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## State and Local Governments

### Financing State and Local Government (5.1)



*Boston's Central Artery/Tunnel Project — a.k.a. the "Big Dig" — is the largest, most complex, and most technologically challenging highway project in the U.S. Financing comes from a combination of federal, state, and local funds.*

Paying taxes is surely everyone's least favorite government-related activity. But taxing citizens is one of the concurrent powers of government. Federal, state, and local levels all have the power to tax.

Of course, people expect state and local governments to provide services such as police protection, education, highway building and maintenance, welfare programs, and hospital and health care. Taxes are a major source of income to pay for these services and many others that hit close to home. For most people, their local and state tax money pays for very visible services that they generally take for granted, except when something goes wrong with garbage collection, traffic lights, or snow removal. People are most likely to get involved with local and state governments when these basic services go wrong.

### Expenses

The single biggest expenditure in all states is education, with the average state and the localities within it spending just less than one-quarter of its budget for public schools. Funding for education comes primarily from the local school district budget, but most state governments give a great deal of financial and administrative support to schools. Other big budget items for state and local governments are the following:



*What would you do if there was a tax that didn't provide for the basic needs and services of your local area, and instead went to some monarch on another continent? Early American colonists had an answer. This cartoon from 1774 reads: "The Bostonians paying the excise-man or tarring and feathering."*

- Public welfare
- Health care
- Highways
- Police and fire protection
- Interest on debt
- Utilities and liquor stores

## State and Local Governments

Each of these items is less than 10% of state and local expenditures in most states, but together they make up a good portion of the expenses.

### Income

Counties, townships, cities, and states collect some of their money from licenses and fees and state-operated businesses, but about half of state revenue comes from taxes. Two other sources of income are grants from the federal government and, in some states, lotteries. Most states and localities levy three types of taxes:

- Sales taxes are the most important source of revenue for states. It is placed on various products, and customers pay the tax when they buy them. Today 45 states have a general sales tax that applies to most goods, although food is usually excluded, and sometimes clothing is exempt. Some cities also collect sales tax.
- Income taxes are imposed by all but a handful of states on personal and corporate incomes. Personal income taxes are generally progressive; that is, they are graduated so that the rate goes up with the size of the income. States generally do not allow local governments to levy income taxes, but some municipalities impose a payroll tax on people that work within their borders.
- Property taxes provide the chief source of income for local governments today. Taxes are levied on land, buildings, and personal dwellings. Property must be assessed for its value, and most cities employ tax assessors for that job. Property taxes are controversial because other types of property, such as stocks, bonds, and bank accounts, generally are not taxed. Those who hold "real" property, then, pay a disproportionate share of the taxes.



*You've heard about "death and taxes" but this is a double whammy: if a person dies "intestate" — without having created a will or trust for his or her heirs — both federal and state governments are poised to take a hefty chunk of that person's estate by imposing inheritance and estate taxes.*

# State and Local Governments

Other taxes include inheritance and estate taxes imposed when a person dies and wills property to heirs. Several states have severance taxes, levied on those that extract natural resources such as coal, oil, timber, and gas from the land. Almost all states place special excise taxes on gasoline, liquor, automobiles, and cigarettes.

Most states get more than a quarter of their income from federal grants that usually come with restrictions as to how the money can be used. Federal grants often go for building projects, such as roads, bridges, and dams, and for education, health care, and welfare.



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*In 1964, the New Hampshire Legislature created the first legal state lottery of the 20th century. Here, the first ticket is sold to Governor John W. King.*

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In recent years more and more states have turned to lotteries to pay their expenses. Billions of dollars now come from lotteries, with states retaining about one-third of the money as proceeds. Some states designate that the money be spent on something special, such as education, the arts, or building projects. Lotteries are controversial because some people believe that lotteries hurt lower-income people, who buy most of the tickets.

Taxes, federal grants, fees, licenses, and lotteries support state and local budgets. Most people understand more about where their state and local taxes and fees go than they do about federal expenditures. Perhaps that is because state and local services tend to affect their personal lives more directly. Still, many complain that they do not get their money's worth. It is always easier to recognize the pinch that taxes bring than the services most people take for granted.

## Chapter 4: A Century of Change (5.1, 5.4)

The State We're In: Washington - Your Guide to State, Tribal & Local Government  
(8th Ed.)



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## CHAPTER 4

### 1900-2000: A century of change

#### Economic Change

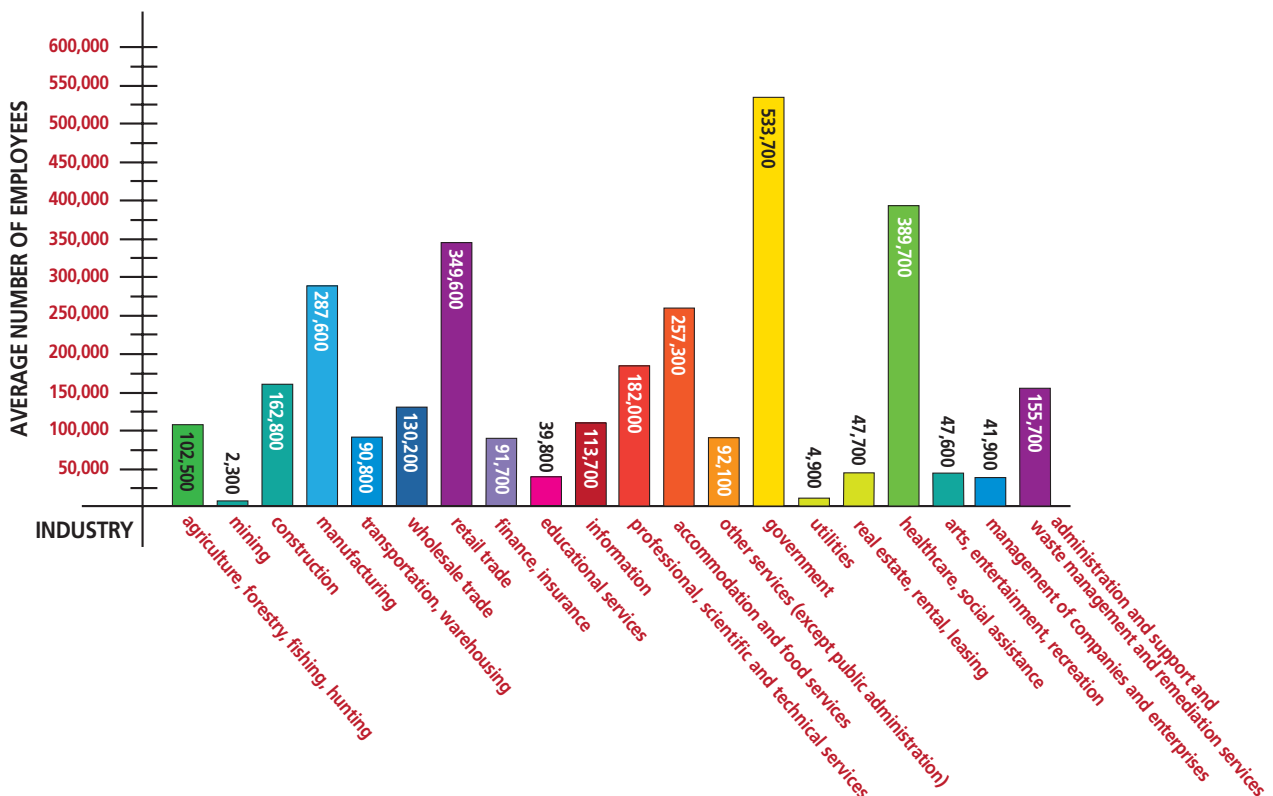
In 1900, about half a million people were counted in the census in Washington. (A census is a count of how many people live here, conducted by the U.S. government once every ten years.) In the 2010 census, nearly seven million people were counted (6,897,012 people, to be exact). That's a lot of people – and a lot of change for our state.

Imagine what it was like to live in Washington in the year 1900: People traveled on foot, on horses, on trains, or on boats, because cars were very rare



© The Boeing Company

#### What we do for a living (2016)



2016 Labor Market and Economic Report, Employment Security Department  
Washington State, published May 2017, p. iv.



and airplanes hadn't been invented yet. There was no electricity, so kids did their homework by candlelight. Most people only went to school through the 8th grade.

When kids got out of school, many worked on their families' farms. Others got jobs logging forests, milling lumber, mining coal, or working on a fishing boat or in a fish processing plant, or helping to build fast-growing cities and towns. People worked

## Who invented the weekend?

At the beginning of the 20th century, people often worked six or even seven days a week, and they often worked for 10 hours a day or more. Even children often worked these long hours. In many jobs, people also suffered a lot of injuries because there were hardly any safety measures.

To win better pay and conditions, workers banded together and formed unions – organizations that represent the interests of workers. Unions tried to bargain with business owners, and to get them to sign contracts spelling out how much workers would be paid, how many hours they would work, and under what conditions.

Sometimes, when the union couldn't get the employer to agree to the pay and conditions they wanted, all the workers would refuse to work. This is called a **strike**.

photo courtesy Washington State Archives



In 1917, loggers in Washington went on strike because they wanted to reduce their work day from ten hours to eight hours. People who worked in the mills where logs were sawed into lumber joined them, and together, the loggers and mill workers

shut down the whole industry. Eventually, they won, and the employers signed contracts giving them an eight-hour day and extra pay if they had to work overtime.

Unions eventually created today's standard work week of 40 hours – eight hours a day, with two days off. Unions also won pensions for people when they get old, paid time off when people are sick, pay for people who are injured at work, health insurance paid by employers, and paid time off for vacations. For many years, the labor movement in Washington was very powerful. But in the last half of the 20th century, the power of unions declined, both in

Washington and across the country. Now only about 15% of American workers are union members. Still, unions play a very important part in national, state, and local politics. Unions endorse candidates, and contribute to their campaigns. Many union members work as volunteers to put up signs and pass out literature for the candidates they support, and encourage people to vote.

In recent years, unions have also sponsored successful initiative campaigns to raise the minimum wage, and to provide better pay and union membership for workers who take care of people with disabilities and the elderly.



long hours with little time off. And work in the woods, mines, lumber mills and the fishing industry was dangerous. Many workers were hurt or killed in these jobs.

Early in the 20th century, Washington workers began organizing unions to demand better pay and working conditions. Over many years, unions helped improve the lives of working people by winning the eight-hour day, weekends off, and better safety standards. By the end of the 20th century, however, union membership was going down, and fewer and fewer workers were union members.

By the end of the century, life in Washington had changed dramatically. The Seattle area had become a center of medical and technical progress – home to a growing biotechnology industry, and famous as the hometown of Bill Gates, the co-founder of Microsoft. For much of the 20th century, Washington was also known as the place where the Boeing Company built sleek, fast airplanes. In Eastern Washington, technology had transformed the way people farmed, processed food, and managed livestock. But, at the same time, the new importance of technology – and the decline of fishing, mining, and logging – had created a gap between prosperous urban areas and struggling rural communities.

At the end of the 20th century, even a high school diploma wasn't usually enough to get a good job; the majority of kids went on to college, vocational or technical training, or an apprenticeship. Many adults also went back to school to learn new skills. And young people from rural areas and small towns often had to move to the cities to find good jobs.

The changes of the 20th century brought new prosperity to many, but by the end of the century, there was a growing gap between rich and poor, not just in Washington, but all over the U.S. Rising medical costs were a growing problem – especially for people whose employers didn't pay for their health insurance. And fewer and fewer jobs provided pension benefits for people to live on when they were too old to work anymore.

## Change in Washington's natural resources

The 20th century also brought dramatic changes to Washington's natural world. Huge dams were built on our rivers to produce electricity, and to provide irrigation for

photo courtesy Microsoft Corporation



The Microsoft campus in Redmond

photo courtesy the Department of Natural Resources



The Department of Natural Resources plants trees after state forests have been cut so that there will be more trees to harvest in 50 or 60 years.

A logger with a felling axe sits in the undercut of a tree in Washington. The tree was 25 feet in diameter.



University of Washington Libraries, Special Collections, neg DKinsey99

farms. This made farming a lot more of the land in Eastern Washington possible. But many of these dams blocked salmon from completing their journey from the ocean back to their home streams to lay eggs. The dams also destroyed traditional fishing places that Indians had used for thousands of years.

In the 19th century and in the early years of the 20th century, forests were logged without any thought to the future. At that time, the forests seemed so vast that it was hard to imagine that one day they would all be cut. By the end of the 20th century, scarcely any of Washington's original forests were left. Foresters had learned to replant the areas they cut, but the replanted areas were not the same as the forests that grew there before, because foresters planted only the trees that were most valuable for timber – not all the other plants and trees that had been part of the original forest. Harvesting trees also disrupted many rivers and streams, which did more harm to salmon.

Even early in the 1900s, some people began to notice that Washington's industries were damaging fish and streams, and polluting the water and air. Abundant runs of salmon had already started to shrink. But it took a long time for people to face

up to these problems. Eventually, laws were passed that required industries to stop dumping wastes into the air and water. But it wasn't until the last decade of the century, when Washington's wild salmon were in danger of extinction, that an all-out effort to save them finally began.



photo courtesy Washington State Archives

Fishing was a major industry in Washington for much of the 20th century.

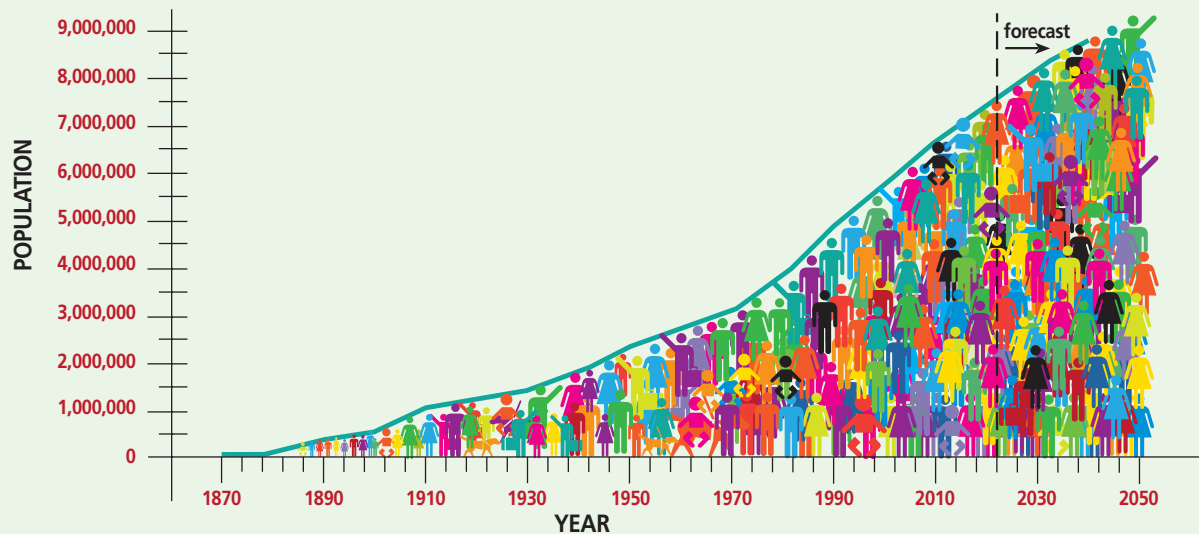
# Washington's changing population

A century and a half ago, Washington's population was almost all Native American. Then the population of white settlers became the overwhelming majority, and Indian tribes dwindled. Over the years, waves

of immigrants came from other states and from many countries – mostly European, but some from China, Japan, the Philippines, Mexico and other countries.

Today, Washington's population is still changing and growing. The Hispanic population is growing fastest, and in some counties, Hispanics are or will soon be in the majority. Indian

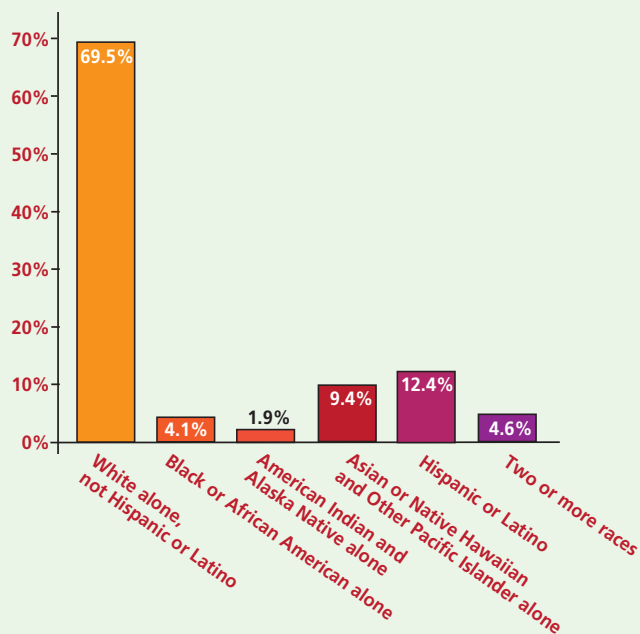
tribes and other populations of people of color are also growing, so that by the end of this century, no single group is likely to comprise a majority of Washington's people.



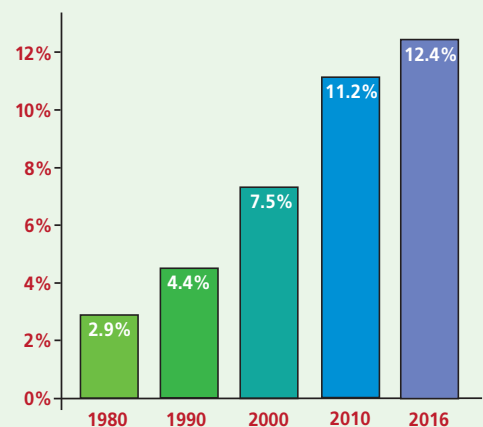
## Washington state shows strong historical population growth

### The population of Washington state by race/ethnicity

Washington state population by race  
2016 total population: 7,288,000



Hispanic population  
as a percentage of total population



Source: U.S. Census Bureau, July 2016

# Saving Wild Salmon



photo courtesy J.P. Reston, National Park Service

For thousands of years salmon have lived in Washington's waters. But now they have disappeared from about half of our rivers and creeks, and wild salmon runs in other rivers and streams are much smaller than they used to be.

There are many reasons why wild salmon are in trouble. Some people blame the problem on too much fishing, but there are other reasons, too. Many of the freshwater rivers and streams where salmon begin and end their lives have been dammed, polluted, or blocked. Some rivers no longer have enough water to support salmon in late summer. And in the winter, floods sometimes destroy salmon eggs or wash

young fish out to sea. When it rains, oil from roads, and pesticides from our farms and yards are washed into the streams and rivers.

So many people are worried about salmon that in 1998 the state legislature passed The Salmon Recovery Planning Act. Governor Locke called together the leaders of several state agencies (called the Joint Natural Resources Cabinet) to come up with plans to restore wild salmon. But state government is just one of many partners in this effort. Indian tribes, the federal government, the governments of other states where salmon live, local governments, and citizens' groups are all involved. Tribal governments are

especially important because of their special relationship with salmon, and because the federal court has declared that their treaty rights make them "co-managers" of salmon, on an equal footing with the state. Today tribal, local, state and federal governments all hire a lot of fish biologists and other scientists to help figure out the best ways to restore wild salmon runs.

We can all do something to help. People can volunteer to help restore salmon habitats, and conserve water in farms, factories and homes. We can stop using harmful pesticides and fertilizers on our lawns. We can let our elected officials know what we think they should do. If everyone works together, there is hope for wild salmon.

To learn more go to:

[www.rco.wa.gov/salmon](http://www.rco.wa.gov/salmon)

The Governor's Salmon Recovery Office

[www.wdfw.wa.gov/recovery](http://www.wdfw.wa.gov/recovery)

The Washington Department of Fish and Wildlife

[www.nwifc.org](http://www.nwifc.org)

The Northwest Indian Fisheries Commission

[www.psp.wa.gov](http://www.psp.wa.gov)

Puget Sound Partnership

**The Nisqually Tribe works to restore the salmon run despite dams in the river. This adult Chinook was released above a dam near Yelm to spawn. Each adult fish is marked with a colorful jaw tag so when the fish is found after it spawns and dies, the tribe can learn how the fish use the river above the dam.**



photo courtesy Debbie Preston, Nisqually Tribe



The invention of the automobile also had a profound impact on our natural world. Cars cause a lot of pollution – air pollution from car exhaust, and water pollution from the oil and other fluids that leak from them, and from the materials in tires and brakes that wear off on roads and get washed into streams. Cars also require a lot of pavement for roads, freeways and parking lots. And where there is pavement, rain can't soak into the ground. Instead, all that rainwater goes somewhere else – it runs into drains, which often gush into lakes or streams, carrying pollutants and disrupting the natural flow of water. The more people move to our state – and the more we drive – the bigger these problems become.

The way people lived was part of the problem, too. With every passing decade, people used more electricity and gas, and lived in bigger houses that took more lumber to build. People also created more and more garbage. And there were more and more of us. Urban areas sprawled outward, eating up more land, and needing more parking lots and roads.

Citizens who cared about these problems organized to find solutions, and to urge federal, state, tribal, county and city governments to take action. Starting in the 1960s, these organizations won important victories (including the creation of the state's Department of Ecology) and helped educate people about the problems. Important new laws were passed to reduce the amount of pollution industries could create, and to clean up the most dangerously polluted areas. But governments were hard-pressed to make enough progress to offset continuing population growth, and continuing growth in the number of cars, parking lots, and freeways.

Preserving and restoring the health of the natural world was difficult for other reasons, too. People need jobs, and sometimes this need conflicts with the desire to save wild fish, or preserve forests. Loggers want to cut trees, because their families and communities depend on their income. Fishermen – both Indian and non-Indian – want to fish, for the same reason. And governments have to figure

photo courtesy Leslie Hoge Design



This highway is filled with bumper-to-bumper traffic during rush hour every day.

photo courtesy Washington State Department of Natural Resources



This state-owned forest is managed by the Department of Natural Resources.

# Who made your shoes?

International trade is a big part of both our past and our future. One out of three jobs in our state depends on international trade. Our airplanes, computer software, wheat, apples, cherries, medical technologies, lumber and other services and products are exported to many other countries.

Washington also plays an important role in importing goods from other countries.

A lot of the imports come on huge ships to our ports, and are then loaded onto trucks or trains to be transported all over the country. Some of the imports stay in Washington, though – look at the labels on your clothing, shoes, and even the pots and pans in your kitchen, and you will get an idea of just how much we import.

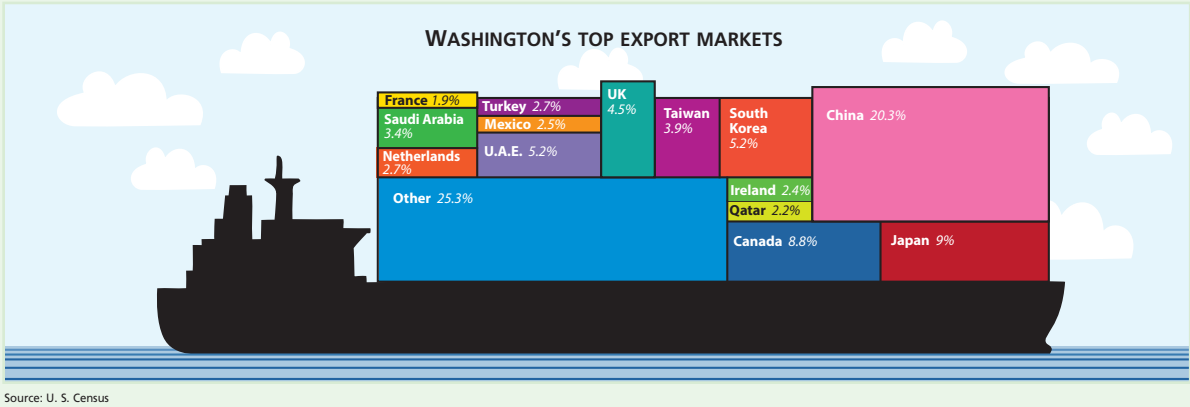
For Washington, the tradition of international trade

began a very long time ago. Indian nations traded with each other for thousands of years. Then, in 1825, the Hudson’s Bay Company established Fort Vancouver, and began to trade in furs. Ever since, international trade has grown in importance.

The ports of Tacoma and Seattle together are the third largest in the country, and they are actually closer to Asian ports than those in

California.

The State of Washington has an International Trade Division in the Washington State Department of Commerce that helps Washington businesses learn how to export their products. The International Trade Division also organizes visits to other countries to promote trade, and sometimes the governor leads these trade delegations.



out how to pay for cleaning up pollution and saving salmon at a time when they also need to spend more money on schools and colleges, care for the elderly, and other services for nearly seven million people.

