parties have agreed upon the members of the jury, the jurors are sworn

in by the court clerk. Those not selected are excused. Once the impaneling process has narrowed the jurors down to 12 members, the trial begins. Once impaneled, the jurors’ collective role is to listen to the evidence conscientiously and not draw premature conclusions. Jurors are instructed by the judge not to discuss the case with outsiders or each other until deliberations. Jurors generally do not have the right to ask questions of witnesses, but some judges permit jurors to submit written questions for the judge and lawyers to consider. If appropriate, the questions may be asked.

### **Civil Cases**

**Jurisdiction.** The plaintiff’s lawyer must decide where to file the case. A court has no authority to decide a case unless it has jurisdiction over the person or property involved. To have jurisdiction, a court must have authority over the subject matter of the case; the court must be able to exercise control over the defendant; or the property involved must be located in the area under the court’s control.

The extent of the court’s control over persons and property is set by law. Certain actions are transitory. They can be brought wherever the defendant may be found and served with a summons. Additionally, the jurisdiction must have sufficient contact with one of the parties and the incident that gave rise to the suit. An example would be a lawsuit against a business — it would probably be sufficient to file suit in any county in which the business has an operation and not necessary to file suit in the county where it is headquartered. Other actions — such as foreclosing on a piece of real property (*i.e.*, land) — are local. They can be brought only in the county where the subject of the suit is located.

**Rules of Procedure.** Every lawsuit is governed by rules of procedure. These rules set forth the steps and perimeters of the actions to be taken during the course of a lawsuit. The rules of procedure govern the content of legal documents and also set time limits for the filing of documents. Civil litigation is governed by the Rules of Civil Procedure. Criminal litigation is governed by the Rules of Criminal Procedure.

**Pleadings and Motions.** A lawsuit begins with what is known as the pleadings stage. Pleadings are certain formal documents filed with the court that state the parties' basic positions. Common pre-trial pleadings include:

- **Complaint (aka Petition):** A civil case is commenced when the plaintiff or her attorney files a complaint with the court. Courts do not initiate a civil case and will not attempt to decide a controversy until requested to do so by the parties. The complaint is probably the most important pleading in a civil case. By setting out the plaintiff's version of the facts and specifying the damages sought, it frames the issues of the case. It includes various "counts" — distinct statements of the plaintiff's cause of action — highlighting the factual and legal basis of the suit. The complaint should contain a plain, concise statement of material facts listed in numbered paragraphs. It also should indicate the cause of action upon which the case is based and should state the remedy sought by the plaintiff.
- **Summons:** A summons notifies the person against whom the action is brought (*i.e.*, the defendant) of

the lawsuit commenced against her. The court issues a summons, and the sheriff serves it on the defendant. The summons commands the defendant to appear in court at a certain time and make an answer to the action brought against her. If she does not obey the summons, the other party may be entitled to a default judgment. A default judgment entitles the plaintiff to whatever relief she requested in her petition. If the defendant appears and contests the allegations, then the case will be set for trial.

- **Answer:** The defendant is required to file a pleading in response to plaintiff's petition, either affirming or denying the plaintiff's allegations. This statement by the defendant usually explains why the plaintiff should not prevail. The defendant may file a general denial stating that nothing contained in the petition is true. Alternatively, the defendant may indicate part of the petition is true, but not all of it; therefore, the plaintiff is not entitled to relief. The answer also may contain a statement that, even if the events contained in the petition are true, there are other reasons why plaintiff is not entitled to relief, and may offer additional facts or plead a legal excuse or defense. This type of statement is known as an affirmative defense and must be pled by the defendant in her answer.
- **Counterclaim:** The defendant also may file his/her own claim against the plaintiff which may have arisen out of the same transaction or occurrence as the plaintiff's petition. This pleading is known as a "counterclaim," and it allows the court to

determine all controversies or disputes that may exist between the parties in the same lawsuit. A counterclaim asserts the plaintiff has injured the defendant in some way and should pay damages. It may be filed separately or as part of the answer. If a counterclaim is filed, the plaintiff must be given the opportunity to respond by filing a reply.

- **Reply:** Any party in the case may have to file a reply, which is an answer to new allegations raised in pleadings.

**Motions:** Motions are not pleadings. Instead, motions are requests for the judge to make a legal ruling. A motion filed prior to trial 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 usually a motion attacks the jurisdiction, venue, service of process, or pleading 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 may dismiss the action. Some of the most common pre-trial motions include:

- *Motion to Discover.* In this motion, one party seeks to gain information from the adverse party.
- *Motion to Dismiss.* This motion asks the court to dismiss the lawsuit because the suit doesn't have a legally sound basis, even if all the facts alleged are proven true.
- *Motion for Summary Judgment.* This motion asks the court for a judgment on the merits of the case before the trial. It is properly made where there is no dispute about the facts and only a question of law

needs to be decided. The trial court is the arbiter of all questions of law.

Motions also may be made during and after trial. During the trial, motions may be made and usually are directed to the suppression of evidence or the release of a party from the case as not liable. After trial the party that is not successful usually files a motion for a new trial. Such motions tend to focus on errors the court may have made in the law, errors the jury may have made in finding of the facts, or misconduct of the participants in the trial which deprived the parties of a fair trial. Thus, the motion argues that in the interest of justice, a new trial is needed.

**Discovery:** After a petition has been filed in a civil action, the parties involved in the lawsuit are entitled to use the legal process to compel the opposite party to disclose certain information regarding the merits of her case. This legal process is called discovery. It is the formal process of exchanging information between the parties about the witnesses and evidence they will present at trial. Discovery enables the parties to know before the trial begins what evidence may be presented. It is designed to prevent "trial by ambush," where one side does not learn of the other side's evidence or witnesses until the trial, when there is no time to obtain answering evidence.

Methods of discovery include:

- **Subpoena:** A subpoena is a written order issued by a court compelling a person to testify or produce certain physical evidence such as records.
- **Depositions:** One of the most common methods of discovery is

to take depositions. A deposition may be used at trial or in preparation for trial. A deposition entails the issuance of a subpoena upon any person involved in the case compelling her to appear at an out-of-court meeting at a certain time and place where the parties and attorneys for both sides may be present to pose questions to the witness. Usually, depositions consist of an oral examination followed by cross-examination by the opposing side. The testimony of the witness is recorded verbatim under oath and may later be used in court. It may be in the form of a written transcript, a videotape, or both. In most states, either of the parties may take the deposition of the other party or of any other witness. Depositions enable a party to know in advance what a witness will say at the trial. Often a witness's deposition will be taken by the opposing side and used to discredit the witness's testimony at trial if the trial testimony varies from the testimony taken during the deposition. A lawyer might ask a witness at trial, "Are you lying now or were you lying then?" Depositions also can be taken to obtain the testimony of important witnesses who cannot appear during the trial. In that case, the witness's deposition testimony is read into evidence at the trial.

- **Interrogatories:** Either party may submit written questions, called interrogatories, to the other party and require that they be answered in writing under oath. If one party chooses to use an

interrogatory, detailed written questions are sent to the lawyer representing the other side; and that party has a period of time in which to answer.

Other methods of discovery include:

- A request for the production of documents, which is designed to obtain certain papers, books, records, photos, recordings, or other documents relevant to the case for the other party's inspection;
- Having the other side submit to a physical examination; or
- Asking that a document be submitted for examination to determine if it is genuine.

**Opening Statement:** Opening statements are the first part of a trial. Their purpose is to describe the case to the jury. During opening statements, the lawyers for each side present the basic facts they intend to prove with evidence later in the trial, but they cannot make purely argumentative remarks, which are reserved for the end of the trial. The party with the burden of proof — *i.e.*, the plaintiff in civil cases or the government in criminal cases — makes the first opening statement, followed by the defendant. In some states, the defense may reserve its opening statement until the end of the plaintiff's or government's case. Either lawyer may choose not to present an opening statement.

**Presentation of Evidence:** The heart of a case is the presentation of evidence. Through the presentation of evidence, each side attempts to convince the jury of the validity of his/her position. The plaintiff presents her evidence, after which the defendant presents his/her evidence. Evidence must be limited to things relevant to

the legal issues before the court; evidence that is not directly relevant to the case is not admissible.

Evidence may include documents, pictures, objects, and testimony by the parties or witnesses. Papers or articles presented to the court are marked as exhibits; they are numbered for identification and are made available for inspection by the opposing side. Once they are admitted into evidence by the court, they are made available for inspection by the jury.

There are two types of evidence — direct and circumstantial. Direct evidence usually is that which speaks for itself: eyewitness accounts, a confession, or a weapon. Circumstantial evidence usually is that which suggests a fact by implication or inference: the appearance of the scene of a crime, testimony that suggests a connection or link with a crime, or physical evidence that suggests criminal activity. Both kinds of evidence are a part of most trials, with circumstantial evidence probably being used more often than direct. Either kind of evidence may be offered in oral testimony of witnesses or physical exhibits, including fingerprints, test results, and documents.

#### Examination of Witnesses

One of the most common means of presenting evidence is through the calling of witnesses. Witnesses may appear voluntarily to testify or may be served with a subpoena commanding them to appear at the trial.

Direct Examination: The party calling the witness brings out the testimony desired through what is known as “direct examination.” Direct examination may elicit both direct and circumstantial evidence. Witnesses may testify to matters of fact; and in limited instances, they

may provide opinions. They also may be called to identify documents, pictures, or other items introduced into evidence.

Generally, witnesses cannot state opinions or give conclusions unless they are experts or are specifically qualified to do so. Witnesses qualified in a particular field, as expert witnesses, may give their opinions based on the facts in evidence and may give the reason for those opinions.

Lawyers generally may not ask leading questions of their own witnesses. Leading questions are questions that suggest the answers desired, in effect prompting the witness. An example is, “Isn’t it true that you saw John waiting across the street before his wife came home?”

Cross Examination: Following direct examination of a witness, the other party then cross-examines the witness by asking questions pertaining to the evidence brought out on direct examination. Unlike direct examination, leading questions are allowed – and encouraged – during cross examination, since the purpose of cross examination is to test the credibility of statements made during direct examination. Another reason for allowing leading questions is that the witness is usually being questioned by the lawyer who did not originally call her; therefore, it is likely that the witness will resist any suggestion that is not true.

On cross examination, the attorney might try to question the witness’s

ability to identify or recollect or try to “impeach” the witness or the evidence. “Impeach,” in this sense, means to question or reduce the credibility of the witness or evidence. The attorney might do this by trying to show prejudice or bias in the witness, such as her relationship or friendship with one of the parties, or her interest in the outcome of the case. Witnesses may be asked if they have been convicted of a felony or a crime involving moral turpitude (dishonesty) since this is relevant to their credibility.

Following direct and cross examination of a witness, the lawyers may wish to re-direct or re-cross if necessary to clarify earlier testimony. After the plaintiff’s witnesses all have been questioned in this manner, the defendant calls her witnesses to be questioned.

### Objections

Objections are made orally before the court during a hearing on a motion or during the trial of the case. Objections 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 should state her reasons and what, if any, relief she expects from the court. The most common objection 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, inaudible to the jury, so that the judge may hear arguments and reach a decision. At this

time, the party seeking to have evidence admitted may make an “offer of proof,” which is a statement of what she intends to prove by the witness concerning the evidence over which the objection has been made. Sometimes, the evidence to which has been objected will be tied together by the testimony of other witnesses or competent evidence, and the court may rule that it is admissible on this condition.

**Burden of Proof:** The burden of proof is on the party making the claim. In most cases, the burden will be on the plaintiff. However, if the defendant has an affirmative defense, the defendant will have the burden of proof on that matter. The 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 by the failing party. Once credible evidence has been presented on an issue, the opposing party must present impeaching or contradictory evidence to disprove the claim.

**Instructing the Jury:** After all the evidence has been presented and before the parties make their closing arguments, the judge instructs the jury about the relevant law that should guide its deliberations. In giving the instructions, the judge will state the issues in the case and define any terms or words that may not be familiar to the jurors. He/she will discuss the standard of proof that jurors should apply to the case — “beyond a reasonable doubt” in a criminal case or “preponderance of the evidence” in a civil case. The judge may read sections of applicable laws. The judge will advise the jury that it alone determines the facts and the credibility of witnesses. He/she will instruct the jurors to

base their conclusions on the evidence as presented in the trial and will clarify that the opening and closing arguments of the lawyers are not evidence. Sometimes, judges will explain what basic facts are in dispute and what facts do not matter to the case.

Additionally, the judge will point out that his/her instructions contain the interpretation of the relevant laws that govern the case and that jurors are required to adhere to these laws in making their decisions, regardless of what the jurors believe the law is or ought to be. In short, the jurors determine the facts and reach a verdict within the guidelines of the law as determined by the judge.

In Missouri, “patterned instructions” exist for some causes of action. These are standard instructions used in all cases of a similar nature. The jury may take the written instructions into the jury room with them during the deliberations.

**Closing Arguments:** The purpose of closing arguments, also called “summations,” is for each party to summarize the evidence and draw inferences supporting her side of the case. The lawyers cannot talk about issues outside the case or about evidence that was not presented. In their closing arguments, the lawyers refer to the jury instructions and relate them to the evidence.

The plaintiff’s attorney gives her closing argument first, summarizing and commenting on the evidence in the most favorable light for her side, tying the evidence to the jury instructions and explaining why she should prevail.

The defendant’s attorney then summarizes the defendant’s position in a similar fashion, answering statements made in the plaintiff’s argument, pointing out defects

in the plaintiff’s case, and summarizing the facts favorable to her client.

Because the plaintiff has the burden of proof, the lawyer for that side then is entitled to make a concluding argument, sometimes called a rebuttal. This is a chance to respond to the defendant’s points and to make one final appeal to the jury.

### **Jury Deliberations**

After receiving the instructions and hearing the final arguments, the jury retires to the jury room to begin deliberating. In most states, the first order of business is to elect one of the jurors as the foreperson or presiding juror. This person’s role is to preside over discussions and votes of the jurors, and often to deliver the verdict.

In some states, the jury may take the exhibits introduced into the record and the judge’s instructions to the jury room. Sometimes, the jury will have a question about the evidence or the judge’s instructions. If this happens, the jury will send a note to the judge. The judge may respond to the note or may call the jury back into the courtroom for further instructions or to have portions of the transcript read to them. Of course, any communication between the judge and jury should be in the presence of the lawyers for each side or with their knowledge.

If the jury cannot come to a decision by the end of the day, the jurors may be sequestered (housed in a hotel and secluded from all contact with other people, newspapers, and media outlets). In most cases, though, the jury will be allowed to go home at night. The judge will instruct jurors not to read or view reports of the case in the news, or consider or discuss the case while outside of the jury room.

**Verdict and Judgment:** It takes a vote of nine of the 12 jurors to render a verdict against the defendant in a civil case heard in a Missouri court.

Usually, the court provides the jury with written forms of all possible verdicts. Therefore, when a decision is reached, the jury only needs to choose the proper verdict form. After the jury has rendered its verdict and established the amount of damages due either party, the judge will enter a judgment in favor of the prevailing party.

If the jurors cannot agree on a verdict, a hung jury results, leading to a mistrial. The case is not decided, and it may be tried again at a later date before a new jury. However, the plaintiff may decide not to pursue the case further, in which event there is no subsequent trial and the matter is complete.

**Post-trial Motions and Appeals:** After judgment is rendered, the losing party may file a motion for a new trial or may appeal the case for a review of the legal issues by the appellate court.

Post-trial Motions: The most common post-judgment motions are the following:

- A motion for judgment notwithstanding the verdict may be made after the jury's decision is announced but before a judgment is entered. This motion asks the judge to enter a judgment for the losing party despite the decision of the jury.
- A motion for a new trial asks for a new trial to be granted based on errors committed by the judge during the trial. In some states, the losing party must make a motion for a new trial before filing an appeal.

Appeals:

A popular misconception is that cases are always appealed. A losing party does not always have an automatic right of appeal. There must be a legal basis for the appeal — an alleged material error in the trial — not just the fact that the losing party did not like the verdict. In a civil case, either party may appeal to a higher court.

An appeal is not a retrial or a new trial of the case. Appellate courts usually do not consider new witnesses or new evidence. Appeals in either civil or criminal cases are based on arguments that there were errors in the trial's procedure or errors in the judge's interpretation of the law. In order to have such an error reviewed by an appellate court, the appealing party must have "preserved" the issue during the trial, usually by objecting to the error when it occurred during the trial.

The party appealing is called the appellant. The other party is the respondent. The appeal is instituted with the filing of a notice of appeal. This filing marks the beginning of the time period within which the appellant must file a brief (*i.e.*, a written argument containing that side's view of the facts and the legal arguments upon which they rely in seeking a reversal of the trial court). The respondent then has a specified time to file an answering brief. The appellant then may file a second brief that replies to the respondent's brief. Sometimes, appellate courts make their decisions only on the basis of the written briefs. Other times, they hear oral arguments by the parties before deciding a case. Often the court will ask that the case be set for oral argument, or one of the parties will request oral argument.

At oral argument, each side's attorney is given a relatively brief opportunity to argue the case to the court and to answer questions posed by the judges. In the

United States Supreme Court, for example, an hour is set for oral argument of most cases, which gives each side's lawyer about half an hour to make his/her oral argument and answer questions. In the federal courts of appeals, the attorneys often are allotted less time. Ten- to 15-minute arguments are common.

The appellate court determines whether errors occurred in applying the law at the lower court level. It generally will reverse a trial court ruling only for an error of law. Not every error of law, however, is cause for a reversal. Some are harmless errors that did not prejudice the rights of the parties to a fair trial. However, an error of law, such as admitting improper evidence, may be determined to be harmful and, therefore, reversible error.

After a case is orally argued or otherwise presented for judgment, the appellate court judges will meet in conference to discuss the case. Appellate courts often issue written decisions, particularly when the decision deals with a new interpretation of the law. These written decisions are called opinions. At the conference, one judge will be designated to write an opinion. The opinion may go through several drafts before a majority of the court agrees with it. Judges disagreeing with the majority opinion may issue a dissenting opinion; judges agreeing with the result of a majority decision but disagreeing with the majority's reasoning may file a concurring opinion. Occasionally, the appellate court will simply issue an unsigned opinion. These are called *per curiam*, meaning "by the court." If the appellate court affirms the trial court's judgment, the case ends unless the losing party appeals to a higher court. The trial court's decision also stands if the appellate court simply dismisses the appeal. If the judgment is reversed, the appellate court usually will send the case back to the trial court and

order the trial court to take further action. This type of reversal is called a "remand." The appellate court may order the following:

- a new trial be held;
- the trial court's judgment be modified or corrected; or
- the trial court reconsider the facts, take additional evidence, or consider the case in light of a recent decision by the appellate court.

In a civil case, an appeal doesn't ordinarily prevent the enforcement of the trial court's judgment. The winning party in the trial court may order the judgment executed. However, the appealing party can file an appeal or bond. The filing of this bond will prevent, or "stay," further action on the judgment until the appeal is over by guaranteeing that the appealing party will pay or perform the judgment if it is not reversed on appeal.

### **Criminal Cases**

The process of a criminal case is somewhat different from that of a civil case.

**Arrest:** An arrest is made by an actual restraint of a person or by her submission to the custody of an officer under authority of a warrant or otherwise. An officer must inform the person arrested by what authority the officer acts and show the warrant, if the person requests. An officer may make an arrest when she has "probable cause" to believe the person arrested has committed the offense. For an officer to have probable cause to make an arrest, she must have a good-faith belief that the person she is arresting has committed a crime and the officer 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; some courts would

exclude from evidence anything obtained as a result of the arrest including any statements made by the person arrested while 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 that a certain person has committed acts which constitute the violation of a state law. It is filed in Circuit Court before the Associate Circuit Judge. An information, which is the formal charge, also may 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 her to take physical custody of the person and bring the person 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 generally is the same as in civil cases.

**Criminal Answer:** The defendant typically files no formal written answer in a criminal case. When she is brought before the court by the sheriff or other law enforcement officer under the warrant issued by the court, the defendant is advised of the nature of the complaint or information and asked how she pleads. This stage of the process is known as the “arraignment.” The defendant then orally enters a plea of guilty, 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. 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 her intent. Misdemeanor crimes usually only require a general intent, which may be inferred from the fact the act was done or the offense occurred.

**Discovery:** After a complaint or information in a criminal action is filed, the parties involved in the case are entitled to use the legal process to compel the opposite party to disclose certain information available to her concerning the charges brought against the defendant. Forms of discovery in criminal cases are similar to those used in civil cases.

**Trial:** The basic sequence of a trial (*e.g.*, opening statements, presentation of evidence by the plaintiff/government followed by defense, closing arguments) follows a similar format to that used in civil suits except that there are more constitutional guarantees afforded the defendant in a criminal suit.

**Burden of Proof:** The state must prove its case against the defendant “beyond a reasonable doubt.” The accused is

presumed innocent and is under no duty to prove she is innocent. The accused is entitled to remain silent and present no evidence; the court and jury are not allowed to draw any inferences from this silence. As a practical matter, the defendant may find it advisable to try to prove her innocence at the trial, but she is under no legal obligation to do so.

**Motions:** Motions may be made at any time before, during, or after the trial is completed. They typically are in writing, except that during the course of the trial some motions may be made orally. The typical motions in a criminal case are Motions to Suppress Evidence, Motions for a Mistrial, and Motions to Vacate a Sentence.

**Verdict:** A unanimous jury verdict is necessary to convict a person of a crime.

**Punishment:** If the person is found guilty and probation is not granted, then 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/she has been confined a sufficient length of time to satisfy the fine. If the sentence is confinement, then a commitment is issued to the person in charge of the county jail or state penitentiary setting forth the length of time the person is to be confined.

**Post-Trial Motions and Appeal:** If a defendant loses, he/she may appeal the decision or the severity of the punishment. There are more constitutional bases and motions available for the criminal defendant to challenge the decision than are available to the typical civil litigant. When a defendant appeals his/her case from circuit court to the appellate courts,

the Attorney General represents the state's interest in affirming the conviction.

### **Courts at Missouri Girls State**

The judicial power of ALA MGS as set forth in Article IX of the ALA MGS Constitution shall be vested in one Supreme Court, the Circuit Courts, the Associate Circuit Courts, and the Municipal Courts. The jurisdictional power of a given court to hear a case or controversy is limited in subject matter and geography. Judicial circuits correspond with counties at ALA MGS. Court personnel include judges, clerks, court reporters, and bailiffs.

**Supreme Court:** The Supreme Court of ALA Missouri Girls State shall consist of seven judges selected via the ALA MGS Non-Partisan Court Plan. The Commission is composed of three citizens attending School of Law, three citizens appointed by the Governor, and the returning Chief Justice of the Supreme Court of ALA MGS. Each citizen seeking a position on ALA MGS Supreme Court must complete an application. Twenty-one semi-finalists will be selected from those applications. The 21 semi-finalists will be interviewed by the Commission. The Commission will select seven panels of two applicants to nominate to the Governor. The Governor will interview the 14 finalists and select seven to serve as judges of the Supreme Court of ALA MGS. Upon their appointment, the seven judges of the ALA MGS Supreme Court shall choose any citizen to serve as the Court's clerk to keep the files and records of the court, and shall choose a citizen attending the School of Law Enforcement to serve as the marshal for the ALA MGS Supreme Court while the court is in session. While serving in their respective roles, neither the clerk nor the marshal shall have any leadership position within her party, and

neither shall hold any elected office. The Chief Justice will be appointed by the Governor-Elect.

**Circuit Courts:** Each county shall constitute a Judicial Circuit at ALA MGS. Each Judicial Circuit shall have one Presiding Circuit Judge and two Associate Circuit Judges, each elected by the voters within that circuit (county). Circuit Judges and Associate Circuit Judges are limited to hearing matters that arise within their circuits unless appointed by the ALA MGS Supreme Court to hear a case outside her circuit.

It shall be the duty of the Clerk of the Circuit Court to keep the files and records of the court and to call the court into session at the beginning of a case. She shall arrange the docket of cases, giving notice of the time and place for holding court trials and hearings. The Sheriff's office is charged with the responsibility of serving writs, warrants, and subpoenas. The Sheriff also is responsible for the arrest and safekeeping of persons charged with misdemeanors and felonies. There shall be a deputy sheriff present at all sessions of court to preserve order.

**Municipal Courts:** There shall be a Municipal Court in each MGS city. A municipal judge shall be elected at MGS within

each city at the regular election of city officers. A municipal judge only may act upon matters occurring within the physical area of the city (venue) and concerning city ordinances.

#### **Attorney Positions at Missouri Girls State**

**Attorney General:** The ALA MGS Attorney General holds a state office; therefore, she is elected by the citizens of ALA MGS as a whole. The duties of the Attorney General are described in detail in Chapter 6.

**Prosecuting Attorney:** There shall be a Prosecuting Attorney in each ALA MGS county who shall be elected by the citizens of that county. The duties of the Prosecuting Attorney are contained in Chapter 9.

**Public Defender:** There shall be a Public Defender in each county of ALA MGS who shall be appointed by the Commissioner of that county. The duties of the Public Defender are set forth in Chapter 9.

**City Attorney:** There shall be a City Attorney in each ALA MGS city who is appointed by the Mayor of said city with the advice and consent of the City Council. The duties of the City Attorney are set forth in Chapter 10.

## Glossary of Legal Terms

---

### A

**acquittal** - A trial verdict that indicates the defendant in a criminal case has been found not guilty of the crime charged, beyond a reasonable doubt.

**action** - A legal dispute brought to court for trial and settlement (see also case, lawsuit).

**adjudication** - Giving or pronouncing a judgment or decree; also the judgment given.

**admissible** - Evidence that can be legally introduced in court.

**adversary system** - The system of trial practice in the U.S. and some other countries in which each of the opposing or adversarial parties has full opportunity to present and establish its contentions before the court.

**affidavit** - A written statement of fact given voluntarily and under oath. For example, in criminal cases, affidavits often are used by police officers seeking to convince courts to grant a warrant to make an arrest or a search. In civil cases, affidavits of witnesses often are used to support motions for summary judgment.

**affirmative defense** - Without denying the charge, the defendant raises extenuating or mitigating circumstances such as insanity, self-defense, or entrapment to avoid civil or criminal responsibility. The defendant must prove any affirmative defense she raises.

**allegation** - The assertion, declaration, or statement of a party to an action, made in a pleading, setting out what she expects to prove.

**alimony** - A court-ordered payment for the support of one's estranged spouse in the case of divorce or separation.

**answer** - A pleading by which a defendant resists or otherwise responds to the plaintiff's allegation of facts.

**appeal** - A request by the losing party in a lawsuit for higher court review of a lower court decision.

**appearance** - The formal proceeding by which a defendant submits himself/herself to the jurisdiction of the court.

**appellant** - The party appealing a decision or judgment to a higher court.

**appellate court** - A court having jurisdiction to review the judgments of a "trial court."

**arraignment** - The proceeding in criminal cases where an accused individual is brought before a judge to hear the charges filed against her, and to file a plea of guilty, not guilty, or no contest. Also called an initial appearance.

**arrest** - To take into custody by legal authority.

**attorney-at-law** - A lawyer licensed to provide legal advice and to prepare, manage, and try cases.

### B

**bail** - Security given for the release of a criminal defendant or witness from legal custody (usually in the form of money) to secure his or her appearance on the day and time appointed (also called bail bond).

**bailiff** - A court attendant whose duties are to keep order in the courtroom and to have custody of the jury.

**bench trial** - A trial heard by a judge without a jury.

**bench warrant** - Order issued by a judge for the arrest of an individual.

**binding instruction** - An instruction in which a jury is told that if it finds certain conditions to be true, it must decide in favor of the plaintiff, or defendant, as the case might be.

**breach of contract** - A legally inexcusable failure to perform a contractual obligation.

**brief** - A written statement prepared by each side in a lawsuit to explain to the court its view of the facts in a case and the applicable law.

**burden of proof** - The standard by which a case is decided. In criminal cases, the prosecutor must prove her case "beyond a reasonable doubt." In civil cases, the plaintiff must prove her case by a "preponderance of evidence," or, in some cases, by "clear and convincing" evidence.

## C

**calendar** - The clerk of the court's list of cases with dates and times set for hearings, trials, or arguments.

**calling the docket** - The public calling of the docket or list of cases, for the purpose of setting a time for trial or entering orders.

**caption** - The heading or introductory clause on documents filed that shows the names of the parties, name of the court, number of the case, etc.

**case** - A legal dispute.

**case law** - Law based on published judicial decisions.

**cause** - A lawsuit, litigation, or legal action.

**cause of action** - Facts giving rise to a lawsuit.

**certiorari** - Order to a lower court to deliver the record of a case to an appellate court.

**challenge for cause** - The objection to the inclusion of a person on a jury for a stated reason. Attorneys can make this challenge as necessary during *voir dire*.

**change of venue** - Moving a trial to a new location, generally because pre-trial publicity has made it difficult to select an impartial jury.

**charge to the jury** - The judge's instructions to the jury concerning the law applicable to the case.

**circuit courts** - In Missouri, the name given to a trial court, the territorial jurisdiction of which may comprise several counties or districts. In the federal system, the courts of appeal beneath the U.S. Supreme Court.

**citation** - A reference to a source of legal authority. Also, a direction to appear in court, as when a defendant is cited into court, rather than arrested.

**civil actions** - Non-criminal cases in which one private individual or business sues another to protect, enforce, or redress private or civil rights.

**claim** - An assertion of a right to money or property made by the injured party that is suing.

**clear and convincing evidence** - A level of proof requiring the truth of the facts asserted to be highly probable.

**clerk of the court** - A court employee who is responsible for maintaining permanent records of all court proceedings and exhibits, and administering the oath to jurors and witnesses.

**common law** - Law arising from tradition and judicial decisions rather than laws passed by the legislature.

**common law action** - A case in which the issues are determined by common law legal principles established by courts and tradition, as opposed to statutes.

**comparative negligence** - A legal doctrine where the actions of both parties to a civil suit are compared to determine the liability of each to the other.

**complainant** - The individual who initiates a lawsuit; synonymous with "plaintiff."

**complaint (civil)** - Initial document filed by the plaintiff in a civil case stating the claims against the defendant.

**complaint (criminal)** - A formal accusation charging that a person has committed an offense.

**conditional release** - A release from custody, without the payment of bail, which imposes regulations on the activities and associations of the defendant.

**consideration** - Something of value given in return for another's performance or promise of performance; generally required to make a promise binding and to make agreement of parties enforceable as a contract. Consideration may be either executed or executory, express or implied.

**contempt of court** - Any act calculated to embarrass, hinder, or obstruct a court. Contempts are of two kinds: direct and indirect. Direct contempts are those committed in the immediate presence of the court; indirect is the term mostly used with reference to the failure or refusal to obey a court order. Any party found in contempt of court normally receives sanctions.

**continuance** - The postponement of a proceeding to a later date.

**contract** - A legally enforceable agreement between two or more competent parties made either orally or in writing.

**contributory negligence** - Legal doctrine that says a plaintiff cannot recover damages in a civil action for negligence if the plaintiff also was negligent.

**conviction** - A trial verdict or judgment that a criminal defendant is guilty of a crime.

**corroborating evidence** - Supplementary evidence that supports the initial evidence.

**counsel** - Legal advice; also a term used to refer to lawyers in a case.

**counterclaim** - A claim by a defendant in a civil case that the plaintiff has injured her.

**court costs** - The expenses in addition to legal fees of prosecuting or defending a lawsuit.

**court of last resort** - The final court that decides a case on appeal (for example, the Supreme Court of the United States or the Supreme Court of Missouri).

**courts of record** - Courts whose proceedings are recorded permanently and that have the power to fine or imprison for contempt.

**court reporter** - A person who records, transcribes, or stenographically takes down testimony, motions, orders, and other proceedings during trials, hearings, and other court proceedings.

**criminal case** - Case brought by the government against an individual accused of committing a crime.

**cross-examination** - Questioning of a witness by an attorney for the side against which the witness testified.

## D

**damages** - Monetary compensation that may be recovered in the courts by any person who has suffered loss, detriment, or injury to his/her person, property, or rights through the unlawful act or negligence of another.

**decision** - The judgment reached or given by a court of law.

**declaratory judgment** - A judgment that declares the rights of the parties or expresses the opinion of the court on a question of law, without ordering anything to be done.

**decree** - A decision or order of the court. A final decree is one that finally disposes of the litigation; an interlocutory decree is a provisional or preliminary decree that is not final.

**defamation** - That which tends to injure a person's reputation. Libel is published defamation, whereas slander is spoken.

**default** - Occurs when a defendant does not file the proper response within the time allowed or fails to appear at the trial.

**defendant** - In a civil case, the defendant is the person against whom the lawsuit is brought. In a criminal case, the defendant is the person accused of committing the crime.

**deliberation** - The process by which a jury reaches a verdict at the close of a trial.

**de novo** - Latin for anew or afresh. A "trial de novo" is the retrial of a case. A "de novo" standard of review permits an appellate court to substitute its judgment for that of a trial judge.

**deposition** - An oral statement made before an officer authorized by law to administer oaths. Before trial, such statements are often taken to examine potential witnesses and to obtain information.

**direct examination** - The first interrogation of a witness by the party on whose behalf he/she is called.

**directed verdict** - An instruction by the judge to the jury to return a specific verdict because one of the parties failed to meet its burden of proof.

**discovery** - The pre-trial process by which each party ascertains evidence the other party will rely upon at trial.

**dismissal** - A court order terminating a case. May be voluntary (at the request of the parties) or involuntary.

**dissent** - A term commonly used to denote the disagreement of one or more judges of a court with the decision of the majority.

**district attorney** - A state government lawyer who prosecutes criminal cases. Also referred to as a prosecutor.

**district courts** - U.S. district courts are trial courts. State district courts often are trial courts of general jurisdiction.

**docket** - A log containing brief descriptions of court proceedings and filings of legal documents in a case.

**domicile** - The place where a person has his/her true and permanent home. A person may have several residences but only one domicile.

**double jeopardy** - The common-law and constitutional prohibition against more than one prosecution for the same crime, transaction, or omission.

**due process** - United States law in its regular course of administration through the courts. The constitutional guarantee of due process requires that everyone receive such constitutional protections as a fair trial and assistance of counsel; also assures the rights to remain silent, to a speedy and public trial, to an impartial jury, and to confront and secure witnesses.

**duress** - Refers to conduct that has the effect of compelling another person to do what she would not otherwise do. It is a recognized defense to any act, such as a crime, contractual breach, or tort, all of which must be voluntary to create liability or responsibility.

## E

**en banc** - All the judges of an appellate court sitting together to hear oral to decide the case.

**enjoin** - To require a person, through the issuance of an injunction, to perform or to abstain from some specific act.

**equal protection of the law** - Guarantee of the Fourteenth Amendment of the U.S. Constitution that all persons receive equal treatment under the law.

**equitable action** - An action that may be brought for the purpose of restraining the threatened infliction of wrongs or injuries and the prevention of threatened illegal action. An action seeking an injunction is an equitable action.

**estate** - Applies to all that a person owns. An estate consists of personal property (car, household items, and other tangible items), real property, and intangible property, such as stock certificates and bank accounts, owned in the individual name of a person.

**evidence** - Any form of proof presented by a party for the purpose of supporting its factual allegations or arguments before the court.

**exclusionary rule** - A judge-made rule that prevents unconstitutionally obtained evidence from being used in court to build a case against a criminal defendant.

**execute** - To complete the legal requirements (such as signing before witnesses) that make a will valid. Also, to execute a judgment or decree means to put the final judgment of the court into effect.

**exemplary damages** - An order to pay money as a form of punishment or deterrence from future error that has caused legal injury; also known as punitive damages.

**exhibit** - A paper, document, or other article produced and exhibited to a judge or jury during a trial or hearing.

**ex parte** - By or for one party; done for, on behalf of, or on the application of one party only.

**ex post facto** - After the fact. The Constitution prohibits the enactment of ex post facto laws — laws that make punishable as a crime an act done before the passing of the law.

**expungement** - The official and formal elimination of part of a record.

**extradition** - The process by which one jurisdiction (state or nation) surrenders to another jurisdiction a person accused or convicted of a crime in the other state.

## F

**felony** - A serious criminal offense punishable by more than one year of imprisonment in state penitentiary.

**fiduciary** - A person having a legal relationship of trust and confidence to another and having a duty to act primarily for the other's benefit; for example, a guardian, trustee, or executor.

**finding** - A formal conclusion by a trial judge or jury regarding the facts of a case.

**first appearance** - The initial appearance of an arrested person before a judge to determine whether or not there is probable cause for his or her arrest. Generally, the person comes before a judge within hours of the arrest. Also called initial appearance.

## G

**garnishment** - A legal proceeding in which a debtor's money, in the possession of another (called the garnishee), is applied to the debts of the debtor, such as when a creditor garnishes a debtor's wages.

**grand jury** - A group of citizens assembled in secret to hear or investigate allegations of criminal behavior. A grand jury has authority to conduct criminal investigations and to charge a crime through an indictment.

**guardian** - A person appointed by will or by law to assume responsibility for incompetent adults or minor children. If a parent dies, this will usually be the other parent. If both die, it probably will be a close relative.

**guardianship** - Legal right given to a person to be responsible for the food, housing, health care, and other necessities of a person deemed incapable or providing these necessities for himself or herself. Also may include financial affairs, and thus perform additionally as a conservator.

## H

**harmless error** - In appellate practice, an error committed by a trial court during a trial but not harmful to the rights of the party so that the court will not reverse the judgment.

**hearing** - Any form of judicial, quasi-judicial, or legislative proceeding at which issues are heard or testimony is taken.

**hearing on the merits** - A hearing before a court on the legal questions at issue, as opposed to procedural questions.

**hearsay** - An out-of-court statement offered to prove the truth of the matter asserted. Hearsay is not admissible as evidence in court unless an exception applies.

**holding** - The legal conclusion or principle that provides the basis for a court's judgment.

**holographic will** - A handwritten will.

**hostile witness** - A witness who is subject to cross examination by the party who called her to testify because of her evident antagonism toward that party as exhibited in her direct examination.

**hung jury** - A jury that is unable to reach a unanimous verdict.

## I

**immunity** - A grant by the court against prosecution in return for providing criminal evidence against another person or party.

**impeachment of witness** - An attack on the credibility of a witness by the testimony of other witnesses or other evidence.

**implied contract** - Not explicitly written or stated; determined by deduction from known facts or from the circumstances or conduct of the parties.

**inadmissible** - Evidence that cannot under the rules of evidence be admitted in court.

**in camera** - In chambers or in private. A hearing or inspection of documents that takes place outside the presence of the jury and public.

**indictment** - The formal charge issued by a grand jury stating that there is enough evidence that the defendant committed the crime to justify having a trial; it is used primarily for felonies.

**indigent** - Meeting certain standards of poverty, thereby qualifying a criminal defendant for representation by a public defender.

**inferior court** - Courts of limited jurisdiction.

**in forma pauperis** - In the manner of a pauper. Permission given to a person to sue without payment of court fees on claim of indigence or poverty.

**information** - A formal accusation by a prosecutor that the defendant committed a crime. An information is an alternative to an indictment as a means of charging a criminal.

**infraction** - A violation of law not punishable by imprisonment. Minor traffic offenses generally are considered infractions.

**injunction** - An order of the court prohibiting (or compelling) the performance of a specific act to prevent irreparable damage or injury.

**instructions** - Judge's explanation to the jury before it begins deliberations of the questions it must answer. Judge's instructions include information about law governing the case.

**intangible assets** - Non-physical items such as stock certificates, bonds, bank accounts, and pension benefits that have value and must be considered in estate planning.

**interlocutory** - Provisional; temporary; not final. Refers to orders and decrees of a court.

**interrogatories** - Written questions asked by one party of an opposing party, who then must answer them in writing under oath; a discovery device in a lawsuit.

**intervention** - A proceeding in a lawsuit in which a third person is permitted by the court to make him or herself a party.

**intestate** - Dying without a will.

**intestate succession** - The process by which the property of a person who has died without a will passes on to others according to the state's descent and distribution statutes.

**issue** - The disputed point in a disagreement between parties in a lawsuit.

## J

**joint tenancy** - A form of legal co-ownership of property (also known as survivorship). At the death of one co-owner, the surviving co-owner becomes sole owner of the property.

**judgment** - The final disposition of a lawsuit.

**judgment notwithstanding the verdict** - A judge's decision to rule in a case contrary to the jury's verdict.

**judicial review** - The authority of a court to review the official actions of other branches of government. Also, the authority to declare unconstitutional the actions of other branches.

**jurisdiction** - The power, right, or authority to apply the law. A court's authority to hear cases.

**jury** - A certain number of persons, usually selected from lists of registered voters or licensed drivers, sworn to inquire of certain matters of fact and declare the truth upon evidence laid before them during a trial.

**jury panel** - A list of prospective jurors to serve in a particular court, or for the trial of a particular action; denotes either the whole body of persons summoned as jurors for a particular term of court or those the clerk selects by lot.

**justiciable claim** - A claim that is capable of being resolved in the courts.

**juvenile court** - A division of the circuit court specifically established to hear cases concerning minors.

## L

**lawsuit** - A legal action started by a plaintiff against a defendant based on a complaint that the defendant failed to perform a legal duty, resulting in harm to the plaintiff.

**leading question** - A question that instructs a witness how to answer or suggests which answer is desired. These questions usually are prohibited on direct examination.

**liable** - Legally responsible.

**libel** - Published words or pictures that falsely and maliciously defame a person, that is, injure her reputation. Libel is published defamation; slander is spoken.

**lien** - A legal claim against another person's property as security for a debt. A lien does not convey ownership of the property but gives the lienholder a right to have her debt satisfied out of the proceeds of the property if the debt is not otherwise paid.

**limitation (statute of)** - A certain time allowed by statute in which litigation must be brought.

**liquidated damages** - A form of money payment in an amount specified in advance by a contract or agreement as the sum to be paid if terms were violated.

**litigant** - Individual bringing a lawsuit. Participants (plaintiffs and defendants) in lawsuits are called litigants.

**litigation** - A case, controversy, or lawsuit.

**long-arm statute** - State laws that give a court jurisdiction to try civil cases in which persons from other states have been sued. Long-arm statutes commonly are employed to allow a local court to exercise jurisdiction over out-of-state motorists who cause automobile accidents within the state.

## M

**magistrate judges** - Judicial officers who assist U.S. district judges in getting cases ready for trial; they may decide some criminal and civil trials when both parties agree to have the case heard by a magistrate judge instead of a federal district judge.

**mandate** - A judicial command directing the proper officer to enforce a judgment, sentence, or decree.

**manslaughter** - The unlawful killing of another without premeditation, either voluntary — upon a sudden impulse; for example, a quarrel erupts into a fistfight in which one of the participants is killed; or involuntary — during the commission of an unlawful act not ordinarily expected to result in great bodily harm or during the commission of a lawful act without proper caution; for example, driving an automobile at excessive speed resulting in a fatal collision.

**memoranda of law** - Formal written arguments in support of a motion filed in a case.

**merits** - Issues of legal substance at stake in a case, as opposed to procedural considerations.

**Miranda warning** - The warning police must give suspects regarding their constitutional rights to remain silent and their rights to an attorney.

**misdemeanor** - Less serious criminal offense, punishable by imprisonment in the county jail for a term of one year or less.

**mistrial** - An erroneous or invalid trial; a trial that cannot stand in law because of lack of jurisdiction, incorrect procedure with respect to jury selection, or disregard of some other fundamental requisite; an invalid trial because of the inability of a jury to reach a verdict.

**motion to dismiss** - A formal request for the court to dismiss a complaint because of insufficiency of evidence or because the law does not recognize the injury or harm claimed.

**municipal courts** - In the judicial organization of some states, courts whose territorial authority is confined to a city or community.

**murder** - The unlawful killing of a human being with malice aforethought (deliberate intent to kill). Murder in

the first degree is characterized by premeditation; murder in the second degree is characterized by a sudden and instantaneous intent to kill or to cause injury without caring whether the injury kills or not.

## N

**negligence** - Failure to exercise ordinary care.

**nolo contendere** - No contest. Has the same effect as a plea of guilty, as far as the criminal sentence is concerned, but may not be considered as an admission of guilt for any other purpose.

**notice** - A formal notification to a party that a lawsuit has been initiated.

**notice to produce** - A notice in writing requiring the opposite party to yield a certain described paper or document in advance or at the trial.

## O

**objection** - The act of taking exception to some statement or procedure in trial. Used to call the court's attention to improper evidence or procedure.

**objection overruled** - A judge's rejection of an objection as invalid.

**objection sustained** - Support or agree with an objection. Used by the judge to indicate agreement with a motion or request.

**offer** - An act of willingness to enter into a purchase agreement that justifies to another person an understanding that his assent to that purchase agreement is invited and will establish a contract.

**opinion** - A written explanation of a decision of a trial court or of the decision of a majority of judges of an appellate court. At the appellate level, a dissenting opinion disagrees with the majority opinion because of the reasoning and/or principles of law on which the decision is based. A concurring opinion agrees with the decision of the court but offers further comment as to the reasoning supporting the court's conclusion.

**oral argument** - An opportunity for lawyers to summarize their positions before the court and also to answer the judge's questions.

**order** - A command from the court directing or forbidding an action.

**original jurisdiction** - A court's authority to hear a case in the first instance.

## P

**parole** - The supervised, conditional release of a prisoner.

**parties** - The persons who actively are involved with the prosecution or defense of a legal proceeding. Plaintiffs and defendants are parties to lawsuits; appellants and appellees are parties in appeals. (They also may be known as petitioners and respondents.)

**peremptory challenge** - A motion to reject a juror for an unspecified race- and gender-neutral reason. Only may be used a limited number of times.

**perjury** - The criminal offense of making a false statement under oath.

**personal property** - Tangible physical property (such as cars, clothing, furniture, and jewelry) and intangible personal property, but not real property — that is, not land or rights in land.

**petit jury** - The 12 (or fewer) jurors selected to sit in the trial of a civil or criminal case.

**petitioner** - Person filing an action or appealing from a lower court's judgment.

**plaintiff** - A person who brings an action; the party who complains or sues in a personal action and is so named on the record; the person who files the complaint in a civil lawsuit.

**plea** - The defendant's declaration of guilty or not guilty in response to the criminal charges contained in the information or indictment.

**plea bargain** - The process by which an accused person agrees to plead guilty to some of the charges in return for the government's promise to drop some of the charges.

**pleadings** - Written statements of fact and law filed by the parties to a lawsuit, comprised of complaints, answers, and replies.

**polling the jury** - A practice whereby the jurors are asked individually whether they agreed, and still agree, to the verdict.

**precedent** - Previously decided case that guides future decisions.

**prejudicial error** - Synonymous with “reversible error;” an error that warrants the appellate court in reversing the judgment before it.

**preliminary hearing** - Criminal hearing at which a judge determines whether sufficient evidence exists to warrant trying an individual charged with a crime.

**preponderance of evidence** - More likely than not. The burden of proof in most civil cases.

**presumption** - A rule of law that courts and judges will draw a particular inference from a particular fact, or from particular evidence.

**pre-trial conference** - A meeting in which attorneys for both sides meet the judge in advance of the trial to seek to clarify or narrow the issues.

**prima facie case** - The minimum amount of evidence a plaintiff must produce to overcome a motion to dismiss.

**probable cause** - Reasonable belief that an individual has committed a crime.

**probate court** - The court with authority to supervise estate administration.

**probate estate** - Estate property that may be disposed of by a will.

**probation** - A sentencing alternative to imprisonment in which the court releases convicted defendants under supervision as long as certain conditions are observed.

**pro se** - A Latin term meaning “on one’s own behalf;” in courts, it refers to persons who present their own cases without lawyers.

**prosecutor** - Government lawyer who tries criminal cases.

**public defender** - Lawyer employed by the government to represent individuals accused of crimes who cannot afford to hire their own attorneys.

**puffing** - A statement of belief not meant as fact; a seller’s extravagant statements to enhance her wares and induce others to buy the product. Salesmanship talk, characterized as puffing, cannot be the basis of a charge of fraud or express warranty since the buyer is said to have no right to rely on sales talk.

## Q

**quash** - To overthrow; vacate; to annul or void a summons or indictment.

## R

**real property** - Land, buildings, and other improvements affixed to land.

**reasonable doubt** - Uncertainty that might exist in the mind of a reasonable person applying reason to the evidence introduced.

**rebuttal** - The introduction of contrary evidence; the showing that statements of witnesses as to what occurred is not true; the stage of a trial at which such evidence may be introduced.

**record** - A written account of all the acts, proceedings, and testimony in a lawsuit.

**redirect examination** - Follows cross-examination and is exercised by the party who called first and questioned the witness.

**reliance** - Confidence or dependence upon what is deemed sufficient authority such as a warranty that provides a written guarantee of the integrity of a product.

**remand** - When an appellate court sends a case back to a lower court for further proceedings.

**removal, order of** - An order by a court directing the transfer of a case to another court.

**reply** - A pleading in response to an answer.

**repossession** - To take back — as in a seizure or foreclosure — to satisfy the obligation to the seller, bank, or finance company after the debtor defaults on his/her payments.

**rest** - A party is said to “rest” or “rest its case” when it has presented all the evidence it intends to offer.

**reverse** - When an appellate court sets aside the decision of a lower court because of an error; a reversal is often accompanied by a remand.

**revoke** - To cancel or nullify a legal document.

**rule of court** - An order made by a court having jurisdiction. Rules of court are either general or special: the former are the regulations by which the practice of the court is governed; the latter are special orders made in particular cases.

**rule to show cause** - A court order obtained on motion by either party to demonstrate why the particular relief sought should not be granted. Generally, used in connection with contempt proceedings.

## S

**search warrant** - A written order issued by a judge that directs a law enforcement officer to search a specific area for a particular piece of evidence.

**sentence** - The punishment ordered by a court for a defendant convicted of a crime.

**separation of witnesses** - An order of the court requiring all witnesses to remain outside the courtroom until each is called to testify, except the plaintiff or defendant.

**sequester** - To separate. Sometimes, juries are sequestered from outside influences during their deliberations.

**serve** - To deliver a legal document, such as a complaint, summons, or subpoena. "Service" constitutes formal legal notice.

**settlement** - Agreement resolving a dispute between parties in a lawsuit without trial; settlements often involve the payment of compensation by one party in satisfaction of the other party's claims.

**sheriff** - An officer of a county, often chosen by popular election, whose principal duties are to aid the courts. The sheriff serves processes, summons juries, executes judgments, and holds judicial sales.

**sidebar conference** - Confidential discussion between judge and attorneys to resolve legal matters, which could be prejudicial if aired before the jury.

**slander** - False and defamatory spoken words tending to harm another's reputation, business, or means of livelihood. Slander is spoken defamation; libel is published.

**small claims court** - A court that handles civil claims for small amounts of money. People often represent themselves rather than hire an attorney.

**special appearance** - Notice of the party that has been sued that he/she is aware of the lawsuit but contests the court's authority over himself/herself. This prevents a defendant from losing a case by default.

**special damages** - A form of compensatory damages ordered paid when the injury done resulted from the other side's wrong but was not a natural or necessary consequence.

**specific performance** - Where damages would be inadequate compensation for the breach of a contract, the party who breached the contract will be compelled to perform specifically what she originally agreed to do.

**standing** - The legal right to sue or enter a lawsuit on a particular matter.

**stare decisis** - The doctrine that once a court has laid down a principle of law as applicable to a certain set of facts, it will adhere to that principle and apply it to future cases where the facts substantially are the same.

**statute** - Law enacted by legislatures or executive officers, such as codes.

**statute of limitations** - A law that sets the time within which parties must act to enforce their rights.

**stay** - A suspending of a judicial proceeding by order of the court.

**stipulation** - An agreement by attorneys on opposite sides of a case as to any matter pertaining to the proceedings or trial. It is not binding unless agreed to by all parties.

**strike** - To remove improperly offered evidence from the court record.

**subpoena** - A document issued by the court to compel a witness to appear and give testimony or to procure documentary evidence in a proceeding.

**subpoena duces tecum** - A process by which the court commands a witness to produce certain documents or records in a trial.

**substantive law** - Law dealing with rights, duties, and liabilities, as distinguished from law that regulates procedure.

**suit in equity** - A civil case in which a court forbids or allows another person to take an action.

**summary judgment** - A court order that decides a case in favor of one side on the basis of affidavits or other evidence before the trial commences. It is used when there is no dispute as to the facts of the case and one party is entitled to judgment as a matter of law.

**summons** - Legal notice informing an individual of a lawsuit along with the date and location of the court where the case will be heard.

## T

**temporary restraining order (TRO)** - Prohibits a person from an action that is likely to cause irreparable harm. This differs from an injunction in that it may be granted immediately, without notice to the opposing party, and without a hearing. It is intended to last only until a hearing can be held.

**testimony** - Evidence given by a competent witness, under oath, as distinguished from evidence derived from writings and other sources.

**third-party claim** - An action by the defendant that brings a third party into a lawsuit.

**title** - Legal ownership of property, usually real property or automobiles.

**tort** - A civil wrong or breach of a duty to another person, as outlined by law. A very common tort is negligent operation of a motor vehicle that results in property damage and personal injury in an automobile accident.

**transcript** - The official record of proceedings in a trial or hearing.

**transitory** - Actions are “transitory” when they might have taken place anywhere and are “local” when they could occur only in some particular place.