## Change in relationships between tribal and state/local governments

In the 1850s, when the treaties were signed, the U.S. regarded Indian tribes as nations. Treaties are, by definition, agreements between nations. This made tribes nations within a nation. But tribes didn’t have the power to make the



federal or state government respect the terms of the treaties. So many of the promises made to Indians in the treaties were soon broken.

In 1887, the U.S. Congress passed the Dawes Act, which said that Indian reservations should be broken up. The federal government assigned each Indian family a plot of land within the reservation, and then sold off some of the remaining land to white settlers. The idea of this policy was to make more land available to white settlers – and to try to make Indians be more like white people. Instead of sharing land, they wanted Indians to adopt the idea of each person or family owning their own land. Instead of hunting, fishing and gathering, they wanted Indians to become farmers. In fact, a lot of people thought Indians should just disappear into the larger society. They didn't think that Indian culture, history, or languages would survive, because there weren't very many Indians left. Across the country, millions of



In the 1940s, when the U. S. was at war with Japan, 14,400 people of Japanese descent lived in Washington. Some were immigrants; about two-thirds were American-born children or grandchildren of immigrants.

Some people feared that some of them might be secretly supporting the Japanese government, though there was no evidence for this. (And no one seemed to worry about German immigrants, though we were also at war with

Germany.) Fear and racism won out, and President Roosevelt signed an executive order that required all the Japanese immigrants and citizens in

## Japanese internment

west coast states to be sent to prison camps until the war was over.

Many people who were sent to the camps lost their homes, farms and jobs. And they suffered from the trauma and shame of being locked up in spite of their loyalty to the United States.

There is a good essay on this topic at <http://www.history-link.org/File/240>.

Much later, the Japanese American Citizens' League

won passage of the federal Civil Liberties Act of 1988, which recognized the injustice of internment. President Reagan apologized to those who had been interned, and the federal government paid each of them \$20,000 as a token of regret.



For the full story, you can go to: <https://www.archives.gov/education/lessons/japanese-relocation>.

All the children at the Tulalip Indian boarding schools spent half of each day working. The boys worked in the fields, growing all the vegetables, and also tended cows that provided milk.



## Indian Boarding Schools

*Of all the many ways Indians suffered in the decades after the treaties were signed, none was more painful than Indian boarding schools. For many years, Indian children were separated from their families and required to live in these schools, where they were expected to adopt the culture, language, and values of white society. Many children had too little to eat, and many got sick and died. Even now, the memory of families being ripped apart by these experiences is a source of deep anger and sorrow.*

*Harriette Shelton Dover, a Snohomish tribal member who lived from 1904 to 1991, wrote a book about her life called *Tulalip, From My Heart*. She describes the years (1912–1922) she was required to live at a boarding school for ten months a year:*

“We took off our shoes and stockings in the basement playrooms at night, and we marched up two stairways to go to bed. In case we tried to run away, we were separated from our shoes. I consider that like a life in a penitentiary.

I was given a whipping for speaking our own language in school when I was nine years old . . . the matron strapped us from the back of our necks all the way to our ankles for talking our own language. . . . I went sailing across the hall and my head crashed into the wall. She said to me, “You get back here.” I did but I couldn’t see very well. . . . Believe me, we never talked “Indian” at the school again.”

*Harriette Dover also reports constant hunger, fear, cold, and military-style discipline. But the worst trauma was the number of children who didn’t survive. Harriette’s sister got sick with tuberculosis at the school and was sent home to die. Harriette writes:*

“I stayed home all the time my sister was sick and dying. The superintendent-agent didn’t make me go back to the Tulalip Indian School after my sister died. My father took me to a doctor in Everett. I was all they had then. I was the youngest, and my brother was gone in the army. I was thirteen years old and thin because I came out of Tulalip School. The only reason I lived was my sister dying, because then I got to come home.”

*The Tulalip boarding school closed in 1932, but some boarding schools continued for much longer. Eventually, tribes won more control of them and encouraged students to speak their own languages and practice their own culture. Also, more Native kids were allowed to attend public schools. Today, some tribes operate their own schools and their own colleges.*

The girls and their teachers baked bread; girls also cooked, cleaned, washed dishes, and sewed.



Indians had died of diseases that Europeans brought with them, such as smallpox and measles, and more had died during conflicts with the U.S. military and forced relocations from their land.

After about forty years, the Dawes Act was reversed, but by then it had already done a lot of damage. Instead of being a single, large tract of land, most reservations had become checkerboards of land owned by Indians and by settlers. Some of the land was eventually returned to the tribes, but most of it was not.

During this time, it was nearly impossible for Indians to maintain their traditional forms of government. The federal government basically ran the reservations, through an agency called the Bureau of Indian Affairs (BIA), which is part of the U.S. Department of the Interior. BIA agents ordered Indian children to go to boarding schools – often far away from their home reservations – where they were not allowed to speak their own language. The BIA also had the power to lease Indian lands to mining companies, to dissolve tribal governments, and to decide if and when Indians could sell their land.

In 1934, the U.S. Congress passed the Indian Reorganization Act. This law encouraged the re-formation of tribal governments, and allowed the return of holding land in common for the whole tribe. Many tribes thought this was an important step in the right direction, but there were some problems with the Act. Tribes who chose to form governments under the terms of this legislation were required to adopt tribal constitutions that followed a model set out by the federal government. They also had to agree to govern by majority rule rather than the traditional way of taking time to reach consensus.

In some respects, the tribal constitutions adopted under this law were really designed more for the convenience of the federal government than for the benefit of the tribes. Federal agencies wanted to deal with tribal governments that met federal deadlines – not with traditional tribal practices that meant taking the time to make decisions when the members of a tribe came to an agreement.

*“A treaty is not a grant of rights to the Indians, but a grant of rights from them.”*

FEDERAL DISTRICT COURT  
JUDGE EDWARD RAFFEDIE,  
DECEMBER, 1994

Suquamish tribal  
members harvest clams  
on the tidelands for  
elders in Dyes Inlet  
near Silverdale, WA.



photo courtesy Northwest Indian Fisheries Commission



photo courtesy Debbie Preston, Northwest Indian Fisheries Commission

In traditional Indian societies, spiritual practices were woven into the way people governed themselves. Spiritual and hereditary leaders were very important. But these traditions were also pushed aside by the new constitutions.

There was another problem, too: to adopt this kind of constitution, and to govern by voting, tribes had to define who was a tribal member. Before settlers came, this wasn't an issue, because people simply participated in the life of the tribe they lived in. People married across tribes, so it was common for kids to have parents from different tribes, or for a husband to participate in the life of his wife's tribe if that was who they lived with. But once tribal government became more structured, people had to formally enroll in one tribe, and one tribe only.

In 1953, federal policy towards Indians took another terrible turn: the U.S. Congress adopted the "Termination Policy." The aim of this policy was "to make Indians . . . subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, (and) to end their status as wards of the United States." To do this, reservations were to be abolished, and tribal governments wiped away. Once again, the federal government wanted Indians to give up their culture, their history, and their identity. This time, they didn't push for Indians to become farmers; instead, they encouraged Indians to move into cities and towns.

The termination policy was reversed in 1970, and in 1975 a new law called the Indian Self-Determination Act was passed. It gave tribes much more power to govern themselves. For the first time, tribes were able to run some of their own health, education, housing, and social services programs, and to make more decisions in tribal courts.

During the 1960s and early 1970s, a long struggle over Indian fishing rights pitted Indians against the Washington state government. State game wardens arrested and fought with Indians who tried to fish in their usual and accustomed places.

In 1979, the U.S. Supreme Court ruled that federal and state governments had to keep the promise in the treaties that said Indians would always be able to fish in common with settlers. In 1974, Judge George Boldt had ruled that the Indians should get half the salmon harvest; the Supreme Court upheld his decision.

The Indian Self-Determination Act and the Boldt decision were important turning points. The federal government finally recognized that Indians were not going to disappear, and that in spite of everything that had happened to them, Indians retained their own cultures, history, and identity. Indian tribes – and their governments – are a permanent part of the United States. The treaties that the U.S. government signed with tribes are the law of the land.

Since the 1970s, both the federal and state governments have begun to create “government to government” relationships with tribes. This is a return to the idea, embodied in the treaties, that Indian tribes are nations within a nation – that they have a right to govern themselves as they choose, and to protect and preserve their culture and traditions.

## The changing challenges of government

As you can imagine, all the changes of the 20th century had a big impact on our governments – state, tribal, and local – not to mention our national government. As you can see, the challenge of governing the state changed a lot in 100 years. During the 20th century, our state went from being a remote, wild place to being a leader in life sciences, technology, agriculture, and international trade. Our governments grew and changed along with our population. There was more for governments to do – and more costs for taxpayers to pay. At the beginning of the century, we only had to pay for educating a few thousand kids through the 8th grade. Only a few of these students ever went to college. By the end of the century, government needed money to pay for schools for nearly a million students in kindergarten through high school –

Country School  
in Burbank, Washington, 1901



photo courtesy Washington State Historical Society, Tacoma



photo courtesy of Kent School District



and about half of them went on to community and technical colleges or four-year universities. By the end of the century, we also needed more roads, more money for health care, more services for people with disabilities and the elderly, and more jails, police and firefighters.

At the beginning of the 20th century, Washington state government's annual budget was about \$30 million in today's dollars; by the end of the century, it was about \$11 **billion** a year.

## Science and Technology

Nearly all of the jobs in the 21st century economy require that people learn more math and science than their parents needed to learn, because new scientific discoveries and new technologies are constantly changing the way we do things.

Being a good citizen also requires more knowledge of science and math than it used to, because new scientific advances present us with important moral questions. Do we want to eat genetically engineered plants and animals? Should there be laws against cloning animals or humans? What should we do to reduce the impact of climate change? To make good decisions about these questions, we have to know enough science to understand what will happen when we choose a course of action.

There are special programs to help and encourage young people who are interested in math and science. These programs try to help kids see that math and science are for everyone, and that you don't have to be a genius to learn them. There are also special college scholarships for young people who are interested in math and science – and for those who want to teach these subjects in public schools. These opportunities have been created because Washington's future prosperity will depend on having people with strong math and science skills.



photo © Western Washington University

Students at the Vehicle Research Institute at Western Washington University build award-winning experimental vehicles known for fuel economy and safety.

More and more of Washington's economy depends on the work of scientists. And in almost every job, scientific advances are affecting what people need to know to use the tools, materials, and technologies in today's workplaces. But many employers complain that not enough young people are learning math and science and choosing science-based careers.

One of the most exciting areas of growth in Washington's economy is "green jobs" – that is, jobs in industries like bio-fuels or solar and wind energy that reduce pollution and oil use. There are also "green jobs" in the construction industry, where people are finding ways to use fewer resources and produce houses and buildings that use less energy.



# State and Local Governments

## Chapter 5: Governing Washington today (5.1, 5.5)

The State We're In: Washington - Your Guide to State, Tribal & Local Government  
(8th Ed.)



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## CHAPTER 5

### Governing Washington today

**G**overning Washington today may be more complicated than it was a hundred years ago, but the basic structure of our government is still the same. Our form of government has been flexible enough to change with the times, and stable enough to prevent change from being too sudden or extreme. That's mainly because our national and state constitutions have provided a strong foundation that has stood the test of time. The basic ideas in our constitutions – regular democratic elections, separation of powers, the rule of law, and clearly defined rights and responsibilities for citizens – have become deeply ingrained in our way of life.

The founding principles and practices in both our state and national constitutions are reflected in today's state government.

#### The legislature

The legislature has two halves – the House of Representatives, and the Senate.

Our national government's legislative branch is organized the same way, so sometimes people get confused about which Senate is the U.S. Senate, and which one is the *state* Senate. There's a big difference!

The U.S. Senate and the U.S. House of Representatives make laws for the whole United States, but our state Senate and House of Representatives make laws only *for the state of Washington*.

*The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.*

RCW 42.30.010, A PORTION OF THE LAW KNOWN AS THE "OPEN MEETINGS ACT," PASSED BY THE LEGISLATURE IN 1971.

#### Political parties in Washington

The two main political parties are the Democrats ([www.wa-democrats.org](http://www.wa-democrats.org)) and the Republicans ([www.wsrp.org](http://www.wsrp.org)). However, there are many other political parties, too. The Secretary of State's office has a list of them on its web site at [www.secstate.wa.gov](http://www.secstate.wa.gov)

The list includes the Libertarian Party, the Reform Party, the Constitution Party and the Green Party, among others, and information about how to contact them. Most political parties have web sites.

## WASHINGTON STATE'S GOVERNMENT

*CONSISTS OF 3 SEPARATE BUT EQUAL  
BRANCHES. VOTERS IN WASHINGTON  
STATE ELECT CITIZENS TO FILL THESE  
POSITIONS.*

HOUSE OF  
REPRESENTATIVES



### LEGISLATIVE BRANCH

*THE STATE LEGISLATURE HAS TWO HALVES:  
A SENATE AND A HOUSE OF REPRESENTATIVES.  
EACH OF OUR 49 LEGISLATIVE DISTRICTS  
ELECTS ONE SENATOR AND TWO  
REPRESENTATIVES.*

SENATE



all art by NWiloveva Illustration

Our state is divided into 49 legislative districts. The people in each of these districts elect one state senator and two state representatives. State senators serve for four year terms, but representatives are elected every two years.

### Making the Laws

The state legislature meets every year beginning in January. Every other year, they must agree on a two-year state budget. This two-year period is called a *biennium*. In the year when they must agree on a biennial budget, the legislative session lasts longer –usually 105 days. In the second year of the biennium, the legislative session is shorter,

## EXECUTIVE BRANCH

THE EXECUTIVE BRANCH OF GOVERNMENT, WHICH RUNS STATE AGENCIES AND ENFORCES STATE LAWS, IS HEADED BY NINE STATEWIDE OFFICIALS.

GOVERNOR

SUPERINTENDENT  
OF PUBLIC  
INSTRUCTION

LIEUTENANT  
GOVERNOR

COMMISSIONER  
OF  
PUBLIC LANDS

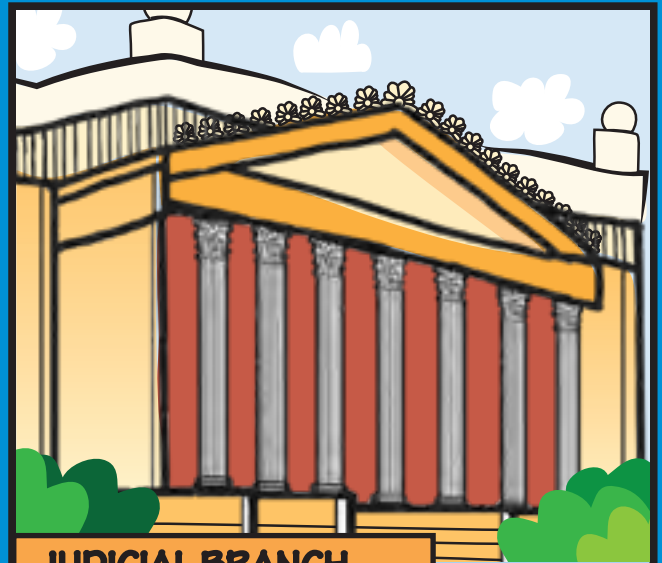
SECRETARY  
OF STATE

AUDITOR

ATTORNEY  
GENERAL

TREASURER

INSURANCE  
COMMISSIONER



## JUDICIAL BRANCH

**SUPREME COURT: 9 JUSTICES**  
THE HIGHEST COURT IN THE STATE

**COURT OF APPEALS**  
HEARS APPEALS FROM ALL LOWER COURTS

**SUPERIOR COURTS**  
GENERAL PURPOSE COURTS

**DISTRICT COURTS**  
CREATED BY COUNTIES

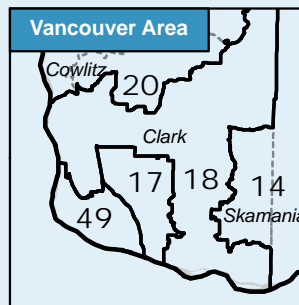
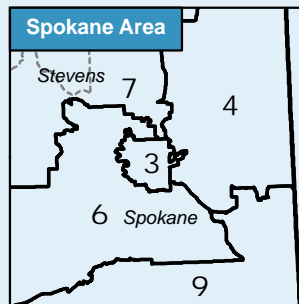
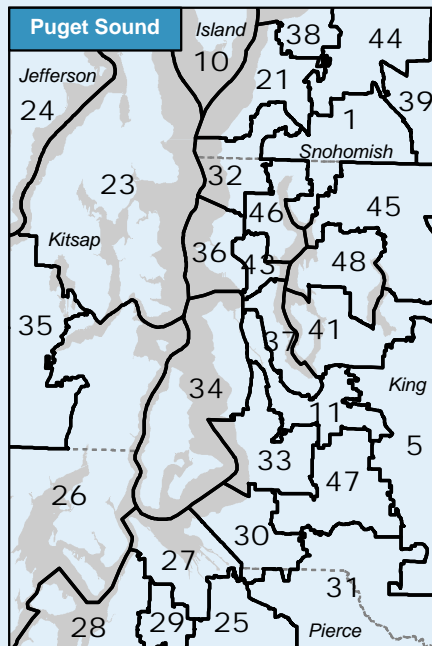
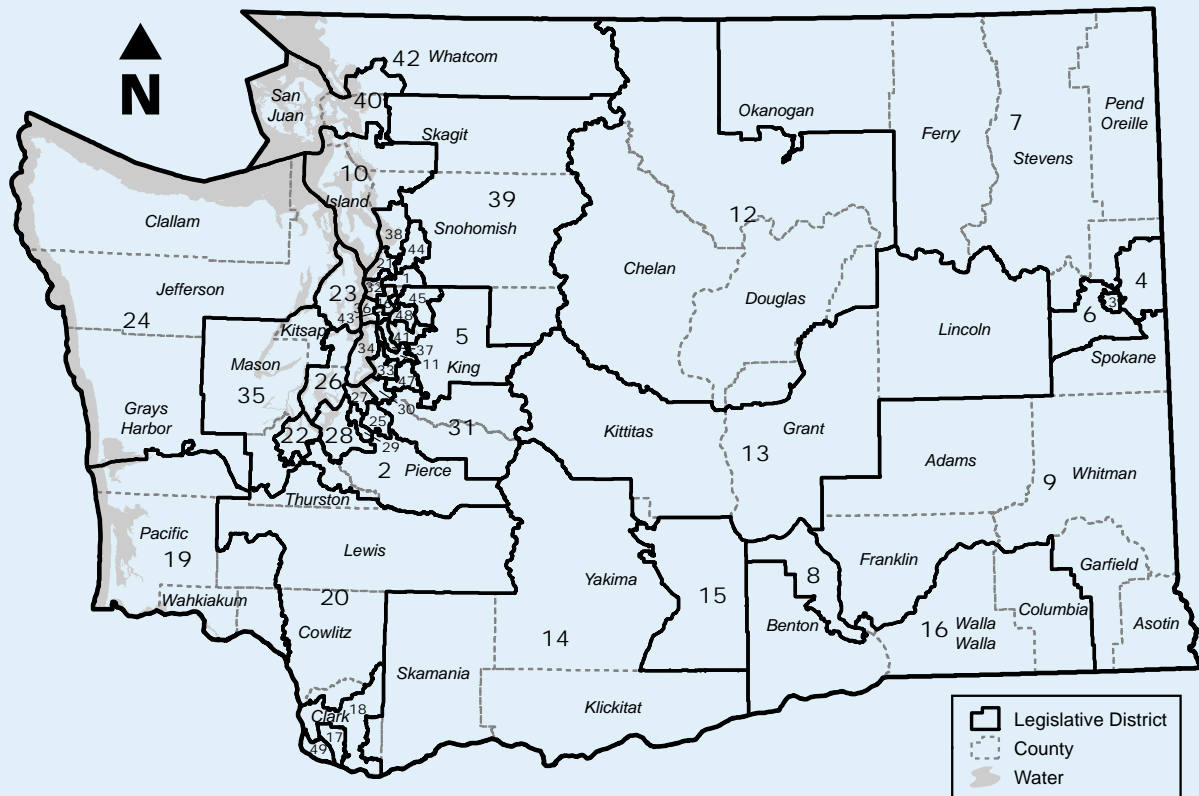
**MUNICIPAL COURTS**  
CREATED BY CITIES

MINOR CRIMES & DISPUTES

and usually ends after 60 days. Sometimes legislators don't finish their work in this amount of time. When this happens – or when an important issue comes up at other times of the year – they have *special sessions* that can last anywhere from one to 30 days.

Both the House and the Senate divide into committees, and each committee studies proposals to change the laws in a specific area. There are Senate and House committees on public schools, transportation, health and human services, agriculture, local government, energy, trade and economic development, the environment, and other topics.

## Legislative Districts in Washington state



Our state is divided into 49 legislative districts, and the people in each of these districts elect one state senator and two state representatives. State senators serve four year terms, but representatives are elected every two years.

For more information:  
<http://www.sos.wa.gov/elections/guide/legislative.aspx/>

Prepared by: Nick Pharris, Elections Information Specialist Elections Division, Office of the Secretary of State  
 Data Sources: Census 2010 TIGER/Line® Files, Washington State Redistricting Commission

When a legislator wants to write a new law or change an existing law, he or she introduces a bill that spells out what should be changed. First the bill is sent to a committee, where committee members study it. The committees hold public hearings on bills so that citizens and lobbyists can say what they think about it. The committee may also change the bill. This is called *amending* it. If the bill will cost money, it goes to a special committee that writes the budget. Then the bill goes to the full House or Senate. If the House votes to pass the bill, then it goes to the Senate; when the Senate passes a bill, then it goes to the House. Bills can be amended in the full House and Senate, too.

Both the Senate and the House have to pass a bill with exactly the same wording before it can become law. If they have different versions of the same bill, they have to work out the differences, and then vote on it again.

After both the House and the Senate pass a bill, it goes to the Governor. He or she can either sign the bill into law, or veto it. (There's more about this in a few pages, when we get to the section on the Executive Branch.)

As you can imagine, it's not easy to get a bill passed through this long and complicated process. And even when legislators do get a bill passed, they still have to persuade the governor to sign it before it can become law. In fact, this system is

### **Bipartisan:**

supported by members of two political parties; in our case, this means supported by both Republicans and Democrats. ("Bi" means two; "partisan" means someone who supports a particular cause or political party.) So "a bipartisan solution" would be one supported by both Republicans and Democrats.

## **Kids as legislators, trial lawyers, and legislative staff**

*If you want to know what it's like to be a state legislator, the YMCA Youth and Government program is just for you. Students meet for several months to learn how to research and develop legislation, and then hold a four-day mock legislative session in Olympia. Each student assumes the role of a house member, a senator, or a state elected official such as governor or secretary of state.*

*The YMCA also has a program for kids who are interested in the law. Teams of students prepare a mock case for trial, and act as attorneys and witnesses. A real judge, in a real courtroom, hears their case, and a "jury" of real attorneys rates teams for their presentation.*

*If you're interested in either of these programs, contact your local YMCA.*

*Another way for students to learn about the legislature is to apply to be a page. A page is a student (age 14-17)*

*who works for the Senate or House of Representatives in Olympia for one week during a legislative session. Pages deliver messages and do other duties, and also participate in special classes where they learn how the legislature works. If you're interested in applying to be a page, contact one of your two house members or your senator.*

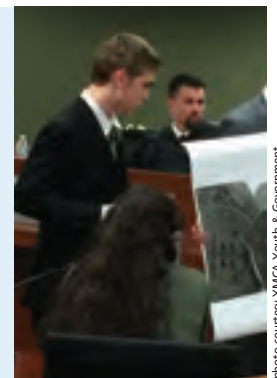


photo courtesy YMCA Youth & Government



## HOW A BILL BECOMES A LAW



### IDEA

ANY LEGISLATOR CAN INTRODUCE A BILL IN THE SENATE OR HOUSE OF REPRESENTATIVES.

THE BILL GOES TO A COMMITTEE, WHICH HOLDS PUBLIC HEARINGS TO FIND OUT WHAT PEOPLE THINK OF IT. IT CAN BE AMENDED IN COMMITTEE.

IF THE COMMITTEE VOTES TO PASS IT, IT GOES TO THE RULES COMMITTEE, WHICH SCHEDULES IT FOR A VOTE OF THE WHOLE SENATE OR THE WHOLE HOUSE. (THE RULES COMMITTEE CAN ALSO DO NOTHING, WHICH KILLS THE BILL.)