**trust** - A legal device used to manage property — real or personal — established by one person (the donor, grantor, or settlor) for the benefit of another (the beneficiary). A third person or the grantor manages the trust; this person is known as the trustee.

**trustee** - The person or institution that manages the property put in trust.

## U

**undue influence** - Influence of another that destroys the freedom of a testator or donor and creates a ground for nullifying a will or invalidating a future gift. The exercise of undue influence is suggested by excessive insistence, superiority of will or mind, the relationship of the parties, or pressure on the donor or testator by any other means to do what he/she is unable, practically, to refuse.

**unilateral mistake** - An act or omission arising from ignorance or misconception of a party to a contract, which may, depending upon its character or the circumstances surrounding it, justify repealing a contract.

## V

**venue** - The particular county, city, or geographical area in which a court with jurisdiction may hear and determine a case.

**verdict** - Formal decision made by a jury, read before a court and accepted by the judge.

**voir dire** - To speak the truth; process in which prospective jurors are questioned to determine whether they can perform their duties in an impartial manner.

## W

**waive** - To voluntarily give up a right or a claim.

**warranty** - A written or oral statement by one party to a contract that a fact is or will be as it is expressly declared or promised to be.

**weight of evidence** - The balance or preponderance of evidence; the inclination of the greater amount of credible evidence, offered in a trial, to support one side of the issue rather than the other.

**will** - A legal declaration that disposes of a person’s property when that person dies.

**with prejudice** - As applied to a judgment of dismissal, the term refers to the adjudication of a case on its merits, barring the right to bring or maintain another action on the same claim.

**without prejudice** - A dismissal “without prejudice” allows a new suit to be brought on the same cause of action.

**witness** - One who testifies under oath as to what he/she has seen, heard, or otherwise observed.

**writ** - An order issued from a court requiring the performance of a specified act, or giving authority and commission to have it done.

## CHAPTER 8 LAW ENFORCEMENT

---



### History of the Missouri State Highway Patrol

The Missouri State Highway Patrol was created in 1931. Initially, 55 men were hired as troopers. The first academy was conducted at the St. Louis Police Training Academy. The length of the training was six weeks. The first female troopers were hired in 1975. As of May 2022, there were 57 female troopers stationed statewide.

### Career Opportunities

- **Aircraft Division** – The aircraft division is responsible for coordinating, planning, and analyzing the traffic and patrol functions of the nine geographic troops.
- **Budget and Procurement Division** – The budget and procurement division is responsible for the annual operating budget, presenting requests, and ensuring that funding is spent appropriately.
- **Career Recruitment Division** – This division is responsible for seeking qualified individuals to serve in the MSHP.
- **Commercial Vehicle Enforcement Division** - This division is responsible for enforcing the laws, rules, and regulations for the state dealing with commercial vehicles.
- **Communications Division** - The Communications Division maintains and operates a 24-hour communications system located throughout the state.
- **Criminal Justice Information Services (CJIS) Division** - This division maintains the Automated Fingerprint Identification System, Computerized Criminal History System, and the Sex Offender Registry, which combined represent the Central Repository for all fingerprint-based criminal record information within the State of Missouri.
- **Driver Examination Division** - This division is responsible for overseeing the administration of driver's license exams.
- **Drug and Crime Control Division** - This division has two main responsibilities: investigate crimes and fight the war on drugs.
- **Gaming Division** - This division is responsible for regulating Missouri's gaming industry relating to riverboat gambling, bingo, and horse racing.
- **Governor's Security Division** - This division is responsible for the transportation, security, and protection of the Governor of Missouri and his immediate family.
- **Human Resources Division** - This division conducts the hiring procedures for the MSHP.
- **Missouri Information Analysis Center** - This division provides a public safety partnership, consisting of local, state, and federal

agencies that gather, analyze, and disseminate information and intelligence to the agencies tasked with homeland security responsibilities.

- **Motor Vehicle Inspection Division** - This division trains and tests inspectors/mechanics to ensure proper inspections.
- **Office of Community Engagement and Outreach** - This division focuses on building partnerships with Missourians, community groups, and organizations across the state that may not frequently interact with the MSHP.
- **Patrol Records Division** - This division serves as a data repository of statewide motor vehicle accident reports, convictions of alcohol and drug-related traffic offenses, and dispositions on MSHP traffic arrests.
- **Professional Standards Division** - This division ensures the integrity of the Patrol and its personnel through a comprehensive and objective process.
- **Research and Development Division** - This division is tasked with responsibilities to enhance and optimize organizational capabilities of the MSHP including managing and creating innovative approaches to align MSHP resources.
- **Training Division** - This division recommends curricula for recruits and in-service programs and conducts courses of instruction for civilian personnel.
- **Water Patrol Division** - This division is responsible for protection and service of Missouri waters through law enforcement and education.

### **Trooper Selection Process**

The initial trooper selection process for the MSHP consists of a written examination; physical fitness for duty assessment; polygraph examination; background investigation; and an oral interview board. Upon a conditional offer of employment, the trooper will receive a medical examination, a drug screening, and a psychological examination/interview. If a final offer of employment is made, the individual must complete a 26-week training course. The training academy is located in Jefferson City.

### **Basic Sources of Restrictions on Law Enforcement**

Federal restrictions on law enforcement can be found in the United States Constitution, specifically under the Fourth, Fifth, Sixth, and Eighth Amendments. Restrictions can also be found in judicial decisions, judicial rules, state statutes, agency regulations, law enforcement agencies' policies, and prosecutors' policies. State restrictions on law enforcement are similar to the federal restrictions; however, the states have a larger sphere of influence over their respective agencies. Missouri tends to follow the federal restrictions and does not place additional restrictions on its law enforcement agents.

### **Legal Aspects of Search and Seizure**

The Fourth Amendment of the United States Constitution states:

“The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

The Fourth Amendment does not apply to activity by a law enforcement agent unless the activity qualifies as a search or seizure. If the interaction between the police officer and the citizen is a consensual encounter, there has been no search or seizure.

The Fourth Amendment was incorporated by the states in Wolf v. Colorado, 338 U.S. 25 (1949). All state constitutions limit searches and seizures. Approximately one-half of the states follow the Fourth Amendment language closely; however, this does not mean the state interprets the language the same as the federal courts.

### **Encounters with Law Enforcement**

There are three types of encounters an individual may have with an officer. The first encounter would be a “non-stop,” or mere conversation. A “non-stop” does not require an officer to justify his/her focus of attention on one person. This encounter is not considered a seizure; therefore, no suspicion is needed by the officer.

The second encounter is a “stop.” More intrusive than a non-stop, the brief stopping of an individual by an officer that does not last long enough to constitute an arrest requires “reasonable suspicion” that criminal activity is taking or has taken place. The first case to allow a search and seizure when the officer had less than probable cause was Terry v. Ohio, 392 U.S. 1 (1968). Prior to Terry, “probable cause” was the sole standard for evaluating whether stops and searches were reasonable.

The third encounter an individual may have with an officer is an “arrest.” An arrest requires probable cause which is a higher standard than reasonable suspicion.

The courts apply an objective standard to determine whether a seizure exists. This objective standard is defined as “whether a reasonable person believed she was free to leave.” This is a difficult determination because not many people feel free to ignore a police officer’s command. Examples of circumstances that might indicate a seizure, even when the person did not attempt to leave, would include the threatening presence of several officers, the display of a weapon by an officer, some physical touching of the person, or the use of language or tone of voice indicating that compliance with the officer’s request might be compelled.

### **Reasonable Suspicion v. Probable Cause**

The Fourth Amendment requires some minimal level of objective justification for making a stop that is considerably less than proof of wrongdoing by a preponderance of the evidence. Probable cause has been defined as a fair probability that contraband or evidence of a crime will be found. The level of knowledge required for reasonable suspicion is less than probable cause.

The concepts of reasonable suspicion and probable cause cannot be reduced to a neat set of legal rules. The courts consider the totality of the circumstances, or in other words, they look at the whole picture. In Terry v. Ohio, 392 U.S. 1 (1968), the Court held that to justify the particular intrusion, the police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant an intrusion. “Articulable” means the officer has to be able to describe what the facts are and what they observed. Typically, these facts are observations of legal

activity. Police officers draw inferences from legal activities (*e.g.*, wearing a ski mask into the bank when it is 85 degrees outside is not illegal; walking the street at 5 a.m. is not a crime, but inferences can be drawn if crime occurred in that area around that time). A “hunch” is insufficient. In determining whether the officer acted reasonably in such circumstances, due weight must be given to the specific reasonable inferences which she is entitled to draw from the facts in light of his/her experience.

The suspicion for a stop must be based on information available to the officer at the time of the stop and cannot be bolstered by evidence secured by the stop. In State v. Dean, 645 A.2d 634 (Me. 1994), the officer was patrolling an area where incidents of vandalism had been occurring at 11 p.m. on a dead-end street. The officer stopped the individual based on a suspicion of vandalism. The court held that although a person’s mere presence in a high crime area does not justify an investigatory stop, the combination of the recent criminal activity with other articulable facts (*e.g.*, the time of day and the fact that the area was uninhabited) creates reasonable suspicion.

### **Reasonable Searches and Seizures**

**Probable Cause** – Probable cause for an arrest exists when the facts and circumstances within the officer’s knowledge and which she had reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution in the belief that an offense has been or is being committed. Probable cause is somewhere less than beyond a reasonable doubt but is greater than reasonable suspicion. Probable cause is slightly less than 50 percent, but Courts have refrained from making it a numerical figure.

**Plain View** – The courts generally have held that an individual does not have a reasonable expectation of privacy in those things that the individual exposes to plain view. In a plain view situation, the officer sees view takes place after an intrusion into activities or areas as to which there is a reasonable expectation of privacy. The officer already has intruded and, if her intrusion is justified, the objects in plain view, sighted inadvertently, will be admissible. Therefore, if an officer is engaged in a lawful intrusion and inadvertently observes evidence of a crime, the seizure of such evidence does not require any further constitutional protection.

Some states make a distinction between plain view and open view. If the state makes the distinction, “plain view” is a place where an officer is entitled to be, whereas “open view” is a place where anyone is entitled to be. The issue is whether the officer saw the item from a place where she has the right to be (*i.e.*, a place open to the public). If not, was it a place where the officer could legally be (*i.e.*, pursuant to a search warrant or performing community caretaker functions.)? If the item is in an unprotected area (*i.e.*, a pickup bed), an officer who has probable cause to believe it is contraband or evidence of a crime and its incriminating nature is immediately apparent, the item can be seized. If the item is in a protected area (*i.e.*, the inside of a house into which the officer is looking), a warrant or an applicable exception to the warrant requirement generally is required. Plain smell/hearing are also allowed, but the officer still has to be in a place where she is entitled to be.

**Flyovers** – In Florida v. Riley, 488 U.S. 445 (1989), the United States Supreme Court held that a flyover was not a search. The justification

for this holding was that the helicopter was flying in navigable air space; therefore, the officers were entitled to be there. Furthermore, the intrusion was minimal. No intimate details connected with the use of the home or curtilage were observed and there was no undue noise, and no wind, dust, or threat of injury. In Henderson v. People, 879 P.2d 383 (Colo. 1994), the Colorado Supreme Court found that marijuana plants in a greenhouse in the defendant's backyard were in plain view to anyone legally viewing the shed from the helicopter. It does not matter if no one had ever flown over this area before. The observation posed a very limited degree of intrusiveness. The Court, after examining the totality of the circumstances, held the defendant did not have a reasonable expectation of privacy for his marijuana; therefore, the flyover did not constitute a search.

**Sensory Enhancements** – If the officer is in a place where he/she can legally be, then he/she generally can use devices to enhance his/her sight and other senses (*i.e.*, flashlights). If, however, an officer uses a technological device to explore details of a home that would otherwise not be knowable without physically intruding into a home, the question becomes whether the technological device is in general public use. If the device is not in general public use, the surveillance is a search and presumptively unreasonable without a warrant. See Kyllo v. United States, 533 U.S. 27 (2001).

**Consent** – Most searches are conducted with consent. It often is asked, “Why would anyone consent to a search when they know there is illegal contraband present?” Reasons may include: the individual believed a consensual search would be more limited; he/she may have forgotten it was there; he/she may not have known it was there; the individual did not know he/she had a right to refuse; the individual believed there would be a lesser sentence down the road if he/she cooperated; and there is a strong tendency to agree to an authority figure's request. The search cannot exceed the scope of the consent.

The prosecutor has the burden of proving the consent was, in fact, given freely and voluntarily. The majority of courts adhere to a totality of the circumstances view in determining whether consent to a search was voluntary or was the product of duress or coercion. While knowledge of the right to refuse consent is one factor to be considered, the prosecution need not establish such knowledge to meet her burden of proof. An officer is not required to inform an individual of her right to refuse. Consent also can still occur even if the individual is intoxicated, has a diminished mental capacity, has recently been stopped while driving, or is in police custody.

Requirements for third-party consent to search require that the consent must be voluntary and the third party must have authority to give consent. Actual authority or apparent authority based upon joint access or control are acceptable. The objective standard for apparent authority is, “Would the facts available to the officer at the moment warrant a man of reasonable caution that the consenting party has authority over the premises?” Often, courts will allow a third party to consent contrary to explicit instructions of the true target;

however, some courts require the consenting party have at least as great a property interest as the target.

**Inventory** – During an inventory search (e.g., a vehicle being towed to the impound lot), the entire vehicle may be searched, including locked containers and the trunk. In order to be deemed acceptable, inventory searches must be conducted in accordance with the respective law enforcement agency’s policy.

**Open Field Doctrine** – “Curtilage” is the area immediately surrounding the home and, for the most part, is treated like the house. The area outside the home and its curtilage is called open fields, even if it is a forest, barn, or shed. Activity in barns is a hot dispute in Missouri because of methamphetamine. To determine whether property is curtilage, the factors include proximity of area to home, whether area is included within an enclosure surrounding the home, nature of the uses to which the area is put, and steps taken by the resident to protect the area from observation.

In Oliver v. United States, 466 U.S. 170 (1984), the United States Supreme Court has said a search of open fields is not a search. The Fourth Amendment does not apply to open fields. The rationale supporting this view is the Fourth Amendment language protects only persons, houses, papers, and effects from unreasonable searches and seizures.

Some states may look to see how extensive the steps a landowner has taken to exclude the public by erecting barriers to entry, such as fences or by posting signs (e.g., no trespassing, hiking, hunting, camping), rather than following the bright line rule under Oliver.

**Terry Stop and Frisk (Brief Stops and Limited Searches of Persons)** – In Terry v. Ohio, 392 U.S. 1 (1968), the officer had conducted a frisk, also known as a pat down, of the suspects’ outer clothing. The officer testified he only patted the suspects down to see whether they had weapons and that he did not put his hands beneath the outer garments of either suspect until he felt their weapons. The Supreme Court held that the frisk was justified based on the recognition there are some situations in which officers will be concerned for their safety. The Court in Terry established stops could be made on reasonable suspicion, which is less than probable cause. In allowing the stop and frisk, the court used a balancing test under an objective standard — would the facts available to the officer at the moment of the stop or the frisk warrant a man of reasonable caution to believe that the action taken was appropriate? This balancing test weighs the individual’s right to privacy versus the officer’s concern for his safety and the safety of others in the vicinity. Ultimately, the Court concluded there must be a narrowly drawn exception to permit a reasonable search for weapons for the protection of the police officer, where she has reason to believe that she is dealing with an armed and dangerous individual, regardless of whether she has probable cause to arrest the individual for a crime.

Frisks must be for weapons, not evidence. A Terry frisk, as opposed to a stop, is limited authority to look for weapons. Once the officer has determined there are no weapons, then the authority to frisk is over. Destruction of evidence is not justification for a Terry frisk.

The United States Supreme Court has allowed protective searches of the passenger compartment and any containers in it large

enough to hold a weapon, in conjunction with frisks of drivers outside cars. The officer must have a reasonable suspicion there may be weapons in the passenger compartment. An officer may frisk a purse, briefcase, or bag, but after confirming the absence of weapons, the officer cannot open it.

**Plain Feel Doctrine** – What should happen if during an authorized Terry frisk, the officer feels something that is not a weapon? If a police officer feels drugs or other contraband and instantly recognizes them while frisking for weapons, should he/she be allowed to seize them? Courts will allow officers to remove contraband if there is instant recognition. In Minnesota v. Dickerson, 508 U.S. 366 (1993), the Court concluded a narrowly drawn exception to the warrant requirement is appropriate when the requirements of Terry otherwise are complied with and the non-threatening contraband is immediately apparent from the sense of touch. This exception is known at the “Plain Feel Doctrine.”

**Searches Incident to Arrest** – Upon the custodial arrest of a person, a police officer can search the arrestee’s person, the arrestee's personal belongings that will be transported to a jail facility and the vehicle from which the arrestee was a recent occupant. The United States Supreme Court in Chimel v. California, 395 U.S. 752 (1969), held that an arresting officer may search the arrestee's person to discover and remove weapons and to seize evidence to prevent its concealment or destruction. The justification of the search of a vehicle incident to arrest must meet stricter

parameters. The United States Supreme Court in Arizona v. Gant, 556 U.S. 332 (2009), held that a police officer may search a vehicle incident to a recent occupant's arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search **or** if it is reasonable to believe the vehicle contains evidence of the offense for which the suspect was arrested. The search must be incident to custodial arrest. For instance, if a police officer merely issues a citation, there is no arrest for the search to be incident to.

**Warrants** – To obtain a warrant in Missouri, an officer must first provide some kind of sworn written statement. For a defendant to challenge a warrant, she must make more than a conclusory, preliminary showing that a critical portion of the affidavit is false (*i.e.*, falsity was due to officers knowing or intentional falsehood, or reckless disregard for truth) to be granted a hearing. The court will then look at the “four corners” of the warrant, meaning the prosecution only can defend the warrant with the information contained in the affidavit, regardless of whether other information was available to the officer at the time. However, the defendant is not held to this same standard and is not restricted to the affidavit.

The warrant also must contain a particular description of the place or location to be searched and the persons or things to be seized. Usually, a street address is sufficient to meet the particular description of the place to be searched. Items usually listed as to be seized include fruits, instrumentalities, and evidence of crime. Once the officer finds everything listed in the warrant, then his/her authority to search is over.

Finally, the magistrate granting the warrant must be neutral and detached. The United States Supreme Court requires severance and disengagement from activities of law enforcement. For instance, an Attorney General who supervised the investigation and would later prosecute the crime cannot issue the warrant. The magistrate would not be considered neutral if she becomes a member of the search party. The magistrate cannot earn fees for issuing warrants.

Execution of the warrant takes place when the officer carries out the warrant pursuant to its terms (*i.e.*, conducting the search). After execution, the officer must “return” the warrant, which involves reporting back about the search to the magistrate who issued the warrant. The time period for execution is usually 10 days for a federal warrant. The time of day for executing the warrant varies. Some state statutes or rules express daytime preference, but others do not. Some states require specific authorization for nighttime searches by the magistrate. In Missouri, the search may be made at night if making it during the day is not practicable.

Most jurisdictions require an officer to knock on the individual’s door, identify herself as a police officer, and explain the purpose for entry. Force cannot be used to enter until after entry is denied. The most common exception to the “knock-and-announce requirement” is substantial reason to believe notice would endanger officers or others or would allow destruction of evidence.

**Automobile Exception** – Due to the mobility of automobiles and the increased propensity for evidence to be lost or destroyed, automobiles may be searched with probable cause. A police officer does

not need a warrant to search an automobile. This exception does not apply to closed structures because mobility is less of an issue.

**Exigent Circumstances** – The most common exigent circumstances are: avoid loss of evidence by flushing down the toilet; fear the defendant will flee the jurisdiction; and safety of officers and others. A court will evaluate: whether exigent circumstances existed by looking at how much of a risk existed; to what extent did the officers create the exigency (*i.e.*, could officers have taken measures to make it a less exigent circumstance?); and how difficult would it have been for officers to get a warrant.

**Abandoned Property** – In California v. Greenwood, 486 U.S. 35 (1988), the United States Supreme Court held the Fourth Amendment did not apply to an officer sifting through trash set out on a curb due to the absence of a reasonable expectation of privacy in abandoned property. Basically, once an individual discards his/her trash, it is known that somebody is going to take it; therefore, you must no longer be trying to hide the information from the public. About one-half of the states agree with this position. A few state courts have found a reasonable expectation of privacy in discarded trash. Trash in the curtilage may be more protected than trash in an “open field” or placed by the curb.

### **Intrusive Body Searches**

This is one area where the legislature has placed additional restrictions on law enforcement activity. Section 544.193 of the Missouri Revised Statutes establishes certain restrictions on strip searches and body searches. According to section 544.193.2, “[n]o person arrested or detained for a traffic offense or an offense which does not

constitute a felony may be subject to a strip search or a body cavity search by any law enforcement officer or employee unless there is probable cause to believe that such person is concealing a weapon, evidence of the commission of a crime or contraband.” Section 544.193.3 states that “[a]ll strip searches and body cavity searches conducted by law enforcement officers or employees in this state shall be performed by persons of the same sex as the person being searched, and shall be conducted on the premises where the search cannot be observed by any person other than the persons physically conducting the search, except that nothing herein shall be interpreted to prohibit a readily available person from being present at the request and consent of the person being searched.” Pursuant to Section 544.193.4, “[a] body cavity search of any person detained or arrested for a traffic offense or an offense which does not constitute a felony may only be conducted pursuant to a duly executed warrant, under sanitary conditions and by a physician, registered nurse or practical nurse, licensed to practice in this state.” Pursuant to Section 544.193.5, “[e]very law enforcement officer or employee conducting a strip search or body cavity search shall: (1) obtain the written permission of the person in command of the law enforcement agency in which the strip search or body cavity search is to be conducted authorizing the search; and (2) prepare a written report regarding the strip search or body cavity search.”

### **Law Enforcement at ALA Missouri Girls State**

At ALA MGS, each city selects two troopers on Sunday. **All troopers selected for the ALA MGS Highway Patrol must attend the School of Law Enforcement.**

At ALA MGS, officers are required to follow the guidelines set forth by the United States Constitution, federal law, the Missouri Constitution, statutes and case law, and the law and guidelines set forth by Lindenwood University and the ALA MGS staff. The primary responsibilities of the ALA MGS Highway Patrol will be to protect the safety of the MGS citizens and staff, enforce the laws, conduct traffic stops, investigate any crimes, and appear and testify at any court proceedings involving an arrest or report made by the officer. Additional responsibilities will be assigned to MGS troopers throughout the week.

In addition to the troopers selected for the ALA MGS Highway Patrol, each county shall elect a sheriff. The sheriff is authorized hire three deputies. Each city manager shall appoint a police chief, and the police chief has the authority to hire additional city police officers, provided that the city council has provided a budget for the salaries of additional officers. **All sheriffs, deputies, police chiefs, and police officers must attend the School of Law Enforcement.**

## CHAPTER 9 COUNTY GOVERNMENT

---

### **Titles and Duties of Elected County Officials in Missouri**

Missouri has 114 counties and the city of Saint Louis, which is an independent city outside the area of any county and is considered by the United States Census Bureau to be a municipal government. For the most part, the county government serves as an extension of the state government, carrying out state policies and providing services on the local level.

The government structure of each county is somewhat unique, but most counties have the following elected county officials: Presiding Commissioner and two Associate County Commissioners (together, the three serve as the County Commission), Sheriff, County Clerk, Assessor, Collector, Treasurer, Recorder of Deeds, Prosecuting Attorney, Judges of the Circuit Court, and Clerk of the Circuit Court. These officials are elected to four-year terms; Associate Commissioners, however, are elected to two-year terms.

The County Commission serves as the county's legislative branch. The County Clerk, Sheriff, Assessor, Collector, Treasurer, and Recorder of Deeds conduct administrative functions. The Prosecuting Attorney, Judges of the Circuit Court, and Clerk of the Circuit Court are all part of the county's judicial system.

### **County Officials at ALA Missouri Girls State**

At ALA MGS, the following county officials are elected: County Commissioner and two Associate County Commissioners (the County Commission), Sheriff, County Clerk, Assessor, Collector, County Treasurer, Recorder of Deeds, Prosecuting Attorney, Judges of the Circuit Court, and Clerk of the Circuit Court.

ALA MGS **County Commissions**, which each consist of the **Presiding Commissioner** and the **two Associate Commissioners**, deal with county administrative problems. The duties of the ALA MGS County Commission are as follows:

- No later than 24 hours prior to the closing date of the session, the Commission shall submit to the ALA MGS Director a statement which shall contain recommendations concerning any phase of the program of ALA MGS which may be changed or improved in some manner.
- Adopt a county budget.
- Adopt ordinances (These are laws on the county level used to regulate behavior, create programs, etc.).

The duties of the ALA MGS **Sheriff** are as follows:

- She is the chief agent of law enforcement in the county.
- She is the custodian of the dormitory which houses citizens of her county and has charge of the equipment therein.
- She is responsible for the arrest and safe-keeping of persons charged with crimes or misdemeanors under laws of the state. She is the official jailer. In case a citizen is sentenced to a term in the penitentiary, she or one of her deputies shall be responsible

for said citizen's transportation to such building; and in connection therewith, the Sheriff will deliver with her a copy of the mittimus (written order from an officer of the court, such as a judge, directing the jailer to receive and safely keep a person charged with an offense). On the duplicate mittimus copy, the warden will sign her receipt for the person, giving the day and hour when received. The Sheriff must turn this completed paperwork to the Clerk of the Court.

- She is responsible for the deportment and general conduct of the citizens of her county and has the authority to arrest citizens of other counties at any time at ALA MGS when they are violating the law in her presence.
- She is the executive agent of the County Commission and the Circuit Court to serve writs, warrants, and subpoenas when called upon to do so. She or her deputy will act as bailiff in the Circuit Court, the County Commission, and the Municipal Courts; as bailiff, she is charged with keeping order, acting as the court's messenger, and preventing the escape of prisoners.
- **She must be enrolled in School of Law Enforcement.**

The duties of the ALA MGS **County Clerk** are as follows:

- She shall act as Clerk of the County Commission.
- She shall keep a complete record in her journal of the proceedings of any and all county commission meetings.
- She shall retain all county records.

The duties of the ALA MGS **Circuit Judge** and **Associate Circuit Judges** are as follows:

- She shall assume jurisdiction in all cases involving the violation of state laws and all other civil suits brought before her.
- She shall organize her court, fix a regular time and place for holding court, and require any county officer to enforce her decisions.
- She shall arrange for the docket and a calendar for her court.
- She shall hear and render decisions upon all cases which are properly brought before her.
- She shall issue all writs, warrants, and subpoenas in the performance of her judicial functions.
- She shall appoint a qualified Court Reporter to assist in the keeping of all records.
- **She must be enrolled in the School of Law and pass the bar examination.**

The duties of the ALA MGS **Clerk of the Circuit Court** are as follows:

- She shall arrange a docket and a calendar for the Judge of the Circuit Court.
- She shall keep a complete record of all cases before the court and of the decisions rendered.

The duties of the ALA MGS **Assessor** are as follows:

- She shall list and evaluate the real and personal property of citizens for the purpose of taxation as required by the law.
- She shall see that misplaced articles, which do not have any indication of ownership, are properly reported to lost and found.

- She shall assist the citizens of her county in reporting the loss of personal property.

The duties of the ALA MGS **County Collector** are as follows:

- She shall be responsible for collecting county taxes, from her two City Finance Directors, as prescribed by the law and keeping a record of all such taxes paid.
- Once all taxes are collected and totals are verified, she must turn all monies over to the County Treasurer.

The duties of the ALA MGS **County Treasurer** are as follows:

- She shall be accountable for all general property issued to the county, including such items as tables, folding chairs, bulletin boards, cleaning supplies, etc.
- She may place all tax monies in an interest-bearing account until monies are turned over to political subdivisions.

The duties of the ALA MGS **Recorder of Deeds** are as follows:

- She shall carefully transcribe all records filed with her.
- She shall record all campaign expenses for candidates and all other official papers filed with the Dean of Counselors.
- She is the official custodian in the county for all clerical supplies, including blank forms, bulletins, publications, etc.
- She shall issue all marriage licenses.

The duties of the ALA MGS **Prosecuting Attorney** are as follows:

- She shall investigate crimes either upon her own initiative or upon the complaint of citizens and may initiate the filing of criminal charges by filing information with the courts or by drawing up indictments and submitting them to a grand jury.
- She shall prosecute all citizens charged with the violation of state laws and county ordinances.
- She shall represent the county governing body in all civil suits to which any of its officers may be a party.
- She shall bring to trial any public official suspected of misconduct in office.
- **All candidates for the office of Prosecuting Attorney must attend the School of Law and pass the bar examination.**

*All County elected and appointed officials shall carry out their duties under the direction of the ALA MGS staff.*

### **Appointed County Officials**

Each of the elected county officials may appoint one or more assistants, subject to the approval of the County Commission, to assist with the duties of her office. An assistant may be relieved of her duties at any time by the official who recommended her appointment or by order of the County Commission. The assistants are as follows:

- **The Sheriff shall appoint three deputies:** one to act as bailiff of the County Commission, one to act as bailiff in the Circuit Court, and one to act as County Jailor.

- **The County Clerk shall appoint a Jury Commissioner** to keep list of jurywomen available for the jury service.
- **The County Collector shall appoint one deputy** as a general assistant.
- **The County Treasurer shall appoint one deputy** as a general assistant.
- **The Recorder of Deeds shall appoint one deputy** as a general assistant.
- **The Prosecuting Attorney shall appoint one assistant prosecutor who must be enrolled in the School of Law and pass the bar examination.**
- **The County Commission shall appoint a Public Defender.**
  - The duties of an ALA MGS Public Defender are as follows:
    - She shall provide legal representation to all ALA MGS citizens accused of violating the ALA MGS code of conduct or any ALA MGS law, rule, or ordinance.
    - She shall provide legal representation to any ALA MGS public official suspected of misconduct in office.
  - **The Public Defender shall appoint one assistant public defender.**
  - **Both the Public Defender and assistant public defender must be enrolled in the School of Law and pass the bar examination.**

*\* Additional appointed offices may be created, as necessary, through the passage of county ordinances by a majority of the County Commission.*

## CHAPTER 10 CITY GOVERNMENT

---

### **City Government in Missouri**

According to the U.S. Census Bureau in 2017, there are 944 municipal governments in Missouri. This does not include the variety of other local governments, such as county governments and school districts, which also exist. Municipal governments are organized in a variety of ways in Missouri. Each municipality is classified according to its population size and then is structured according to its classification. The details of the city's government structure are laid out in the city's charter, which is similar to the state and national governments' constitutions. There are four primary structures of municipal governments in Missouri — mayor-council, council-manager, commission, and board of trustees. City government officials either are elected or appointed. Due to reforms in the mid-1900s, most city elected officials are nominated and elected through non-partisan elections.

**Mayor-council:** The city council, which is elected by the voters of the city, has the traditional role and responsibilities of the city's legislature. It adopts ordinances and a budget for the city. The council may consist of four to 28 members. Members may be elected by a section of the city, called a "district" or "ward," or elected by the entire city and are called at-large members; the council may consist of ward members and at-large members. The mayor is the executive but has limited power. The mayor appoints some local government officials and presides over city council meetings; however, the mayor can only vote in the case of a tie. Most

moderate to large cities tend to have a mayor-council form of government.

**Council-manager:** The voters elect a city council which serves as the city's legislative body adopting ordinances and a budget. Municipal policy is implemented by a manager, who is hired by the city council. In many council-manager cities, the mayor is an elected member of city council chosen by the council to serve as its presiding officer. In some other council-manager cities, the mayor is directly elected as such by the voters and serves as the presiding officer. In a council-manager system, though, the mayor has no other real responsibility. Except for St. Louis and small communities, most people in Missouri live in council-manager cities.

**Commission:** The commission form of government, which was developed in the early 1900s, entails a unified legislative and executive branch. Each member of the city council or commission serves as the head of an administrative department otherwise known as a commissioner. Very few cities use this form of government.

**Board of Trustees:** Cities classified as "villages" (having a population of 500 or less) typically have a board of trustees system of government. The voters elect five to nine citizens to serve as members of a board. The board selects a chair from its members to preside. Together, the board adopts ordinances, approves a budget, and appoints necessary city officials.

### **City Government at ALA Missouri Girls State**

The cities of ALA MGS are organized in accordance with the council-manager form of government. All candidates for offices are nominated in city party caucuses. The city election is held, and all newly elected officials are given the oath of office. Until the county government begins to function, all local authority rests in the hands of city officials. Where there is an overlap of jurisdiction between the city and county government, the county official's authority is superior to that of a city official.

The elected officials and appointive officials under the Council-Manager form of city government at ALA MGS are as follows:

**Mayor:** The Mayor is the chief spokesperson for the city, represents the city to other levels of government. Her duties are as follows:

- Presides over all meetings of the City Council. (The order of business for a city meeting and an agenda for a city meeting are included in the Appendix.)
- Votes on all issues before the council.
- Appoints the following officials with the consent of City Council: City Clerk, City Attorney, Post Mistress, and Sanitation Director.
- Appoints any other assistants to the above appointive offices as required and recommended by the state or city council.
- Supervises the work of the city manager, city attorney, postmistress, and sanitation director; and holds them accountable for properly performing their duties.
- In case she finds the city is unable to handle a state of disorder, she shall be obligated to call upon the Governor for aid by the State Highway Patrol

**Municipal Judge:** The Municipal Judge hears all cases of misdemeanors and infractions of law pertaining to city ordinances. Her duties are as follows:

- Issues warrants of arrest upon complaint filed in proper form by a citizen, a counselor, or a staff member.
- Organizes the municipal court by establishing a regular time and place for holding its sessions and requires any peace officer within her jurisdiction to enforce her decisions.
- Hears and renders decisions with respect to any cases properly brought before the court.
- Appoint a clerk of the municipal court.
- **Must attend the School of Law and pass the bar examination.**

**City Council:** The City Council is the legislative body of the City. City Council duties are as follows:

- Enacts ordinances for the welfare of its citizens. (An example of a city ordinance is provided at the end of this chapter.)
- Appoints the city manager. (The mayor votes with the city council on appointment of the city manager.)
- Considers the city manager's recommendations regarding the budget, legislative measures, salaries, taxes, appointments, etc.

- Hears reports submitted by the city manager and other elective and appointed officers.
- Approves sources of revenue for the city.
- Adopts 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.
- Approves all expenditures made from city monies.
- Submits to the ALA MGS Director a statement which shall contain recommendations for change or improvement concerning the ALA MGS program no later than 24 hours before the final day of the session.
- Selects one of its members as Mayor Pro Tem who shall serve as Mayor during the absence or disability of the Mayor and in case of vacancy in the office of Mayor, pending selection of a successor.

The appointive officials for MGS cities include:

**City Manager:** The City Manager is appointed by the City Council. Her duties are as follows:

- Appoints, supervises, and removes the Police Chief, Fire Chief, Health Director, Finance Director, and other department heads not specifically listed under appointments by the Mayor.
- Proposes to the City Council a complete budget, including salaries for appointive positions and making taxing recommendations that may be required to fund city government.
- Executes all laws passed by the City Council.
- Recommends new, or changes to, city ordinances and city programs and services.
- Researches solutions to problems or issues in the city and makes recommendations to the city council.

**City Clerk:** The City Clerk, appointed by the Mayor with consent of the Council, is the official recordkeeper and chief budget officer of the city. Her duties are as follows:

- Attends all meetings of the City Council and keeps a record of the proceedings in the city journal.
- Prepares and submits a City Report to the ALA MGS Director containing the names of all elective and appointive officials of the city and all city ordinances, minutes of city council meetings, and city financial reports.
- Serves as the secretary to the City Counselor in general administrative procedures.

**Finance Director:** The City Finance Director, appointed by the City Manager, is the official custodian of the city's property and monies and is responsible for collecting all monies due to the city. Her duties are as follows:

- Maintains the financial records of the city.
- Requisitions and secures necessary property and supplies from the proper authorities.
- Issues all supplies to citizens upon proper instruction by the city manager or ordinance of the City Council.

- Keeps a record of all articles such as city signs, campaign materials, etc., that are to be returned to the city and is responsible for ensuring their prompt return when due.
- Collects city taxes.
- Keeps record of all city taxes.

**Health Director:** The Health Director is the head of the Department of Public Health and is appointed by the City Manager. Her duties are as follows:

- Preserves and promotes the health of the city.
- Assists counselors with bed checks to ensure citizens are adhering to lights out policies.
- Issues alerts to detect sickness or injuries among citizens and reports any findings to the city manager along with plans for addressing the sickness or injuries.
- Declares and abates nuisances, and uses such measures as may be necessary to avoid, suppress, or mitigate malignant, infectious, or contagious diseases.
- Appoints such inspectors as are necessary to assist her in her duties.

**Police Chief:** The Police Chief, appointed by the City Manager, is the principal agent for law enforcement in the City. The Police Chief is appointed by the City Manager with the consent of the City Council. Her duties are as follows:

- Ensures ordinances are observed and order is maintained.
- Hires and fires the City Police officers.
- Ensures city officers receive the proper training, instruction, and supervision.
- **Must attend the School of Law Enforcement.**

**Police** - The City Police not only enforce city ordinances and serve warrants and other papers of Municipal Courts, but are called on to enforce state laws. The City Police (generally 2-3) are appointed by the Chief of Police. Their duties are as follows:

- Responsible for maintaining order in the city.
- Serve municipal court papers and warrants.
- Act as bailiff for municipal court.
- **Must attend the School of Law Enforcement.**

**Fire Chief:** The Fire Chief is the head of the Department of Fire and is appointed by the City Manager with the consent of the City Council. Her duties are as follows:

- Organizes a staff of firefighters (generally 2-3) to assist her in fire prevention.
- Appoints and trains firefighters.
- Inspects the city for fire hazards.
- Maintains fire-fighting equipment in working condition.
- Organizes a volunteer fire department for emergency purposes.

**City Attorney:** The City Attorney is appointed by the Mayor with the consent of the City Council. She provides legal advice to the Mayor, City Council, City Manager, and other officers and departments of the municipal government. Her duties are as follows:

- Manages all litigation in which the city is a party, including representing and defending the city and its officers in all legal matters and proceedings.
- Acts as prosecutor before the municipal court of any citizen charged with the violation of city ordinance.
- **Must attend the School of Law and pass the bar examination.**

**Clerk of the Municipal Court:** The clerk is appointed by the Municipal Judge. Her duties are as follows:

- Arranges the court docket.
- Attends all sessions of the municipal court and keeps a record of its proceedings in the court journal.
- Acts as a clerical assistant to the Municipal Judge.

**Postmistress:** Appointed by the Mayor, with consent of the Council. Her responsibilities are as follows:

- Receives and distributes the citizens' mail for her city.
- Distributes the ALA MGS Gazette for her city.

**Sanitation Director:** Appointed by the Mayor, with consent of the Council, she is responsible for city cleanliness and Model City evaluations. Her duties include:

- Proposes sanitary regulations to the City Council and enforces any sanitary regulations/ordinances.
- Makes daily sanitary inspections of the city, including conditions of the rooms and bathrooms.
- Takes charge of the morning clean-up of rooms.
- May file complaints before the Municipal Judge and cause the arrest of any citizen failing to cooperate with sanitary regulations.

***All City elected and appointed officials shall carry out their duties under the direction of the ALA MGS staff.***

## **Examples of City Ordinances in Missouri:**

### **SECTION 335.095: AUTOMATED ENFORCEMENT OF TRAFFIC CONTROL SIGNAL REGULATIONS**

A. *Definitions.* As used in this Section, the following terms mean:

*AUTOMATED RED LIGHT ENFORCEMENT SYSTEM:* A system that consists of cameras and vehicle sensor or sensors installed to work in conjunction with an electrically operated traffic control signal; and that is capable of producing high resolution color digital recorded images that show:

1. The traffic control signal while it is emitting a steady red signal;
2. The offending vehicle;
3. The license plate of the offending vehicle; and
4. The operator of the vehicle.

All of these elements are required in a single recorded image from the same camera unit(s), which captured each of the images. One (1) of the images must be of sufficient resolution to clearly show all elements in either the first (1st) image captured immediately prior to the violation, or in the subsequent images captured sequentially after the first (1st) image, and while the vehicle is in the intersection while the traffic signal is emitting a steady red signal.

*CITY TRAFFIC CODE:* Title III of the Municipal Code of the City.

*OPERATOR:* Any individual driving and/or in possession of a vehicle.

*RECORDED IMAGE:* Photographs, microphotographs, micrographs, videotape or other recorded images of motor vehicles entering an intersection in violation of red traffic signal indications or otherwise violating the City Traffic Code.

*SYSTEM LOCATION:* The approach to an intersection toward which an automated red light enforcement system is directed and in operation.

*TRAFFIC CONTROL SIGNAL:* A traffic control device that displays alternating red, yellow and green lights as intended to direct traffic when to stop at or proceed through an intersection.

B. Any automated red light enforcement system, or any device which is part thereof, installed or deployed on a street or highway in the City shall meet any applicable requirements established by the State of Missouri.

C. The installation of an automated red light enforcement system in the City by or under the supervision of the Traffic Engineer is hereby authorized. Devices which are part of the automated red light enforcement system may be installed at intersections or other locations identified by the Police Department as dangerous due to numerous City Traffic Code violations. Such installation is authorized where any contract for installation of, and operational and administrative tasks associated with the use of, one (1) or more automated red light enforcement systems exist with the City.

D. *Probable Cause.* An officer employed by the City Police Department shall examine the recorded image to determine if the following elements are contained within the recorded image:

1. The date and time of the alleged violation;
2. The traffic control signal while it is emitting a steady red signal;
3. The offending vehicle;
4. The license plate of the offending vehicle clearly showing the letters and numbers on the license plate and the State in which the license was issued;
5. The operator of the vehicle.

The officer shall identify the operator of the vehicle at the time the violation was committed whose image appeared on the recorded image and may use any lawful means to do so. If the officer determines that all of the above elements are present, the officer shall then determine whether sufficient facts appear to show probable cause that a violation of the City Traffic Code was committed and that the person that is to be accused of committing the violation committed it.

E. Upon the filing of information in the Municipal Court, a summons shall issue, with a court date, pursuant to Missouri Supreme Court Rules 37.42 through 37.44. Not later than sixty (60) days after the date the violation is alleged to have occurred, the summons shall be served on the operator by mailing it, together with:

1. A copy of the violation notice; and
2. A copy of the recorded image(s) of the alleged violation, which forms the basis of the information; and
3. A copy of the supplemental violation notice as described in Subparagraph (a) of this Subsection, to the operator's last known address by first class mail.
  - a. The supplemental violation notice shall contain, at a minimum, a statement that the recorded image will be submitted as evidence in the Municipal Court proceeding for prosecution of the violation of the applicable Section of the City Traffic Code.
  - b. A violation notice and summons mailed under this Section is presumed to have been received by the operator on the fifth (5th) day after the date the violation notice is mailed.

F. Any automated red light enforcement system on a street or highway must be identified by appropriate advance warning signs conspicuously posted either at the major roadways entering the City or not more than three hundred (300) feet from the location of the automated traffic control system location. All advance warning signs must be approved by the Traffic Engineer.

From **Springfield** (Code 1981, § 5-6)

Sec. 18-9. Cruelty to animals.

(a) No person shall be cruel or inhumane to any dog or cat by beating, torturing, kicking or other physical abuse.

(b) No person shall torture, torment, wound, maim, mutilate or cruelly beat, cruelly overwork, cruelly drive or work when unfit for labor, cruelly kill or cruelly abandon to die any domestic animal; provided that nothing contained in this subsection shall be construed to prohibit or interfere with any scientific experiment or investigation.

(c) No person shall impound or confine, or cause to be impounded or confined, in any pound or other place, any animal or creature, and fail to supply the animal or creature during such confinement with sufficient food and water, or shall unnecessarily fail to provide the animal or creature with proper food, drink, shelter or protection from the weather, or shall carry or cause the animal or creature to be carried or moved on any vehicle or otherwise in an unnecessarily cruel or inhumane manner.

(d) Any person found guilty of a violation prescribed in this section shall, upon conviction thereof, be punished as provided by section 1-7, and each and every instance of violation shall be a separate offense.

From **Cape Girardeau** (Code 1967, § 20-1)

Sec. 18-1. Donations for benefit of parks; city to be trustee.

Any person desiring to make donations of money, personal property or real estate for the benefit of the parks shall have the right to vest the title to the money or property so donated in the city, to be held and controlled by the city when accepted according to the terms of the deed, gift, devise or bequest of such property; and as to such property the city shall be held and considered to be a special trustee.

From **Kansas City** (Code of Gen. Ords. 1967, § 5.1; Ord. No. 55738, 11-10-83)

Sec. 12-1. License required for certain amusements.

(a) No person shall keep or operate a billiard or pool hall, bowling alley, shooting gallery, skating rink, penny or picture arcade, cabaret or floorshow, amusement parlor or hall, recreation hall or room, haunted house type facility or other commercial amusement place open to public patronage within the limits of the city without first securing and having in effect a license from the commissioner of revenue to operate such enterprise.

(b) No person shall knowingly let or lease to any other any room, building or real estate for the purpose of keeping or operating therein or thereon any such commercial amusement unless a license shall have first been obtained by the lessee under the provisions of this article.

(c) This article shall not apply to rodeos, carnivals, open air circuses, dancehalls, musical concerts or theaters or motion picture theaters.

## CHAPTER 11 POLITICAL ORGANIZATION AND PROCEDURES

---

### **Political Parties in Missouri**

The political party is an organization that seeks to influence government and politics through winning elections. To this end, political parties commonly engage in numerous activities including: developing positions on issues and communicating those positions to the public; educating the public on the issues and candidates; recruiting individuals to run for office; organizing and financially supporting candidates' campaigns; and organizing, coordinating, and holding accountable elected members of the party.



The United States is predominately a two-party system, with Democrats and Republicans being the two major parties. All 50 states recognize the Democrat and Republican Parties, and some states *only* recognize these two parties. There are also minority parties with lesser membership numbers than the two majority parties.

Each party has its own history, rules, processes, norms, and symbols. The Democratic Party is commonly represented by a donkey. This symbol emerged in 1828 when Andrew Jackson was running for President. His opponents tried to use the donkey to negatively label Jackson, but, in response, Jackson emphasized the donkey's positive traits and used it on his campaign posters. It later became a widely accepted symbol of the Democratic Party when political cartoonist Thomas Nast repeatedly used it to depict the party. Similarly, the Republican Party's symbol, the elephant, was born out of political cartoons by Thomas Nast. Unlike the Democrats, however, the Republicans officially have adopted the symbol. Another symbol of the Republican Party is the term "GOP," which has been associated with the party since the late 1800s but has repeatedly changed meanings. It originally was used to refer to the Republican Party as the "Grand Ole Party" in an 1884 news story. During the motorcar days of the early 1900s, it was used to mean "Get Out and Push;" and during the Nixon Administration, it was used to suggest a "Generation of Peace." Today, "GOP" most commonly refers to "Grand Ole Party."

### **Political Parties at ALA Missouri Girls State**

At ALA MGS, political parties serve as the structure for citizens to meet and confer; nominate candidates for elected office; and campaign on behalf of those candidates. Citizens at ALA MGS are divided randomly into two fictitious political parties, Nationalists and Federalists. These two parties have no affiliation with the real political party system in the United States, and these two parties have no political positions or party platforms until ALA MGS citizens create such positions and platforms. The Nationalists and Federalists parties are used at ALA Girls State programs throughout the nation.

Like the major parties of the United States, each ALA MGS party has developed its own set of symbols, which are used to represent each respective party throughout the week. The color red is used to represent the Federalist party, whereas the color blue is used to represent the Nationalists. In addition, the Phoenix represents the Nationalist Party, majestic but yet mythical. Only one Phoenix exists at any one time. The end of the Phoenix's life symbolizes the end of another session of ALA MGS, yet a new generation of Girls State arises the following year as the new Phoenix arises. The Redwood tree symbolizes the Federalists, with its mighty strength and durability. As the Redwood grows, it reproduces by seeds and roots, spreading quickly. It symbolizes the enthusiasm and loyalty of the Federalist Party.

### **Party Organization in Missouri**

Each county in the state is divided into "wards" (also known as "townships"). Each party selects individuals to represent the party members at the ward level and organize party efforts within the ward. The different ward representatives of a county work together as the county's central committee. The members of the central committee are elected by their wards during the state primaries every two years. The county central committee meets and elects a chair, vice chair, secretary, and treasurer. It should be noted that in the two major cities of the state — St. Louis and Kansas City — the party is organized slightly differently due to the large number of people who live in each city. Each city is divided into wards, and the individuals elected represent a portion of the city, rather than the county. City ward representatives are elected every four years. Together, all of the city ward representatives make up the city central committee.

The county central committee serves as the foundation for organization of the party at all other levels. It organizes legislative district committees. Together, the chair and vice chair serve on legislative district committees; and the county central committee serves as members of the congressional, state senatorial, and judicial circuit party committees. Each of these committees selects a slate of officers (chair, vice chair, secretary, and treasurer) and serves to organize campaign efforts for that office within that area. In addition, the state senatorial district committee elects two citizens from its area to serve on the state central committee.

The state central committee meets in Jefferson City and elects a slate of officers. Working with the party's candidates, the state central committee is responsible for developing a platform. The platform is an official statement which identifies the party's priorities and the party's opinion on important issues. The state central committee also is responsible for organizing the party's local conventions and caucuses used to select delegates to the national convention and the party's state convention.

Many years ago, parties in every state used caucuses to nominate candidates. The caucus is a meeting of the party leadership. This process was viewed as secretive and undemocratic. As a result, the caucuses were opened up to the party's rank and file members, and eventually became "conventions."

In 1903, Wisconsin became the first state to use a primary to nominate candidates for offices. A primary is an election between different members of the party, all of whom want to be the

party's candidate; the winner of the election becomes the party's candidate in the general election. Although primaries are held at state expense, they are a party activity. Today, most states, including Missouri, use a primary. In a few other states, parties continue to use the caucus/convention.

Any citizen of the state who meets the qualifications for office may file as a candidate in the primary. There are specific deadlines for filing with the Secretary of State's office and fees which must be paid. By law, an individual's name only may appear on the ballot once. As such, an individual only may run for one office at a time. A current office holder, however, may run for a different office.

### **Party Organization at ALA Missouri Girls State**

Although the party organization at ALA MGS does reflect the state's party organization, it is simpler. At each of the three levels of government at ALA Missouri Girls State — city, county, and state — there is a political party "central committee" established to serve as the structure for organization and decision-making.

**City Central Committee** - At the city level, each citizen is assigned to one of three wards. The ward is the smallest unit with approximately six girls assigned to the same ward. This "grassroots" unit is the building block or foundation for the entire state system. For this reason, many times throughout the week all citizens regroup at the ward level to select representatives for various political leadership positions and responsibilities. Each ward selects one citizen to form the City Central Committee. It is the responsibility of this committee to select its party's candidates for the city election. The committee picks a chair, vice chair, and secretary from the three members to operate more efficiently. At all meetings with this leadership, the chair is in charge of running the meeting assisted by the vice chair, as needed; the secretary records the actions including writing the names on the forms to be submitted. It is imperative the secretary writes legibly. (The agenda for the City Central Committee meeting is included in the Appendix.)

**County Central Committee** - Each ward also selects two citizens to represent it at the county level. The County Central Committee duties include selection of candidates for the county election. This committee also selects a chair, vice-chair, and secretary.

**State Central Committee** - Each city selects four members to organize its political party at the state level. These individuals make up the State Central Committee. The responsibility of the State Central Committee is different from the city and county levels. At the state level, the State Central Committee has the responsibility to prepare for the State Convention, which ultimately defines the ideals and values of the party. The first item on the agenda of the State Central Committee is to select its leadership. The party chair will run the convention, fill various positions in the opening ceremony of the convention, and work with and oversee all convention committees preparing for the convention itself. Her leadership qualities include fairness, command of the audience, decisiveness, and organizational skills.

The vice chair is her assistant and will take over in the chair's absence; therefore, the vice chair should possess all of the same qualities.

The secretary must submit copies of the platform and resolutions report in their final forms in addition to any other records and written documents that are asked to be submitted. She must be able to write legibly and concisely, and meet deadlines.

The whip is the spirit leader of the party. She should be able to rally the citizens, leading them in cheers and chants to establish spirit, loyalty, and fun. All four leadership positions work closely together, mapping a plan for the convention agenda. The citizen-elected chair and whip cannot be candidates for statewide office (The Appendix includes additional information regarding the State Central Committee.).

**Convention Committee** - After the leadership is elected by the State Central Committee, the three convention committees are organized. Each State Central Committee Member may choose the committee to join.

Platform - This committee is responsible to write the party platform. Platform issues are concerns in real life. During the preparation time, the platform committee discusses each issue, and the written platform contains its solution or position on the issue.

Resolutions - This committee has evolved to write about concerns or suggestions about ALA MGS and possible solutions.

Rules and Regulations - This committee has the formidable task of taking the time limit of the convention in the ALA MGS schedule and planning all aspects of the convention to occur within that time limit. The component parts of the convention include introductions of leadership, opening ceremony, and reading of the convention reports. Each candidate has an opportunity to make a speech before the entire convention. Speech time limits, order of offices presented, cheer and rally fun, and any other rules created by this committee are binding and cannot be changed.