IF THE RULES COMMITTEE PASSES IT, THE BILL GOES TO THE FULL HOUSE OR SENATE FOR DEBATE, POSSIBLE AMENDMENTS, AND A VOTE.

IF IT PASSES, IT GOES TO THE OPPOSITE CHAMBER, WHERE IT IS ASSIGNED TO A COMMITTEE AND GOES THROUGH THE SAME PROCESS.

IF AMENDMENTS ARE MADE, THE OTHER HOUSE MUST VOTE TO AGREE WITH THEM.

### LAW



WHEN THE BILL HAS BEEN PASSED BY BOTH HOUSES, THE GOVERNOR CAN SIGN IT INTO LAW, VETO IT, OR VETO PARTS OF IT.

IF IMPLEMENTING A BILL COSTS MONEY, IT ALSO HAS TO GO TO A BUDGET COMMITTEE, AND FUNDING FOR IT HAS TO BE INCLUDED IN THE STATE BUDGET.

purposely designed to make it pretty difficult to pass a new law, because it's important for people to take their time and think carefully about the laws they are making. It's also important for the public to have time to hear about bills, and tell their legislators how they want them to vote.

In spite of this complicated system, hundreds of bills pass and become law during every legislative session — and most of them pass with bipartisan support. In spite of the strong role of political parties, there are a lot of bills that people in both parties agree on.

## The legislature's biggest job: the state budget and taxes

The state budget is very complicated. There are many different sources of money, and it gets put in many separate accounts. The main budget — called the *operating budget* — is used to keep schools, colleges, prisons, and state agencies running. There is also a *capital budget* for building new buildings, and a *transportation budget* for building highways, bridges, public transit and ferries. There are also many *dedicated funds* — these are special accounts for a specific purpose. For example, there is a dedicated fund for cleaning up oil spills, and the money for that fund comes from a tax on oil that is refined or transported through our state.

Most of the money in the state budget comes from taxes paid by people who live, work, and shop in Washington. When we buy things, we pay sales tax. If we own property, we pay property taxes. Businesses also pay various kinds of taxes. Some money also comes from fees for things like fishing and hunting licenses.

Every two years, there are lively debates about how much to spend for public schools, colleges and universities, social and health services, and protection of the environment, among other things.

There are equally lively debates about whether to raise or lower taxes, and whether to change the kinds of taxes that people and businesses pay.

## The Role of Political Parties

Political parties have a lot to do with how the legislature works. In both the House and the Senate, the political party that has the most members — the majority party — has more power. The majority party's leaders choose who will chair each of the committees.

Committee chairs are almost always members of the majority party. This is important because the committee chair decides which bills the committee will study and vote on. If the committee chair doesn't like a bill, he or she can simply decide not to bring it up in committee.

The majority party also gets to choose who will be the chair for meetings of the full House or Senate. In the House, the person in charge is called the *Speaker of the House*. The Senate is a little bit different: the Lieutenant Governor is the *presiding officer* of the Senate, and leads the Senate through the process of voting on bills. But the *Senate Majority Leader* – the leader of the majority party – is the most powerful person in the Senate, because he or she (along with other top leaders of his or her political party) controls who is assigned to chair and sit on committees, and what bills will come up for a vote.

In both the House and the Senate, political parties have *caucuses* – that is, all the representatives or senators of one party meet to discuss specific issues or bills, and to decide how to vote on them. No one else is allowed to come to these meetings.

## When is a majority enough?

*Most of the time, democracy operates on the principle of majority rule. That means decisions are made by a “simple majority” of 50% plus one (or more). But our state constitution says that some decisions need more than a majority. If the legislature wants to amend the constitution, it requires a 2/3 majority of the legislature – that is, a yes vote by 2/3 plus one (or more) members. A constitutional amendment then goes to the voters, who must approve it by a simple majority.*

*The constitution also says that certain other decisions require a 60% vote by the legislature. Increasing the state debt for construction projects is one example; expanding gambling is another. Sixty percent or two-thirds votes are called supermajorities.*

*An initiative passed by the voters in 2010 required a 2/3 vote of the legislature to raise taxes, but it was thrown out because it tried to set this requirement in an ordinary law. The court ruled that the only way to create such a requirement would be to amend the constitution. So far, the legislature hasn't passed a constitutional amendment to do this.*

*If a 2/3 majority is required, it means that there is really strong support for whatever is being passed. But it also means that a minority of only 1/3 plus one can control the outcome. This is why it's important to restrict supermajority requirements.*

## We pay taxes to the federal government, to state government, and to our local governments.

The charts on this page show where our STATE government gets its money, and how the money is spent.

The chart on the left shows that just under half of the money to run state government comes from taxes we pay to the state.

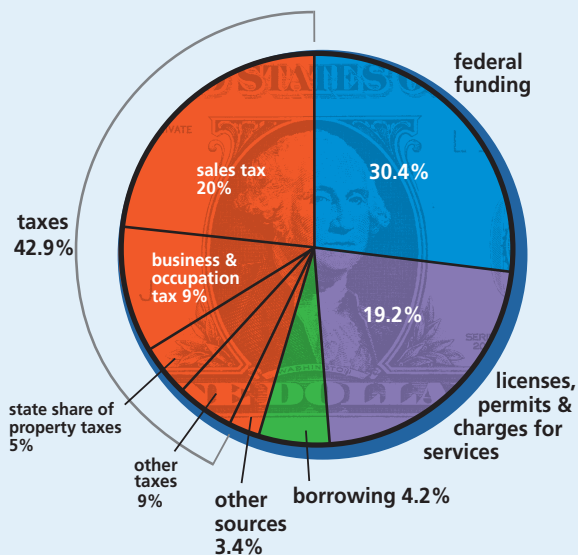
In the same chart, you can also see that about

28% of our state budget is actually money from the taxes we pay to the federal government. The federal government sends some of our tax dollars back to state and local governments for certain purposes. The federal government sends this money with “strings attached,” which means that the

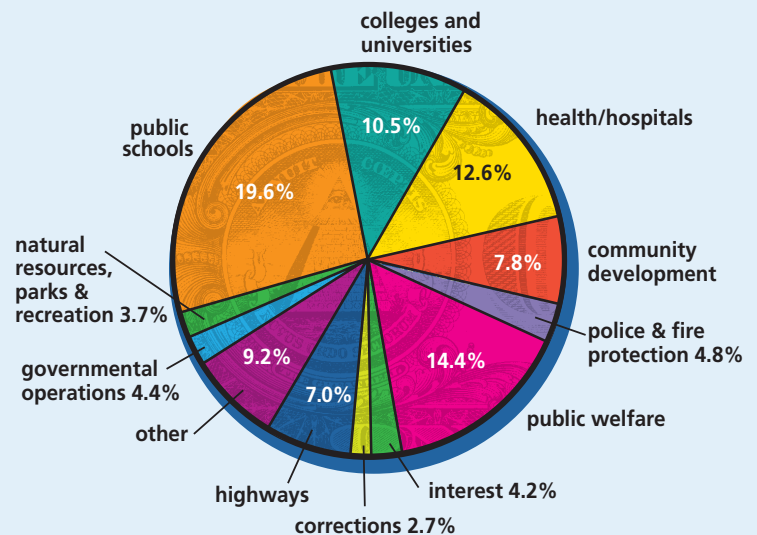
state has to abide by federal rules about how the money is spent. In some cases the state has to “match” the federal money. For instance, in the Medicaid program for long term care and people with disabilities, the federal government pays about half the cost and the state pays the other half.

In the chart on the right you can see the biggest part of the budget is spent on public schools, colleges, and universities. Most of the spending on human services is for people who are elderly, those who have physical or mental disabilities, children, and people who need help to overcome poverty.

### Where state government gets its money



### How the state spends its money



*Washington's capitol building in Olympia was the last state capitol building to be built with a rotunda, a round building with a dome.*

Usually, members of one party stick together, because they have more power when they do, and because they share the same philosophy about what government should do. But sometimes there are strong disagreements within a political party, and occasionally legislators vote with the opposite party. Most of the time, this is not a big problem. But sometimes, when the issue is important and the vote is close, people get very upset about a legislator not voting with their caucus. When this happens, the caucus leader may find a way to punish the person who strays from the party position. For instance, that person might not get the committee assignments they want, or a bill they want passed might not be brought up for a vote.

## Legislative Staff

As Washington has grown, the number of people who work for the state legislature has grown, too. Both the House and the Senate have experts to advise them about the complicated state budget, and about issues such as the environment, transportation,



Photo courtesy Leslie Hoge Design

## Teen Driving Restrictions Save Lives

FATAL TRAFFIC COLLISIONS INVOLVING TEENAGE DRIVERS ARE THE LEADING CAUSE OF DEATH FOR PEOPLE BETWEEN THE AGES OF 15 AND 20.

To reduce this risk, the Washington legislature passed a law in 1999 that restricts teen driving. The law says that for the first six months after a teen gets a driver's license, he or she

can't have any passengers under age 20 in the car unless they are family members. After six months, drivers under the age of 18 are allowed to have three passengers under the age of 20 who are not family members. Teens under 18 are also not allowed to drive between 1 AM and 5 AM unless they are with a

licensed driver who is 25 or older, or unless they have to drive very early in the morning because they work on a farm, orchard or ranch.

After one year of driving – with no tickets or accidents – these restrictions are dropped. But if drivers under the age of 18 get two traffic tickets, their license is suspended for six months, and if they get a third ticket, they lose their license until they turn 18.

A similar law passed in Florida in 1995 reduced the number of deaths and injuries caused by teen drivers. By 2004, 33 states had adopted laws like this.

For more information about this, take a look at the Teen Page of the state Department of Licensing web site at: [www.dol.wa.gov/driverslicense/teens.html](http://www.dol.wa.gov/driverslicense/teens.html).

## The public's right to know

Disclosure: to reveal or expose something that was unknown or secret; for instance you could disclose what's in a box by taking the lid off. In discussions about government, when people talk about "public disclosure" they are talking about making sure the public can see what's going on, rather than having

things hidden from view. The term "transparency" is used to mean the same thing. ("Transparent" means you can see through something; a window, for instance, is transparent.)

### Washington's Public Disclosure Commission

In 1972, the Coalition for Open Government wrote an initiative to let the public

in on some secrets – namely, where politicians and lobbyists got their money, and how they spent it.

The initiative required all candidates for office to report where their personal income came from, and who gave how much to their campaigns. It also required lobbyists to report where they got their money, how much they spent, and what they spent

it on. The initiative passed. In 1973, the initiative resulted in the creation of the state Public Disclosure Commission. Now candidates for office and lobbyists have to file reports so the public can see who's supporting whom, and who's lobbying for what. You can read their reports on the PDC web site at [www.pdc.wa.gov](http://www.pdc.wa.gov).

and education. Part of the staff is non-partisan; that is, these staff people are not allied with either political party, and they work for all the legislators. But the party caucuses in the Senate and the House also have their own, partisan staff that is loyal to the caucus they work for.

There are also staff people who publish all the schedules of committee meetings, distribute all the bills that are introduced, and keep records of everything.

## The part-time legislature

Being a state senator or representative is a part-time job, because the legislature usually meets for only two or three months a year. Most of our state legislators have regular jobs, or run their own farms or businesses, and take time off to go to Olympia for the two or three months when the legislature is in session.

The people who wrote our state constitution wanted it this way, because they thought people who worked at regular jobs would make better laws — laws that really served the needs of ordinary people like themselves. They didn't want to create a separate profession of politicians; they wanted the legislature to really be "of the people, by the people, and for the people."



## You can watch!

*TVW is a television network that broadcasts many state government events. On TVW you can watch lawyers present cases to the state Supreme Court, observe the legislature debate issues and pass new laws, and see press conferences with the Governor and other state officials. TVW also has a website ([tvw.org/](http://tvw.org/)) where you can find past events and listen to them or watch them online. You can look at the TV listings in your local newspaper or check the website to find out what channel TVW is on in your community.*

It's getting harder, though, for state legislators to keep their regular jobs while they are serving in the legislature. Over time, as the state's population has grown and our society has become more complex, the work of making laws for the state has grown, too. It takes more and more of legislators' time to attend longer sessions of the legislature, to go to committee meetings that are held in between sessions, and to learn all they need to know about complicated issues. It also takes time to run campaigns so that they can get elected or re-elected.

Legislators are paid about \$45,000 a year – and they get extra money for transportation and living expenses when they travel to special meetings and to regular legislative sessions. Some legislators live on this amount of money; many still have other jobs as well.

## How state legislators are elected

Ordinary people can run for and get elected to the state legislature. Since there are only about 120,000 people in a legislative district, campaigns for the legislature are usually pretty low-budget, local affairs. The main ways candidates try to get people to vote for them are:

**Doorbell**ing – this means the candidate walks up to people's houses or apartments, rings their doorbell, and tries to chat with residents about why they should vote for the candidate. Sometimes candidates get their friends to doorbell for them, too.

**Candidate forums** are public meetings where all the candidates for office are invited to give speeches about why they are running for office, and to answer questions from the audience. These are often carried on local TV stations.

**Yard signs** are used to make sure everyone knows the candidate's name, and to show that a lot of people are supporting them.

**News coverage** in local newspapers, and sometimes on radio or TV stations, helps candidates become better known to voters.

**Fundraisers** are like parties; the host invites a lot of people, and provides snacks and drinks. The candidate comes and "works the room," that is, he or she goes around meeting people, shaking their hands, and chatting with as many of them as



## High standards for our students and schools

*In the 1980s, people worried that students in public schools weren't learning enough. A high school diploma just didn't mean very much, because many graduates didn't have the reading, writing, or math skills they needed to get good jobs or to be good citizens.*



photo courtesy Leslie Hoge Design

*state academic standards for reading and math.*

*Now there are debates about how to use the test results, and whether we are testing students too much, too little, or the right amount. Should teachers be judged by how well*

*their students do on the tests? What should we do about schools that have bad test results year after year? What should happen for students when they don't pass the tests?*

*In 1993, the legislature passed a major school reform act that set academic standards that all students should meet to graduate from high school. Tests were developed to see if students met the standards. The first tests were called WASLs. They were long and thorough tests that included quite a bit of writing. Some teachers and parents complained that the tests took up too much time, so now there are shorter tests. There are also national rather than*

*These are questions that teachers, principals, school leaders and legislators continue to wrestle with. The goal is, as it's been for many years, to create a school system where all students can learn and thrive, and prepare for success in their adult lives.*

possible. Then the candidate gives a little speech about why he or she is running for office, and what he or she intends to do if elected. Finally, the host asks everyone to contribute to the candidate's election campaign fund, work on their campaign, and to vote for them.

***Mailings of brochures*** about the candidate are sent – usually only to registered voters – in the candidate's district. In many campaigns, writing, designing, printing and mailing these brochures is the most expensive part of the campaign.

**Endorsements** are like sponsorships from unions, business associations, or advocacy groups like environmental or civil rights organizations. When an organization endorses a candidate, they urge all their members to vote for that person, and they usually contribute money to the candidate's campaign.

**Paid political advertising** in newspapers, or on radio or TV, is becoming a larger part of legislative campaigns. Because it is so much more expensive than any of the other ways people campaign, it is driving up the cost of running for the legislature.

People complain that these campaigns are getting more expensive to run, but compared to statewide or national political campaigns, they will always be small potatoes. Running for the state legislature is still within the reach of any ordinary citizen who has a reputation for caring about their community, and enough friends and supporters to help them run a good campaign. Often, people don't get elected the first time they run, but if they keep trying, and more people get to know them, they succeed on their second or third try.

Most (but not all) of the people who run for the legislature have some previous experience in government. They may have served on a local city council, or been active in local school committees or other candidates' political campaigns.

Usually, people get elected to the House of Representatives first, and then run for a state Senate seat a few years later, when they are more experienced. Moving from the House to the Senate is considered a promotion because there are twice as many members in the House of Representatives as there are in the Senate. (One senator per legislative district = 49 senators; two representatives per legislative district = 98 members of the House of Representatives.) In the Senate, where there are only half as many voting members, each vote carries twice the weight. People also prefer to serve in the Senate because Senators only have to run for re-election every four years rather than every two years.

Many state legislators also go on to run for local offices that are full-time jobs, such as county commissioner or (in bigger cities) city council members. Others run for

The YMCA Youth and Government program



photo provided by Washington YMCA Youth & Government

higher offices such as Governor, Lands Commissioner, State Supreme Court Justice, or U.S. Representative or Senator.

## The Executive Branch

Washington's executive branch is different from many other states'. In most states, the governor is one of three or four state elected officials, so he or she has a lot of power. In Washington, the governor is one of nine statewide elected officials. (The reason for this is explained in the section on the state constitution in Chapter 3.)

But while Washington's governor may have less power than governors in most other states, our governor still has a lot to do. The governor writes the first draft of the state budget, and sends it to the legislature. The governor has a big influence on the legislature, because he or she can veto bills or sections of bills, including the state budget. The governor also gets his or her allies in the legislature to introduce bills that he or she wants to become law.

But the governor's biggest job is running state government. The governor hires and is the boss of the directors of 40 state agencies. These agencies run state prisons and mental hospitals; provide health care and other services to low-income people, the elderly, and people with disabilities; license cars, drivers, businesses and professions; and protect the environment.

There are another 46 agencies that are governed by boards or commissions (groups of specially selected people that oversee the agency), and the governor appoints some or all of the members of these groups. The governor also chooses the boards of trustees that govern state colleges and universities. It takes two or three people working full time in the governor's office just to recruit and screen people for all these positions, and to advise the governor on these appointments.

The governor also works with the U.S. government on many issues. If there is a flood or other disaster, the governor asks the federal government for emergency assistance. If there are issues before the U.S. congress that will affect our state, the governor meets with our state's congressional representatives to make sure our state's needs are known. The governor is also a member of the National Governors'

## The Department of Licensing

About 1,335 people work at the Department of Licensing. In offices all over the state, they license drivers, cars, trucks and boats. They also license businesses, and hundreds of professions ranging from accountants to manicurists to wrestlers. And they license facilities such as drug treatment centers, migrant labor camps, and shelters for victims of domestic violence. The fees for these licenses help pay for government services.

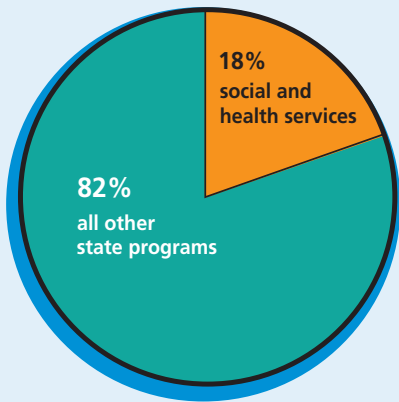
Licensing is an important way for government to make sure that citizens are protected. The Department of Licensing requires that people get proper training and pass a test before they get a license to drive a car or truck, provide services to the public, or open a facility like a child care center.

Back in 1970, state legislators decided to put all social and health services into just one giant state agency. It was called the Department of Social and Health Services (DSHS). Originally, it included state prisons, as well as programs for people in poverty, health care for the elderly and people with disabilities, help for people who had been injured and needed training for new jobs, treatment for people with drug or alcohol addiction, children and family services, and mental health care.

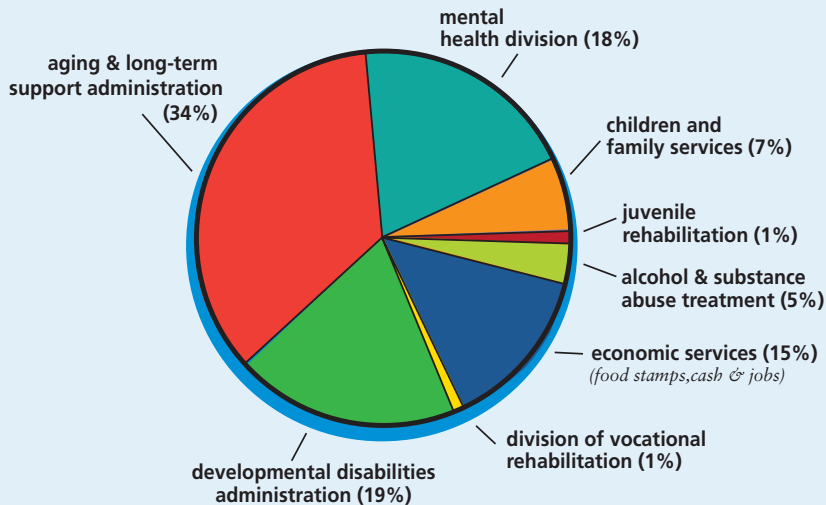
But over time, legislators decided that the agency was just too big to manage and some of the programs (like prisons) were split into separate agencies. Then, in 2016, the legislature decided to start moving all the programs for children and families into a new, separate agency. Because of that change, the budget numbers below are estimates.



Governor Inslee, with help from a small “assistant”, signs the legislation creating a separate agency for children and families.



**Social and health services share of state budget**



**How the 18% is divided for specific services**

### The Asian Pacific American Affairs Commission

The Asian Pacific American Affairs Commission is one of several small agencies that advocate for the rights of people of color in Washington. Two staff people work for this Commission. The 12 Commissioners are appointed by the Governor to serve three-year terms. The Commissioners are from all over the state. They don't get paid for being on the Commission, although the state pays their expenses when they travel to a meeting. The purpose of the Commission is

to advocate for the interests of Asian Pacific Americans in Washington, and to advise the governor, the legislature, and state agencies about their needs.

The other agencies that represent people of color are the African-American Affairs Commission, the Hispanic Affairs Commission, and the Governor's Office of Indian Affairs.

A list of all state government agencies is available on the state government web site at [www.access.wa.gov](http://www.access.wa.gov).

Association, which meets once each year with the U.S. president to talk about relations between state governments and our national government.

The governor can convene special commissions to study issues and make recommendations for changes. In the last few years, groups called together by the governor have issued reports on how to improve the state's business climate, how to protect people with disabilities from abuse, how to improve the state's colleges and universities, and how to reform the state's tax structure. The recommendations of these groups aren't always enacted, but they do have a lot of influence.

One of the governor's most important roles is to provide leadership to the people of the state. The governor does this in many ways. Each year, the governor gives a "state of the state" speech at the beginning of the legislative session that spells out what important issues need to be addressed. And throughout the year, the governor gives speeches to business and community groups all over the state, and listens to people's concerns and problems. The governor encourages people to be active citizens, to volunteer in their communities, and to help make our state a better place.

The governor and his or her family also become a symbol of our state. States that elect eccentric or corrupt governors get a reputation for being eccentric or corrupt. States that elect respected governors get respect.

## The other executive branch officials that we elect are:

**The Lieutenant Governor** presides over sessions of the state Senate. Legally, the lieutenant governor is the governor when the governor is out of state, but in practice, the governor's staff takes care of things when he or she is away. The lieutenant governor really only has a part-time job, since the Senate is usually in session for only two or three months a year. But the lieutenant governor gets a full-time salary, and can use his or her time to do whatever he or she thinks is important. For example, a lieutenant governor might spend time campaigning against drug and alcohol abuse, or promoting international trade.

**The Secretary of State** supervises state and local elections, and certifies the results of state primaries and general elections. (County officials, however, register people to





## An Immigrant's Story

Gary Locke's family immigrated to Washington from China. He grew up in Seattle, where he worked in his parents' grocery store. He studied hard in school, and graduated with

honors from Franklin High School. With a combination of scholarships, part-time jobs, and government financial aid, he was able to go to Yale University. Then he went to law school in Boston. After he graduated, he came back to Seattle and began his career as a lawyer. In 1982, he was elected to the state House of Representatives, where he became chair of the House committee in charge of writing the state budget.

In 1996, he was elected Governor of Washington – the first person of color to be our governor, and the first Chinese-American in the history of the U.S. to be a governor.

While he was Governor, he made a trip to China to promote trade with our state. He was surprised to find out that he was a huge celebrity in China. When he went to the village his family came from, thousands of people lined the road to greet him, and children tossed flowers to honor his arrival.

Not long after his second term as governor ended, President Obama nominated him to be Secretary of Commerce, where he led efforts to promote American exports. From 2011 through 2013 he served as the U.S. ambassador to China.

vote and actually conduct elections.) The Secretary of State is also responsible for publishing the state voters' pamphlet, which is mailed to all the voters in the state before each election. The voters' pamphlet contains statements from candidates for state offices, and information about other issues that people vote on. The Secretary of State is also in charge of registering corporations and charities in the state, and keeping the state archives. The archives house all the historic documents of state government.

Like the Lieutenant Governor, the Secretary of State can also pursue his or her own agenda.