**State Party Convention** - The convention actually contains two distinct parts. The first part (also known as “Opening Ceremonies and Committee Reports”) contains the opening ceremony, and the reading of the three reports. After this part of the convention is complete, the Party Chair will declare a brief recess, and the stage will clear. When the convention is reconvened, the second part or the “State Candidate Speeches and Party Rally” will begin. The Party Chair will announce each office; all candidates for each office will be given an opportunity to address all of the citizens at the convention. It is important to remember that no voting for candidates takes place at this convention. The convention gives each citizen an opportunity to hear all candidates for each office-to make an informed decision in the primary election. The voting occurs following the convention as the ALA MGS polling location.

### **Nomination Methods Used at ALA Missouri Girls State**

In order to allow MGS citizens to experience the different nomination methods, some ALA MGS offices are nominated by convention/caucus and some are nominated by primary. In addition, the Federalists and Nationalists each will hold a state party convention.

**Caucus** - The City Central Committee and the County Central Committee use the caucus method to select candidates for the ballot. The members of these committees bring suggested names and notes for each office to the meeting and systematically select the best candidate

for each office. To help in the selection process, it may be necessary to ask several possible candidates to give short speeches, answer questions, or give necessary information; therefore, those interested in being selected should remain close and attentive if called upon.

**Primary** - Candidates for statewide offices including Governor, Lt. Governor, Secretary of State, State Treasurer, State Auditor, and Attorney General are nominated by primary. Each party has a primary in which its members may participate. The two primaries are held simultaneously. The individual who receives the most votes becomes the party's candidate for that office. With a few exceptions, any citizen can file for a statewide office including Governor, Lt. Governor, Secretary of State, State Treasurer, State Auditor, and Attorney General. Members of the State Highway Patrol and members of the State General Assembly (elected Senators and Representatives) cannot run for these offices. Candidates will be listed on the primary ballot in the order in which they filed for office. The list of the filed candidates will be posted and kept up-to-date. There is a time frame for filing. No citizen will be allowed to file after the deadline printed in the ALA MGS schedule. All filing will take place at a designated location to be announced from the stage.

Keep in mind throughout the week that the political party structure is separate and distinct from the city-county-state governmental structure. A citizen can be a member of one or more "central committees" because that is a political position. The citizen can, if she chooses, also run for elected office; and, if successful, can only hold one elected office at a time. If a citizen is elected to a lower-level government position (city or county) and then is elected to a higher-level government office (county or state), she must resign from her lower position.

### **Minority Parties**

In Missouri, most citizens who affiliate with a party consider themselves members of the Democrat or the Republican Party, and most elected officials are Democrats or Republicans. The state has consistently recognized the Democrat and Republican Parties for years and has officially recognized other parties from time to time. Chapter 115 of the Missouri Revised Statutes sets out the criteria by which a political party may become established. To become an officially recognized party, a petition must be signed by a number of voters not less than 2 percent of the votes cast in the last election for the offices being sought. The petition must identify the party's name, a slate of candidates who the party nominates for office, and the party's officers (including a chair and treasurer). Once signed, it is filed with the Secretary of State, who is responsible for verifying the signatures contained therein. To continue to be an officially recognized political party of Missouri, the party's candidates must receive at least 2 percent of the vote in the general election.

**ALA MGS has only two officially recognized parties. ALA MGS is an educational program with an accelerated schedule; minority [or third-party] parties are not an option.**

### **Voting Procedures in Missouri**

Section 115.133 of the Missouri Revised Statutes provides that any citizen who is 18 years or older and registered to vote, may vote except:

- A person who is adjudged incapacitated;
- A person who is confined under sentence of imprisonment;

- A person who is on probation or parole after conviction of a felony until finally discharged from probation or parole; or
- A person after conviction of a felony or misdemeanor connected with the right of suffrage. Section 115.133.

Citizens may register to vote when they are 17 years and 6 months of age at the office of their local election authority (typically the county clerk), by mail, at the driver's license office, or at participating state agencies. Although state citizens may register to vote at any time, the deadline for registration is the fourth Wednesday prior to an election. Individuals who are not registered by this deadline will not be able to participate in the election.

With the exception of municipal elections, elections and nominations in Missouri are partisan, but voters are not required to register a party affiliation. To nominate individuals for state and county office, Missouri uses what is called an open primary system; at the time of the primary, a citizen declares his/her party affiliation. At the next primary, the voter may declare the same affiliation or choose another affiliation if he/she wishes.

For general elections, Missouri uses a party-column ballot which organizes the ballot by placing all of the members of the same party in one column. The ballot may be presented to the voter in one of four forms — a manual ballot, a punch-card ballot, an optical-scan ballot or touch screen. The manual requires the voter place an "X" next to the candidate's name. The punch ballot requires the voter to remove a chad (or perforated dot) next to the candidate's name; typically, a needle-like device is provided to remove the chad. The optical-scan ballot, which is the most common method used in Missouri, requires the voter to use a pencil to fill in a bubble next to the candidate's name. Touch screen is the latest technology available. The ballot appears on a computer screen, and the voter touches the screen with their finger and a check appears in the voter's box.

Elections and primaries are conducted by local election authorities such as the county clerks. Election judges assist the local election authorities by working in the different voting precincts on election day. Election judges distribute ballots to qualified voters; provide non-partisan, unbiased assistance to voters by answering questions about the process; and ensure ballot security. Periodic training usually is required for individuals serving as election judges, and each judge must take an oath every election day.

The local election authority, with the assistance of election judges, is responsible for the vote count. For elected state offices, the local vote counts are reported to the Secretary of State, who then compiles all of the votes and determines the final count for each state office. Regarding recounts, section 115.601.1 states:

“Any contestant in a primary or other election contest who was defeated by less than one percent of the votes cast for the office and any contestant who received the second highest number of votes cast for that office if two or more are to be elected and who was defeated by less than one percent of the votes cast, or any person whose position on a question was defeated by less than one

percent of the votes cast on the question, shall have the right to a recount of the votes cast for the office or on the question.”

## CHAPTER 12

### THE ECONOMY OF ALA MISSOURI GIRLS STATE

---

Why do gas prices rise and fall every day? How come our parents used to buy movie tickets for five dollars and now they may cost fifteen dollars? And why are movie ticket prices different in each city? The change in these prices, as well as the change in the availability of all various goods and services, is one reflection of the community's economic activity. A few basic economic principles to remember are:

**Scarcity:** Humans have unlimited wants but limited resources. Scarcity is the notion that not enough time, money, land or labor exist to fulfill every human desire.

**Opportunity Cost:** Consumers must decide between what they want and what they want even more. Opportunity cost is the resources given up to gain what a consumer wanted more.

**Law of Supply and Demand:** Supply is the amount producers introduce into the community to be bought or sold. Demand is the amount of consumers' desire for the supply.

**Price:** When supply is greater than demand, prices tend to be low. When demand is greater than supply, prices tend to be high. Price is just one economic factor that determines the flow of goods and services.

Businesses are an integral part of the ALA MGS economy. Businesses will provide valuable goods and services to meet the needs of MGS citizens and increase their quality of life. Taxes collected from

businesses will be provided for city, county, and state use.

Successful business owners will keep in mind these economic principles, finding a way to meet the needs of MGS citizens while taking into consideration the law of supply and demand, the consumer's opportunity cost, and the consumer's willingness to pay.

#### **ALA MGS Economy**

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 is 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.

The ALA MGS Economy is based off of MGS Bucks. For the purpose of stimulating the economy, each ALA MGS citizen is given \$500 MGS Bucks upon arrival and check-in. A tax on this economic stimulus must be paid by each citizen as directed by the ALA MGS General Assembly. MGS Bucks are the official currency of ALA MGS and are used in the following activities:

- Purchase campaign materials from the Campaign Store

- Conduct transactions between citizens and small businesses formed during ALA MGS
- Advertise an ALA MGS business
- Purchase goods and supplies to operate an ALA MGS business
- Purchase supplies for the ALA MGS State Fair or to participate in State Fair activities
- Hire an attorney or legal counsel
- Purchase advertisements in the ALA MGS newspaper and KMGS broadcast
- Make donations to your party or a specific candidate for city, county, or state elections
- Hire lobbyist to influence state legislatures
- Pay salaries
- Pay applicable state and local taxes
- Creating an initiative to unify the community and/or improving the quality of life of its citizens
- Purchasing supplies to decorate, including building city roads, signs, locations, etc.
- Paying salaries for elected officials
- Providing tax refunds to citizens
- Purchasing supplies for ALA MGS State Fair booths

In addition to taxes received from its citizens and businesses, each city, county, and state government, as well as each political party, is allotted a budget of MGS Bucks in order to operate their respective governmental functions and to care for its constituents. City and County elected officials can decide how to appropriate their MGS Bucks, including:



### **Business at MGS**

While businesses in Missouri and the United States are not controlled by the government, laws and regulations are enacted by the government to address a wide variety of issues involving all participants in the community's economic activity: businesses, their employees, and the consumers of the goods and services offered.

That said, businesses and the government are co-dependent upon one another. The government needs businesses to provide economic stability and create funding via taxes for community programs. Businesses need the government for many things including enforcement of fair competition, building roads, protecting property and public safety, etc. Citizens, whom both of these entities serve, rely on the government and business for safety, security, employment, goods and services. When businesses and the government work together, the whole community prospers.

Each ALA MGS citizen has the opportunity to participate in the ALA MGS economy. These opportunities include:

- **Consumers:** Every ALA MGS citizen has the opportunity to support her peers and their businesses. Whether purchasing products and services, citizens help grow their city's economy.
- **Chamber of Commerce:** A chamber of commerce is a community within itself. It brings its members together to not only benefit the community but also to benefit each other. Through various events, you will meet, network, and connect with a wide array of influential professionals. It's up to you to make the connection, of course, but the opportunities are aplenty. Any delegate may join the Chamber of Commerce. Executive Leadership of the Chamber of Commerce is selected through an application process.
- **School of Business:** The ALA MGS School of Business and Commerce is a school of instruction. This class provides an intensive course in the basics of business, from how to start a business to marketing and acquiring customers, to growing profit for personal and community benefit. Anyone can attend the School of Business and Commerce. Students of the School of Business will choose to either become a business owner/operator or provide the oversight the ALA MGS economy requires by holding positions such as the Director of Revenue or a tax auditor.
  - **Business Owner/Operator:** Business owners see a need in the community and provide a product or service to fulfill the need. They work hard and dream big to yield big rewards --- financially, politically, and/or personally. Any student enrolled in the ALA MGS School of Business and Commerce may own a business. This is not an elected or appointed position.
  - **Director of Revenue:** The Director of Revenue is responsible for overseeing ALA MGS business rules and regulations as well as collecting business taxes for distribution to cities and counties. Students of the ALA MGS School of Business and Commerce may apply for the Director of Revenue position. Applications will be available on the first day of class and due on Monday by the end of lunch to the ALA MGS Business Headquarters. The current ALA MGS Governor will appoint a Director of Revenue based upon the applications. The Director of Revenue may not hold an elected position within the city, county, or state level.
  - **Tax Auditor:** The tax auditors will work with the Director of Revenue to collect and audit all business taxes for ALA MGS. Students of the ALA MGS School of Business and Commerce may apply to be a tax auditor. The Director or Revenue will appoint six auditors. Applications will be available on the first day of class and due on Monday before lights out to the ALA MGS Business Headquarters. The Director of Revenue must have all appointments selected by the beginning of class on Wednesday.

## **ALA MGS Business Rules and Regulations**

**Legitimacy:** The business must be lawful according to the laws and ordinances of the United States, State of Missouri, and ALA MGS. The business must reflect the parameters in the license issued.

**Taxes:** All businesses must file and submit taxes that reflect the true nature of all business activity. Tax forms will be given to each business owner when she applies for a business license. Taxes are due to Director of Revenue according to the instructions provided. Taxes filed late or incorrectly will incur an additional fine as determined by the Director of Revenue.

**Hours of Operation:** Businesses may only operate during permitted hours. Businesses operating outside of these hours will be fined as determined by the Director of Revenue. Business owners, staff, or associates **may not** create, sell, and/or provide goods or services during the following times:

- After lights out begins
- During flag raising and lowering
- During Schools of Instruction and assemblies

**Location:** Business owners may choose to establish businesses in an ALA MGS city other than their own for tax or operational benefits.

**Currency:** All business transactions will be conducted in MGS Bucks.

## **Registering a Business at ALA MGS**

The process of registering a business varies state by state. Creating, registering, and operating a business is a big responsibility that ALA MGS takes very seriously. Once created, the process to register a business at ALA MGS will follow a truncated version of the process outlined by the State of Missouri.

1. Choose a business name.
2. Register the business at the ALA MGS Business Headquarters.
  - In the state of Missouri, the business would register with the Department of Revenue at ([www.irs.gov](http://www.irs.gov)), and the Missouri Division of Employee Security with the Missouri Department of Labor and Industrial Relations (<http://labor.mo.gov/DES>), and must apply for a federal employee ID with the Internal Revenue Service (IRS) ([www.irs.gov/Businesses](http://www.irs.gov/Businesses)). They also would obtain the appropriate industry permits, such as a food handler's license or a music permit.
  - Some businesses also must register with other state agencies and gather required licenses. Common examples are cosmetology, real estate brokers/agents, and healthcare professionals. A complete list can be found at <http://pr.mo.gov>.
  - Display the business license at all times while in operation.

While a business plan is encouraged, it is not required. Starting a business does require a business evaluation. Business evaluations and sample business plans can be found at the ALA MGS Business Headquarters.

ALA MGS businesses are not required to select a specific business structure; but if not selected, the business shall be given the status of sole proprietorship or partnership depending on the number of owners.

### **Business Planning: Creation and Growth**

Starting a business is both an art and a science. The business startup process can be broken down into five steps:

1. Create a business plan
2. Select a business structure
3. Register the business
4. Acquire required licenses and permits
5. Gather necessary resources

#### **Create a Business Plan**

For a business to succeed, the business owner must have a plan. A business plan takes a great idea and brings it to reality. A business plan is the GPS for a business--it provides direction and should be referred to often. A business plan should include the following sections and answer the associated questions:

- Summary of the business idea
  - What product/service is being offered? By whom?
  - What is the purpose of the business? What is the mission or goal of the business?
- Overview of the market
  - What need is this business filling? Why does the community need this business?
  - What is the target market? Who will purchase the goods/services?
  - What are the needs of the target market? What are they purchasing/doing now (instead of purchasing your goods/services) to meet their needs?
  - How do you know the consumer will purchase from the business? What is the purchasing behavior of the target market?
- Value Proposition
  - What is the business's value proposition? What makes this business different than the competition?
  - Why would they purchase from this business instead of keeping with the status quo?
- Forecasted Profit
  - What is the price of your goods/services?
  - How many goods/services will you sell? When will you sell them?
  - When will you purchase supplies?

- When is the earliest you will have a profit?

### **Select a Business Structure**

Once a business plan is in place, a business needs to select its legal and tax structures. The legal structure of a business determines ownership over profits and any debts as well as who is responsible should the business be involved in legal disputes. The tax structure of the company determines how the business will be taxed by the state. For sole proprietorships and partnerships, the legal and tax structure must be the same. A company may, however, choose to be structured as a limited liability company and be taxed as either a corporation or a partnership. All options have their advantages and disadvantages.

There are four main types of business structures: Sole Proprietorship, Partnership, Corporation (S Corp or C Corp), and Limited Liability Company (LLC).

#### **Sole Proprietorship**

The simplest business structure is a sole proprietorship, meaning the company is owned and operated by one person. This business structure selection is the same for both legal and tax purposes; a business cannot be a sole proprietorship for legal purposes and a different structure for tax purposes.

From a legal perspective, the owner and the business are seen as one in a sole proprietorship. If the owner dies, retires, or quits, the business dissolves. The owner has complete control over the business, but he/she also is completely liable for the business. If the business is sued, the individual is sued, not a business entity.

On a tax basis, any debt and all taxes are paid from the owner's personal assets. Any income from the business is counted as the owner's income. The owner pays personal income tax.

Advantages of a sole proprietorship:

- Complete control over the business
- Simple and inexpensive to form
- Simple tax preparation
- Profits of the company become immediately the profits of the owner

Disadvantages of a sole proprietorship:

- Complete liability for the business; all personal assets and all profits are at risk
- Profits cannot be invested
- Business is not generating value/worth which makes it more difficult to sell in future
- Difficult to raise capital through traditional institutions

#### **Partnerships**

Partnerships are designed for the business to act as a sole proprietorship but between two or more owners. The owners, or partners, can be general partners or limited partners depending on the type of partnership selected. At least one owner must be a general partner. The type of partner is determined by how much control each partner desires to have in the business.

**General Partnerships** - Two or more partners have shared control and liability over a business, just as a sole proprietor (see previous description). Any profits and all legal responsibilities are split equally among partners. While it is not required, a partnership agreement, the formal documentation of rights and responsibilities of the partner, should be created to outline the terms of the partnership, including legal and tax liabilities, as well as what happens to the business should a partner die, retire, or quit (also known as an exit agreement). If the company does not have a partnership agreement and a partner dies, retires or quits, the business must dissolve.

**Limited Partnership** - There must still be two or more partners, but a Limited Partnership has both one or more general partners and one or more limited partners whom contribute financially to the business and financially benefit from the profits according to the partnership agreement. The general partner takes on the responsibility of the day-to-day business operations. The limited partner does not have control over the business operations and as a result, has limited liability should the company be involved in legal disputes; her personal assets are not at risk in a legal or debt dispute. A partnership agreement is required if a business has a limited partner. If a partner dies, retires or quits, the business is split or dissolved according to the terms outlined in the partnership agreement. Any tax liabilities or profit sharing between general partners and limited partners also should be outlined in the partnership agreement.

For both partnership structures, any income for the business is split between the partners. Like sole proprietorships, the income is counted as their personal income. Each partner pays personal income tax on the amount they receive.

Advantages of partnerships:

- Combine strengths and talents of multiple people to lead a business
- Simple and inexpensive to form
- Create incentive for employees to be promoted to partner

Disadvantages of partnership:

- All general partners assume complete liability for the business; all personal assets and all profits are at risk
- Profits are shared between partners and cannot be invested
- Difficult to raise capital through traditional institutions
- Potential for disagreements over management and financial decisions

### **Corporation**

A corporation moves the business from an individual to an independent entity that exists on its own, outside of any one person. The business can be a corporation for both legal and tax purposes, or for only tax purposes. Regardless of the tax or legal selections, a corporation can only be formed by submitting specific documentation to the Secretary of State.

Legally, selecting your business to be a corporation means that the business becomes an independent legal entity owned by shareholders. Unlike a partnership, the corporation's

liabilities are not seen as the shareholders' liabilities. If the business is involved in a legal dispute or incurs debt, the business entity is held liable and the personal assets of any shareholders are not at risk (there are some exceptions to this, of course). Furthermore, since the business and the shareholders are seen separately, the business can continue forever. If a shareholder dies, quits, or retires, the business does not dissolve; the business only dissolves if the shareholders agree to dissolve the business or the business cannot continue operating. Should the shareholders agree, the business also can be valued and some or all of its assets (physical, intellectual, etc.) can be sold.

For taxes, a corporation must decide what type of corporation it wants to be: an S Corporation or a C Corporation:

- **C Corporation:** Income taxes are paid by the business. Any profits at the end of the year are distributed to shareholders as dividends and the shareholders must report the dividends as personal income. The shareholders are taxed on the income. This is often said the company is "double taxed" and although it does have its benefits (no restriction on ownership and flexibility for expanding the ownership, especially if a business plan entails on taking the company public and involving stock, etc.), it is often the least recommended tax structure for privately owned small businesses.
- **S Corporation:** No income taxes are paid by the business. Any profits at the end of the year are "passed-through" the business and reported on the shareholders' personal tax returns. Any taxes due are paid by the individual shareholders.

Legal protections and limited liabilities are the same for both C Corporations and S Corporations.

Advantages of a corporation:

- Limited liability
- Easy to raise capital
- The business is built as an asset which some or all parts can be valued and sold
- Exists beyond the shareholders and ownership can be easily transferred

Disadvantages of a corporation:

- Tax liability on shareholders and possible double taxation
- Costly and more difficult to form
- Tax and annual reporting required by the government is often time-consuming and may require legal and tax advisors, costing money

### **Limited Liability Company**

A limited liability company (LLC) is a hybrid between a corporation and a partnership. A business may choose to be an LLC for both legal and tax purposes, or for legal purposes only (and a corporation for tax purposes).

Legally, liability for an LLC is like a corporation (but owners become members, not shareholders). Through an LLC, the business becomes an independent legal entity and liabilities are not seen as the members' liabilities. If the business is involved in a legal dispute or incurs debt, the business entity is held liable and the personal assets of any members are not at

risk (there are some exceptions to this, of course). Furthermore, since the business and the members are seen separately, the business can continue forever. If a member dies, quits, or retires, the business does not automatically dissolve; the business only dissolves if the members agree to dissolve the business or the business cannot continue operating. Should the members agree, the business can be valued and some or all of its assets (physical, intellectual, etc.) can be sold. Like a partnership, however, management is split between the members, ranging from full control to limited control. This is outlined in the membership agreement accordingly.

Taxes for an LLC are similar to a partnership. The income from an LLC is split proportionally between the members and is counted as their personal income. Each member pays personal income tax on the income received.

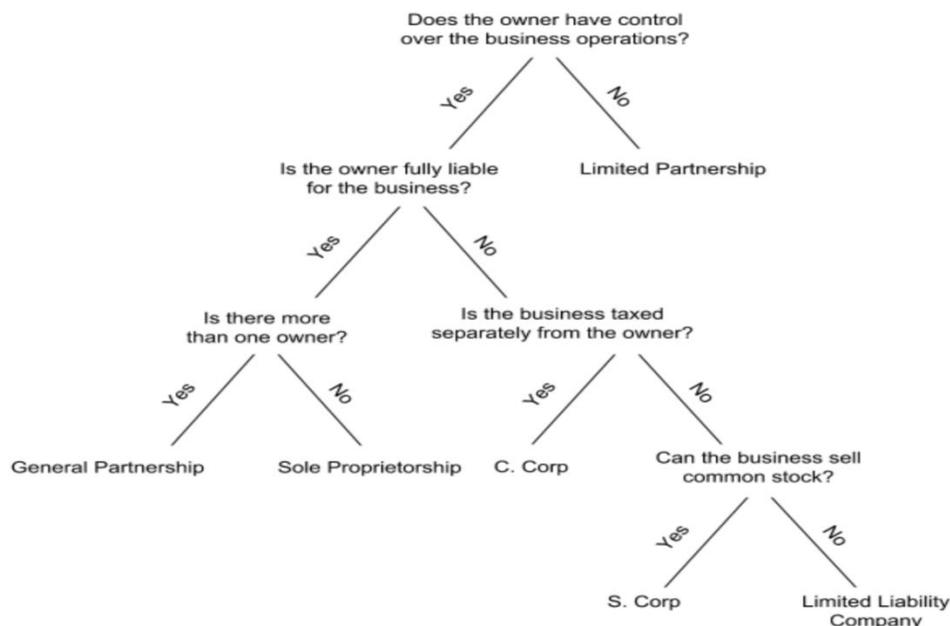
To form an LLC, the members must file articles of organization with the Secretary of State.

Advantages of a limited liability company

- Limited liability
- Easier to form than a corporation
- No double taxation
- Easy to raise capital
- The business is built as an asset which some or all parts can be valued and sold

Disadvantages of a limited liability company

- Potential for disagreements over management and financial decisions
- Although the company exists beyond the members, ownership cannot be as easily transferred as a corporation; it often depends on the membership agreement
- Some states require LLCs to list a dissolution date in the formation documents; certain events, such as death or withdrawal of a member, can cause the LLC to dissolve immediately



## Acquire Required Licenses and Permits

ALA MGS does not require any business permits. A business should check its city and county ordinances for any additional permits. In addition to any necessary permits or licenses, a business or individual should explore the option to purchase various rights of ownership including:

- **Trademark:** A trademark is a word, phrase, symbol, and/or design that identifies and distinguishes the source of the goods of one party from those of others. It also can be a word, phrase, symbol, and/or design that identifies and distinguishes the source of a service rather than goods<sup>[1]</sup>. Trademark rights may be used to prevent others from using a confusingly similar mark but not to prevent others from making or selling the same goods or services under a clearly different mark.

All logo or other marks are not required to be registered, but registering a trademark has several advantages, including the exclusive right to use the mark on or in connection with the goods or services set forth in the registration (trademark). Trademark applications may be obtained at the ALA MGS Business Headquarters. All applications will be processed daily in the order they are received.

- **Copyright:** A copyright protects works of authorship, such as writings, music, and works of art that have been tangibly expressed<sup>[2]</sup>. A copyright protects the exact duplication of the original work but does not protect others from recreating it in their own words. It does not protect a bare phrase, slogan, or trade name. Copyright applications can be obtained at the MGS Business Headquarters. All applications will be processed daily in the order they are received.
- **Patent:** A patent for an invention is the grant of a property right to the inventor. Having a patent allows an inventor to exclude others from making, using, offering for sale, or selling their invention. What is granted is not the right to make, use, offer for sale, sell or import but the right to exclude others from making, using, offering for sale, selling or importing the invention<sup>[3]</sup>. A patent does not grant permission for person X to create a product, but rather, person X can tell anyone else they cannot make the product. Patents are valid for 20 years. Patents at ALA MGS are valid for 3 days, beginning the day the patent application is submitted. Patent applications may be obtained at ALA MGS Business Headquarters. All applications will be processed daily in the order they are received.

<sup>[1]</sup> Taken from <http://www.uspto.gov/trademarks/basics/definitions.jsp>

<sup>[2]</sup> Taken from <http://www.uspto.gov/trademarks/basics/definitions.jsp>

<sup>[3]</sup> Taken from <http://www.uspto.gov/patents-getting-started/general-information-concerning-patents#heading-2>

## **Gather Necessary Resources**

The final step to starting a business is to gather resources, or factors of production, for the business. The resources selected at the conception of a business will dictate the direction of the business for many years. Resources fall into three main categories: land, labor, and capital.

**Land:** The land is any natural resource used in providing a product or service. The most common item is the land where the business is geographically located. Other examples include oil, water, and mineral deposits.

**Labor:** The labor is the quantity and quality of people needed to provide a good or service. Research shows when a company has better employees, it earns more revenue. The business should determine how much labor is needed and when; as the company grows, so should its labor staff.