**The State Treasurer** manages the state's cash and debts. She or he has to make sure that the state maintains a good credit rating, so that when the state wants to borrow money, it gets low interest rates.

**The State Auditor** makes sure that everyone in state and local government follows the rules for how the public's tax dollars are spent.

***The Attorney General*** is in charge of the state's own staff of lawyers. These lawyers represent state agencies when they have legal disputes. If a state law is challenged in court, they defend the law. They also protect consumers from fraud, and represent the state in major lawsuits. For example, when Chris Gregoire (who later became Governor) was Attorney General, she was a leader in suing the tobacco companies, and winning billions of dollars for our state.

***The Superintendent of Public Instruction*** is in charge of the state's public schools. He or she does not have direct authority over schools – locally elected school boards do. But the Superintendent is responsible for distributing state funds to schools, and for implementing state laws that establish academic standards that spell out what students should know and be able to do at each grade level. This office provides expert advice to local school leaders and teachers about how to keep improving public schools.

***The Commissioner of Public Lands*** is in charge of millions of acres of state-owned land. Most of this land was deeded to the state by the federal government when Washington became a state. The land includes large forests that are logged to earn money for special purposes such as building public schools, maintaining the state capitol, and building state hospitals. The Commissioner runs a big state agency called the Department of Natural Resources, and chairs the Forest Practices Board, which makes rules about how private landowners log their lands. The Department of Natural Resources also fights forest fires.

***The Insurance Commissioner*** is in charge of making sure that insurance companies treat customers fairly, and that insurance companies follow the rules. The Commissioner also proposes legislation to correct problems with insurance companies.

## The Judiciary

When someone is accused of breaking the law, Washington courts decide whether the person is innocent or guilty. If the person is found guilty, the court also decides what the punishment should be. To make this decision the judge (and sometimes a jury) listens to people on both sides of the case (witnesses), who swear to tell the truth. Lying in a court is a crime called perjury, and people who commit perjury can be sent to jail for it. After they have listened to all the witnesses, the judge or the jury makes a decision.



photo courtesy Office of the Courts

Charles Z. Smith is regarded as Washington's first African-American state Supreme Court Justice. His mother was African American and his father was an immigrant from Cuba, and Smith always remembered both his immigrant and African-American roots.

Smith was born in Florida. He came to Seattle to attend the University of Washington School of Law. He was one of only four students of color in his class – and the only one who graduated in 1955.

He worked as a prosecutor, a judge, as a news commentator on radio and TV, and as a professor. Then in 1988, Governor Booth Gardner appointed him to fill a vacancy on the state Supreme Court. He served three terms.

He was an advocate for fairness for people of color, and also a leader in the American Baptist Churches, USA. He was appointed by President Clinton to serve on the U.S. Commission on International Freedom of Religion.

There are two kinds of court cases: civil and criminal. A civil case is a dispute between two people – for instance, between a landlord and a renter, or between a husband and wife who want a divorce, or between a group of environmentalists and a company that wants to harvest trees in a forest.

In a criminal case, the two sides are the person accused of the crime and the government.

Criminal offenses are things like driving while drunk, robbery, or hitting someone. Criminal cases include both very small and very large crimes – everything from driving too fast to killing someone.

There are several levels of courts. The lowest level is the municipal and district courts. (A court is called a *municipal court* if it's run by a town or city, and a *district court* if it's run by a county – but both do the same things.) These courts handle things like traffic tickets, and small crimes, called *misdemeanors*, for which the penalty is less than one year in jail. When people are convicted of misdemeanors, they often just pay a fine, especially if it's for a driving violation like speeding or parking in the wrong place. If they are sentenced to jail, they are locked up in local jails, not state prisons. Municipal and district courts also handle smaller civil matters. They operate "small claims court" where people can sue for collection of debts up to \$2,500.

The middle level of courts are called superior courts. These are the courts that handle most civil cases, including divorce, child custody, and other family matters. Superior court also includes juvenile court.

*There are two kinds of court cases: civil and criminal.  
A civil case is a dispute between two people.  
In a criminal case, the two sides are the person accused  
of the crime and the government.*

Superior courts also handle more serious crimes, called *felonies*. People who are convicted of felonies are usually sent to state prisons. People who were convicted of crimes in a municipal or district court can also appeal to a superior court if they think

the local court wasn't fair to them, or didn't follow the law correctly. Every county has a superior court, but some rural counties share judges because they don't need (or can't afford) a full-time judge.

There are also three state appeals courts, located in Tacoma, Seattle, and Spokane. People go to these courts when they feel that a superior court decision was unfair or not legally correct. When people appeal to these courts, the court doesn't listen to all the witnesses all over again; they just read the record of the earlier trial and listen to the lawyers for the parties involved explain why they thought the decision was or was not consistent with the law. Then the appellate court decides whether the lower court ruling was correct or not.

The top court for the state is the State Supreme Court, which consists of nine justices and is located in Olympia. The Supreme Court hears appeals from the lower courts. Unlike the other courts, the Supreme Court can decide which cases they want to hear. If they think the lower court's decision was correct, they can decide not to take up the case. (There is one exception to this: the Supreme Court is required to review all cases where a person has been sentenced to death.)



*Takuji Yamashita graduated from the University of Washington School of Law in 1902, but he was not permitted to practice as a lawyer because he wasn't a U.S. citizen. At that time, people from Asian countries were not allowed to become U.S. citizens. That law wasn't changed until 1952, and Mr. Yamashita died just a few years later. In 2001, several legal groups petitioned the Washington State Supreme Court to acknowledge the injustice of this by inducting Mr. Yamashita as a lawyer. The Court agreed to do this. A special ceremony was held, and members of Mr. Yamashita's family came all the way from Japan to attend.*

“In criminal prosecutions the accused shall have the right to...appear and defend in person, and by counsel, to demand the nature and cause of the accusation against him ...to meet the witness against him face to face ...to compel the attendance of witnesses on his behalf, to have a speedy public trial by an impartial jury.”

ARTICLE I, SECTION 22  
WASHINGTON STATE  
CONSTITUTION

The Supreme Court’s most important job is deciding exactly what state laws mean, and whether they are consistent with what our state constitution says. If a law violates the constitution, the Supreme Court can declare it *unconstitutional*, and the law is thrown out.

When people go to court, there is a very formal process (called a *trial*) for hearing both sides of a case. If a person is accused of a crime, that person has the right to a lawyer. If he or she can’t afford a lawyer, one is appointed for them, and the county government pays for it. The state or local government also has a lawyer to present the evidence against the person being accused of a crime. The government’s lawyer is called a *prosecutor*.

People who are accused of a crime have a right to a trial by jury, which means they can ask that a group of ordinary citizens listen to their case and decide if they are guilty or innocent.

People in civil cases can also request a jury. In civil cases, the jury is made up of six people rather than twelve, and the person who requests it has to pay a fee.

Sometimes, though, people don’t ask for a jury; they trust the judge to make a fair decision. When a jury is needed, the court calls on local citizens to serve as jurors. They select people at random for jury duty, usually from lists of registered voters and licensed drivers. When citizens are called to serve on a jury, they are required to do so unless they have a good reason why they can’t – for instance, if they have to take care of a sick relative, or they will be away on a trip. Jury duty is considered one of the obligations of being a good citizen.

photo courtesy Washington Courts



Justice Johnson, Chief Justice Fairhurst and Justice Madsen hear a case.

All the judges in Washington are elected. But when a superior court or appeals court judge quits or retires in the middle of a term, the governor appoints someone to replace him or her until the next election. Then the person the governor appoints usually runs for the office, and usually gets elected. In fact, it’s a tradition for judges to do this, because a lot of people believe that the public is more likely to get a



Washington's 2018 Supreme Court

well-qualified judge if the governor makes the choice. This is a difficult issue because on the one hand, people want the right to elect judges, but, on the other hand, most of us really don't know which lawyers will make good judges.

There are special rules for people who run for judge that make this even more complicated. Candidates for judge aren't supposed to know who contributes to their campaigns, because we want judges to be fair, and not to grant favors to their contributors. Candidates for judge are also not supposed to talk about controversial issues that they might be called on to deal with in court. So in a campaign for a judgeship, voters don't have much to go on except the person's reputation and their qualifications. And since most of us don't spend a lot of time with lawyers, we may not know anything about the person's reputation, or have a good sense of whether they are qualified. When this happens, people often vote for judges because their name sounds familiar, or they might just not vote at all for these positions.

To try to improve the public's knowledge of candidates for judge, the state's Office of the Administrator for the Courts publishes a voters' guide. It isn't mailed to all voters; it is inserted in local newspapers. It is also online at [www.courts.wa.gov](http://www.courts.wa.gov).



## State and Local Governments

### State and Local Governments (5.1, 5.10)



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*Large-scale public works projects require federal and state governments to cooperate and compromise, especially when deciding who pays for what. The construction of the Interstate Highway System was a crowning achievement of this sometimes strained partnership.*

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Governors. Mayors. State Representatives. City Council members. Sheriffs.

Beneath the layer of the national government lies a complex web of state and local officials and institutions. The nation's founders concern over tyranny transcended their separation of power among the three branches of government. Power is also divided by level, with each layer performing its designated responsibility. States and communities would even have the freedom to design their own institutions and create their own offices. This creates a multitude of "laboratories" where government leaders at any level could see which systems were successful and which were problematic.

### State Constitutions



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*This well-built Governor looks like he could be a wrestler. Wait, he was a wrestler: Jesse Ventura of Minnesota broke onto the local and national political scene by becoming the first Reform Party candidate to win the governorship of a state.*

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The states had constitutions years before the United States Constitution was even written. Since the Declaration of Independence, states have written a total of about 150 constitutions, with several states writing new ones frequently. State constitutions

tend to be quite a bit longer than the national one — an average of four times as long — so they also are more specific. As a result, they often are heavily amended and rather easily tossed out, at least in some states. State constitutions determine the structure, role, and financing of state and local levels of government.

## State and Local Governments

### State Officials

Each of the 50 states has its own array of public officials, with no two states being exactly alike. But all of them have Governors, legislatures, and courts:

- **Governors.** In every state the Governor is chosen by popular vote, and most serve four-year terms. More than half of the states put limits on the number of times an individual may be elected called term limits. In most states, several other top officials are elected, including a Lieutenant Governor, a Secretary of State, and an Attorney General. In general, Governors have the authority to issue executive orders, prepare the state budget, make appointments, veto legislation, and to grant pardons to criminals. In states that tend to concentrate powers in the hands of a few, Governors have broader authority and more powers. In other states, power is spread out among many elected officials, or is strongly checked by the legislature.
- **State legislatures.** Every state has a bicameral, or two house, legislature, except for Nebraska, which has a unicameral body. State legislatures vary in size from 20 to 400, and are not necessarily in proportion to the size of the state's population. For example, New Hampshire has 400 members in its lower house. All states have guidelines for age, residency, and compensation, and most legislatures meet in annual sessions. Just as in the national legislature, many state legislators serve for several terms, creating a large body of professional politicians in the United States.
- **State courts.** Each state has its own court system, and most have a state Supreme Court. State judges have the final voice in the vast majority of cases in the United States since more come under state rather than federal jurisdiction. Most states have two types of courts — trial courts that handle issues from traffic fines to divorce settlements to murder, and appeals courts that hear cases appealed from lower courts.

## State and Local Governments

### Types of Local Governments

Local governments are generally organized into four types:



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*Governorship can often be an opportunity to pursue higher office; several state Governors have gone on to become President. Before he became one of the most notable chief executives of the century, Franklin Roosevelt served as Governor of New York.*

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- **Counties.** Counties are usually the largest political subdivisions, and their primary function is to administer state laws within their borders. Among other duties, they keep the peace, maintain jails, collect taxes, build and repair roads and bridges, and record deeds, marriages, and deaths. Elected officials called Supervisors or Commissioners usually lead counties.
- **Townships.** These units of government do not exist in about half the states, and they have different responsibilities in those that have them. A township may simply be another name for a town or city, or it may be a subdivision of a county.
- **Special Districts.** These units of government have special functions. The best known example is the local school district, but other types are growing in numbers, especially in heavily populated areas where county and city governments may be overloaded with work.
- **Municipalities.** City, town, or borough governments get their authority to rule only as it is granted by the state. Today about 80% of the American population lives in municipalities, and municipal governments affect the lives of many citizens. Municipalities may have elected mayors, or they may be managed by appointed city managers.

The organization of state and local governments varies widely across the United States. They have common specific features, but their organizations differ. Regardless of their design, state and local governments often have a far greater impact on people's lives than the federal government. Marriage, birth, and death certificates. School policies. Driving age and qualifications for licensure. Laws regarding theft, rape, and murder, as well as the primary responsibility of protecting citizens from criminals. These critical issues and many others are not decided by distant Washington authorities, but by state and local officials.

### Who Pays for Education? (5.1, 5.10)




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*The increasing need for technology in the classroom has further complicated the already heated debate over school funding. How much technology do students need, and who is going to pay for it?*

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Democracy depends on an educated citizenry.

If individuals are to participate in government, they need to be able to read and write, and they should also know something about their country — its

people, its history, its geography. Public education is the single largest expenditure for state and local governments across the nation. Yet it is arguably the most criticized. Many people charge that public schools are faltering and that American academic achievements are far behind those in other countries. In recent years, many states and localities have experimented with improving public schools.




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*The prevailing view is that our public schools are in crisis, and that significant reform measures are needed urgently. But does this grim view reflect the whole picture?*

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Unlike the practice in most other countries, state and local governments in the United States provide most of the funding for education. Part of the reason is the traditional belief that communities need to take care of their own children. Others assume that the federal government cannot understand the educational needs of a community's children as well as local officials. States vary a

great deal in the extent to which education is funded by local governments or state governments. For example, in Hawaii the state pays about 90% of educational expenses, as compared to New Hampshire, where 90% is paid by the local school district.

One result of state and local funding is a great deal of inequality in the amount of money that school districts have to spend on public education. Because most schools are funded by property taxes, many prosperous communities are able to collect more taxes than are poor communities, where property values are much lower. Critics maintain that this situation creates inequities in the quality of schools, resulting in inadequate education for poor children. A number of programs currently are attempting to improve the quality of public education, particularly in poor school districts:

Courtesy of Corpwatch, [www.corpwatch.org](http://www.corpwatch.org)



## State and Local Governments



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*Are school vouchers a viable way to pay for education? Some argue that vouchers offer more choice and therefore higher quality; others insist that they actually deepen the economic and social problems of the educational system. Who's right? It depends on your priorities.*

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- **Vouchers.** Some people believe that poor quality public education results from a lack of competition. In effect, they argue, school districts have monopolies in educating children in their area. Vouchers attempt to remedy the situation by providing parents with a set amount of money to pay for their child's education in a public or private school of their choice. The plan assumes that parents will choose the best available schools for their children. Failing schools will either improve their quality of education or find themselves without students. In either case, supporters of vouchers believe that competition will improve education. Opponents criticize vouchers for draining additional funds from communities that most need them and for allowing parents to use public money to send their children to religious schools.
- **Charter schools.** This reform does not go as far as vouchers, but it still provides publicly funded alternatives to standard public schools. Individuals or groups in communities may start charter schools they believe will provide a better education. They must work with the local school board to provide funding. No money is given to parents as with vouchers, but parents may choose which school — standard or charter — their children attend.
- **National student testing.** This reform advocates that students be given national exams in various subjects to measure their accomplishments by an objective standard. Supporters believe that weak school districts will be exposed and that the tests will give them the incentive to improve their delivery of education. Critics say that standardized testing causes teachers to "teach to the test," and that creativity in the classroom is inhibited. Others believe that the tests are unfair to minorities because they are culturally biased toward the majority.

Education has ranked among the issues about which Americans feel most strongly, according to recent public opinion polls. Inequalities between affluent and needy areas have created an education gap across America. While some turn to vouchers, charter schools, and national testing for the answers, others see solutions within the current framework. Class sizes have been mushrooming, and the courts have imposed more and more spending mandates on school districts since 1975. Until progress is made, education is likely to be a top priority for Presidents, Governors, and school board members alike.

## Chapter 3: Creating Washington's Government (5.2)

The State We're In: Washington - Your Guide to State, Tribal & Local Government  
(8th Ed.)



Except where otherwise noted, [The State We're In: Washington. Your guide to state, tribal and local government](#) by the [League of Women Voters of Washington Education Fund](#) is licensed under a [Creative Commons Attribution-NonCommercial 4.0 International License](#). All logos and trademarks are property of their respective owners. Photos in this work are used with permission and not included in the open license.



## THE MEDICINE CREEK TREATY AND THE STORY OF LESCHI AND QUIEMUTH

In late 1854, Governor Stevens gathered some settlers, U. S. government officials, and Indians from various tribes around the south end of Puget Sound at a place near Nisqually called Medicine Creek. He wanted the Indians to sign the treaty right then and there, and he didn't want to give them time to talk about it with the people back in their villages. Most of the Indians didn't want to sign, but they didn't feel they had a choice, because the U. S. army had a lot of men with guns. Enough of the Indians signed (or made Xs next to their names) to make the treaty official. The treaty meant that the Indians had to go live on the reservations that Stevens assigned to them.

The Nisqually and Puyallup Indians were upset by the reservations they were assigned to, because it was on hard, rocky ground, far from the rivers where they had always fished. Two brothers, Leschi and Quiemuth, went to Olympia to try to correct this, but they were labeled "trouble makers" and threatened with arrest. They fled into the foothills of Mt. Rainier. A group of settlers went off to find them.

While the settlers were searching for Leschi and Quiemuth, two U. S. soldiers were killed, and some Indians attacked settlers. Some people blamed Leschi for this, even though others said he was not in the area when these things happened. For ten months, there was fighting between Indians and whites. Then Governor Stevens called for a Peace Council, and promised to create better reservations. When Leschi came to this gathering, he was arrested. Quiemuth also surrendered. Quiemuth was murdered while he was in custody, and no one was ever arrested for this. Leschi was tried for the murder of one soldier. The jury could not come to a decision, and many people insisted he was innocent. A second trial was held, and this time he was declared guilty. He was hanged on February 19, 1858.

Many people – both Indian and settler – were deeply sorry that this happened, and angry that someone they regarded as a great man had been the victim of such a terrible injustice.

In 2004, 150 years after the Medicine Creek treaty was signed, the Washington state legislature passed a memorial calling on the state Supreme Court to acknowledge that Leschi's conviction was an injustice. The memorial also called on the public schools to teach young people the truth about this part of our state's history.

## CHAPTER 3

### Creating Washington's government

Starting in the 1840s, settlers from the East and Midwest began to come to the Oregon Territory in search of land to farm, adventure, and the opportunity to create new communities. At first, just a few came, but after 1846, when Britain gave up its claim to this area and the Oregon Territory became an official part of the U.S., the number of settlers multiplied every year. Most of them settled in the Willamette Valley, and they established Salem as their capital.

Fort Walla Walla, 1853,  
from a report published  
with the results of a  
railroad survey for the  
Northern Pacific Railroad



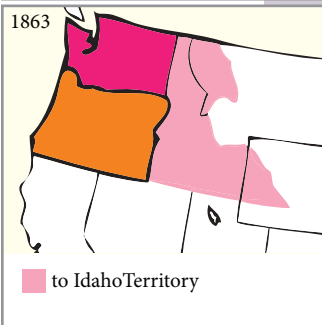
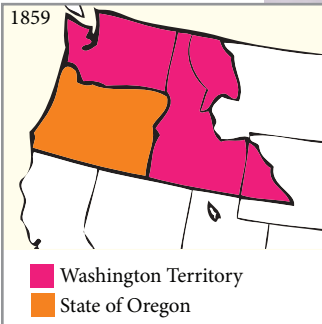
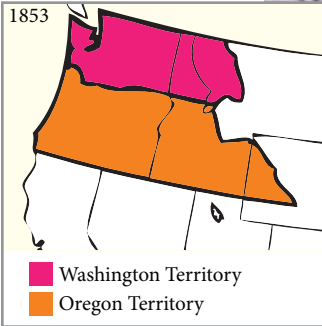
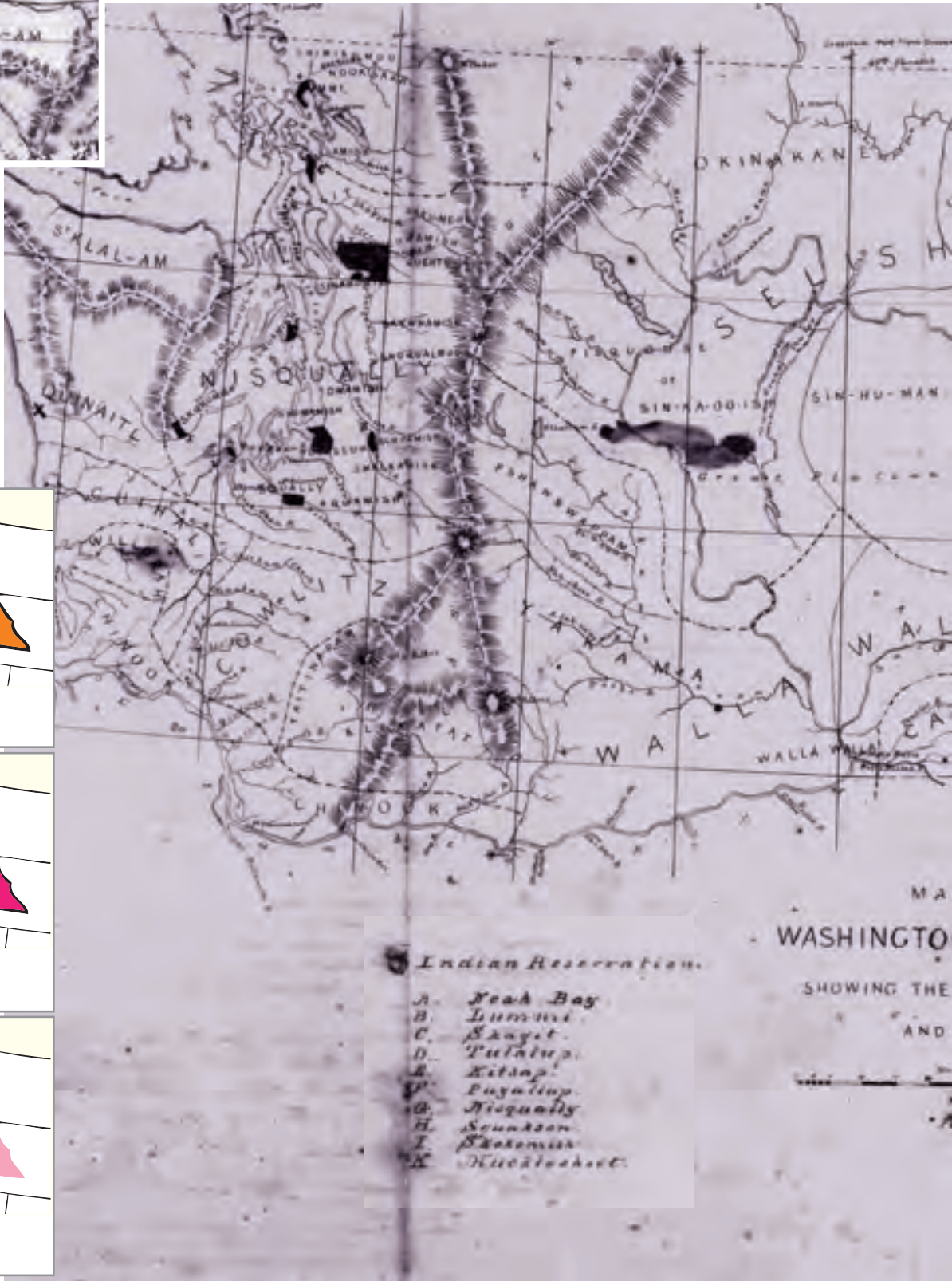
drawing courtesy Governor's Mansion Foundation



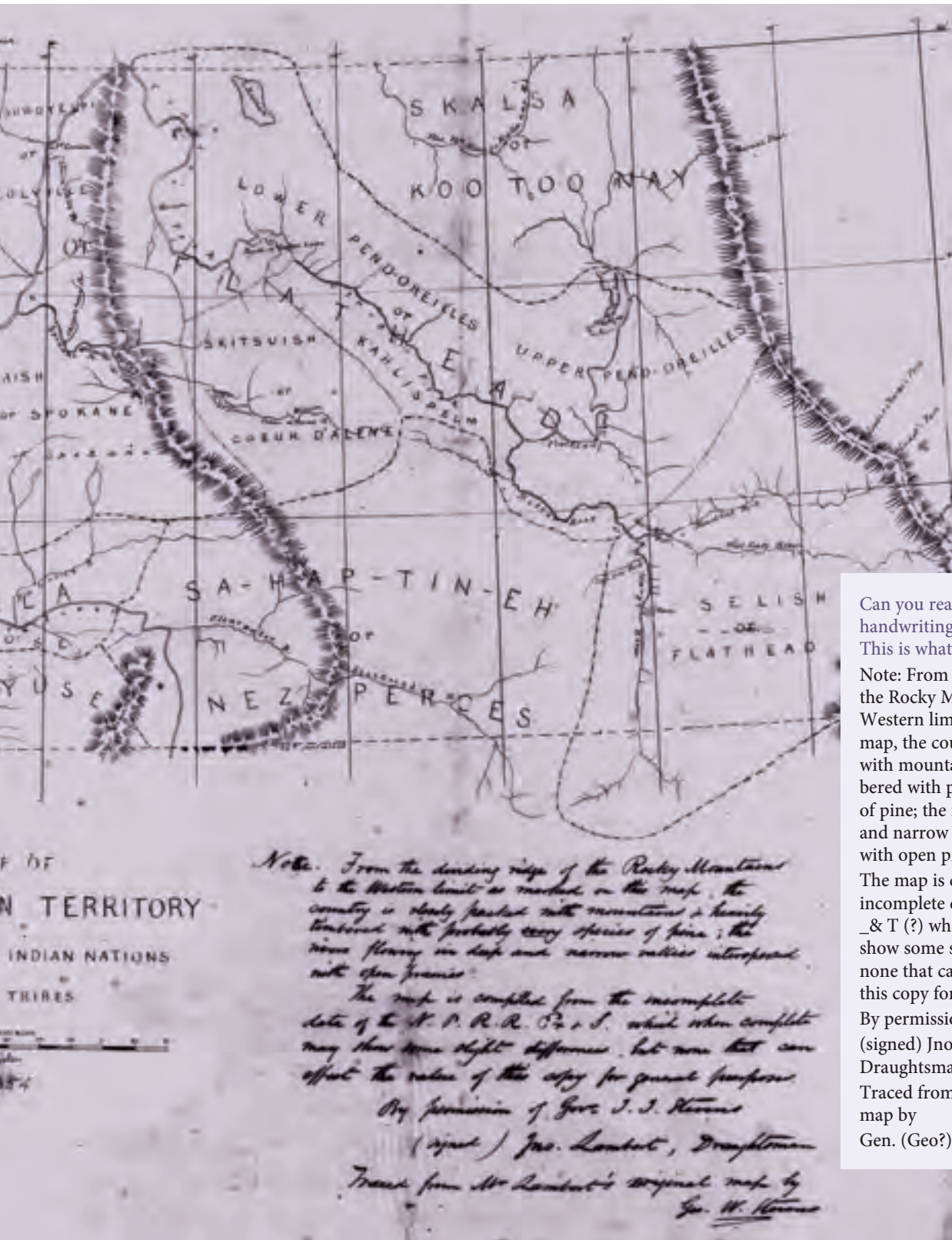
# From tribal lands to territory to Washington state —



The large map, drawn in 1854, shows what early explorers knew about Washington's land and tribes. The maps below show how the borders of Washington changed when it became a territory in 1853, when Oregon became a state in 1859, and again when Idaho became a separate territory in 1863. The borders established in 1863 stayed the same when Washington became a state in 1889.



the story in maps



Can you read this older-style handwriting?

This is what we think it says:

Note: From the dividing ridge of the Rocky Mountains to the Western limit as marked on this map, the country is closely packed with mountains and heavily timbered with probably every species of pine; the rivers flowing in deep and narrow valleys interspersed with open prairies.

The map is compiled from the incomplete data of the N.P.R.R. E & T (?) which when complete may show some slight differences, but none that can affect the value of this copy for general purposes.

By permission of Gov. I.I. Stevens (signed) Jno Lambert, Draughtsman

Traced from Mr. Lambert's original map by Gen. (Geo?) W. Stevens



## George Washington

**Bush** was among the first settlers who, in 1846, helped found the community that eventually became our state's capital. He was a free African-American who had been a very successful farmer in Missouri. He and his Irish-American wife, Isabella, decided to move to the Oregon Territory to escape from the racial prejudice of the South.

However, when they arrived in Oregon, the Territorial Legislature had just passed a "Lash Law" that subjected any African-Americans or other people

of color to being whipped if they tried to settle there. So the Bush family and the friends they were traveling with decided to come north of the Columbia River, where the laws were not enforced. The Bush family settled on what is now called Bush Prairie, just south of the present-day city of Olympia.

Local tribes and the Hudson's Bay Company helped the settlers survive their first winter. In the years that followed, the Bush family was famous for generosity to their neighbors and to new



drawing courtesy The Office of the Secretary of State

settlers, and for their hard work and skill at farming. Isabella was a nurse, and her medical knowledge was of special value to both settlers and Indians. The federal government gave white settlers land, but excluded people of color. So when the first Washington Territorial

Legislature met in 1854, they passed a resolution asking the federal government to make an exception for the Bush family. In 1855, the U. S. Congress passed "An Act for the Relief of George Bush, of Thurston County, Washington Territory," granting this request.

George Bush's son, Owen Bush, was elected to the Washington legislature in 1889. He introduced the legislation that created the college that is now known as Washington State University in Pullman.

But some came to what is now western Washington, and by 1851, they were campaigning to make the land north and west of the Columbia River a separate territory. From the new settlements in Seattle and Olympia, it took at least three days to get to Salem, and people didn't feel the Salem government really represented them. So the settlers in what is now Washington called meetings, published newspaper articles, and asked Congress to declare the area north and west of the Columbia River a separate territory. In 1853, their wish was granted, even though there were only about one thousand settlers north of the Columbia. Congress also made the territory much larger than they had asked by adding land to the east of the Columbia River (see maps).

In 1854, U.S. President Franklin Pierce sent Isaac Stevens to be the governor of Washington Territory. Territories were controlled by the federal government, so the governor worked for the President of the United States.

The President wanted Isaac Stevens to negotiate treaties with all the Indians who lived in the Washington Territory. The purpose of the treaties was to persuade the Indians to give up most of their lands, so that more white settlers could come and live here, and so that the federal government could grant them clear ownership of the land. From 1854-1856, Isaac Stevens traveled all over the state, and persuaded tribes to sign treaties in which the Indians promised to live on **reservations**, which were specific pieces of land reserved for them. In many cases, this meant the tribes had to **relocate**; that is, they had to move from where they usually lived. The tribes were promised small payments for the land they gave up, and they were promised that they could continue to fish, hunt, and gather in their “usual and accustomed places.” They were also promised government services such as health care and education.

The white people who wrote the treaties thought that Indians should settle down, learn how to farm, and live like white people. This didn’t make much sense to the Indians, who had been fishing, hunting, and moving around freely for thousands of years.

Isaac Stevens and the people who worked for him didn’t know very much about the Indians and their way of life, and they didn’t take the time to learn, because they were in a hurry to get treaties signed and get all the Indians grouped together on reservations.

There were brief wars between some of the Indians and the federal government over the terms of the treaties. The federal government won.

Within the next few decades, Washington began to fill up with settlers. These settlers wanted Washington to become a state, because then they could form their own state government instead of having a governor appointed by the President.

## Writing Washington’s constitution

In 1889, 75 men were elected to go to Olympia to write a state constitution. For Washington to become a state, a constitution had to be written and voters had to approve it.

Governor Stevens  
speaking to the  
Nez Perce, 1855, from the  
report published with the  
results of his railroad  
survey for the Northern  
Pacific Railroad



drawing courtesy Governor's Mansion Foundation



## Article I, Section 1 of Washington's state constitution:

All political power is  
inherent in the people,  
and governments derive  
their just powers from the  
consent of the governed,  
and are established to  
protect and maintain  
individual rights.

State constitutions are similar to the U.S. Constitution, but not exactly the same. Like our national Constitution, state constitutions set up the basic organization of government and spell out the rights of citizens. They are the foundation on which government is built. But state constitutions are usually more specific, and have more detail. For instance, our state constitution describes certain services that state government must provide – schools, prisons, and state institutions to care for people who have certain disabilities. The federal Constitution doesn't say anything about what services our national government must provide.

State constitutions can also differ from our national constitution in the rights they give to citizens. For instance, Washington's constitution has stronger protections of people's privacy, our right to own guns, and stricter separation between religion and government.

Among the people (called *delegates*) who wrote our constitution there were 22 lawyers, 19 farmers or ranchers, nine storeowners or bankers, six doctors, three teachers, and three miners. There were no women in the group because women didn't have the right to vote, except in elections for local school boards. There were also no Indians. At that time, Indians were considered citizens of Indian nations, not citizens of the United States. There were also many Chinese immigrants in Washington, most of whom came here to work in the mines and help build the railroads, but they weren't allowed to become citizens, so they weren't represented either.

Starting on the 4th of July, 1889, the 75 men set to work. They didn't start from scratch. They copied parts of the constitutions of other states, and some sections from an earlier draft of a Washington state constitution that had been written in 1878.

### Suffrage: the right to vote.

This is a very confusing word, because it sounds like it's related to "suffer," but it's not. It comes from the Latin word *suffragium*, which also means the right to vote. To make it even more confusing, a *suffrage* can also be a kind of

prayer – but that meaning seems to have fallen out of use. Another mystery about the word *suffrage* is why it's almost always used in connection with *women's* right to vote, but rarely in discussions of other people's right to vote.

## Big Debates

They had big debates about many issues. For example, they had a long argument about whether the constitution should give women the right to vote. Some thought women should be allowed to vote, but they were afraid that if they said so in the constitution, the voters would reject it, and that would delay Washington becoming a state. Others didn't want women to have the vote because they were afraid women would vote to outlaw alcohol. Companies that made beer and whiskey lobbied to keep women from getting the vote. In the end, the writers of the constitution decided not to put women's suffrage in the constitution. They put it on the ballot as a separate measure, and it was defeated by the all-male voters.

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The Northern Pacific Railroad

were angry at the prices the railroads charged. A lot of people also thought the federal government had given away too much public land to the railroads, and that the owners of the railroads and other big companies had too much power and influence over government.

People didn't want the railroads and other big businesses to get control of our state government. So the drafters of our constitution included several things to try to prevent

*When the legislature ran out of stationery in 1877, a resolution was written on a shingle.*

The delegates who wrote the constitution also argued about the power of railroads and other big companies. The opening of the railroads in the early 1880s caused a huge population explosion. Railroads opened the state to more settlement, and made it possible for the farmers and ranchers in Eastern Washington to get their products to market. But many farmers and ranchers



University of Washington Libraries, Special Collections, neg A. Curtis 19943

citizenship was allowed starting in 1946; for Japanese-Americans and people from other countries in Asia, eligibility for citizenship was finally granted in 1952.

**1964** The 24th Amendment to the Constitution, adopted in 1964, prohibits states from charging a “poll tax” (a requirement that people pay to vote) that was mainly intended to exclude African-American voters.

**1965** The Voting Rights Act was passed by the U. S. Congress, finally ending state practices designed to exclude African-American voters.

**1971** The 26th Amendment to the U. S. Constitution lowered the voting age from 21 to 18 years.

**2013** A U. S. Supreme Court decision weakened the Voting Rights Act. It stopped federal oversight of states that had a history of discrimination in their voting laws.

## A Quick History of Voting Rights

**1776** When the U. S. first became an independent nation, state governments decided who could vote.

In most states, only white males who owned property were allowed to vote; in some instances, widows who owned property were allowed to vote, too.

**1855** By 1855, all the states had dropped the requirement that voters own property, so all white males could vote.

**1868/1870** In 1868, the 14th Amendment to the U. S. Constitution

recognized the citizenship of all African-Americans, and gave male African-Americans the right to vote. The right to vote was made explicit in the 15th Amendment. (Still, voting rights were denied to African-Americans in spite of these amendments.)

**1890/1920** In 1890, Wyoming became the first state to give women the vote. In 1910, Washington became the fifth state to grant women the vote. Washington’s action recharged a nationwide

campaign for women’s suffrage. Ten years later, the 19th Amendment to the U. S. Constitution gave all women the right to vote.

**1924/1950s** In 1924, the U. S. Congress passed the Indian Citizenship Act, giving U. S. citizenship to all Native Americans. But, it wasn’t until the 1950s that Indians were able to vote in all states.

**1943/1952** For the first time, in 1943, Chinese-Americans were allowed to become citizens, and to vote. For people from India,

this. They made it illegal for state government to loan money to private companies. They even forbade elected officials from accepting free railroad passes. They insisted on strict separation between private business and state government.

They also had big debates about what to do with the 2.5 million acres of land that the federal government gave to the state. Income from logging and other uses on some of this land was supposed to be used to fund schools and other public buildings. In other states, public lands had been sold off to business owners for a tiny fraction of their real value. People in Washington didn't want that to happen here, so they wrote a strong statement that public lands must never be sold for less than they were worth. (It worked. Today, Washington's state government still owns millions of acres of land, and logging and other activities on that land raise money to help pay for building schools and maintaining our state capitol.)

The biggest arguments, though, were over what to do about tidelands. A lot of businesses had already been established on tide-

lands. For instance, Henry Yesler had established a sawmill on the tidelands in Seattle. After a lot of debate, it was decided that the state would continue to own the tidelands but would lease some of them to private businesses. (At the time, the writers of the constitution didn't think about the fact that tidelands were part of the "usual and accustomed places" that Indians had been promised rights to fish and gather clams and oysters.)

People's distrust of powerful businesses also influenced the way our state executive branch is organized. The writers of our constitution wanted more than the separation of executive, legislative, and judicial branches of government. They wanted to disperse



photo courtesy Northwest Indian Fisheries Commission

***Tideland:*** land that is under water when the tide is in but not when the tide is out.

*Tidelands are important for several reasons:*

*oysters, clams and other creatures we eat live there; they provide important habitat for many birds, sea creatures and plants, and tidelands provide access to the ocean (and to Puget Sound and other bays and harbors) that are important for shipping and industry. Many of the tidelands in urban areas have been filled in to make more dry land, and some have been dug up to create deeper water for boats and ships.*

power even within the executive branch, so that no one official would have too much power. They had seen how easily public officials could be corrupted by wealthy business owners, and they wanted to make sure that our government was honest and accountable to the voters. That's why they created an elected Commissioner of Public Lands to protect the legacy of state-owned land. And that's why we have nine separately elected statewide officials in our executive branch.

## Agreement about education

But while the writers of the constitution disagreed about many things, there was one area where they all agreed: education. In fact, the most famous part of Washington's constitution is this statement:

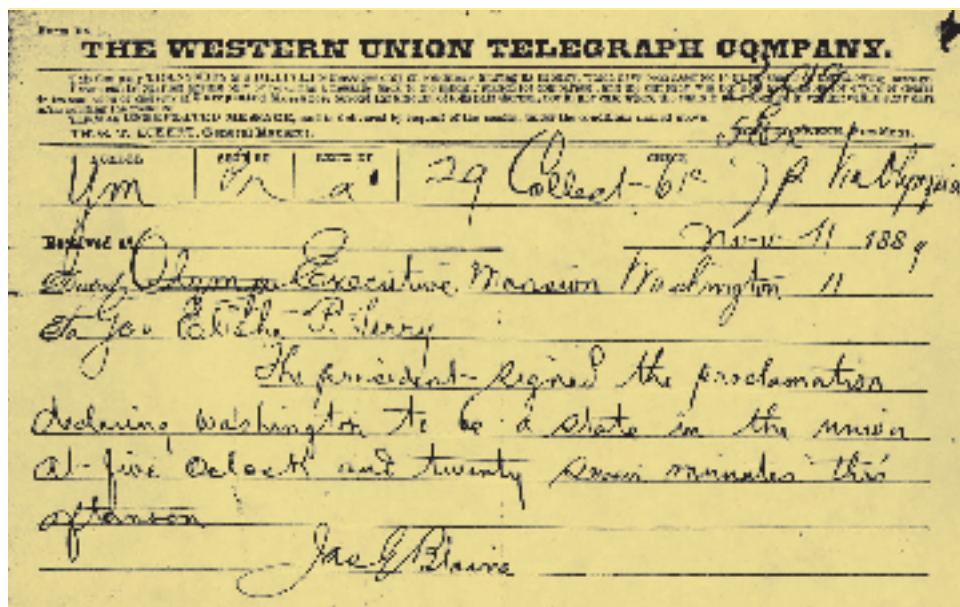
*“It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.”*

No other state has such a strong constitutional statement about the importance of public schools. Because this is such a strong statement, courts have ruled that our state legislature has to provide all public schools with enough money to pay for all students' "basic education." It's up to the legislature to define what "basic education" is. (People argue about this often, because what's "basic" changes over time. For instance, computer skills are basic to everyone's education now, but they weren't 25 years ago.)

The result of Washington's definition of education as the state's "paramount duty," is that schools in Washington get most of their funding from the state government. In many other states, schools get most of their funding from local governments.

Also, our constitution says we must educate all children "residing" in Washington – not just those who are citizens. Originally, this was meant to protect (among others) the children of the Chinese immigrants. Today, it makes it clear that immigrants from any country can go to our public schools.





The telegram announcing Washington’s statehood was sent collect — which means that the new state governor who received it had to pay for it. This was the federal government’s way of saying “OK, you’re a grown-up state now, so you have to pay your own bills.” At the same time this telegram was sent, another was sent to the outgoing territorial governor, who worked for the federal government – and the federal government paid for that one.

## Statehood

The writers of our constitution finished their work, an election was held, and the voters passed the new constitution. Then it was sent off to Washington, D. C. There was just one problem: the governor forgot to sign it. So it had to be sent back to Olympia, signed, and sent back (by train) to the nation’s capitol. Finally, on November 11, 1889, Washington became the 42nd state.

## Amendments

It takes two steps to amend (change) any part of our state constitution. First, both houses of the state legislature have to pass a proposed amendment by a two-thirds majority. Second, the amendment has to be put on the ballot and passed by voters by a simple majority at the next general election. As of 2004, the constitution had been amended 96 times.





Courtesy of the artist: Shirley A Stirling, ShirleyBird Studio

In 1972, Washington voters passed House Joint Resolution (HJR) 61, the Equal Rights Amendment, to the state constitution.

It had been referred to the voters after having been passed by a 2/3 majority of the state House and Senate.

One of the most important amendments to the constitution was passed in 1912, when the initiative and referendum were added to the section on the legislative branch of government. (See page 33 for more on this subject.)

In 1972, another amendment was passed to ensure equal rights for women. It reads "Equality of rights and responsibilities under the law shall not be denied or abridged on account of sex." This is called the *Equal Rights Amendment* or ERA. It was proposed as an amendment to our national constitution, too. But an amendment to our national constitution has to be passed by Congress and ratified (agreed to) by the legislatures of 38 states, and the national ERA never quite achieved that goal. This is an indication of how much more difficult it is to amend our national constitution than our state constitution.

Another interesting amendment was passed in 1988. Our original state constitution said we should have institutions to care for "the blind, deaf, dumb or otherwise defective youth" and the "insane and idiotic." That language was considered normal at the time, but today we think it's mean and insulting. Ralph Munro, who was our Secretary of State for many years, worked to pass a constitutional amendment to change it. He succeeded, and now it reads "youth who are blind or deaf or otherwise disabled"; and "persons who are mentally ill or developmentally disabled."

### *The Washington State Insect*

A group of students from Crestwood Elementary School in Kent asked the state legislature to name the Green Darner Dragonfly the official state insect. Over 100 other school districts supported the students, so the dragonfly became the state insect in 1997.



art by MWillowsIllustration

# State and Local Governments

## Chapter 2: The Design of Today's Democracy (5.2, 5.3)

The State We're In: Washington - Your Guide to State, Tribal & Local Government  
(8th Ed.)



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## CHAPTER 2

### The design of today's democracy

**D**emocracy is the idea that people should have control over their government. This is the opposite of government having control of the people. In societies where there is one absolute ruler – a king, or a dictator – all power is held by one person. In a democracy, all power is held by the people.

In a democracy, people control government by voting. When our country was founded, the idea that all people should be able to vote was considered quite radical. The people who wrote the constitution thought they were going pretty far just by giving the right to vote to all white men who owned land. This was a huge change for a people who had been ruled by a king who lived far across the ocean.

Over the years, the right to vote has been expanded to include people who don't own land, African-Americans, women, Native Americans, and immigrants of all races who choose to become citizens. Today, it seems obvious to us that everyone is equal, and that everyone should have the right to vote. But we need to remember that this was not always so, and that the right to vote is something that many generations of Americans struggled hard to create for us.



Portrait of  
George Washington  
by Rembrandt Peale,  
in the Governor's Mansion  
Olympia, WA

photo by Diane Walste, courtesy Governor's Mansion Foundation

Lord Acton, a British historian, wrote in 1887 that “Power tends to corrupt, and absolute power corrupts absolutely.”

The basic principles of our system of government are spelled out in our nation's constitution, which was adopted when our country was founded over 200 years ago. The constitution sets the basic rules for how government should work. A series of amendments to the constitution called the **Bill of Rights** defines the rights of citizens.

Our constitution is the foundation of our democracy. It represents a very careful balance between **individual liberty** and the **common good**. Our constitution protects our freedom to pursue our own dreams and choose our own beliefs, but, at the same time, it calls on citizens and elected leaders to put the common good – the welfare of everyone – ahead of our own interests.

## Separation of powers

Human beings are far from perfect, and we often have a hard time resisting the temptation to abuse power. We also need stability in our government so that people

*“...we here resolve that these dead shall not have died in vain — that this nation, under God, shall have a new birth of freedom — and that government of the people, by the people, for the people, shall not perish from the earth.”*

ABRAHAM LINCOLN'S  
GETTYSBURG ADDRESS, 1863

## Different kinds of government

We have three basic levels of government: national, state, and local.



**Our national government** deals with issues that affect our whole nation. This includes managing our relationships with other countries, protecting the U. S. from attack, making national laws, and providing programs and services for all Americans.



**Our 50 state governments** – and the governments of territories governed by the U. S., like Puerto Rico, Guam and American Samoa – deal with issues that affect the people of their state or territory.



**Our local governments** make laws and provide services to people within counties, cities and towns.

**Tribal governments** are also an important part of the United States. In every state, including Washington, tribes govern the native people who live on the reservations created when their ancestors signed treaties with the federal government.



art courtesy of Northwest  
Indian Fisheries Commission

State and local governments are based on the same democratic ideas as our national government. Tribal governments are usually based partly on the national model described in our constitution, and partly on the traditional ways tribes governed themselves before settlers came.

and businesses can plan for the future. That's why American democracy *spreads power around* rather than giving a lot of power to one elected leader.

American democracy has three branches of government – ***the legislative branch, the executive branch, and the judicial branch***. By balancing power among three branches of government, we assure that power is shared, and that no one person or branch of government has absolute authority.

*American democracy has three branches of government – the legislative branch, the executive branch, and the judicial branch. By balancing power among three branches of government, we assure that power is shared, and that no one person or branch of government has absolute authority.*

- ***At the federal or national level, the legislative branch makes laws,*** and decides how to spend the federal taxes that all of us pay. The legislative branch consists of the Senate and the House of Representatives. (Together, the House and Senate are called the ***Congress***.) The people of each state elect two Senators, no matter how big or small the state is. But the number of representatives each state elects to the House of Representatives depends on how many people live there. (For example, Washington currently has ten representatives; California has 52.)

- ***The president, who is the head of the executive branch,*** can approve or reject (veto) the laws Congress makes. If the President vetoes a law, the Congress can cancel (override) the veto by passing the law again, but this time two-thirds of them (not just a ***simple majority*** of half plus one) have to vote for it.

The president is also the boss for most national government agencies, and is the Commander in Chief of the military.

- ***The most important part of the judicial branch is the Supreme Court.*** There are nine Justices on the Supreme Court. They are appointed for life by the President, but the Senate has to vote to approve of the President's appointments. Because Supreme Court Justices are appointed for life, they don't have to worry about losing their jobs if they make decisions that someone doesn't like. Their primary duty is to make sure that the laws passed by Congress, states,

and local governments respect the basic principles laid out in our nation's constitution. If the Supreme Court decides a law is unconstitutional, it can throw the law out. The Supreme Court can also rule on cases about whether police and other government agencies – including the president – respect the constitutional rights of citizens.

This system of government is not designed to be efficient and fast; it is designed to be careful and slow. A new law has to be debated and voted on by the legislative branch, approved by the executive branch, and, if anyone challenges it, upheld by our judicial branch.