When starting a business, a business forms its leadership team, often referred to as the C-Suite. Common members include:

- **Chief Executive Officer:** The Chief Executive Office, or CEO, is the highest-ranking executive in a company. She provides leadership and strategic vision for a company, acts as a liaison between a Board of Directors and Corporate Operations, and serves as a figurehead for the company.
- **Chief Operating Officer:** The Chief Operating Office, or COO, is responsible for the day-to-day operations of a company. She prioritizes tasks to mirror the company's goals and provides day-to-day leadership within the company.
- **Chief Financial Officer:** The Chief Financial Officer, or CFO, manages all company's financials. This includes financial planning, accounting, and human resources.
- **Chief Information Officer:** The Chief Information Officer, or CIO, oversees the technology and security of private information. This role is increasing in importance as businesses and consumers transmit more data electronically.
- **Chief Marketing Officer:** The Chief Marketing Officer, or CMO, creates the strategy for all marketing activities including marketing communications, marketing research, product development and customer service.
- In recent years, companies have been adding other C-Level positions such as Chief Evangelist, Chief Diversity Officer, Chief Culture Officer, and Chief Knowledge Officer.

## **Capital:**

Financing is one of the most challenging obstacles one has to overcome when starting up a business. Most businesses require a small amount of money to purchase supplies and get started (often referred to as “seed money” or “seed capital”).

Here are some ways in which business owners finance a business (in no particular order), each with their own pros and cons:

1. **Investment of personal funds.** It is often recommended the business owner keeps track of these investments to either be repaid or contributed toward business equity.

2. **Loans.** Although there are some opportunities for start-up businesses, they typically are not approved for businesses that are less than two years old and are not generating positive cash flow. Depending on the business' assessment by the bank, loans also may require the personal financial commitment of the owner.
3. **Friends and family.** Looking to friends or relatives with cash to borrow or invest is fairly common. While it may have some unique advantages, including low or no-interest payments and avoiding the hassles of bank contracts, it does come with the risk of damaging relationships. Having a well-thought-out plan of repayment as well as frequent communication on the progress of the business is key to avoiding conflict.
4. **Credit cards.** While these are among the most readily available ways to finance a startup and can be a quick way to get a business up and running, credit cards must be considered in the same category as debt. Each and every transaction or advance must be repaid. Because they tend to be more expensive lending sources with high interest rates, it often is not recommended.
5. **Product pre-sales.** Selling products is an often-overlooked and highly effective way to raise the money needed for financing a business. While it does require some marketing efforts, successful pre-sale efforts lead to an increase in website traffic and additional social media followers. The difficulty in this strategy is to determine the number of units anticipated to resell and coordinating inventory.
6. **Home equity loan.** For homeowners who have equity – the home's value minus what you owe – a home equity loan is an option for financing a small business. These loans generally offer interest rates that are both flexible and lower than traditional commercial rates. While the flexibility is advantageous to the company, the business owner is putting her home at risk; if the business fails, or if she fails to maintain the terms and conditions of the loan, the house is at risk of foreclosure.
7. **Selling assets for cash.** This may include selling items such as a car or valuable collection.
8. **Angel investors.** Angel investors have helped to start up several prominent companies, including Google, Yahoo!, and Costco. This alternative form of investing generally occurs in a company's early stages of growth, with investors expecting a 20 to 25 percent return on their investment.
9. **Venture capitalists.** Venture capitalists tend to provide a significant amount of money to companies that have proven successful performance. While they may provide management guidance to grow the business, they often, too, look to recover their investment within a three- to five-year time window.
10. **Crowdfunding.** Crowdfunding is becoming a more popular source of funding with websites like Kickstarter and Indiegogo. Funding for the business is literally "crowd-sourced" where the public can contribute small amounts of money to be pooled together to finance an idea or company (sometimes in exchange for small gifts or a product). This allows business owners to be financed without looking for a single investment or giving up a share of ownership (equity) to group of investors. Prior to engaging in crowdsourcing, business owners should research the best platform for their efforts; some websites require a certain level (or even the entire amount) of money to be raised before they are able to keep it or some sites may claim a certain percentage of raised and/or a payment-processing fee.

## **Maintaining a Business**

Once a business is launched, there are three key areas to focus on to be successful:

### **Marketing**

Marketers determine which products consumers desire and ensure they are delivered to consumers when, where, and how they want them. They also determine prices and promote a business's goods and services. Individuals with a marketing experience may look for jobs in advertising/public relations, marketing research, sales, or marketing management.

### **Management**

Managers supervise human resources in a business. They ensure the human resources align with the business mission. Management jobs include general manager (GM) at a restaurant or retail store, consultant, or project manager.

### **Finance and Accounting**

Finance and accounting manage a business's resources including time, money, and equipment. Individuals in these roles advise a business where to allocate resources. They all maintain business records. Future jobs in finance or accounting include auditor, banking, accountant, or financial advisor.

## **Better Business Bureau**

Founded in 1912, the Better Business Bureau (BBB) of the United States seeks to build a marketplace where consumers, charities, and businesses trust one another completely. The BBB creates the standard for ethical business behavior, evaluates advertisements and businesses, investigates scams, and acts as a mediator between businesses and consumers when necessary.

Businesses can support the BBB by applying for accreditation. If a business receives BBB accreditation, the business has been reviewed by the BBB and has agreed to uphold its ideals. A business also must pay the accreditation application fee. BBB accreditation reviews a business's practices but not its products or services. If a business receives BBB accreditation, it has been given permission to use the BBB logo in its advertising and promotion.

The BBB is not a governmental agency, but a non-profit comprised of BBB Directors, community members and business owners. The BBB is governed by the International Association of BBBs, Inc. (IABBB) in Arlington, Virginia. The IABBB oversees approximately 100 local Better Business Bureaus. Missouri has two BBB organizations: BBB of Greater Kansas City and BBB of Eastern & Southwest Missouri & Southern Illinois. For more information and office locations, visit [www.BBB.org](http://www.BBB.org).

## CHAPTER 13

### MODEL UNITED NATIONS

---



## The United Nations

### Overview of the United Nations

The United Nations (UN) is an intergovernmental organization founded in 1945. It is currently made up of 193 member states, nearly every country in the world. Its headquarters is in international territory in New York City. While countries often ratify treaties in order to resolve international issues, the UN provides a platform for countries to foster discussion and cooperation on a number of global issues, such as peace and security, climate change, sustainable development, human rights, gender equality, and more.

### Purposes of the United Nations

The UN has four purposes, as contained in the UN Charter:

**(1) To maintain international peace and security**, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of

international disputes or situations which might lead to a breach of the peace;

**(2) To develop friendly relations among nations** based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

**(3) To achieve international cooperation** in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

**(4) To be a center for harmonizing** the actions of nations in the attainment of these common ends.

### Bodies of the United Nations

The UN is divided into six major bodies or “organs” that have specific powers and responsibilities.

#### **(1) General Assembly**

The General Assembly is the main deliberative organ of the UN. It is composed of representatives of all member states, each of which has one vote. Decisions on important questions, such as those on peace and security, admission of new members and budgetary matters, require a two-thirds majority. Decisions on other questions are by simple majority.

#### **(2) Security Council**

The Security Council has primary responsibility for the maintenance of international peace and security. There are five permanent members of the Security Council – China, France, the Russian Federation, the United Kingdom and the United States. There are 10 non-permanent members who serve two-year terms and are

elected by the General Assembly in regional groups to ensure that each region is represented.

### **(3) Economic and Social Council (EEOC)**

The Economic and Social Council is the principal body coordinating the economic and social work of the UN. The Council's 54 member governments are elected by the General Assembly for overlapping three-year terms. Seats on the Council are allotted based on geographical representation with 14 allocated to African states, 11 to Asian states, 6 to Eastern European states, 10 to Latin American and Caribbean states, and 13 to Western European and other states.

### **(4) International Court of Justice (ICJ)**

The ICJ hears disputes between states. Founded in 1945, it is the principal judicial organ of the UN. The Court's role is to settle, in accordance with international law, legal disputes submitted to it by states and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies. The Court is composed of 15 judges, who are elected for terms of office of nine years by the UN General Assembly and the Security Council.

### **(5) Secretariat**

The day-to-day business of the UN is carried out by the international staff working in the Secretariat. The Secretariat services the other principal organs of the UN and administers the programs and policies laid down by them. At the head of it is the secretary-general, the chief administrative officer of the UN. The duties carried out by the Secretariat are as varied as the problems dealt with by the UN. These range from administering peacekeeping operations to mediating international disputes,

from surveying economic and social trends and problems to preparing studies on human rights and sustainable development. These are the General Assembly, the Security Council, the Economic and Social Council, the International Court of Justice, the Secretariat, and the Trusteeship Council.

### **(6) The Trusteeship Council**

The Trusteeship Council was established in 1945 by the UN Charter to provide international supervision for 11 trust territories placed under the administration of 7 member states, and ensure that adequate steps were taken to prepare the territories for self-government and independence. By 1994, all trust territories had attained self-government or independence. Its work completed, the Council has amended its rules of procedure to meet as and where occasion may require.

## **ALA MGS Model UN**

Delegates are split in groups of three or four and are assigned a country to represent at the plenary committee. Delegates are presented with the ALA MGS Model UN's millennium development goals and a global issue facing the UN. Delegates must follow parliamentary procedure, build blocs, and eventually adopt resolutions which seek to solve this issue.

### **Parliamentary Procedure**

- **Points of Inquiry** – These are used if you have a question about an aspect of committee you don't understand.
- **Points of Personal Privilege** – These are used if you experience discomfort, such as the inability to hear a delegate.
- **Points of Order** – These are used if you believe there was a mistake made in the rules of procedure.
- **Motions** – These are used mainly to

transition between stages of committee. For example, motions are used to move into a moderated caucus or to move into voting procedure. They can also be used to open and suspend debate on issues or resolutions.

### **Work Product**

- **Working Paper** – This is a document reflecting ideas delegates might have as proposed solutions to posed issues. Eventually, if passed, a working paper (draft resolution) becomes a resolution.
- **Amendment** – This is a change to a working paper that is on the floor. There are two types of amendments: a “friendly amendment,” which is supported by the draft resolution’s sponsors and is passed automatically, and an “unfriendly amendment,” which is not supported by the original sponsors and must be voted on by the committee as a whole.
- **Resolution** – This is a document that has been passed by an organ of the UN that aims to address a particular problem or issue.

### **Phases of Committee**

- **Speakers List** – This list guides who is up for discussion on opinions, rather than to foster debate. Speakers on this list also may move to break into caucus. During this time, it is necessary to define your country’s opinion on the issues before committee.
- **Unmoderated Caucus** – This period is used to form blocs and write working papers that the committee might later adopt for resolution. During this time, delegates are free to leave their seats to mingle and speak freely. This enables free sharing of ideas to an extent not possible in formal debate. Delegates often use this period to form “blocs,” which are groups of countries in a similar geographical region or with a similar opinion on a particular

topic. Blocs often vote together. Delegates should be convincing others to work with their respective blocs, negotiate mergers, or write the working papers for adoption.

- **Moderated Caucus** – This is a type of caucus where delegates remain seated and are called on one at a time by the Chair of Committee to speak for a short period of time. During these, delegates argue as to why their policy or solution should be adopted.
- **Voting** – This is the voting procedure is invoked by a motion. Delegates present their working papers for adoption. Working papers become draft resolutions when introduced, and then, if passed, they become resolutions. In order to pass, the working paper should have a simple majority vote – more than 50 percent.

## CHAPTER 14 EDUCATIONAL SYSTEM OF ALA MISSOURI GIRLS STATE

---

**State Board of Education** - According to the Missouri Constitution, “The supervision of instruction in the public schools shall be vested in a state board of education ...” (Article IX, Section 2a). This provision gives the State Board of Education general authority for public education, within limits set by the General Assembly. The Board’s duties and responsibilities range from preschool to the postsecondary and adult levels. The Board does not have direct authority over higher education institutions. However, the Board sets standards for and approves courses and professional programs for teachers and school administrators in Missouri’s public and private higher education institutions.

Under federal law, the Board serves as the state-level governing body for career and technical education programs provided by local school districts, community colleges, and four-year institutions.

The Board has no authority to regulate or accredit private, parochial, or home schools in the state.

**The Board’s major duties include:**

- setting policies for the **Department of Elementary and Secondary Education**.
- defining **academic performance standards** and **assessment** requirements for public schools.
- accrediting local school districts. The Board accredits school districts through the **Missouri School Improvement Program**, which includes
  - minimum standards for high school graduation, curriculum, student testing, support services and other areas of school operations.
- establishing requirements for the education, testing, assessment, **certification and recertification** of all public school teachers and administrators.
- operating the **Missouri School for the Blind** (St. Louis), the **Missouri School for the Deaf** (Fulton), and the statewide system of **Missouri Schools for the Severely Disabled**.
- overseeing federal education programs and the distribution of federal funds to school districts.
- establishing regulations for school bus safety and for fiscal management in local school districts.
- submitting annual budget recommendations for education to the Missouri Legislature
- administering the state’s **Vocational Rehabilitation** and **Sheltered Workshop program**, which provide services for adult Missouri citizens with disabilities.

In the state of Missouri members are appointed by the Governor and confirmed by the Senate.

At ALA MGS the State Board of Education is made up of eight citizens (selected through application process by the Dean of the School of Education and approved by

joint resolution of the Missouri Girls State Senate). No more than four members of the Board may belong to the same political party. No more than one member of the Board may reside in the same county.

### **Local Board of Education**

Section 162.621, Missouri Revised Statutes (RSMo). Powers and duties of board of education — special administrative board. — 1. The board of education shall have general and supervising control, government and management of the public schools and public school property of the district in the city and shall exercise generally all powers in the administration of the public school system therein. The board of education has all the powers of other school districts under the laws of this state except as herein provided and shall perform all duties required by general laws of school districts so far as they are applicable to the public school affairs of the city and are consistent with this law. It shall appoint the officers, agents and employees it deems necessary and proper and fix their compensation. The board of education may:

(1) Make, amend and repeal rules and bylaws for its meetings and proceedings, for the government, regulation and management of the public schools and school property in the city, for the transaction of its business, and the examination, qualification and employment of teachers, which rules and bylaws are binding on the board of education and all parties dealing with it until formally repealed.

(2) Fix the time of its meetings;

(3) Provide for special and standing committees;

(4) Levy taxes authorized by law for school purposes;

(5) Invest the funds of the district;

(6) Purchase and hold all property, real and personal, deemed by it necessary for the purposes of public education;

(7) Build and construct improvements for such purposes, and sell the same;

(8) Provide for the gratuitous transportation of pupils to and from schools in cases where by reason of special circumstances pupils are required to attend schools at unusual distances from their residences.

2. Except as otherwise provided in this subsection, the powers granted in subsection 1 of this section shall be vested, in the manner provided in section 162.1100, in the special administrative board of the transitional school district containing the city not within a county if the school district loses its accreditation from the state board of education. Thereafter, such powers shall immediately revert to the board of directors of the school district for any period of time for which no transitional school district containing the city not within a county is in existence. The board of directors of the school district shall, at all times, retain auditing and public reporting powers.

**Department of Elementary and Secondary Education** - The Department of Elementary and Secondary Education (DESE) is the administrative arm of the **State Board of Education**.

It is primarily a service agency that works with educators, legislators, government agencies, community leaders, and citizens

to maintain a strong public education system. Through its statewide school-improvement activities and regulatory functions, DESE strives to assure that all citizens have access to high-quality public education. The department does not regulate, monitor or accredit private, parochial, or home schools.

DESE's responsibilities range from early childhood to adult education services. DESE employs about 1,700 people throughout the state and has a total budget of about \$5.4 billion. About 96 percent of the budget consists of state and federal funds that are distributed to local school districts and other agencies.

**Commissioner of Education** - The Commissioner of Education directs the department and fulfills other duties as prescribed by law (Section 161.122, RSMo). The law states that the commissioner shall "seek in every way to elevate the standards and efficiency of the instruction given in the public schools of the state." At ALA Missouri Girls State the Commissioner is appointed by newly elected Governor and approved by State Board of Education.

### **Educational Acronyms**

#### **504**

Section 504 is a part of the Rehabilitation Act of 1973. The 504 Plan is a plan developed to ensure that a child who has a disability identified under the law and is attending an elementary or secondary educational institution receives accommodations that will ensure their academic success and access to the learning environment.

#### **AFT**

America Federation of Teachers

#### **AP**

Advanced Placement

#### **CSIP**

Comprehensive School Improvement Plan

#### **DESE**

Department of Elementary and Secondary Education

#### **ELL**

English Language Learners

#### **EOC**

End of Course

#### **ESEA**

Elementary and Secondary Education Act

#### **ESL**

English as a Second Language

#### **ESSA**

Every Student Succeeds Act

#### **FERPA**

Family Education Rights and Privacy Act

#### **GLEs**

Grade Level Expectations

#### **HiSET**

High School Equivalency Test

#### **HSE**

High School Equivalency

#### **IB**

International Baccalaureate

#### **IDEA**

Individuals with Disabilities Education Act

#### **IEP**

Individualized Education Program. An Individualized Educational Plan (IEP) is a plan or program developed to ensure that a child who has a disability identified under the law and is attending an elementary or secondary educational institution receives specialized instruction and related services.

#### **LEP**

Limited English Proficient Students

#### **MAP**

Missouri Assessment Program

#### **MEGA**

Missouri Education Gateway Assessment

#### **MNEA**

Missouri National Ed. Association

#### **MOST**

Missouri Saving for Tuition

**MOVIP**

Missouri Virtual Instruction Program

**MSHSAA**

Missouri State High School Activities Association

**MSIP**

Missouri School Improvement Program

**MSTA**

Missouri State Teachers Association

**NCATE**

National Council for the Accreditation of Teacher Education

**NCLB**

No Child Left Behind

**OCR**

Office for Civil Rights

**PLTW**

Project Lead the Way

**PTA**

Parent Teacher Association

**VR**

Vocational Rehabilitation

## CHAPTER 15

### HISTORY AND BACKGROUND OF ALA MISSOURI GIRLS STATE

---

American Legion Auxiliary Missouri Girls State (ALA MGS) was first established in 1940 as one of 11 Girls State programs in the nation. The first session was held at William Woods College (now University) in the summer of 1940 under the direction of Lutie Long Smith. There were 213 citizens in attendance the first year, and Juanita Curry was elected the first Governor. The citizens were divided into 3 counties — Scott, Price, and Barton; and there were six cities — Pershing, Coontz, Boone, Crowder, Lewis, and Clark. MGS was located at William Woods for 17 sessions, with no sessions held in 1943 and 1945 due to war. Following a fire at the university in 1959, MGS transferred to Christian College (now Columbia College) the following year. In 1961, the program moved to Stephens College due to the need for a larger facility. The program returned again to William Woods University in 1976, where it remained until 1998 when it moved to Central Missouri State University (now the University of Central Missouri). In 2022, the program moved the program to Lindenwood University in St. Charles so that ALA MGS could take place concurrently with Missouri Boys State on the same campus.

The official insignia of ALA MGS is the outline of the state of Missouri featuring American Legion Auxiliary emblem. The official ALA MGS banner had 11 white stars to symbolize that Missouri was the eleventh state to have a Girls State program. ALA MGS cities and counties are named after famous or important people to the American Legion Auxiliary and the state of Missouri, or those individuals who have contributed in some way to the success of the MGS program.

#### ALA Missouri Girls State Counties

Over time, counties have been added, and county names have been changed. The following are brief biographies of each person for whom a Girls State county has been named:

**Charles L. Bacon (1909-1989)** - *American Legion National Commander* - Born in Marshall, Missouri in 1909 Bacon graduated from Marshall High School and Missouri Valley College, and served on the law review while attending the University of Missouri School of Law. He graduated with honors in 1934 after having served as the president of the student body. Bacon served for four years with the United States Navy during WWII, where he rose to the rank of Lieutenant Commander. After the war, Bacon returned to his law practice in Marshall. Bacon married Helen Selvidge, the daughter of the late Robert Selvidge, a long-time faculty member at the University of Missouri. The Bacons had two children. Charles was an attorney and a partner in the law firm of Shook, Hardy, & Bacon, and lived in Kansas City, Missouri. In 1961, Bacon was the first Missourian ever to be elected to the office of National Commander of The American Legion during the national convention in Denver, Colorado. During his year of leadership, membership rose sharply, topping out at 3,000,000 members. In 1978, Bacon received the living American Legion Department of Missouri Distinguished Service Award, in part because of his active interest in the Legion's youth programs. Bacon was a lifetime member of the American Legion Boys State of Missouri Executive Committee and Board of Directors until his untimely death in 1989.

**David Barton (1783-1837) - Senator -** Barton was born December 14, 1783, in Green County, Tennessee, but he made his mark on politics in the state of Missouri after moving to Missouri in 1809 to practice law. In 1813, he was elected Attorney General; then, in 1818, he was named Speaker of the Territorial Legislature. He was elected President of the First Constitutional Convention of Missouri and claimed he wrote the first constitution that was in place until the Drake Constitution replaced it in 1866. He served for two years as the first United States Senator from Missouri after being elected by acclamation. In 1834, after his retirement from the United States Senate, Barton became the State Senator from St. Louis and later the Circuit Judge of Boonville. A portrait of Barton hangs on the wall of the Hall of Representatives in Jefferson City. Barton often is referred to as the “Forgotten Statesman” but few have had a more valid claim to the recognition and remembrance of Missouri politics.

**Joan “Margaret” Davidson McNeel (1923 – 2011) - American Legion Auxiliary member –** Joan was born in Kansas City, Missouri and then moved to Glendale, California when she was a teenager. She attended Mills College in Oakland, California for two years until deciding to take flight training in preparation to join the Women’s Air Service Patrol (WASPs) during WWII. While learning to fly she met Robert (Mac) McNeel, an Army Air Corps pilot and flight instructor and they married in 1944. She and Mac were married for 67 years until her death in 2011 in Santa Barbara, California. Davidson was honored by the United States Army for outstanding service in World War II.

**Mrs. A.O. DeWitt (dates unknown) -** *American Legion Auxiliary, Department of*

*Missouri President -* DeWitt was the first ever President of the American Legion Auxiliary Department of Missouri. She served as President from 1921-22.

**Johnson - Missouri county -** Johnson County is the home of both the city of Warrensburg and the University of Central Missouri campus, which hosted the ALA MGS program from 1998-2021.

**Sterling Price (1809-1867) - Governor -** Price was born September 11, 1809, in Prince Edward County, Virginia. At the age of 22, Price moved to Fayette, Missouri, where he was elected Chariton County Representative to the General Assembly in 1836. In 1844, he was elected Democratic Representative to Congress but resigned in 1846 to accept a Colonel’s Commission during the Mexican War. Price went on to be appointed to the rank of Brigadier General; and in 1852, he was an anti-Benton candidate for Governor of Missouri and won convincingly. As Major General of the newly organized State Guard, Price’s Army served under the Confederacy during the Civil War. Price is recognized for his large contributions to the popularity and power of a third party.

**John Scott (1782-1861) - Congressman -** Scott was born in 1782 in Hanover County, Virginia but moved to Ste. Genevieve, Missouri in 1804 to practice law. In 1817, he was elected as a Territorial Delegate to Congress. He also was a member of the Constitutional Convention in 1820 and was considered by many to be one of the five most important and influential men in attendance. Scott became Missouri’s first Congressman and was re-elected in 1822 and 1824. In 1826, Scott was defeated for re-election by Edward Bates.

**Harry S. Truman (1884-1972)** - *President of the United States, Member of The American Legion* - President Truman was born May 8, 1884, in Lamar, Missouri. He was the eldest of the three children of John and Martha Ellen Truman. He received his education in the Independence School System, but due to his poor eyesight was limited to few activities. He therefore chose to focus his abilities on his studies and the piano. Truman applied to West Point but was turned down due to his eyesight. He went to work directly out of high school, helping his father manage a farm. He worked for the railroad and the local town bank during his free time. When WWI erupted, he was commissioned by the National Guard. He served in France as the commander of Battery D of the 129th Field Artillery, and it was here that he developed many of his leadership skills that would help him in later endeavors. After returning from war in 1919, he wed Elizabeth (Bess) Wallace and established a clothing store, which went bankrupt a few years later. It was after his business failure that Truman decided to become involved in politics; in 1922, he was elected judge of the Jackson County Court. Truman failed in his bid for re-election in 1924; instead Truman became the Presiding Judge in 1926 and was re-elected to the same post in 1940. At the suggestion of his friends in 1944, Truman decided to become a candidate in the Democratic Vice-Presidential primary. He was elected to the ticket, along with Franklin Roosevelt, which went on to win the general election. Upon President Roosevelt's death in office on April 12, 1945, Truman became our nation's 33rd President. During his first term in office, he guided a nation and a world through the end of WWII, helped establish the United Nations, and used the atomic bomb to end the war. He implemented the Truman

Doctrine, the Marshall Plan, and the Berlin Airlift; and he helped design the North Atlantic Treaty Organization (NATO) — all of which helped slow the growth of communism in Europe. President Truman edged out Tom Dewey for re-election in 1948 and had a very successful and colorful second term in office. He implemented Point Four, a program of technical assistance for underdeveloped countries, and guided the nation through the Korean conflict. President Truman retired to Independence, Missouri, where he remained active in local politics and spent time delivering speeches. In the 1960s, he was awarded the living American Legion Department of Missouri Distinguished Service Award. President Truman remained active in politics until his death in 1972. Truman was used as a city name at ALA MGS until 2022 when it became a county name.

#### **ALA Missouri Girls State Cities**

The following are brief biographies of each person for whom an ALA MGS City has been named. *Please note, in 2021, seven (7) of the 21 cities were not used due to a smaller program size. Beginning in 2022, ALA MGS moved to eight (8) counties, each with two (2) cities.*

**JoAnne Adreon (1937-1994)** - *American Legion Auxiliary, Department of Missouri President* - Adreon was a St. Louis county nurse and served as Department President for the American Legion Auxiliary, Department of Missouri from 1993-94. Adreon worked for Barnes Jewish Hospital in St. Louis, Missouri, as a nurse. She died in January 1994 of ovarian cancer while holding the office of Department President. Ten years later to the day, her husband passed away following a trip to the cemetery to put flowers on her grave.

**Susan B. Anthony (1820-1906) -**

*Women's suffrage activist* - Anthony was born in Adams, Massachusetts as the second of eight children in a strict Quaker family. Anthony's first involvement in the world of reform was in the temperance movement. This was one of the first movements of original feminism in the United States, and temperance movement dealt with the abuses of women and children who suffered from alcoholic husbands. Anthony teamed up with one of her closest friends, Elizabeth Cady Stanton, to campaign for women's rights around 1851. She devoted her life to the antislavery movement from 1854 to the onset of the Civil War in 1861. From 1868 to 1870, she was co-editor and co-founder of the published New York liberal weekly, "The Revolution," which is best known for demanding equal pay for women. From 1872 to her death in 1906, she worked tirelessly for the National Woman Suffrage Association and the National American Woman Suffrage Association. Unfortunately, Anthony died before seeing the fruits of her labor — the 19<sup>th</sup> amendment to the US Constitution — come to fruition.

**Thomas Hart Benton (1782-1858) - Senator** - Benton was born March 14, 1782, in Hillsboro, North Carolina to poor parents. Benton educated himself by reading the books he could find and borrow from neighbors. He served under General Andrew Jackson and came to St. Louis in 1815, where he became news editor for the *St. Louis Enquirer*. In 1820, he was elected to the United States Senate. In 1856, Benton ran for Governor of Missouri but was defeated. Seven states have counties named in Benton's honor. Benton, a respected statesman, died on April 10, 1858, in Washington, D.C.

**Daniel Boone (1734-1820) - Frontiersman** - Boone was born November 2, 1734,

in Pennsylvania and moved to Missouri in 1798 when he was granted land in St. Charles County. He was not the leader of American immigration into Missouri as he has been given credit by many who study American pioneer history; however, no one has been more widely written about than Daniel Boone. Because of his legendary status due to stories and tales, Boone has become a huge part of the historical fabric of early America and Missouri, in particular. Boone died on September 26, 1820. Boone County, in which the city of Columbia sits, was named in his honor.

**General Omar Nelson Bradley (1893-1981) - General in U.S Army** - General Bradley was born February 12, 1893, in rural Randolph County, Missouri.

After attending country schools in both Higbee and Moberly, Bradley went on to graduate from West Point in 1915. He served as a Major in WWI and taught at West Point and the Infantry School during his career with the military. General Bradley often was referred to as the "GI's General" because of his ability to relate to his troops. He commanded the largest exclusively American field command in U.S. history during the spring of 1945. He led four field armies, 12 corps, 48 divisions, and more than 1.3 million men during that command. General Dwight D. Eisenhower chose Bradley to command the first U.S. Army in the invasion of Normandy in June 1944. His troops liberated Paris, defeated a German counter-offensive during the unusually brutal winter of 1944-45, seized the first bridgehead over the Rhine River, and drove through central Germany to establish the first Allied contact with Soviet troops. After the war ended, he served as the first chairman of the Joint

Chiefs of Staff in the new Department of Defense, the highest military position open to a U.S. officer, and as Administrator of the Veterans Administration, where he gained fame for his success in making it more efficient. In 1950, he became the fourth officer in U.S. history to reach the five-star rank of General of the Army. Bradley received the living American Legion Distinguished Service Award in 1970. He died on April 8, 1981, in New York City.

**Mrs. Eleanor Broeg (dates unknown) - American Legion Auxiliary, Department of Missouri President** - Broeg was president of the first session of ALA MGS in 1940 (This position has since been eliminated.). Broeg also wrote the *Official Girls State Song* to the melody of *The Missouri Waltz*. The song was adopted during a joint session of ALA Missouri Girls State House and Senate in 1948. The words she wrote can be found in the song chapter in the back of the Girls State manual. Broeg also served as Department President of the American Legion Auxiliary from 1939-40.

**George Washington Carver (1860-1943) - Botanist/Inventor** - Carver was born a slave in Missouri sometime in the 1860's. His reputation is based on his research into and promotion of alternative crops to cotton, such as peanuts, soybeans, and sweet potatoes. He also developed and promoted about 100 products made from peanuts that were useful for the house and farm, including cosmetics, dyes, paints, plastics, gasoline, and nitroglycerin. He was recognized for many achievements as a botanist and inventor and in 1941, *Time* magazine dubbed him a "Black Leonardo". President Theodore Roosevelt publicly admired his work even before he was a public figure and during his life he met with both Calvin Coolidge and Franklin Roosevelt to

discuss various agricultural issues. Carver died after a fall in his home and is buried next to Booker T. Washington at Tuskegee University. On his grave is written: "*He could have added fortune to fame, but caring for neither, he found happiness and honor in being helpful to the world.*"

**William Clark (1770-1838) - Explorer** - Clark was born August 1, 1770, in Caroline County, Virginia. By accepting the task of aiding his friend Meriwether Lewis in the greatest exploring expedition undertaken by the federal government — the Expedition to the Pacific in 1803 — Lewis and Clark are now household names and appear in every history textbook across the nation. In 1808, Clark founded the Missouri Fur Company and used his fame and name recognition to help him play an important role in governing the vast territory acquired by the United States through the Louisiana Purchase. Clark served as Superintendent of Indian affairs in Louisiana and Missouri from 1807-13 and as Territorial Governor of Missouri from 1813-20. Clark died in 1838 and is buried at the Bellefontaine Cemetery in St. Louis, Missouri.

**Mrs. Perry Compton (dates unknown) - American Legion Auxiliary, Department of Missouri President** - Hailing from New Florence, Missouri, Mrs. Compton served as the director of ALA MGS during the 1943, 1962, 1963, and 1964 sessions. She also served as President of the American Legion Auxiliary, Department of Missouri the same year that her husband served as State Commander of the American Legion (1942-43).

**Ann Covington (1942 - present) - Former Chief Justice of the Missouri Supreme Court** Covington earned a bachelor's degree from Duke University in 1963 and a

juris doctorate from the University of Missouri School of Law in 1977. She served as a lawyer and judge for more than 30 years prior to retiring in 2010. Covington was the first female judge to serve on the Missouri Supreme Court, and while serving as Chief Justice instituted a number of significant judicial administration programs. Prior to her appointment in 1989, she sat on the Missouri Court of Appeals, Western District, practiced law in Columbia, and served as an assistant attorney general under Attorney General John Ashcroft. After stepping down from the bench in 2001, she practiced law as a partner and of counsel with the law firm of Bryan Cave until she retired in 2010. In 2013, Governor Jay Nixon appointed Covington to serve on the University of Missouri Board of Curators, a position that she held until 2015. Covington's contributions to the legal community are have been recognized statewide and nationwide. Among her many honors, she has been inducted into Missouri Public Affairs Hall of Fame and was named one of the "Women Trailblazers in the Law" by the American Bar Association.

**JoAnn Cronin – 1953-2020** -- *American Legion Auxiliary, National President, American Legion Auxiliary, Department of Missouri President* - Cronin was from Imperial, Missouri and served as the 2006-2007 National President of the American Legion Auxiliary. Cronin was eligible for membership in the American Legion Auxiliary through the service of her late father, Jack M. Cronin, who served in the U.S. Marine Corps during World War II. Cronin was an Honorary Life Member of Rock Memorial Unit 283 in Imperial. She joined the organization as a Junior member. She served as Unit President for six years, chaired many committees and remains active on the unit level. On the state

level, Cronin served as President in 1990-1991, 1st Vice President, 2nd Vice President, Historian, and Chaplain. She was also chairman of the following committees: Americanism, Children & Youth, Education, Girls State, Veterans Affairs & Rehabilitation, and Membership; and served as Finance Chairman. Cronin's involvement on the national level included serving as the National Vice President and chairman of the following committees: Veterans Affairs & Rehabilitation, Children & Youth, National Convention, National Security, Education, Constitution & Bylaws, Leadership, Americanism, Community Service, Poppy, Legislative, Public Relations, Girls State and Central Division Girls State. Cronin also served as a National Executive Committeewoman and Alternate National Executive Committeewoman. Cronin earned a bachelor's degree in mathematics from Notre Dame College, St. Louis, Missouri. She taught Mathematics five years before going to work for the federal government. She worked for the federal government 27 years, and was active in the St. Joseph Catholic Church, where she taught in the Parish School of Religion and served on the school board.

**Enoch H. Crowder (1859-1932)** - *Major General* - Crowder was born April 11, 1859, near Trenton, Missouri in a town called Edinburgh. After attending Grand River College, he went on to West Point in 1877. Upon graduating in 1881 with honor and distinction, he went to the University of Missouri as a professor of military tactics, where he also studied law. He was the driving force behind the bill that made the University of Missouri Cadets members of the National Guard of Missouri. Promoted to rank of Captain in 1891 and stationed in Omaha, Nebraska, Crowder continued his success by

becoming a Major in 1895. He later served as a Legal Advisor to the Military Governor of the Philippines and was appointed Provost Marshal General. Crowder also drafted the Selective Service Act in 1917.

**Mrs. C W Drakesmith (dates unknown)** - *American Legion Auxiliary, Department of Missouri President* - Billy Drakesmith was Department President for the American Legion Auxiliary, Department of Missouri from 1934-1935.

**Meriwether Lewis (1774-1809)** - *Explorer* - Lewis was born August 18, 1774, near Charlottesville, Virginia. In 1795, he entered the U.S. Regular Army and was assigned as the private secretary to President Thomas Jefferson from 1801-03. Commissioned by the President as commander of the expedition with Captain William Clark as his companion, he explored the land west of the Mississippi River. After returning from the expedition, he was named Governor of the Louisiana Territory. Lewis died October 11, 1809, in Nashville Tennessee, at the home of a settler. Lewis County, Missouri, is named in his honor.

**General John J. Pershing (1860-1948)** - *General* - Pershing was born September 13, 1860, in Linn County, Missouri. After graduating from West Point in 1886, he became a military instructor at the University of Nebraska, where he received his law degree in 1893. In 1897, he became an instructor in tactics at West Point but was sent to the Philippines shortly after to serve with the operations against the Moro tribe. After rising through the ranks,

Pershing became a Full General and was in command of the A.E.F. in 1917. On July 1, 1921, he was appointed Chief of Staff of the U.S Army and the Commander in Chief of the American Expeditionary Forces in WWI. Pershing died on July 15, 1948, after having been retired for 24 years. General Pershing received the American Legion Department of Missouri Distinguished Service Award posthumously in 1967, becoming the first recipient of the award.

**Stephens College - Home of Missouri Girls State from 1961-76** - James L. Stephens, for whom Stephens College in Columbia, Missouri, is named, left quite a mark on central Missouri. In 1862, an explosion at his new mercantile store on Columbia's main street killed three people, so he was banished to the North. He was only allowed to return to Columbia after a petition protesting his exile was signed by many central Missourians and sent to President Lincoln, who revoked the banishment order. Surprised and deeply thankful for the support of his fellow citizens, Stephens spent his later years working to improve mid-Missouri life. He headed a drive to persuade the Boone County Court to appropriate \$250,000, an astonishing amount in those days, to subsidize the Centralia-Columbia branch of the Wabash Railway. He endowed the then Columbia Female Baptist Academy with \$20,000 and the institution was renamed the Stephens Female College. Stephens himself, his son Edwin, his grandson Hugh, and his great-grandson Carl have all sat as chairman of the College's Board of Curators, with Carl retiring in 1998.

### American Legion Auxiliary Missouri Girls State Governors

The following is a list of the citizens who were elected Governor of ALA Missouri Girls State by their respective years:

- 1940 – Juanita Curry
- 1941 – Betty Lou Young
- 1942 – Betty Jean Sherwood
- 1943 – *no session*
- 1944 – Marilyn Jane Scott Higgins
- 1945 – *no session*
- 1946 – Shirley Ray Sparling
- 1947 – Katheryn Mittino Frigo
- 1948 – Ann Burkhardt
- 1949 – Sally Miller Patton
- 1950 – Jane Bredberg Nelson
- 1951 – Ruth Ann Ziegenhorn Austin
- 1952 – Nancy Castello Bernal
- 1953 – Janice Jovanonic Smith
- 1954 – Edna McDonald Harris
- 1955 – Barbara Michel Payne
- 1956 – Jane Luenstroth Rozsnafszky
- 1957 – Jeana Sue Herl
- 1958 – Ann Rowlei
- 1959 – Nicki Nichols Gamble
- 1960 – Virginia Jeans Laas
- 1961 – Loretta Thompson Ponds
- 1962 – Alana Heilig Davidson
- 1963 – Penny Oliver Hawkins elected (Becky Sweet Cowger served)
- 1964 – Deborah Humphey
- 1965 – Judy Steen Pryor
- 1966 – Joy Johannessen
- 1967 – Cindy Fuller Caputo
- 1968 – Susie Cowden Rowen elected (Christy Lee Wright served)
- 1969 – Jane Lohman
- 1970 – Betsy Garrett
- 1971 – Jan Green Stubbs
- 1972 – Connie Crane Kairns
- 1973 – Melinda Glaspy Fulton
- 1974 – Elizabeth Berry McDougal
- 1975 – Mary Jane Jamison
- 1976 – Mary Treis McLaughlin
- 1977 – Debbie Sapp Yarwood
- 1978 – Brenda Coddington
- 1979 – Sara Trower
- 1980 – Cindy Braun elected (Becky Brown Randles served)
- 1981 – Ann Heim
- 1982 – Kimberly Smith
- 1983 – Ann Smith Hill
- 1984 – Julie Konrad Ellis

1985 – Sherri Wattenbarger  
1986 – Sandra Porter Higgins  
1987 – Mary Kallaher elected (Amy Bordewick served)  
1988 – Amy Enderle  
1989 – Kimberly Koehly  
1990 – Victoria Faith Daniels  
1991 – Amanda White  
1992 – Angela Austin  
1993 – Amanda Pierre  
1994 – Trina Philpot  
1995 – Becky McCreight  
1996 – Karen Barmann  
1997 – Lisa Bass elected (Julie Willcox served)  
1998 – Tanisha Robinson  
1999 – Donna Delia  
2000 – Jennifer Shults  
2001 – Chesney Moore  
2002 – Taylor McKinney  
2003 – Paige Hendrix  
2004 – Edwina King  
2005 – Kamelletti Haines  
2006 – Spencer Prevallet  
2007 – Cassidee Harris  
2008 – Katie Brewer  
2009 – Anitra Evans  
2010 – Taylor Moody  
2011 – Jordan Duran elected (Maya Buckner served)  
2012 – Anjali Fernades  
2013 – Katherine Thompson  
2014 – Saniya Ablatt  
2015 – Maddie Loescher  
2016 – Hattie Bittle  
2017 – Wei Wei Kellmann  
2018 – Camille Shoals  
2019 – Aminhan Lobster  
2020 – *no session*  
2021 – Duaa Mohamed

**APPENDIX A**  
**INFORMAL CITY MEETING AGENDA – SUNDAY 10:15 AM**

1. City Counselor presiding.

*“First order of business is to elect a Temporary City Chairman who will preside over city meetings until the election of your city’s Mayor. As most of you are just meeting for the first time, when the floor is open for nominations, if you are interested in a position it is okay to nominate yourself.”*

- *“Nominations are now in order for Temporary City Chairman.”*  
(I nominate \_\_\_\_\_ for Temporary City Chairman.)

- *“Are there any further nominations?”*

Continue until there are no more nominations. If there is only one nomination the presiding officer says, *“There being only one nomination the chair declares \_\_\_\_\_ elected Temporary Chairman.”*

If there is more than one nomination, have each nominee come to the front of the room, state her name, and give a **very brief** reason for wanting the office. After each nominee has spoken, have the nominees turn their backs to the group and vote by show of hands (the nominees vote). The citizen with the most votes is the Temporary City Chairman and will preside over the rest of the meeting. **Follow this same procedure for all offices and roles to be filled.**

2. Temporary Chairman presiding.

- *“Nominations are now in order for Temporary City Clerk.”* (City counselor explains the office.)  
(I nominate \_\_\_\_\_ for Temporary City Clerk.)

- *“Are there any further nominations?”*

- *“Nominations are now in order for State Highway Patrolwomen.”* (City counselor explains the position. *“If selected, this will be your only position for the entire week unless you take appropriate steps to resign. You must attend the School of Law Enforcement.”*)  
(I nominate \_\_\_\_\_ for State Highway Patrolwoman.)

- *“Are there any further nominations?”*  
(Elect two)

- *“Nominations are now in order for Color Bearers.”* (City counselor explains the office. *“Color Bearers are responsible for assisting with all flag raising and lowering ceremonies. Each county’s Color Bearers will have the opportunity to conduct a flag raising or lowering according to the schedule.”*)  
(I nominate \_\_\_\_\_ for Color Bearer.)

- *“Are there any further nominations?”*  
(Elect three)

- *“Nominations are now in order for ALA MGS Media.”* (City counselor explains the office. *“One citizen per city may be selected as ALA MGS Gazette reporters and one citizen per city can be selected to serve as the Broadcast Journalism staff member.”*)  
(I nominate \_\_\_\_\_ for Newspaper Reporter; I nominate \_\_\_\_\_ for Broadcast Journalism staff member).

- *“Are there any further nominations?”*  
(Elect one for newspaper, one for broadcast)

**The Temporary Chairman and Temporary Clerk will fill out Form 1 by printing the correct spelling of the selected citizens' names, and file this form at the ALA MGS Headquarters following the conclusion of this meeting.**

**APPENDIX B**  
**CITY CENTRAL COMMITTEE MEETING AGENDA – SUNDAY 10:15 AM**

1. City Chairman presiding.

*“We will proceed with nominations to fill a slate of candidates for all the city offices.”*

(Only the three members of the City Central Committee can make nominations and vote.)

A. *“Nominations are now in order for Mayor.”*

(I nominate \_\_\_\_\_ for Mayor.)

B. *“Are there any further nominations?”*

Continue until there are no more nominations. If there is only one nomination the presiding officer says, “There being only one nomination the chair declares \_\_\_\_\_ elected candidate for Mayor.” If there is more than one nomination, have each nominee come to the front of the room, state her name, and give a **very brief** reason for wanting the office. After each nominee has spoken, vote by secret ballot (Only the city central committee can vote.). The nominee with the most votes is the party candidate for Mayor. **Follow this same procedure for all offices to be filled.**

C. *“Nominations are now in order for Municipal Judge.”*

(I nominate \_\_\_\_\_ for Municipal Judge.)

D. *“Are there any further nominations?”*

E. *“Nominations are now in order for Council Members from Ward 1.”*

(I nominate \_\_\_\_\_ for Ward 1 Council Member.)

F. *“Are there any further nominations?”* (Note: Need 2 Council Members from each Ward)

G. *“Nominations are now in order for Council Member from Ward 2.”*

(I nominate \_\_\_\_\_ for Ward 2 Council Member.)

H. *“Are there any further nominations?”*

I. *“Nominations are now in order for Council Member from Ward 3.”*

(I nominate \_\_\_\_\_ for Ward 3 Council Member.)

J. *“Are there any further nominations?”*

**The Chairman and Clerk will fill out Form 3 by printing the correct spelling of the candidates' names and file this form at the ALA MGS Headquarters immediately. Do not continue with other business until Form 3 is properly filled out and taken to the ALA MGS Headquarters.**

**APPENDIX C  
CITY COUNCIL MEETING  
FIRST REGULAR SESSION  
MONDAY 1:30 PM**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call (Quorum) by Temporary City Clerk
4. Ceremonial Matters – Temporary City Clerk will swear in the Mayor, Council Members, and Municipal Judge.
5. Mayor, with consent of the Council, will appoint the following positions: City Clerk, City Attorney, Post Mistress, and Sanitation Director. Temporary City Clerk will swear in the appointed positions. **NO HIGHWAY PATROL OR ELECTED OFFICIALS MAY BE APPOINTED.**
6. The Council will appoint the City Manager. City Clerk will swear in the City Manager. **NO HIGHWAY PATROL OR ELECTED OFFICIALS MAY BE APPOINTED.**
7. The City Manager will appoint the following positions: Police Chief, Fire Chief, Finance Director, and Health Director. City Clerk will swear in the appointed positions. NOTE: After being appointed to these positions, the Police Chief and Fire Chief have authority to hire employees, as set forth in Chapter 10. **NO HIGHWAY PATROL OR ELECTED OFFICIALS MAY BE APPOINTED.**
8. Public Participation (Please adhere to the guidelines below for Public Participation.\*)
9. Council Bill No. R-09-01: A resolution authorizing the City Manager to execute an agreement with Lindenwood University for infrastructure needs for the City.
10. Council Bill No. 09-02: An ordinance
11. Council Bill No. 09-03: An ordinance
12. Council Bill No. 09-04: An ordinance
13. Staff Reports:
  - City Manager (resignations & re-appointments, if necessary)
  - Police Chief
  - Fire Chief
  - Health Director
  - Finance Director – City Taxes due.
14. Committee Member Reports:
  - Sanitation Director

15. Council Member Reports:
  - Council members - Ward 1
  - Council members - Ward 2
  - Council members - Ward 3
16. Report from the Mayor
17. Questions from the Media
18. Adjournment

**\*The City Council meeting is an open meeting but is not a meeting of the public. There is a place on the agenda for comments from citizens under PUBLIC PARTICIPATION. This time is an important part of issue identification, city policy ideas, projects, and comments. Any citizen may make a comment or remark at this time. It is not a time of discussion. State your comment, then return to your seat. ALA MGS rule is that comments by an individual or group shall not exceed four (4) minutes. The City Council requests that concerns be initially addressed at the appropriate action level before coming to the City Council.**

## APPENDIX D

### GENERAL ASSEMBLY NOMINATIONS AGENDA

1. Meet in your County Hall. Divide by Party. **Select three candidates for Senator for each party.**

The 2 City Central Committee Chairmen will preside.

A. *“We will proceed with nominations to fill a slate of candidates for the General Assembly.”*

B. *“Nominations are now in order for Senator.”*  
(I nominate \_\_\_\_\_ for Senator.)

C. *“Are there any further nominations?”*

Continue until there are no more nominations. If there are only three nominations, the presiding officer says, *“There being only three nominations, the chair declares \_\_\_\_\_ elected candidates for Senators.”* If there are more than three nominations, have each nominee come to the front of the room, state her name, and give a **very brief** reason for wanting the office. After each nominee has spoken, the City Central Committee Chairs will decide the slate of three candidates for Senator.

2. Divide by City, then divide by party within each city. **Select four candidates for Representative from each party.**

Each City Central Committee Chairman presiding.

A. *“Nominations are now in order for Representatives.”*  
(I nominate \_\_\_\_\_ for Representative.)

D. *“Are there any further nominations?”*

Continue until there are no more nominations. If there are only four nominations, the presiding officer says, *“There being only four nominations, the chair declares \_\_\_\_\_ elected candidates for Representatives.”* If there are more than four nominations, have each nominee come to the front of the room, state her name, and give a **very brief** reason for wanting the office. After each nominee has spoken, the City Central Committee will decide the slate of four candidates for Representative.

**The City Central Chairs shall be responsible for filling out the appropriate forms by printing the correct spelling of the elected girls' names and file this form at the ALA MGS Headquarters immediately. Please note that in the interest of time, a primary election is not being held to elect Senator and Representative candidates at ALA MGS; whereas, a primary election would be held for candidates to the Missouri General Assembly.**

**APPENDIX E**  
**COUNTY COMMISSION MEETING AGENDA**  
**12:00 PM WEDNESDAY**

First order of business is for the Supreme Court Justice to swear in all newly elected County Officials.

County Commissioner \_\_\_\_\_, presiding

- A. Call to Order** – Presiding Commissioner
- B. Pledge of Allegiance** – Led by County Clerk
- C. Roll Call** - County Clerk
- D. Resignations & Reappointments** (as necessary)
  - a. County Commission shall appoint a Public Defender (**must be enrolled in School of Law and pass the bar examination**)
- E. New Appointments** (See Chapter 9 for list of appointments and duties)
  - a. Sheriff shall appoint three deputies (bailiff of the County Commission, bailiff of the Circuit Court, and County Jailor)\*
  - b. County Clerk shall appoint a Jury Commissioner and a deputy\*
  - c. County Collector shall appoint a deputy\*
  - d. County Treasurer shall appoint a deputy\*
  - e. Recorder of Deeds shall appoint a deputy\*
  - f. Prosecuting Attorney shall appoint an assistant prosecutor (**must be enrolled in the School of Law and pass the bar examination**)
  - g. Public Defender shall appoint an assistant public defender (**must be enrolled in School of Law and pass the bar examination**)
- F. County property taxes due** - County Collector to announce collection plan.
- G. Public Participation** (Adhere to the same rules as during the City Council Meeting. This is the time to state ideas for county ordinances or any other relevant comment.)
- H. State Fair Committee Report**
- I. New business:**
  - a. County Budget – Treasurer Report and Commissioners’ approval
  - b. State Fair Operations (County Clerk to record volunteers for State Fair shifts)
- J. Conduct any other county business you deem necessary** (ordinances etc.)
- K. Adjournment**

**\*NO HIGHWAY PATROL OR ELECTED OFFICIALS MAY BE APPOINTED.**

**APPENDIX F**  
**AGENDA FOR FIRST MEETING OF THE HOUSE AND SENATE**

1. Legislative Counselors
  - a. Distribute tags, placards, and rosters
  - b. Explain Bill forms and filing
  - c. Discuss trip to Jefferson City
  - d. Explain Leadership selection process
2. Caucus
3. House/Senate Meetings for formal election
4. Leadership Meeting
  - a. Decide Committees
  - b. Select Staff
  - c. Prepare for the next House and Senate Meeting

## SCRIPT FOR THE FIRST HOUSE MEETING

SECT of STATE (CHAIR): The House will come to order. *Gavel strike.* Madame Majority Leader?

MAJORITY LEADER: Madame Chair, the first order of business is the Invocation. I ask that the House stand and remain standing and that you recognize the Lady from \_\_\_\_\_ (City name).

CHAIR: The House will stand. The Lady from \_\_\_\_\_ is recognized for the Invocation

*Invocation is given.*

CHAIR: Thank you, Lady from \_\_\_\_\_. The House will remain standing. Madame Majority Leader?

MAJORITY LEADER: Madame Chair, the next order of business is the Pledge of Allegiance. I ask that you recognize the Lady from \_\_\_\_\_ to lead us in the Pledge.

CHAIR: Lady from \_\_\_\_\_ is recognized for the Pledge

*Pledge of Allegiance is recited.*

CHAIR: Thank You, Lady from \_\_\_\_\_. The House may now be seated. Madame Majority Leader?

MAJORITY LEADER: Madame Chair, the next order of business is election of a Speaker.

CHAIR: Are there any nominations? *Each floor leader makes a nomination for Speaker, a second member speaks on behalf of the nomination, and then the CHAIR accepts the nominations. When both parties have nominated, the CHAIR calls for and takes a vote.*

CHAIR: Congratulations, Representative \_\_\_\_\_. Please assume the Dias.

\*\*\*SPEAKER: Madame Majority Leader?

MAJORITY LEADER: Madame Speaker, the next order of business is Bills for Introduction. I move to suspend the rules and take House Resolution \_\_\_ up for immediate consideration.

SPEAKER: The majority leader has moved to suspend the rules and take House Resolution \_\_\_ up for immediate consideration. All those in favor, say Aye. *Pause.* All those opposed, say Nay. *Pause.*

SPEAKER: *Assuming the motion prevailed, the Speaker continues.* The Ayes indeed have it. The Clerk will read House Resolution \_\_\_\_\_. *At this point the CLERK reads the resolution.*

SPEAKER: Discussion of House resolution \_\_\_? *Pause.* Seeing none, we will proceed to vote. All those in favor, say Aye. *Pause.* All those opposed, say Nay. *Pause.*

SPEAKER: *Assuming the motion prevailed, the Speaker continues.* The Ayes indeed have it. *Continue this process (returning to \*\*\*) until all organizational resolutions have been passed.*

SPEAKER: Madame Majority Leader?