There is often tension and conflict between the three branches of government. Presidents sometimes get angry when the Senate doesn't approve their appointments to the Supreme Court. Congress doesn't like it when a President vetoes a law they've passed. But because everyone agrees with the basic rules set out in the constitution, these conflicts don't get out of hand.

This basic idea – the idea of *separation of powers* into the three branches of government – is reflected in the way state and local governments are organized, too. But state and local governments vary in the way they do this. Nebraska, for instance, has only one legislative body instead of two. And in our state, we elect the members of our state Supreme Court rather than letting the Governor (the head of our executive branch) appoint them.



Mt. Rushmore features four presidents carved into a mountainside. Can you name all four?



Many local governments combine some of the functions of the legislative and executive branches because they are just too small to maintain three separate branches. But the basic principle of spreading power around is a universal feature of American governance. It is often called a system of *checks and balances*.

## The rule of law

A cornerstone of American government is the idea of having a “government of laws rather than a government of men.” This means that our government is guided by the law, not by what one person – or one group of people – wants to do. Our laws are intended to apply to everyone equally. No one is supposed to get special treatment, no matter how rich or powerful they may be. And the power of all government officials is limited to what the law says they can do.

## The importance of democratic institutions

Our democracy depends on people’s respect for the basic institutions of government. Even if we don’t like the person who is holding an office, we have to respect the fact that he or she was elected by the majority of voters and has a right to do the job. If we don’t like the decisions that person makes, we can vote them out of office when their term is up. In the meantime, we often have to live with elected officials we just don’t agree with.

For instance, we may think the current president or governor is terrible, or that the decisions of Congress, the state legislature, the Tribal Council, or the County Commission are all wrong—but we can still respect that we need those institutions.

Democracy takes patience. We can’t throw someone out of office the minute we get mad at them. Unless they’ve committed a terrible crime, we just have to wait until the next election. This can be a hard reality for many people to live with, but it might be the most important idea you learn about democracy.

Having three branches of government share power prevents any single elected leader from becoming a tyrant. But this system of checks and balances only works if citizens understand and respect it.

If a leader comes along who convinces people that he alone can solve all our problems, and we don't need the other two branches of government, we could end up with a dictator.

This has happened in other countries, and the results have been terrible: people jailed for their political beliefs, freedom lost, and people left with no way to get rid of a tyrant.

That's why it's so important for citizens to do all we can to protect our democracy. We can do that by making careful choices when we vote, by making sure we get truthful information about what's going on in our government, and by speaking up if we think someone is abusing their power.



photo courtesy Jeanie Lindsay, Northwest News Network

On the first day of a legislative session following an election, legislators are sworn in to serve the citizens they represent. In the gallery at the top left, their family, friends and other citizens watch.

## Majority rule, minority rights

When our nation was founded, the people who wrote our constitution worked hard to balance two ideas. The first – majority rule – is the idea that the ultimate power in a democracy is vested in the people. When we elect leaders, the majority of the people – that is, 50% plus one or more – determines who wins.

The second idea relates to “the rule of law.” The idea is that the majority shouldn’t be able to violate the rights of a minority. Like the idea of the separation of powers,

this idea recognizes that people are imperfect. Sometimes the majority of people are prejudiced against a certain group of people – people of a different race or religion, or people who have different political beliefs, for instance. Our political system is designed to protect minorities by providing all citizens with the same rights, and by giving the Supreme Court the power to strike down any law, no matter how popular, if it violates the rights of even one person. These ideas are reflected in the U.S. Constitution’s Bill of Rights.

## Federalism

The word *federalism* describes the division of responsibility between state governments and our national government. When our country was founded, it was made up of 13 colonies that had been created by England. As our national constitution was being written, there were lots of arguments about how much power they would have when they became states, and how much power the national government would have. In the end, the general idea was that the federal government would make rules about things that crossed state lines, and states would be responsible for everything else. So, for instance, states are responsible for education, but the national government is responsible for defending our nation from attack.

Not all of the arguments about state versus national government power were really settled when the constitution was written. In the history of the U.S., the relative power of state and federal governments has continued to change. During the civil rights movement of the 1960s for instance, southern states argued that they had “states’ rights” to discriminate against African-Americans. After a long series of debates and court cases, it was decided that they did not.

## Political parties

A political party is an organization that shares a set of values and beliefs. Voters often choose who they will vote for based on the political party that person belongs to.

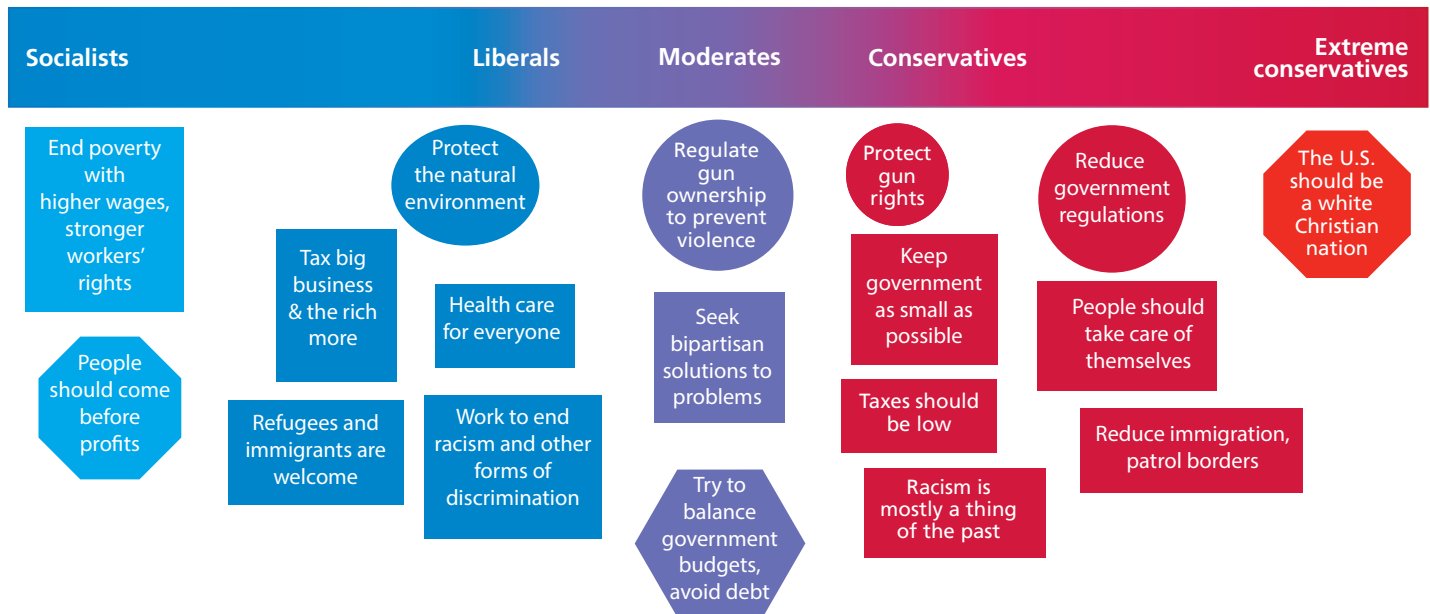
Right now, our country has two main political parties: Republican and Democratic. There are also several smaller political parties, and it’s always possible that one of those

smaller parties may grow larger and more important. In the history of our country, the names and ideas of political parties have shifted with the times.

In today's world, people usually think of political ideas as if they were on a line. (This is called the political spectrum.) On the left end of the line are socialists. They think wealth should be shared and that, where possible, businesses should be owned and run by the people who work in them. They are strong champions of workers' rights and want generous government benefits to prevent poverty and to provide health care, education, and other services to all.

A bit closer to the center, but still on the left, are liberals – those who think rich people and big businesses should pay a larger share in taxes to provide government benefits, such as education and health care, and to help people who are poor. Liberals believe that government can be a force for good in many ways, such as creating regulations to reduce pollution and protect the environment, and funding for the arts and public broadcasting.

## The political spectrum in the United States



On the far right end of the line are extreme conservatives, who want as little government as possible. The most extreme believe that the United States was intended to be a white Christian nation and that we should discourage other races and religions. They also usually believe that men should be in charge of their families and that wives should obey their husbands.

More toward the center are conservatives who believe that all people should be responsible for their own well-being. They think government should be smaller than it is now, that taxes should be very low, and that businesses should be free from most regulation.

A lot of people are somewhere near the middle of the line, in what people call the mainstream. Mainstream Republicans are just to the right of center; mainstream Democrats are just to the left of it.

You could also place people along the line from left to right based on what they believe about many other issues. To the right of the center, for instance, people are likely to believe that everyone has a right to own as many guns as they want; on the left people are likely to believe that we should create laws to limit gun ownership in order to reduce violence. People to the left of center are usually in favor of allowing more immigrants and refugees, regardless of where they come from; people to the right of center want to limit, or even stop, immigration or, at the far right, to exclude people of other faiths or races.

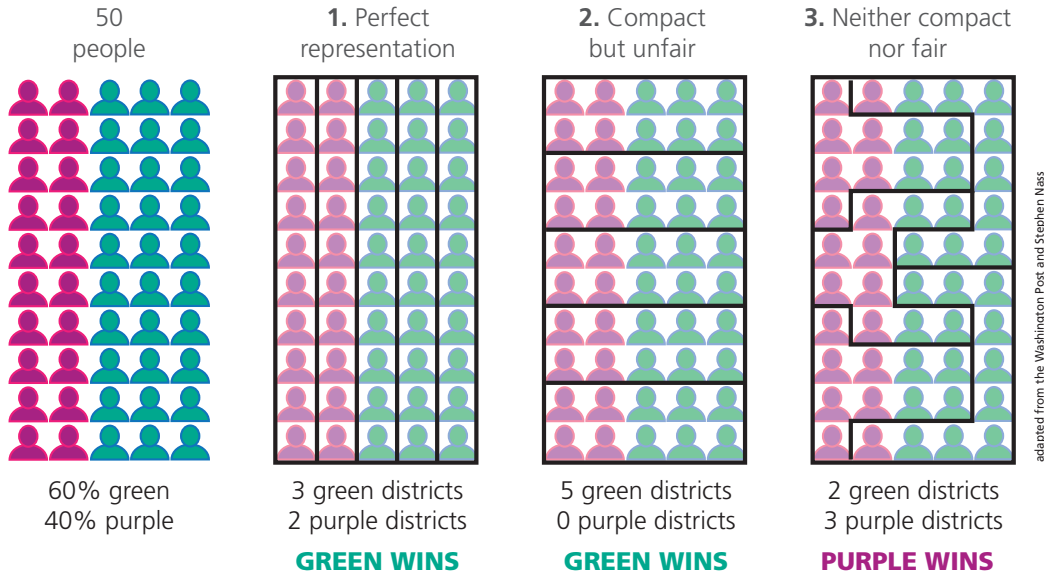
However, many people are liberal on some issues and conservative on others.

*Universal suffrage* – the right of everyone to vote – is the foundation of democracy, but in a complex society like ours, people cannot vote on everything. We have to choose people to do the work of governing for us. That’s why we elect people to represent us. This is called *representative democracy*. (When people vote on everything, it’s called *direct democracy*.)

Even now, when women and men and people of all races have a right to vote, there are conflicts about whether we have really achieved complete fairness in voting.

## Gerrymandering

Three different ways to divide 50 people into five districts



There are three reasons for this:

- **Gerrymandering** is the practice of drawing voting district boundaries in ways that favor one group of voters and discount the votes of another group. It is unconstitutional to draw district lines that reduce the voting power of communities of color. But in many states, whichever political party holds the majority in the state legislature draws the boundaries. They can draw district lines that dilute the impact of another political party. (See the graphic above that shows how this works.)

Our state's district boundaries are drawn by a five-member commission that includes two people from each political party, who together elect a nonvoting fifth person to be their chair. The legislature votes to approve or reject the commission's plan, but they can't amend it.



*We all need both national and local news sources we can trust to be accurate, truthful, and thorough...it's important to gather news from diverse sources and to find out who owns the news media you read or watch.*

California has an even fairer process—an independent citizen commission that doesn't represent either party draws district lines.

- **Campaign financing rules can reduce the power of ordinary people**

because business groups, unions, and wealthy individuals can give huge sums of money to help their favorite candidates get elected. They can also raise money to pay people to gather signatures to get an initiative on the ballot, and then pour more money into ad campaigns to get people to vote for it. (There's more about this on pages 36 and 77.)

- **Voter registration laws** are supposed to make sure only citizens who live in a certain district can vote in that district's election. But laws in some states require paperwork that ends up excluding people who don't have—or who can't afford to pay for—documents (like birth certificates or a special card with their photo on it) that prove they are who they say they are. Tactics like this that make it hard for all citizens to vote are called “voter suppression.”

Laws about all these issues vary from one state to another. All three of these problems occasionally end up in court—sometimes the U.S. Supreme Court.

## The Art of the Possible

In a democracy where people have many different opinions and points of view, no one group is likely to get all it wants. People have to work out their differences and find solutions to problems that everyone can live with, even if no one is entirely happy with the compromise.

That's why people often say that “politics is the art of the possible . . . the art of the next best.” (A 19th-century German leader, Otto von Bismarck, was the first to say this.)

Even if one political party has the majority in Congress, they still have to think about what might happen in the next election. If they lose the majority, will the other party try to repeal what they just passed? This can and does happen. So if elected leaders want to make progress that lasts, compromise is necessary.

When elected leaders fail to compromise, things get very messy. In rare cases, when they fail to pass a budget, the government might shut down (except for essential services)

until they solve their dispute. At the state level, it can mean that the legislature goes into overtime—sometimes for several weeks.

In the end, finding an agreement that a majority will vote for just has to happen, no matter how messy it gets or how long it takes.

## The Media

While there are only three branches of government (legislative, executive, and judicial), our news media is sometimes referred to as the “fourth estate,” or fourth branch. (The “fourth estate” is an old English term for the news media.)

The news media are a bridge between government and citizens, because the news media provide most of the information that shapes our opinions about proposed laws, elected leaders, and issues.

That’s why it’s so important to know as much about our news sources as possible. We all need both national and local news sources we can trust to be accurate, truthful, and thorough.

Many news media have their own points of view. Some are liberal, others are conservative, and some are quite extreme in their beliefs. Those beliefs guide what stories they cover and how they cover them.

Not everything you read or see online or on TV is true. That’s why it’s important to gather news from diverse sources and to find out who owns the news media you read or watch, whether it’s online, on TV or radio, or in print.

Social media like Facebook and Twitter can be especially hard to trust, because it’s often really hard to figure out the original source of the information you see there.





# Who came when, and where did they come from?

When the railroad finally reached Washington in 1887, it cut the time to travel across the country from four to six months to six days. Washington's population exploded once the railroads connected us to the rest of the country. Most of the people who came were European immigrants who had already lived for some time in the East and Midwest, but people also came directly from other countries.

**White settlers** came to Washington beginning in the 1840s. Most came from the American Midwest or the Northeast. Their migration to Oregon and Washington started as a trickle, but grew larger with every passing year – especially after 1846, when the federal government encouraged people to settle here.



Image courtesy Tacoma Public Library



catalog # WPA\_42.2

**African-Americans** were among the earliest settlers, but the number of African-Americans was very small until the 1880s when railroads reached Washington. The population grew a lot during World War II, when many came to work at Boeing, Hanford, and in other wartime jobs. In 1880, there were 180 African-Americans in Washington; in 1890, there were just over 1,000; in 1940, there were 7,000. In 1950, after World War II, there were 30,000.

**Chinese workers** were recruited to help build the railroads during the 1870s. But in the 1880s, white workers who needed jobs blamed the Chinese workers for high unemployment, and there were anti-Chinese riots and killings. Many Chinese left or were driven out of the state.



catalog # c1948.64.76.2



catalog # 2004.0.976

**Scandinavians** (people from Sweden, Norway, Denmark and Finland) began to immigrate to Washington in the 1880s, and their numbers increased rapidly for the next twenty five years. Most came to the Puget Sound region, but there were also clusters of various nationalities in Spokane and in other cities and farming areas. In 1910, the population of Kitsap County was 25% Scandinavian immigrants. Some Scandinavians settled in the Puget Sound area because it reminded them of home and they could find jobs in the woods.

Before 1846, when the Oregon Territory officially became part of the United States, the only immigrants were fur traders and trappers, a few missionaries, and people who worked for the trading companies that bought and sold furs. Nearly all were single men. Some were French-speaking Canadians; a few were from Hawaii; others were British or American. A few married native women and lived with local tribes, but most left eventually.

National immigration policy didn't exist until 1882. That was the first time the federal government passed a law to control who could come to this country – and the law was the Chinese Exclusion Act, which forbade any more Chinese laborers from coming to the U. S. In the 1920s, more immigration laws were passed to limit the immigration of Eastern and Southern Europeans and to exclude people from Asia and the Pacific Islands. Immigration policy was based on race for a long time, and it favored Northern Europeans. This didn't change until the Immigration Reform and Nationality Act of 1965, which allowed people to immigrate if they have family members already here, or if they have skills needed by U. S. employers.

**Mexicans** were actually among the very earliest immigrants to Washington. When Spanish explorers came here in the 1770s, the crews on their ships were mostly Mexican. One Mexican crew member collected and catalogued over 200 species of plants, animals and birds. Another was a renowned artist who drew pictures of the Olympic Peninsula. And for many years before the railroads came to Washington, skilled

Mexicans provided transportation services of “mule trains” to miners, fur traders, settlers and merchants. During World War II, Mexicans and other Latinos began to come to Washington in larger numbers, mostly as farm workers. Many settled in the Yakima Valley, but they soon spread to other agricultural areas, such as the Skagit Valley. Today, Latinos (including Mexicans, people from other Latin American countries, and Latinos from Texas, California and other states) are the fastest-growing and largest minority in Washington.



photo courtesy of the Lopez family

catalog # 2010.0.81



**Italians, Greeks, Croatians, Basques, Irish, Germans, Dutch,** and people from many other European countries settled in Washington singly or in groups in the late 1800s and early 1900s. We can still see their legacies, in small towns that celebrate their immigrants' history. For instance the town of Lynden is known for its Dutch roots, and Leavenworth is famous for its German-themed celebration of Christmas. In Eastern Washington, Odessa and Endicott are known for their Russian/German heritage.

catalog # 1957.64.81093



**Japanese, Koreans, and other Asian and Pacific Island nationalities** arrived in Washington during times when federal immigration policy allowed it, but there were long periods during which the U. S. government excluded them. Japanese, Chinese, Filipino and Korean immigrants were recruited to come here for jobs when their labor was needed to build railroads, work in mines, canneries, farms or logging camps, but Asian and Pacific Island immigrants were not allowed to become citizens or to own land until after World War II. After the Vietnam war, many refugees and immigrants from Southeast Asia came to Washington.



catalog # 1991.37.25

## Immigration

*Sometimes people say that the U.S. is a **nation of immigrants**, since all of us except Indians are descendants of immigrants.*

People who come to the U.S. from other countries are called immigrants. Sometimes people say that the U.S. is a **nation of immigrants**, since all of us except Indians are descendants of **immigrants**. Today, about 12.9% of the people in the U.S. were born in another country.

Some immigrants come to this country because they are fleeing from war in their home country. Some come because they might be jailed or even killed for their political or religious beliefs or their race. These people are called **refugees**, because they are seeking **refuge** – a safe place. But most immigrants come to join family members who are already here, or because they want better jobs and more opportunities for their children. Sometimes immigrants come because there is a shortage of people for certain jobs or professions – nurses, for instance, or computer professionals, or farm workers.

The federal government sets the number of immigrants that can come to the U.S. every year. Often when people in other countries apply to come here, they have to wait many years before they get permission from the federal government. Many never get permission. If they come to the U.S. without getting permission first, or if they stay longer than they have permission to, they are considered **illegal immigrants** or **undocumented immigrants**. There are probably several million undocumented immigrants in the U.S. today. (No one knows the exact number.)

Most undocumented immigrants come to this country because they are poor and they need jobs. And lots of American employers hire them, even though it is against the law to do so. There is a constant conflict about this. Some people think all undocumented immigrants should be rounded up and sent back to their home countries. Other people think that some or all the undocumented immigrants in the country should be given

Women immigrating from Japan



photo courtesy Seattle Betsuin Archives



**amnesty** – meaning they should be given permission to stay, and be made *legal* immigrants, because employers need them, and because they make an important contribution to the American economy by working and paying taxes.

Only legal immigrants can apply to become American citizens. To become a citizen, an immigrant has to live in this country for at least five years. Then they have to fill out an application form, pay a fee, be interviewed by a U.S. official, and pass a test to show that they have learned to read, write and speak English; that they know some U.S. history; and that they understand how American government works.

All children born in the U.S. are citizens by birth. If adults come to this country illegally and then have children while they are here, the children are U.S. citizens because they were born in this country. If their parents are here illegally, or if the parents commit a crime, they can be **deported** (sent back to the country they came from). But what happens to the children? Legally, they have a right to stay here – but to exercise that right, they might have to be separated from their own mom and dad.

Immigration also gets complicated when it comes to deciding what government services people get. Illegal immigrants pay taxes, but they don't get the same benefits as other taxpayers. They can't get human services, government-paid health insurance, or help if they get hurt and can't work. (Even legal immigrants can't get most welfare benefits.)



photo by Jal Schnor, courtesy of the Ethnic Heritage Council

The 20th Annual  
Naturalization Ceremony  
on July 4th, 2004 at  
the Seattle Center, where  
many people became  
U. S. citizens



photo courtesy the collection of the Nordic Heritage Museum, Seattle, Washington

The passport  
of a Swedish family, 1923

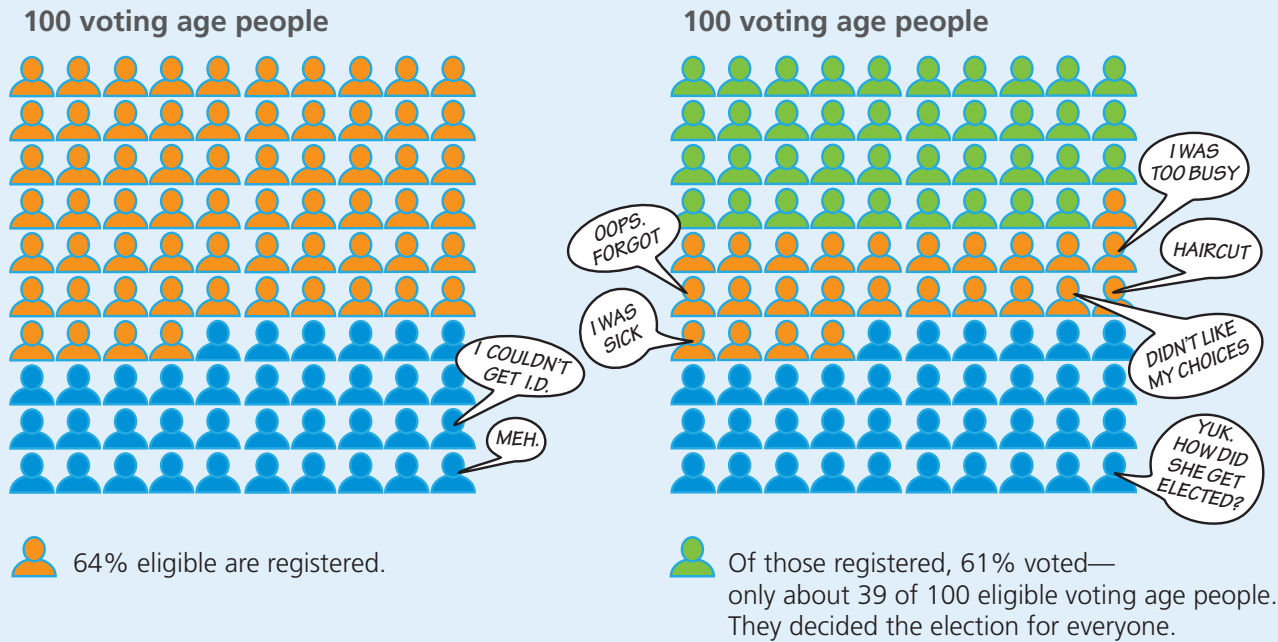
# VOTING

Women, married people, and older people are more likely to vote.

In Washington, 77% of people eligible to vote were registered in 2016, and 79% of all of those registered to vote actually did vote. So in our state, 61% of people eligible to vote did. Washington was ranked 16th in the country in voting rates.

Some reasons given by registered non-voters for not voting in the 2016 election include too busy (14%), not interested (15%), illness or disability (12%), did not like candidates or campaign issues (25%), forgot (3%). Yikes!

## Voters in the 2016 national election



Sources: U.S. Census Bureau, data tables on voting and registration, November 2016; US Election Atlas, 2016; Washington State Office of Financial Management; 247wallst.com.

People argue about this a lot. If a woman is a poor illegal immigrant, and she's going to have a baby, should the government pay for her medical care? Some people say no, because she broke the law by coming here illegally. Other people say yes, because the baby will be a U.S. citizen, and we want that child to be born healthy.

People have similar arguments about whether kids who are illegal immigrants should be able to go to school. Some people say that U.S. citizens shouldn't have to pay to educate kids who are here illegally. But the U.S. Supreme Court has said that

the kids shouldn't be punished for something their parents did. They say that educating all kids is the best and only way to make sure that they can get jobs and pay taxes when they grow up. (Washington's state constitution says we should educate all children "residing" in our state, not just those who are citizens.)

Becoming a citizen is important because only citizens are allowed to vote, and only citizens have the absolute right to stay in this country, no matter what. Even legal immigrants who have lived here for many years can be deported if they have not become citizens. Some young people have been deported for drug charges or stealing, even though they lived legally in the U.S. since they were babies.

## The role of citizens

### Elections

The most basic way people in a democracy exercise political power is by voting in elections. We elect the people who represent us – the members of city or tribal councils, county commissioners, state governors and legislators, and the President and the Congress of the United States. And if we don't like what they do, we can vote them out of office.

We also vote on specific issues. For instance, in Washington, local communities vote on how much we are willing to pay in taxes to support public schools. Sometimes we vote on special issues, like whether we want to pay extra taxes to build sports stadiums. And we vote on amendments to our state constitution.

### Initiatives and referenda

In the early 20th century, people wanted to make sure that citizens kept control over our government. So even though our state government has the same checks and balances as our national government, Washington voters amended the state constitution to build in an extra check – the power of citizens to bypass the legislature, write a proposed law and have the people vote on it. This is called an *initiative*.





photo courtesy The Arc of Washington State

People with disabilities and their allies lobby in Olympia for recognition, and for programs that help them lead full and meaningful lives.

To pass an initiative, a citizen or group of citizens must get a large number of people to sign petitions asking for a proposed law to be put on the ballot. If enough people sign, the proposed law can go to the legislature, or directly to the ballot. (The number of people who have to sign an initiative is 8% of the number who voted in the last election for governor.)

If an initiative goes to the legislature, the legislature can pass it, and it becomes law. The legislature can also write an alternative measure, and put both the original initiative and their proposed alternative on the ballot of the next election. If the

legislature doesn't do anything, the initiative still goes to the voters at the next election. If a majority of people vote for it, it becomes law. (Even if an initiative passes, the State Supreme Court can throw it out if it violates the state constitution. And if it violates the U.S. Constitution, the U.S. Supreme Court can throw it out.)

People in Washington also vote on referenda. A *referendum* is a law passed by the state legislature, but *referred* to the voters. Sometimes the legislature itself refers a measure to the ballot to see if the majority of voters agrees that it should become law. But sometimes a citizen or group of citizens doesn't like a law passed by the legislature. If they can get enough people to sign a petition, they can get the law put on the ballot. (The number of people who have to sign the petition is 4% of the number of people who voted in the last election for governor.) Then if the majority of people vote against it, the new law is thrown out.

## Running for office

Another important way citizens participate in government is by running for public office. Most people who decide to do this start by running for a local office, such as being a school board member, or a city council member. When they are more experienced, and more people know them and support them, they run for higher offices. But this is not always true; sometimes a person who has never been involved in government decides to run for governor or the U.S. Congress.

People who run for office need money to finance their campaigns. They have to buy campaign signs, publish brochures to let people know what they stand for, and sometimes buy advertising in newspapers or on radio or TV. If they are running for a statewide office, they also need money to travel around the state to campaign. Candidates for public office usually ask the people who support them to donate money for their campaigns, although sometimes rich people finance their own campaigns.

(There's more information about running for office in Chapter 5.)

photo courtesy Institute for Community Leadership



These students are participating in a program of the Institute for Community Leadership that teaches them the skills they need to become confident, effective leaders and advocates.



**Advocacy:**

*promoting a point of view or belief, or working to help a certain group of people (For instance, someone who tries to get laws passed to help people with disabilities would be advocating for them. The person who does this would be an advocate.)*

The role of money in election campaigns is very controversial. In a democracy, we want everyone to have an equal chance to be heard. And we don't want individuals, unions or corporations that have a lot of money to have more than their share of influence in an election. We don't want our elected officials to feel that they have to vote the way their campaign contributors want them to. So we have rules about who can give, and how much they can give. And every few years, we pass more rules. But hardly anyone believes that we have found the perfect solution to this problem.

The most important safeguard we have come up with is the principle of *transparency*, or openness. This means that everyone should be able to find out who gave money to a political campaign, and how much. We have very strict laws that require every candidate and every campaign organization to report their contributions. A special government agency, the Public Disclosure Commission, makes this information available to the public and to reporters. (There's more information about this on page 77.)

Still, campaign financing will always be a subject we debate, both in elections for public office, and in campaigns to pass initiatives and other ballot measures.

## Jury Duty

Citizens also serve on juries. A jury is a group of people – usually 12 – who sit in judgment when someone is brought to court and accused of a crime. A judge conducts the trial, but members of the jury have to decide whether the accused person is guilty or innocent. (In civil cases, where one person or business is suing another person or business, juries usually have only six members.)

This is called “jury duty” because it is a duty that comes with being an American citizen.

## Advocacy

American democracy is founded on great ideas and principles. We still struggle to live up to them, but over many generations, we keep making progress.

In fact, our whole history is a struggle to live up to the ideals of liberty, equality, and opportunity for all. Many generations of citizens have pushed and prodded and sacrificed to get us this far.

Over many years, it was ordinary citizens who led the struggle to end slavery, to expand voting rights, and to make discrimination because of race, religion, or national origin illegal. It was citizens who fought to win decent wages, safe working conditions, and weekends off for all of us. And it was citizens who won passage of laws to make government meetings open to the public.



photo courtesy of the Office of the Secretary of State

When Kim Wyman lived in Germany with her husband, who was serving in the military, she didn't receive her ballot in the mail until the election was already over. She was so frustrated by this that she eventually became the Thurston County Elections

### One person's opinion makes a difference

Manager, so she could make sure this didn't happen to other people. After working in that job for several years, she became the Thurston County Auditor—an elected position. In 2012, she was elected Washington's Secretary of State.

The Secretary of State has several roles: overseeing the state library and historical documents, registering corporations and charities, and verifying

that initiatives and referendums have the required number of signatures to be on our ballots. But her most important role is supervising state and local elections to ensure that they are fair and accurate, and that every qualified voter is able to vote. Her office also produces the statewide voters' pamphlet, which has information on all the statewide candidates and issues for each election.

The Secretary of State must make sure our election system is secure from computer hackers, that only eligible voters are registered, and that both information about an election and voting are accessible to people with disabilities.

You can also be sure that Kim Wyman makes delivering ballots on time to Washington voters who are overseas a top priority.

# Too young to vote? Don't let that stop you.

*The younger you are, the bigger a stake you have in the future. So it's no wonder that kids wage some of the best citizen campaigns.*

*For instance, eight kids between the ages of 12 and 16 are suing Washington's governor and Department of Ecology for not doing enough to protect them from climate change. They are working with a nonprofit organization called Our Children's Trust, which provides them with a lawyer. Our Children's Trust is also working with other groups of kids who are suing the federal government and several other states.*

*All of the lawsuits argue that state and federal governments have not done enough to limit greenhouse gas emissions that cause the climate to heat up.*

*In the Washington state case, the Department of Ecology issued a report that says, "The effects of climate change on water supplies, public health, coastal and storm damage, wildfires, and other impacts will be costly unless additional actions are taken to reduce greenhouse gases." Yet in spite of this clear warning of trouble ahead, the report didn't recommend any additional action.*

*"This case is important because it transformed from a small case against a single Washington state agency into a large case against the entire*

*Washington state government," said Aji Piper, 16, in a press release Our Children's Trust issued.*

*According to Julia Olson, who founded Our Children's Trust, climate change is "the crisis that most threatens our children. Significantly, our coequal third branch of government is stepping in to protect the constitutional rights of young people before it is too late to act."*

*Athena Fain, another youth involved in the case, has also branched out to become president of Plant for the Planet Seattle, a group that promotes tree planting and public education about the science of climate change. "Science doesn't lie to us. Science tells us the truth," she says.*



all photos on this page courtesy Robin Loznak

There is more to do to make our society and our democracy better. But it's important to remember that we didn't get this far because people sat around and complained; we got this far because people spoke up and worked together.

They did this because they understood that in a democracy, no matter how imperfect it is, people have the power to make change. It isn't easy, and it often takes a long time.

But progress is always possible as long as we have the right to say what we think, to band together to push for change, and to support or oppose candidates for public office.

As people have been saying for many generations, freedom isn't free. Every generation has to earn it and preserve it by being active, responsible citizens.



photos at left by Don Willott, courtesy Forterra

photo by Brian Kilpatrick, courtesy Forterra

About 4,000 acres of forest, wetlands, and 1.5 miles of shoreline were slated for logging and then development, which would have harmed water quality and wiped out habitat for wildlife. Thousands of families, community groups, Indian tribes, and businesses worked together with a non-profit called Forterra to raise millions of dollars to buy and preserve this “green jewel” near Port Gamble, in Kitsap County.

## Chapter 6: Tribal Governments Today (5.5, 5.6, 5.7, 5.8)

The State We're In: Washington - Your Guide to State, Tribal & Local Government  
(8th Ed.)



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## CHAPTER 6

### Tribal governments today

In 1989, Washington's governor and representatives of many Indian tribes signed the Centennial Accord. (The state centennial was the 100th anniversary of Washington becoming a state.) The Centennial Accord said that state government would respect the **sovereignty** of the tribes – that is, it would respect Indian tribes' right to govern themselves.

This simple statement meant a lot to tribes. It meant that the state and the tribes would have a "government-to-government" relationship – a relationship between equals. Instead of trying to impose its rules on Indians, the state promised to work more closely with tribal governments, to respect the terms of the treaties and tribal laws, and to educate state employees about tribes and their governments. Today, most state agencies have tribal liaisons who work to ensure that agencies respect tribal sovereignty, and work cooperatively with tribal governments.

Still, the tribes and the state government have a lot of work to do to make this new relationship smoother. Most people who work in state government still don't know very much about the history or culture of Indian tribes, or about



photo courtesy Debbie Preston, Northwest Indian Fisheries Commission

## Federally recognized tribes

Chehalis Confederated Tribes	Puyallup Tribe
Confederated Tribes of the Colville Reservation	Quileute Tribe
Cowlitz Tribe	Quinault Nation
Hoh Tribe	Samish Nation
Jamestown S’Klallam Tribe	Sauk-Suiattle Tribe
Kalispel Tribe	Shoalwater Bay Tribe
Lower Elwha Klallam Tribe	Skokomish Tribe
Lummi Nation	Snoqualmie Tribe
Makah Tribe	Spokane Tribe
Muckleshoot Tribe	Squaxin Island Tribe
Nisqually Tribe	Stillaguamish Tribe
Nooksack Tribe	Suquamish Tribe
Port Gamble S’Klallam Tribe	Swinomish Tribe
	The Tulalip Tribes
	Upper Skagit Tribe
	Yakama Nation

## Non-Federally recognized Indian tribes

Note: Washington state does not have state-recognized tribes, as some states do. The following tribes are landless, non-federally recognized. Some are categorized as non-profit corporations; some are waiting for federal recognition. All have requested inclusion on this list.

Chinook Tribe\*\*  
 Duwamish Tribe\*\*  
 Kikiallus Indian nation  
 Marietta Band of Nooksak Tribe  
 Snohomish Tribe  
 Snoqualmoo Tribe  
 Steilacoom Tribe

\*\*Pending Federal Recognition

## Non-Washington Federally recognized Indian tribes with ceded territories in Washington state

Coeur d’Alene Tribe  
 Nez Perce Tribe  
 Confederated Tribes of the Umatilla Indian Reservation  
 Confederated Tribes of Warm Springs

what’s in the treaties. So the Governor’s Office of Indian Affairs provides special training for state employees on these topics, and on what it means to have a government-to-government relationship.

Today, tribes are also working hard to improve their governments so that they can provide essential services to their members. Health clinics, services for the elderly and people with disabilities, child welfare services, law enforcement, and schools and colleges are being created. Tribal governments are working with other governments to protect and restore salmon runs and improve the health of rivers and streams. Tribes are also opening new museums and working to preserve their history and renew their cultural traditions.

photo courtesy Karen Verrill



Squaxin Island Tribal Museum, Library and Resource Center

Tribal governments are not like state government, or like local governments. They are unique, because they are governments for nations within a nation. Originally, the idea of the treaties was that the federal government should protect these “domestic dependent nations” from state governments. (In the case of fishing rights, that’s what happened: the federal government sued the state to win recognition of the tribes’ right to harvest fish, which was spelled out in treaties.)

But there is one way in which tribal governments are like state governments. Like states, tribes can pass any law that doesn’t violate federal law. For instance, tribes can run casinos because there is no federal law that prohibits them. Casinos are legal in the state of Nevada, because the Nevada state government chose to make them legal. Similarly, many tribal governments have chosen to make casinos legal on their lands. The federal and state governments regulate tribal casinos, but it is the tribes’ right to operate them.

Many tribes are using money earned by tribal casinos to pay for government services to their members. Tribal casinos are a very important source of new jobs and income for tribes, and for nearby communities. Tribes also donate money from casinos to charities and community projects that help everyone.

Money from casinos is important because tribal governments have not had much of a tax base. Although some tribes have taxed tribal fishing and logging, most tribes didn’t really have much to tax. They had to rely on very limited amounts of money from the federal government. In the treaties, Indians were promised health and education services “in perpetuity” (which means forever), but they often didn’t get them. Many tribal councils met in church basements or school classrooms until the 1970s or 1980s because they didn’t have enough money to build a place to house their government.



photo courtesy Nisqually Red Wind Casino

The Nisqually Red Wind Casino

# Centennial Accord

photo courtesy GOIA

The Boldt decision (see page 94) set the stage for a radical change in the relationship between state government and the tribes. That court decision did more than restore tribal fishing rights; it also declared that federal and state governments have to respect treaties.

The same state government that arrested Indians for fishing before the Boldt decision was now required to work with tribes as equal partners to restore and manage healthy and abundant runs of salmon.

This wasn't an easy change to make. For years after the Boldt decision, tribes and the state struggled to get along. Most people in state government knew very little about tribal culture, history, and treaty law, and many resisted the changes that the Boldt decision called for to protect and restore Indian rights.

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*“Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.”*

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In late 1988, a group of four tribal leaders met with Bob Turner, a policy advisor to Governor Booth Gardner, to talk about how to improve relations between tribal and state governments. The leaders in that meeting were Joe Delacruz, President of the Quinault Nation, Mel Tonasket, Chair of the Confederated Tribes of the Colville Reservation, Larry Kinley, Chair of the Lummi Nation, and W. Ron Allen, Chair of the Jamestown S’Klallam Tribe.

They agreed that a new understanding between state agencies and the tribes was urgently needed. The Governor and his staff understood that the state had to make a commitment to do a better job of respecting tribal sovereignty. But making such a commitment stick would be hard, because Washington’s state government includes nine separately elected state officials, over fifty state agencies, and hundreds of state boards and commissions. How could all of them be engaged in making this change?

No one remembers which of them came up with the idea, but someone suggested that there was a need for a new state/tribal treaty to clearly spell out that state agencies needed to respect tribal sovereignty and legal rights. But, they quickly realized, it wouldn’t



Centennial Accord meeting, Chehalis Tribal Center, 2005

be a treaty, because treaties are agreements between nations. So what should they call it – a compact, a memorandum of understanding, a contract? Somewhere along the line, they came up with the term “accord.” And since the state centennial would be the following year, the idea evolved into the “Centennial Accord.”

Ron Allen was the only one in the room with a computer, so he took notes, and he and Bob Turner wrote the first draft. They sent their draft around to the others, and to the Governor’s chief of staff. Everyone liked it. Then they sent it around to more tribal leaders. Along the way, various people made changes and improvements.

Clearly, this was an idea whose time had come. The Governor and the tribal leaders knew that signing the Accord could signal a new beginning in relations between tribes and state agencies. Equally important, the Accord called for annual meetings between state and tribal leaders that would make the Accord have lasting meaning, rather than being just a single splashy event.

The Centennial Accord also led to the creation of the Governor’s Office of Indian Affairs – a permanent state agency that provides education for state employees about the history, culture and legal status of tribes, and acts as a liaison between the tribes and the state. (Before the Centennial Accord, there was a single staff person who advised the Governor on “Indian Affairs.”)

Today, tribal and state leaders continue to meet once a year to review where they have made progress, where problems persist, and what to do next. No one thinks that the Centennial Accord has solved all the problems. But it has provided a forum for continuing to work on them, and helped educate state agency leaders about the special status of tribes, their governments and the issues they care about. The continuing dialogue created by the Accord has also shown how having positive, respectful relationships helps people come together and solve problems.

The Centennial Accord also inspired people in states such as Alaska, New Mexico, and Wisconsin to write their own versions.

All this started with a handful of people, sitting around talking about how to solve a problem. And it just might prove something anthropologist Margaret Mead once said: “Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.”

# The Boldt decision

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When Washington Indian nations signed treaties with the federal government, they gave up a lot of land, but they kept the right to hunt, fish and gather in all their “usual and accustomed places” – many of which were not on the reservations. At the time the treaties were signed, no one thought this would be a problem. But the population of settlers grew larger than anyone dreamed, and so did the number of white people who fished for a living. In fact, fishing became a major industry. Soon Indians were prevented from fishing in the places where they had fished for thousands of years. State agents arrested Indians caught fishing off their reservations, and took away their boats and fishing nets.

In the 1960s, Indian fishers began to protest this violation of their treaty rights. Many people (including some famous movie stars) came to support them, and news of these protests brought the issue to the attention of the public. Finally, the U.S. government acted to protect Indian

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In 1968, African-American civil rights activist and comedian Dick Gregory, a supporter of Indian treaty rights, served time in the Thurston County jail for illegal net fishing on the Nisqually River.

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rights by suing the State of Washington to allow Indians to fish.

In 1974, George Boldt, a federal judge, ruled that the Indians were right: the treaties said they had the right to fish “in common with”

everyone else. Judge Boldt looked at an 1828 dictionary to see what the phrase “in common with” would have meant to the people who signed the treaties, and concluded that it meant Indians should have half of the salmon. He also ruled that Indian tribes should be partners with the state in managing and protecting salmon.

The Boldt decision was a big victory for Indians – and in the long run, a big victory for salmon, too.

Today, tribal governments have a lot of people working to restore streams and rivers that have been polluted or damaged during the last century. Tribes have also helped educate the public about the connection between

healthy rivers, healthy salmon, and healthy people.

The Boldt decision is famous because it confirmed that the treaties have to be respected. It encouraged tribes all over the U.S. (and native people in other countries) to insist on their rights. It also led to a flowering of Indian culture in our state, because the salmon are a central part of Indian life. Many Indians who had moved away from their reservations came home again. The Boldt decision, more than any other event, made it clear to everyone that Indian culture, history, and identity are here to stay.



Salmon ceremony, Tulalip tribe

photo courtesy Northwest Indian Fisheries Commission



Most tribes that have casinos have used some of the money they earned to start other tribal enterprises. They are creating different kinds of businesses to provide a wider variety of jobs for tribal members, and a broader base of financial support for tribal government. Tribes now operate businesses ranging from shopping centers to tourist resorts, and these enterprises provide jobs for many non-Indians as well as tribal members. In fact, tribal enterprises have become an important source of economic vitality for many Washington communities.

Some tribes, however, have reservations that are too far away from population centers to support a casino, a shopping center, or other enterprises. So even though the

### A leader who brings people together

*“I don’t believe in magic. I believe in the sun and the stars, the water, the tides, the floods, the owls, the hawks flying, the river running, the wind talking. They’re measurements. They tell us how healthy things are. How healthy we are. Because we and they are the same. That’s what I believe in.”*

~ Billy Frank

BILLY FRANK GREW UP ON THE NISQUALLY RESERVATION near Olympia. His dad, who lived to be 104, told him many stories that he heard from his parents about “treaty times,” when the reservation was created in 1854.

Billy was 14 when he was first arrested by state game wardens for fishing. He became a leader of the Indian fishing rights movement in the 1960s. He led “fish-in” protests in the Nisqually River that won the support of many people.

The fish-ins resulted in a court case. The Boldt decision declared that Indians have a right to half of all the salmon caught each year. It also declared that tribes and the state should be equal “co-managers” of salmon.

In 1975, Billy Frank helped create the Northwest Indian Fisheries

Commission. It helps tribes develop fisheries management plans, and “speaks for the salmon” in dealings with state government.

It has been hard for the tribes and the state to change from being enemies to being partners in caring for salmon. Billy Frank’s leadership is a big part of what made that change

possible. He was passionate, humble, warm, and single-minded in his life-long work to care for salmon and people alike.

He received many awards and honors, including the Presidential Medal of Freedom, our country’s highest civilian honor. Sadly, Billy Frank Jr. passed away suddenly in 2014, when he was 83.

Today, his son Willie Frank III serves on the Nisqually Tribal Council.



photo courtesy Northwest Indian Fisheries Commission

## A nationally recognized leader



*As a girl, Fawn Sharp says her after-school program was “hanging out in the tribal office,” where her mom worked as secretary to Joe DeLaCruz, who was president of the Quinault Indian Nation from 1967 to 1993.*

*In addition to being the leader of the Quinault Indian Nation, DeLaCruz was a world-famous advocate for the rights of Native people. He was one of the architects of the Centennial Accord (see page 93) and a longtime member of the Northwest Indian Fisheries Commission (NWIFC). Fawn’s mom took the minutes for the commission meetings, so Fawn went too. “My job was*

*to hit Record and Play on the tape recorder,” she says. At those meetings, she also learned from Billy Frank Jr. (see page 95), who became a close friend and mentor.*

*Listening to the stories she heard at the NWIFC meetings, she realized at an early age that she could best serve her tribe by becoming a lawyer. This was because so much of the progress tribes made in those years came through court cases that affirmed the treaty rights that had been violated in the past.*

*She graduated from college at the age of 19 and then went to law school. She also earned an advanced certificate in International Human Rights Law from Oxford University. In 2006, she was elected president of the Quinault Indian Nation.*

*She has worked hard to involve the whole tribe in planning for the future, setting goals, and organizing the tribal government to achieve those goals. Over the past 30 years, as the tribe has gained more control over its own resources and governance, it has grown from having 30 employees to 400.*

*Now Fawn is also a nationally recognized leader.*

*She was president of the Affiliated Tribes of Northwest Indians from 2011 to 2017 and vice president of the National Congress of American Indians from 2016 to 2017.*



All photos courtesy the Quinault Indian Nation

growth of tribal casinos and other businesses has helped some tribes, other tribes still struggle to find ways to fund their government and lift their members out of poverty.

Tribal governments are not all alike. Most tribes have a tribal constitution that defines the structure of the government, but some do not. Each tribe also sets the rules about who is considered a tribal member. Most tribes have an elected tribal council as their central leadership. Usually, the chair of the tribal council is the person who speaks for the tribe.

Tribal councils are advised by a lot of committees made up of tribal members. The committees study issues and give the tribal council advice. In some tribes, the committees have the power to make decisions on their own. Committees deal with tribal membership, housing, fisheries, elections, programs for children and elders, hunting, education, and culture.



Virginia Beavert was born in 1921 in a bear cave in the Blue Mountains. Her parents had gone hunting and got caught in an early snow storm.

She grew up on a cattle and horse ranch near Zillah. As a child, she learned the Yakama

## An amazing beginning, a remarkable life

language from her family, and the traditional ways of using and preserving fish, native plants, roots, and berries.

She graduated from Toppenish High School, and has fond memories of a circle of friends that included Native American, European American, Japanese-American and Mexican-American girls.

She served in the military during World War II, and then worked at Hanford, cared for her family, and

worked in a hospital.

In 1974, at the age of 53, she graduated from Central Washington University.

She became a member of the Yakama Tribal Council.

She was often critical of the Council's actions, and so she helped push for a Code of Ethics that spelled out proper behavior for Council members.

She often traveled to Washington, D. C., to represent the tribe.