MAJORITY LEADER: *The Majority Leader will motion for the House to stand in recess, adjourn, or move on to the next order of business.*

## SCRIPT FOR THE FIRST SENATE MEETING

PRESIDENT: The Senate will come to order. *Gavel strike.* Madame Majority Leader?

MAJORITY LEADER: Madame President, the first order of business is the Invocation. I ask that the Senate stand and remain standing and that you recognize the Senator from \_\_\_\_\_ (County name).

PRESIDENT: The Senate will stand. The Senator from \_\_\_\_\_ is recognized for the Invocation

*Invocation is given.*

PRESIDENT: Thank you, Senator from \_\_\_\_\_. The Senate will remain standing. Madame Majority Leader?

MAJORITY LEADER: Madame President, the next order of business is the Pledge of Allegiance. I ask that you recognize the Senator from \_\_\_\_\_ to lead us in the Pledge.

PRESIDENT: The Senator from \_\_\_\_\_ is recognized for the Pledge.

*Pledge of Allegiance is recited.*

PRESIDENT: Thank you, Senator from \_\_\_\_\_. The Senate may now be seated. Madame Majority Leader?

MAJORITY LEADER: Madame President, the next order of business is election of a President Pro Tempore.

PRESIDENT: Are there any nominations? *Each floor leader makes a nomination for Pro Tem, a second member speaks on behalf of the nomination, and then the PRESIDENT accepts the nominations. When both parties have nominated, the PRESIDENT calls for and takes a vote.*

PRESIDENT: Congratulations, Senator \_\_\_\_\_. Please assume the Dias.

\*\*\*PRO TEM (*called President by the body*): Madame Majority Leader?

MAJORITY LEADER: Madame President, the next order of business is Bills for Introduction. I ask unanimous consent to take Senate Resolution \_\_\_ up for immediate consideration.

PRO TEM: The Majority Leader has asked unanimous consent to take Senate Resolution \_\_\_ up for immediate consideration. Are there any objections? *Pause.* Seeing none it is so ordered. The Clerk will read Senate Resolution \_\_\_ .

*At this point, the CLERK reads the resolution.*

PRO TEM: Discussion of Senate Resolution \_\_\_ ? *Pause.* Seeing none, we will proceed to vote. All those in favor, say Aye. *Pause.* All those opposed, say Nay. *Pause.*

PRO TEM: *Assuming the motion prevailed, the Pro Tempore continues.* The Ayes indeed have it. *Continue this process (returning to \*\*\*) until all organizational resolutions have been passed.*

PRO TEM: Madame Majority Leader?

MAJORITY LEADER: *The Majority Leader will motion for the Senate to stand in recess, adjourn, or move on to the next order of business.*

FIRST REGULAR SESSION

**House Resolution 1**  
**GENERAL ASSEMBLY**  
**Missouri Girls State**

**Be it Resolved:** That House of Representatives is duly convened and is now in session ready for consideration of business.

**Be it Further Resolved:** That the Missouri Girls State Senate and the Governor be informed that the House is duly organized with the following officers to wit:

- Speaker.....
- Speaker Pro Tem .....
- Floor leaders.....
- Chief Clerk.....
- Doorkeeper.....
- Sergeant-at-Arms.....

**Senate Resolution 1**  
**GENERAL ASSEMBLY**  
**Missouri Girls State**

**Be it Resolved:** That Senate is duly convened and is now in session ready for consideration of business.

**Be it Further Resolved:** That the Missouri Girls State House of Representatives and the Governor be informed that the House is duly organized with the following officers to wit:

- President Pro Tem .....
- Secretary of the Senate.....
- Doorkeeper.....
- Sergeant-at-Arms.....

FIRST REGULAR SESSION

House Resolution 2

GENERAL ASSEMBLY

Missouri Girls State

Be it Resolved: That the Governor and Senate be notified of the election of the following officers for the Missouri House

\_\_\_\_\_, Representative from \_\_\_\_\_ as Speaker.

\_\_\_\_\_, Representative from \_\_\_\_\_ as Speaker Pro Tempore.

Speaker.....

Speaker Pro Tem .....

Floor leaders.....

Chief Clerk.....

Doorkeeper.....

Sergeant-at-Arms.....

Senate Resolution 2

GENERAL ASSEMBLY

Missouri Girls State

Be it Resolved: That the Governor and House of Representatives be notified of the election of \_\_\_\_\_, Senator from \_\_\_\_\_ as President pro tempore.

President Pro Tem .....

Secretary of the Senate.....

Doorkeeper.....

Sergeant-at-Arms.....

FIRST REGULAR SESSION

**House Resolution 3**  
**GENERAL ASSEMBLY**  
**Missouri Girls State**

Designating of House committees.

**RESOLUTION**

Designating of House committees.

*Resolved:* That the following Representatives are designated as members and Chairs as indicated of the following committees for the \_\_\_\_\_ session of Missouri Girls State:

- House Committee on \_\_\_\_\_ : (with same jurisdiction): \_\_\_\_\_, chair;
- House Committee on \_\_\_\_\_ : (with same jurisdiction): \_\_\_\_\_, chair;
- House Committee on \_\_\_\_\_ : (with same jurisdiction): \_\_\_\_\_, chair;
- House Committee on \_\_\_\_\_ : (with same jurisdiction): \_\_\_\_\_, chair;
- House Committee on \_\_\_\_\_ : (with same jurisdiction): \_\_\_\_\_, chair;
- House Committee on \_\_\_\_\_ : (with same jurisdiction): \_\_\_\_\_, chair;
- House Committee on \_\_\_\_\_ : (with same jurisdiction): \_\_\_\_\_, chair;
- House Committee on \_\_\_\_\_ : (with same jurisdiction): \_\_\_\_\_, chair;

**Senate Resolution 3**  
**GENERAL ASSEMBLY**  
**Missouri Girls State**

Designating of Senate committees.

**RESOLUTION**

Designating of Senate committees.

*Resolved:* That the following Senators are designated as members and Chairs as indicated of the following committees for the \_\_\_\_\_ session of Missouri Girls State:

- Senate Committee on \_\_\_\_\_ : (with same jurisdiction): \_\_\_\_\_, chair;
- Senate Committee on \_\_\_\_\_ : (with same jurisdiction): \_\_\_\_\_, chair;
- Senate Committee on \_\_\_\_\_ : (with same jurisdiction): \_\_\_\_\_, chair;
- Senate Committee on \_\_\_\_\_ : (with same jurisdiction): \_\_\_\_\_, chair;
- Senate Committee on \_\_\_\_\_ : (with same jurisdiction): \_\_\_\_\_, chair;
- Senate Committee on \_\_\_\_\_ : (with same jurisdiction): \_\_\_\_\_, chair;

**APPENDIX G**  
**INFORMATION FOR THE STATE CENTRAL COMMITTEE MEETING**

The 64 State Committeewomen elected at the Joint City/County Committee meetings make up the State Central Committee.

1. Select a Temporary Secretary.
2. Elect the State Committee Chairwoman. Remember, the Chairwoman of each Party's State Committee is the most important person in the political setup and should be one with outstanding ability. It will be her responsibility to oversee the planning of the state convention, supervise committee planners, and chair the convention. **She may not be a candidate for state office.**
3. Elect the State Central Committee Secretary. The Party Secretary will file the names of the Chairwoman, Vice Chairwoman, Secretary, and Whip in the ALA MGS headquarters at the close of this meeting.
4. Elect the State Central Committee Vice Chairwoman.
5. Elect the Party Whip. This spirited individual will work closely with the Party Chairwoman. She will be the "cheerleader" of the party and should be elected for those qualities. **She may not be a candidate for state office.**
6. The Chairwoman will issue the Call for the Party State Convention. Each Chairwoman should send a copy of the Call to the Editor of the ALA MGS Gazette.
7. State Committee members should sign up for one of the convention planning committees. (The committees are explained in Chapter 10.) Citizens interested in participating in Opening Ceremonies must notify and be selected by the Party Chair. Opening Ceremony components include leading the pledge, the national anthem, and the keynote address. Convention planning committees (Rules, Platform, Resolutions) should begin to plan immediately. The State Central Committee meeting will be adjourned by the Party Chair.

**APPENDIX H  
ALA MGS LEGAL FORMS**

**IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY**

STATE OF MISSOURI )

Plaintiff )

vs. )

Case No. \_\_\_\_\_

\_\_\_\_\_ )

Defendant )

**COMPLAINT AND SUMMONS**

The State of Missouri to the above-named defendant:

You are hereby summoned and required to appear in the Circuit Court of \_\_\_\_\_

County, located at \_\_\_\_\_, at \_\_\_\_\_ o'clock p.m. and defend

against the charge of

\_\_\_\_\_  
\_\_\_\_\_.

If you fail to appear in court at the time specified on this summons, a warrant will be issued for your arrest.

The above complaint is true as I verily believe.

Arresting Officer: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_

**IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, MISSOURI**

STATE OF MISSOURI	)	
Plaintiff	)	
	)	
v.	)	Case No. _____
	)	
	)	
Defendant	)	

**COMPLAINT AND REQUEST FOR ARREST WARRANT**

Comes now the Prosecuting Attorney of the County of \_\_\_\_\_, State of Missouri, being duly sworn upon oath and upon information and belief, and states that there is probable cause to believe that, on or about the following date or dates specified, the accused committed the following crimes:

\_\_\_\_\_ in that, on or about June \_\_\_\_, 20\_\_\_\_, she:

\_\_\_\_\_

\_\_\_\_\_.

The facts that form the basis for this information and belief are contained in the attached affidavit concerning this matter, which statement is made a part hereof and is submitted herewith as a basis upon which this court may find the existence of probable cause for the issuance of the warrant.

Wherefore, the Prosecuting Attorney prays that an arrest warrant be issued as provided by law.

\_\_\_\_\_  
Prosecuting Attorney

Sworn and subscribed to before me this \_\_\_\_ day of June, 20 \_\_\_\_.

\_\_\_\_\_  
Clerk of the Court

**IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, MISSOURI**

STATE OF MISSOURI	)	
Plaintiff	)	
	)	
v.	)	Case No.
	)	
	)	
Defendant	)	

**WARRANT FOR ARREST**

THE STATE OF MISSOURI TO ANY PEACE OFFICER IN THE STATE OF MISSOURI:

The court having found probable cause hereby commands you to arrest \_\_\_\_\_, who is charged with the following:

The Prosecuting Attorney of the County of \_\_\_\_\_, State of Missouri, charges that the defendant, either acting alone or knowingly in concert with another, committed the following offense:

\_\_\_\_\_ in that, on or about June \_\_\_\_, 20\_\_, she:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

The foregoing is alleged to have been committed within the jurisdiction of this court and in violation of the laws of the State of Missouri, and you are to bring the defendant forthwith before this court to be here dealt with in accordance with law. The court further finds reasonable grounds to believe that defendant will not appear upon summons or that the defendant is a danger to the crime victim, the community, or any other person. You, the officer serving this warrant, shall forthwith make return hereof to this court.

WITNESS THE HONORABLE \_\_\_\_\_, Judge of said court and the seal thereof, issued in the county and state aforesaid on this \_\_\_\_ day of June, 20\_\_.

\_\_\_\_\_  
 Judge

BOND SET AT: \_\_\_\_\_.

**RETURN**

Served this warrant in my County of \_\_\_\_\_ and in the State of Missouri on this \_\_\_\_ day of June, 20\_\_, by arresting the named defendant and producing defendant before said court on the \_\_\_\_ day of June, 20\_\_.

\_\_\_\_\_  
 Officer

**IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, MISSOURI**

STATE OF MISSOURI	)	
Plaintiff	)	
	)	
v.	)	Case No. _____
	)	
	)	
Defendant	)	

**COMPLAINT AND REQUEST FOR SEARCH WARRANT**

Comes now the Prosecuting Attorney of the County of \_\_\_\_\_, State of Missouri, being duly sworn upon oath and upon information and belief, and states that there is probable cause to believe that, in and upon certain premises within the County of \_\_\_\_\_, State of Missouri, the premises particularly described as follows:

\_\_\_\_\_

\_\_\_\_\_ ,

there have been and are now located the following certain items of personal property:

\_\_\_\_\_

\_\_\_\_\_ .

The facts that form the basis for this information and belief are contained in the attached affidavit concerning this matter, which statement is made a part hereof and is submitted herewith as a basis upon which this court may find the existence of probable cause for the issuance of the warrant.

Wherefore, the Prosecuting Attorney prays that a search warrant be issued authorizing a search of the described premises as provided by law.

\_\_\_\_\_  
 Prosecuting Attorney

Sworn and subscribed to before me this \_\_\_ day of June, 20\_\_.

\_\_\_\_\_  
 Clerk of the Court

**IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, MISSOURI**

STATE OF MISSOURI	)	
Plaintiff	)	
	)	
v.	)	Case No.
	)	
	)	
Defendant	)	

**SEARCH WARRANT**

THE STATE OF MISSOURI TO ANY PEACE OFFICER IN THE STATE OF MISSOURI:

The attached affidavit, sworn and subscribed before me, has established probable cause for this search warrant, which you are hereby ordered to execute as follows:

Places to be searched: \_\_\_\_\_

Property to be seized: \_\_\_\_\_

All property seized pursuant to this search warrant shall be retained in state custody pending further order.

Date and time warrant issued: \_\_\_\_\_

WITNESS THE HONORABLE \_\_\_\_\_, Judge of said court and the seal thereof, issued in the county and state aforesaid on this \_\_\_\_ day of June, 20\_\_.

\_\_\_\_\_  
Judge

**RETURN**

Executed this warrant in my County of \_\_\_\_\_ and in the State of Missouri on this \_\_\_\_ day of June, 20\_\_, and seized the following property:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Officer

**AFFIDAVIT**

I, \_\_\_\_\_, hereby declare under penalty of perjury that the information within my personal knowledge contained below in this affidavit is true.

Date: \_\_\_\_\_ Affiant: \_\_\_\_\_

**IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, MISSOURI**

STATE OF MISSOURI	)	
Plaintiff	)	
	)	
v.	)	Case No. _____
	)	
	)	
Defendant	)	

**INFORMATION**

The Prosecuting Attorney of the County of \_\_\_\_\_, State of Missouri, charges that the defendant, either acting alone or knowingly in concert with another, committed the following offense:

\_\_\_\_\_ in that, on or about June \_\_\_\_\_, 20\_\_\_\_, she:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

WITNESSES:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PUNISH-  
 MENT: \_\_\_\_\_

The Prosecuting Attorney, being duly sworn upon oath, certifies that the facts stated in the above information are true according to her best information, knowledge, and belief.

\_\_\_\_\_  
 Prosecuting Attorney

Sworn and subscribed to before me this \_\_\_\_ day of June, 20 \_\_\_\_.

\_\_\_\_\_  
 Clerk of the Court

**IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY, MISSOURI**

STATE OF MISSOURI	)	
Plaintiff	)	
	)	
v.	)	Case No. _____
	)	
	)	
Defendant	)	

**STIPULATION**

COME NOW the parties to the above-styled action and hereby stipulate and agree to the following:

---



---



---



---



---



---

_____	_____
Prosecuting Attorney	Attorney for Defendant

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY

\_\_\_\_\_)
Plaintiff )
vs. )
Case No. \_\_\_\_\_
\_\_\_\_\_)
Defendant )

CIVIL COMPLAINT AND SUMMONS

The Plaintiff in the above-styled action alleges that:

Based on the foregoing, Plaintiff hereby requests judgment against the defendant in the amount of \_\_\_\_\_ and/or equitable relief in the form of

\_\_\_\_\_.

I, \_\_\_\_\_, Plaintiff, verify that the facts set forth above are true and accurate to the best of my knowledge, information, and belief.

\_\_\_\_\_)
Plaintiff )
Date )

Defendant is hereby summoned and required to appear in the Circuit Court of \_\_\_\_\_ County, located at \_\_\_\_\_, at \_\_\_\_\_ o'clock p.m. and defend against the complaint in this action. Failure to appear will result in a judgment by default for the relief demanded in the complaint.

IN THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY

_____	)	
	Plaintiff	)
vs.		)
		Case No. _____
_____	)	
	Defendant	)

**DEFENDANT’S RESPONSE**

In response to the Plaintiff’s complaint in the above-style cause of action, Defendant states as follows:

Based on the foregoing, Defendant prays the court to deny the relief sought by Plaintiff.

I, \_\_\_\_\_, Defendant, verify that the facts set forth above are true and accurate to the best of my knowledge, information, and belief.

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date







**IN THE SUPREME COURT OF ALA MISSOURI GIRLS STATE  
en banc**

\_\_\_\_\_)  
\_\_\_\_\_) vs. \_\_\_\_\_) Opinion issued \_\_\_\_\_)  
\_\_\_\_\_) Case No. \_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)

**APPEAL FROM THE CIRCUIT COURT OF \_\_\_\_\_ COUNTY  
The Honorable \_\_\_\_\_, Judge**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## APPENDIX I SONGFEST

### OFFICIAL GIRLS STATE SONG

Lyrics by Eleanor Broeg, President of the American Legion Auxiliary

When Girls State started.

Tune: The Missouri Waltz

Girls State in Missouri is a jolly jambouree,  
Girls from North, South, East and West make merry company,  
We hail from big cities, small towns and the country  
Girl Staters are we, full of pep as can be.  
We are here to do our bit, to build democracy.  
Every minute of our time is full as it can be  
We're up with the bugle, we work, plan, and play,  
We are BUSY .... BEES.

Zoom, Zoom, Zoom, Zoom, Zoom,  
Seems we hear that good old mess hall call again  
Yum, yum, yum, yum, yum,  
That good old "Soup to Nuts".

Hear that mournful "lights out" call  
It just haunts you the whole night long,  
And you chat with your roommate, 'til she falls asleep,  
When you hear that "lights out" call.

Rush out on the campus where you stretch your weary bones,  
Scamper back up to your room and write the folks at home.  
It seems like your buddy is calling again,  
And good friends are singing that same old refrain,  
Girls State in Missouri where we learned to do or die,  
When campaigns were warming up and votes were running high  
And now we will part, leave in Girls State our HEART,  
Dear Missouri Girls State.

### GOD BLESS AMERICA

While the storm clouds gather far across the sea,  
Let us swear allegiance to a land that's free,  
Let us all be grateful for a land so fair,  
As we raise our voices in a solemn prayer.

God bless America, land that I love,  
Stand beside her and guide her thru the night  
with a light from above. From the mountains,  
to the prairies, to the oceans white with foam,  
God bless America, my home sweet home.

### AMERICA (round)

America, America, shall we tell you how we feel?  
You have given us your spirit, we love you so.

### HERE'S TO GIRLS STATE

(Words and Music by Haroldene Anne Herren  
Hemingford, Nebraska)

Raise your voices, raise them high  
Sing to Girls State, and here's why  
Look to Girls State, and you'll find  
Tomorrow's leaders of mankind.

Chorus:

We are the future builders,  
Builders in a band,  
And we come from Girls State,  
The best state in the land.  
We are up and coming,  
Progressive, kind and strong;  
And to our own Girls State  
We proudly sing our song.

Of our leaders, we will learn  
'Cause someday 'twill come our turn,  
To fulfill their utmost plan  
A lasting peace for ev'ry man.

### O BEAUTIFUL FOR SPACIOUS SKIES

O beautiful for spacious skies, for amber waves of grain,  
For purple mountain majesties above the fruited plain.  
America! America! God shed His grace on thee,  
And crown thy good with brother-hood  
From sea to shining sea.  
O beautiful for patriot dream, That sees, beyond the years,  
Thine alabaster cities gleam, undimmed by human tears!  
America! America! God shed His grace on thee,  
And crown thy good with brother-hood  
From sea to shining sea.

### THIS IS MY COUNTRY

This is my country, Land of my birth,  
This is my country, grandest on earth!  
I pledge thee my allegiance, America the bold,  
For this is my country, to have and to hold.

## **GOD BLESS THE U.S.A.**

From the lakes of Minnesota to the hills of Tennessee,  
Across the plains of Texas, from sea to shining sea.  
From Detroit down to Houston and New York to L. A.  
Well, there's pride in ev'ry American heart,  
and it's time to stand and say,  
That I'm proud to be an American, where at least  
I know I'm free, and I won't forget the men who  
died, who gave that right to me,  
And I'd gladly stand up, next to you and defend her  
still today, 'Cause there ain't no doubt I love  
this land, God bless the U. S. A.

## **LET THERE BE PEACE ON EARTH**

Let there be peace on earth and let it begin with me.  
Let there be peace on earth, the peace that was meant  
to be. With God as our Father, Brothers all are we.  
Let me walk with my brother in perfect harmony.

Let peace begin with me let this be the moment now.  
With ev'ry step I take, let this be my solemn vow:  
To take each moment and live each moment

In peace eternally, Let there be peace on earth  
And let it begin with me.

## **I'D LIKE TO TEACH THE WORLD**

I'd like to build the world a home and furnish it  
with love. Grow apple trees and honey bees  
And snow-white turtle doves.  
I'd like to teach the world to sing in perfect harmony,  
I'd like to hold it in my arms and keep it company.  
I'd like to see the world for once all standing  
hand in hand. And hear them echo through  
the hills for peace through-out the land.

## **A SMILE IS QUITE A FUNNY THING**

(Tune: Auld Lang Syne)

A smile is quite a funny thing, it wrinkles up  
your face, and when it's gone, you never find  
Its secret hiding place.  
But far more wonderful it is to see what smiles  
can do. You smile at one, she smiles at you,  
And so one smile makes two.

## **GETTING TO KNOW YOU**

Getting to know you, getting to know a11 about you,  
Getting to like you, getting to hope you like me.  
Getting to know you, putting it my way, but nicely,  
You are precisely, my cup of tea:

Getting to know you, getting to feel free and easy,  
When I am with you, getting to know what to say.  
Haven't you noticed? Suddenly I'm bright and breezy  
Because of all the beautiful and new  
Things I'm learning about you, day by day.

## **CLIMB EVERY MOUNTAIN**

Climb every mountain, search high and low,  
Follow every byway, every path you know.  
Climb every mountain, ford every stream,  
Follow ev'ry rainbow, till you find your dream.

A dream that will need al the love you can give,  
Ev'ry day of your life for as long as you live.  
Climb every mountain, ford ev'ry stream  
Follow ev'ry rainbow, till you find your dream.

## **OVER THE RAINBOW**

Somewhere over the rainbow, way up high,  
There's a land that I heard of once in a lullaby.  
Somewhere over the rainbow, skies are blue,  
And the dream that you dare to dream really do come true.

Some day I'll wish upon a star and wake up where the  
clouds are far behind me.  
Where troubles melt like lemon drops,  
Away above the chimney tops, that's where you'll find me.  
Somewhere over the rainbow blue birds fly,  
Birds fly over the rainbow, why then, oh why can't I?

## **MAKE NEW FRIENDS (round)**

Make new friends, but keep the old  
One is silver and the other gold.

## **SING TOGETHER (round)**

Sing, sing together, Merrily, merrily, sing,  
Sing, sing together, Merrily, merrily, sing,  
Sing, sing, Sing, sing.

### **WHAT THE WORLD NEEDS NOW**

What the world needs now is love, sweet love!  
It's the only thing that there's just too little of.  
What the world needs now is love, sweet love.  
No, not just for some, but for ev'ry-one.

Lord, we don't need another mountain;  
There are mountains and hill-sides enough  
to climb. There are oceans and rivers  
enough to cross, enough to last,  
Till the end of time.

What the world needs now is love, sweet love!  
It's the only thing that there's just too little of.  
What the world needs now is love, sweet love!  
No, not just for some, oh, but for ev'ryone.

### **ZIP-A-DEE-DOO-DAH**

Zip-a-dee-doo-dah, zip-a-dee-ay!  
My, oh my, what a wonderful day!  
Plenty of sunshine, headin' my way.  
Zip-a-dee-doo-dah, zip-a-dee-ay!  
Mister blue bird on my shoulder, it's the truth,  
it's `actch'11' Everything is satisfactch'tl.  
Zip-a-dee-doo-dah,zi-a-dee-ay!  
Wonderful feeling, wonderful day!

### **THE LONG AND THE SHORT OF IT**

TALL: We are long and tall and skinny  
Lank and thin, we will admit  
But our appetite is perfect  
We are always feeling fit.

SHORT: We are short and stout and rugged  
And our stature may be wide  
But with it we are contented  
We accept our size with pride.

TALL: We would not be like some people  
Short, condensed, a sorry plight  
With spike heels and with pokebonnet  
Helping elevate their height.

SHORT: We are not a bit peculiar, we are chic  
and tres petite. No one ever could  
mistake us for a lamp post on the street.  
ALL: Short or tall we should be thinking  
How successful we will be if we play  
and sing together all in fun and harmony.  
Let us bring cooperation in our groups  
both far and wide. And with our concerted  
action, our Girls State we boost with pride.

### **GIRLS STATER SAYS HELLO**

Oh, when a Girls Stater says hello,  
You'll say, now there's a girl I'd like to know,  
She's got the spirit, pep and loyalty  
And she is proud to be a Girls State nominee,  
And when she graduates she'll ner' forget  
All the fun she's had with friends she's met  
And deep within her heart she'll always be,  
Always be a Girls Stater you'll see.  
GIRLS STATE (clap, clap, clap)  
GIRLS STATE (clap, clap, clap)  
GIRLS STATE (clap, clap, clap) GREAT!!!

### **A MAN WITHOUT A GIRLS STATE**

A man without a Girls State is like a ship  
without a sail. It's like a boat without  
a rudder, it's like a fish without a tail.  
A man without a Girls State is like a wreck  
upon the sand But there's one thing  
Worse in this universe, And that's a  
Girls State, Oh yes, a Girls State  
I said a Girls State without a man.  
(We oughta' know)

### **THE HAPPY WANDERER**

Val-de-ri, val-de-rah, Val-de-ri, Val-de-rah  
ha, ha, ha, ha, ha, ha. Val-de-ri, Val-de-rah,  
Come join my happy song.

I love to go a wandering, along the mountain track  
And as I go, I love to sing, my knapsack on my back.

Val-de-ri-, val-de-rah, (repeat as above)  
My knapsack on my back.

O may I go a wandering, until the day I die;  
O may I always laugh and sing,  
Beneath God's clear blue sky.

Val-de-ri, val-de-rah, (repeat as above)  
Beneath God's clear blue sky.

### **TAPS**

Day is done, gone the sun, from the lake,  
From the hills, from the sky.  
All is well Safely rest, God is nigh.