She has taught at Heritage College in Toppenish, and

is working on creating a dictionary of the Yakama language, which is called Sahaptin. (Sahaptin was actually spoken by several tribes, and each tribe had its own version of it, called a dialect.) She is dedicated to preserving this language because it is such an important part of the Yakama culture and heritage. She is a beloved Elder of the Tribe, and an honorary member of the League of Women Voters.

Jamestown S’Klallam Tribal member and natural resources technician Lori DeLorm takes samples from a creek in the Dungeness watershed on the Olympic Peninsula.



photo courtesy Northwest Indian Fisheries Commission

Tribal councils and committees do just what Indians did before settlers came: they spend a lot of time talking – and listening – to try to find solutions to problems that everyone can agree on. Even though the structure of many tribal governments is non-traditional, the cultural habit of seeking consensus is still very strong. This sometimes frustrates people from other governments, because they are used to meeting deadlines, no matter what. In many tribal governments, it is more important to take time to reach agreement than it is to meet a deadline. Tribes want to make sure that everyone is heard, and that everyone’s needs are met.



photo courtesy Denny Sparr Hurtado-Skokomish

Many tribes participate in the annual Canoe Journey. They paddle to a host tribe, where they celebrate with several days of ceremonies, singing, dancing, feasting, and gift-giving.

Today, tribal governments have more and more paid staff, because they are taking on more responsibility and creating more programs to help tribal members and their communities. In fact, tribes actually employ more fisheries biologists than the state does. Tribal government staff carry out the policies set by the tribal government committees and the tribal council.

Most tribes have their own police and courts. Tribal police and courts can deal with crimes committed by tribal members (or members of other tribes), but when non-Indian people commit crimes on reservations, other police agencies are sometimes



photo courtesy Debbie Preston, Northwest Indian Fisheries Commission

Quileute students looking for birds, La Push



## *Indian or Native American?*

The original peoples of the Americas were called “Indians” by Columbus when he “discovered” America because he was really lost, and thought his ships had reached India. Somehow, the name “Indian” stuck.

Now people sometimes wonder whether it’s respectful to call Native Americans “Indians.” Over the years, Native people have thought about this a lot, and naturally, they don’t all have the same opinion.

But most are OK with either term – Indian or Native American. A lot of Native organizations, such as the National Congress of American Indians, use the word Indian in their names, and Native people commonly refer to “Indian country” when they talk about reservations or the national network of Indian communities.

What most Indians really prefer, however, is to be identified as members of their own tribe. For instance, they would like you to say “my friend Denny is Skokomish” rather than “My friend Denny is Indian.”

called in. This has been the source of a lot of confusion and conflict. In some places, tribal police and county sheriffs are working together to overcome these problems, and to share responsibility for keeping the whole community safe. They have “cross deputized” each other, so that tribal and non-tribal police can act on each others’ behalf. In 2008, the state legislature passed a new law that allows tribal police to be certified in the same way that other police officers are, and gives them more authority, but non-Indians who commit crimes on reservations still must be tried in local rather than tribal courts.

As tribal governments grow, many tribes need more employees, managers, and leaders, so tribal governments are investing more in scholarships to encourage young tribal members to go to college, and to learn the skills they will need to lead tribal governments and run tribal enterprises in the years to come.

Despite the many positive changes occurring in Indian country, Indian tribes and reservations still have many people living in poverty, especially in rural areas. A full recovery from centuries of discrimination, suppression of Indian traditions, loss of resources, and broken promises will take more time, and more work by both tribal and non-tribal governments and all people of goodwill. It will also take more education of non-Indians about the history, culture and status of the tribes.



Herman Williams (left) and Dale Reiner. Herman, Chair of the Tulalip Tribes, gave a blanket to Dale to honor him and his farming family for their salmon restoration work on Haskell Slough, which runs through Dale’s property. Dale is a 5th generation farmer in the Skykomish Valley. He raises cattle and Christmas trees.

photo courtesy Darlene Madenwald



## Chapter 7: Local Government: Counties, Cities, Towns, and Special Districts (5.7, 5.10)

The State We're In: Washington - Your Guide to State, Tribal & Local Government (8th Ed.)



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## CHAPTER 7

### Local government: counties, cities, towns and special districts

Local governments provide services right up to the driveway and even inside most people's houses: the streets people travel on, the water that comes out of the faucets, the sewers that take away everything that goes down the drains, and the garbage and recycling service are all provided by local governments.



art by MW/IlloIllustration

**There are 281 cities and towns, 39 counties and 167 special purpose districts in Washington.**

Local governments also keep us safe in many ways. Building inspectors make sure that the houses we live in and the schools we attend are built properly, and won't fall down in an earthquake. Health departments make sure that restaurants are clean, and that they don't serve food that will make us sick. Local police and sheriffs protect us from crime; fire departments put out fires and promote fire prevention. These are just a few examples of important local government services.

Local governments are smallest, closest to us, and usually the first place we turn when we need help. Because they are so close to us, local governments are also the easiest for citizens to affect. If we want to change a state or national law, we might have to send letters or travel to the state or national capital. But if we want to change something at the local level, we might be able to talk to a local elected official when we run into them at the grocery store or at a Little League game.

Local governments shape the communities we live in. If a community has nice parks, safe streets, and clean water, it's because its county and city governments and special districts are doing a good job. And when local government is doing a good job, people take pride in their community and work together to make it even better.

## Counties

Washington has 39 counties.

Counties were created during the years when Washington was a territory (1853 – 1889), because people needed local services that the territorial government was just too far away to provide. At that time, there weren't very many cities or towns, so the county was the only local government for most people. After Washington became a state, state government gradually took over some of the things counties had done. And as more cities and towns came into being, they also took over some of what the counties used to do.

### Okanogan County

Named for an Indian tribe, the county was organized by the territorial legislature on February 1, 1888. The name is derived from the Indian word "okanagen," meaning "rendezvous," (a meeting place) and was applied originally to the river's head at Osoyoos Lake where Indians gathered annually to catch and cure fish, to trade, and to hold potlatches. The name was gradually applied to the river and to the tribe that lived along its banks.



Today, county governments have two roles: First, they provide certain services to people who live inside the county, but outside of any town or city. (This is called an “unincorporated area.”) For instance, county sheriffs patrol the roads and respond to crimes committed in unincorporated areas. Second, counties provide some services to everyone in the county, regardless of whether they live in a town or city or an unincorporated area. (This is explained more in the section on cities and towns.)

The services county governments provide for everyone in the county include collecting property taxes, protecting public health, providing human services (such as

## What are social services?

Social services – also sometimes called human services – are a big part of what government does. These services include:

- Health care for people who have very low incomes
- Care for people who can’t work, such as people with disabilities and the elderly
- Help for people who are poor and need help finding a job, or job training
- Housing for people who are poor and/or homeless
- Mental health care – both in the community, and in mental hospitals
- Treatment to overcome addiction to drugs, alcohol, or gambling
- Services to take care of babies, children and teens who are abused or neglected by their parents, or whose parents are too ill to take care of them
- Help for young people who’ve been in trouble with the law and who need to turn their lives in a better direction

Providing these services gets very complicated, because governments at many levels are involved. For instance, the federal government and the state share responsibility for Medicaid, a huge program that provides health insurance to people who have low incomes. Many of those who receive



Medicaid are people who work full time, but don’t make very much money. Others are people who can’t work because of a disability, or because they are too old to work.

Many other social services are provided by complex partnerships between the state, county governments, and private and non-profit community organizations.

Nearly all social services are provided only to those who can’t afford to buy them on their own. Governments have to decide how poor people should be before they get government help. At the same time, they have to figure out how much government can afford to spend on these services. People don’t always get what they need, because sometimes the government doesn’t have enough money.

## Bats in Your House

When a bat flies into someone's house, it's pretty scary, because bats sometimes have rabies – a very bad disease that must be diagnosed and treated quickly to prevent someone from getting sick. If this happens to you, you can call the county health department for advice. A person from the environmental health section will help decide

what to do. First, they will ask if anyone was bitten or scratched by the bat. Sometimes a bat bite is very small and cannot be seen, so they also ask if anyone was awakened or disturbed by the bat. If the answer is no, there is nothing to worry about. If the answer is yes, and the bat is still available, the health

department will test it to see if it has rabies. The bat most often is trapped by the homeowner and then delivered to the local Animal Services facility to be prepared for rabies testing. The bat body has to be put in a special shipping box and sent to

the virology laboratory at the Washington State Health Department in Seattle. They do special tests on the bat's brain to see if it had rabies. If it did, the person who was bitten or scratched has to have shots to prevent the illness.



art by MWillowsIllustration

help for the elderly and people who are mentally ill), and conducting elections. County governments are also responsible for the superior and district courts, and the county jail.

Counties usually have three elected commissioners. Together, these three elected commissioners are called the county commission. It is responsible for setting the county's budget and laws, and seeing that they are carried out.

According to the original state constitution, counties are also supposed to have several other elected officials:

**The County Assessor** decides how much property (land, buildings and business equipment) is worth. The value of the property determines how much tax the person who owns it has to pay; the more valuable the property, the more tax people pay.

**The County Treasurer** sends people bills for their property tax, and makes sure they pay it. Then he or she distributes the money – some goes to the state government, some to schools, and some to local governments.

### **Other County Services**

*Air Pollution Control*  
*Animal Services*  
*Area Agency on Aging*  
*Washington State University Extension*  
*Courts*  
*Financial Services*  
*Transit*  
*Marriage License*  
*Medic One*  
*Parks and Recreation*  
*Public Health and Social Services*  
*Sheriff*  
*Waste Management*  
*Water*



*King County, the largest county in Washington, was originally named after William R. King, the vice president under Franklin Pierce. It was renamed in 1986 after civil rights leader Dr. Martin Luther King, Jr.*

**The County Auditor** keeps records of who owns all the property in the county. He or she keeps records of all the registered voters, and runs the elections. And if you want to get married, it's the County Auditor who will issue your marriage license.

**The County Sheriff** is the chief law enforcement officer in the county. In most counties, the Sheriff is also in charge of the county jail.

**The County Coroner** investigates suspicious deaths to find out whether someone was murdered or died of natural causes.

**The County Clerk** is in charge of keeping all the paperwork for the courts, and for helping people who want to get divorced, sue someone, or deal with other legal matters.



Kingston's skatepark

## Your parents' tax dollars at work . . . and play

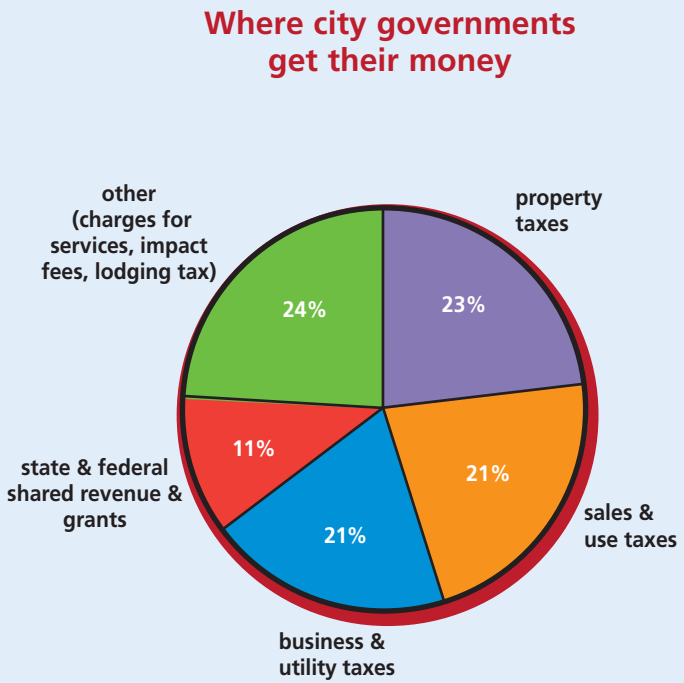
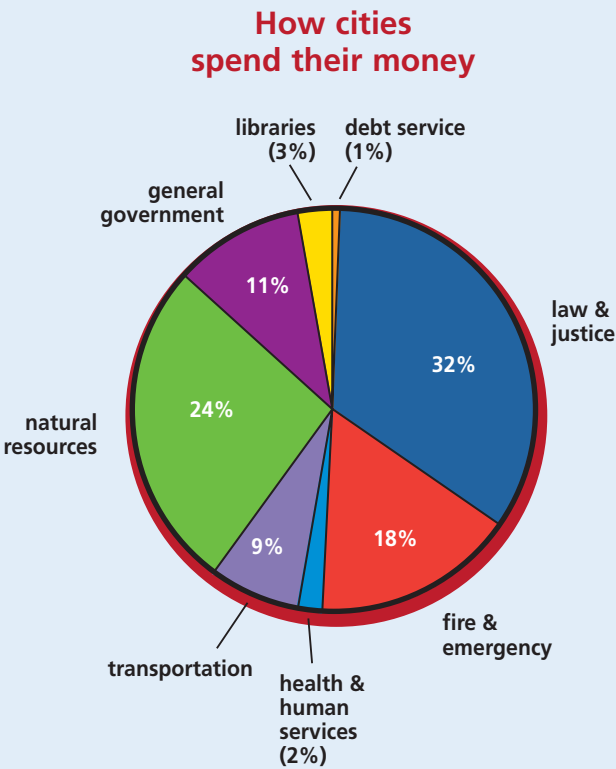
*A lot of towns and cities have built skateparks – in many cases because a lot of young people have lobbied local governments to get them built. In some communities, kids have also helped design skateparks.*

Building skateparks has been a difficult decision for many local governments, because people worry about kids getting hurt. Some parks require that kids use helmets and other safety gear. Also, finding the money to build a skatepark can be difficult when towns or cities have tight budgets.

Here's a web site that has information about how to plan a skatepark, and the regulations some local governments use in Washington:

[www.mrsc.org/subjects/planning/sktboard.aspx](http://www.mrsc.org/subjects/planning/sktboard.aspx)

Cities vary in where they get money to provide public services, and on what services they spend it. These categories represent a typical city.



**The County Prosecuting Attorney** is in charge of representing the government in court when someone is accused of a crime. The Prosecutor also defends the county when it is sued, and provides legal advice to all the agencies of county government.

**Superior court judges** are also elected county officials. They preside over superior courts, which handle all serious crimes, and also all civil cases, such as divorces, child custody cases, juvenile offenses and lawsuits.

**District court judges** preside over the smaller courts that deal with minor crimes and traffic tickets. (Within cities and towns, there are similar small courts, called municipal courts.)

*The Governor Albert D. Rosellini Bridge, which connects Seattle and Bellevue across Lake Washington, is the longest floating bridge in the world.*



Photo by @wiseknave, courtesy of 4Culture

*Escaping a Burning Culture (detail), 2017*  
© Baso Fibonacci and Jean Nagai

*A two-mile transit corridor in Seattle traveled by over 50,000 daily has been turned into an imaginative raceway of art in motion.*



photo by © Edie Everette, courtesy of 4Culture

*HazMatters, 2014*  
© Edie Everette

*The HazMatters comic book is an artist-designed public service announcement about hazardous materials. Available in English and Spanish, it shows many ways that household hazardous waste affects us in our everyday lives.*

## Art, government and controversy

Our national and state government – and many local governments – have commissions or agencies that support the arts. These agencies are usually a very small part of the budget, but people get very passionate about them. Supporters of the arts point out that art is vital to the health of our culture and our understanding of what it means to be human. They believe that government should actively support the arts with funding for local theater groups, dance troupes, painters, sculptors, museums and musicians. This is important in making art available to everyone, rather than just to those who can afford to buy art work. It helps communities produce and preserve art that is unique to their own culture, history and experience.

In some places, local governments require that one percent of the cost of any new government construction project be devoted to buying art that will be displayed in or around the new building or other facility. The new art that is purchased might be a piece of sculpture, or a mural, or a frieze that is part of the new building.

But people argue passionately about art, and when government supports artists or buys art, there can be disagreements about what is “good” art. Some people get angry when their tax dollars are spent on art they don’t personally like.

The federal agency that supports the arts – the National Endowment for the Arts – has long been a major focus of such debates. Politics and art don’t always mix well, but sometimes they are impossible to keep separate.

Here are website addresses for a few state and local government arts commissions:

[www.arts.wa.gov](http://www.arts.wa.gov) The Washington State Arts Commission

[www.4Culture.org](http://www.4Culture.org) 4Culture (The Cultural Development Authority of King County)

[www.cityofseattle.net/arts](http://www.cityofseattle.net/arts) Seattle Mayor’s Office of Arts and Cultural Affairs

[www.spokanearts.org](http://www.spokanearts.org) Spokane Arts Commission

However, not all counties are organized like this. The state constitution was amended in 1948 to allow counties (and cities) more local control over the structure of their government. Local voters can write and adopt a mini-constitution for the county or city, called a “home rule charter.”

Under a home rule charter, counties can choose the number of elected officials and their duties. Most have chosen to have an elected County Executive and a County Council. They can also give local people the powers of the initiative and referendum. They cannot, however, change the job of the county prosecutor or the superior and district court judges, or the way the courts are organized.

Six counties have adopted home rule charters. They are Clallam, Clark, King, Pierce, Snohomish, and Whatcom. Taken together, these counties include about half of the state’s population.

### ***Did you know:***

***Seattle is home to the first revolving restaurant, which was built in 1961.***

***Everett is the site of the world’s largest building, Boeing’s final assembly plant.***

***When Spokane hosted the World’s Fair in 1974, it was the smallest city in size ever to do so.***

## **Pasco Mayor Leads Diverse City**

Matt Watkins grew up in the Tri-Cities – a group of three cities (Kennewick, Richland and Pasco) in southeast Washington.

He’s an adventure motorcyclist who has completed three 11-day rides known as the “Iron Butt Rally.”

He was first elected to the Pasco city council in 2004, and became mayor in 2010. In Pasco, the seven-member city council elects one of its members to be mayor.

Watkins’s ideas about serving his community came from his mom, who worked for the Port of Kennewick, and rose to become the first woman to be Port Manager in the region. She was also an active community volunteer, and her example of community service stuck with her son.

Watkins says he moved from Kennewick to Pasco for the lower housing prices, but also because he wanted to live



Photo courtesy Matt Watkins

Mayor Watkins near the Cable Bridge in Pasco

in a more diverse community. In fact, Pasco is now a majority Latino community. Latinos old enough to vote are 30% of the electorate

and rising. There are also small percentages of African-American, Asian and Pacific Islander and Native Americans, many of whose families have lived in Pasco for several generations.

Watkins is proud that Pasco has adopted a new city council district system that gives the Latino community greater voting power. In the past, all city council members were elected “at large,” which means they represented the whole city.

In the 2017 election, when people voted for 6 of the 7 city council positions by district, the city council went from having two Latinos to four.





photo courtesy Bill Wagner and The Daily News of Longview, WA

## The Cookie Mayor

As a Mom, Barbara Larsen got involved in her children's schools, and that led her to serve for thirteen years on the local school board in Castle Rock, a town of about 2,200 people. She enjoyed public service, so when there was an open seat on the city council, she ran for it – and won. After ten years on the city council, she ran for mayor, and was elected.

While her children were growing up, she and her husband ran a dairy. For forty years, she was also a foster mom who took care of sick babies when their parents couldn't care for them. She took care of them until their parents could take them back, or until the state's Child Protective Services office (a part of the Department of Social and Health Services) could find a permanent home for them. Over the years, she cared for hundreds of babies.

She often took babies – and cookies – to meetings of the city council.

County commissioners are elected in an interesting way. The county is divided into districts, and people in each district vote for their own commissioner in the primary election. Then, in the general (final) election, everyone in the county gets to vote on all the commissioners. In this way, every part of the county is assured of having someone to represent their area. But, because everyone in the county votes for all the Commissioners in the final election, the commissioners are reminded that they must serve not just their own district, but all the people in the county.

## Cities and Towns

People have special feelings about their towns and cities. We call the place where we grow up our "home town." People often have strong opinions about what town or city governments do; it's almost as important to us as what our families do. We know that when our town or city government makes an important decision, it will have a direct effect on the place we call home.

Cities and towns are organized in a different way than counties. Counties are created by the state, and they can do only what the state says they can do. Cities and towns, however, are created by the people who live in them. When a group of people who live in a particular place decide that they want to be a city or a town, they can hold an election and vote to create one. This means that they create a municipal corporation. We usually think of a corporation as a big company like Boeing or Microsoft, but the word corporation can also refer to "a group of people combining into or acting as one body." (The word municipal just means a local unit of government, such as a town, village, or city.) So a municipal corporation is a legal term for a town or city. And an unincorporated area is a part of a county that isn't in a town.

The difference between a city and a town is size. A town has a population of less than 1,500 at the time it is created. In 2008, there were 281 towns or cities in Washington, but people are still creating new ones.

The state constitution sets out rules for how to create a city or town, and how its government should be organized. However, the constitution was amended (as it was for counties) to allow home rule charters that enable cities more freedom about how they organize themselves.



There are three kinds of city or town governments. The differences have to do with how the legislative and executive functions are divided up. The two major ones are:

**The mayor-council form of government** consists of an elected mayor, who serves as the leader of the executive branch of city government, and an elected council, which serves as the legislative body.

In some cities, the mayor can veto laws passed by the council, but, like the state legislature, the council can override the veto. People call this the “strong mayor” form of government. When the mayor has no veto power, and when there are several other city-wide elected officials such as a city auditor or prosecutor, it’s called a “weak mayor” form of government.

**The council-manager form of government** has an elected council, and the council members hire someone to be the city manager. The city manager works for the council. The city manager hires the rest of the city employees, and runs the day-to-day operations of the city or town. The council is not allowed to interfere in this

The percentage of the state’s population living in cities and towns is now 64%—up from 52% in 1990.

## A mayor’s life of public service

*As a child, Jesse Farias worked in the fields with his family. When he graduated from high school in 1963, he joined the army. Four years later in Vietnam, his group was ambushed while crossing a river. He was severely injured, and lost his legs. At the age of 22, Jesse began life in a wheel chair.*

*When he came back from Vietnam, he knew he would have to find work that used his brain – and for that, he would need a college degree. A friend helped him get a part-time job working for the state Employment Security Department to help support*



photo courtesy Trixanna Koch

*his family while he went to school. Farias graduated from college in 1973, and began working full time for the state. In 1989, Governor Booth Gardner appointed him Director of Veteran’s Affairs. Farias enjoyed the challenge of heading a state agency and was sorry to leave when Gardner’s term ended. But he*

*came back to Olympia again in 1997, when Governor Gary Locke appointed him to serve a term on the State Liquor Board.*

*After he retired, Farias wanted to continue to serve his community, so he ran for and was elected Mayor of Wapato.*

work, but they can fire the city manager if they don't like the job he or she is doing. In this form of government, most of the work of the executive branch is done by the city manager, but the council (the legislative branch) has control over it.

The council-manager form of government was invented early in the 20th century by people who thought that local government should be run more like a business.

***The third form of municipal government is only used by one town – Shelton.*** It has three elected commissioners who serve as city department directors. One is the Commissioner of Public Safety (who also serves as the mayor), one is the Commissioner of Finance and Accounting, and the third is Commissioner of Streets and Public Improvements.

In big cities and in cities with a strong mayor form of government, being the mayor is a full-time job. The mayor's role is similar to the governor's: he or she is the boss of city departments, and can hire and fire department directors. The mayor also has a relationship with the city council that is similar to the governor's relationship with the state legislature. The mayor can propose new laws or the city's annual budget, but the city council has to vote for it, and they can change it if they don't like the mayor's ideas. Together, the mayor and the city council have to work out their differences.

In small towns, and in towns with the council-manager form of government, being mayor means something quite different. In these governments, the mayor is one of the city council members. He or she leads council meetings, and represents the city at special events and ceremonies. Sometimes the mayor is a strong leader because he or she has a clear vision for what he or she wants the town to be like, and is able to unite people to achieve that vision. In other cases, the mayor may be just a member of the council who holds the title of mayor.

Cities, towns, and county governments work together on many issues. For instance, in a county that has several towns, the elected officials of the county government and the town governments might get together and decide to share an Animal Services Department

The largest city in Washington is Seattle, with a population of nearly 704,352 people ... and the smallest is Krupp, with 49 people.

data from 2016 population.us

to deal with stray dogs and cats. Having one animal control agency for the whole county will save everybody money. Some counties also run public transit and other services that cross the lines of cities and towns.

County roads have to connect with city and town roads and streets, so cities, towns and counties work together on this, too. They also collaborate to figure out how towns and cities should grow, where new neighborhoods, shopping centers, and businesses should be built, and what land should be left open for forests, farming, parks, and other uses.

## Special purpose districts

When Washington was a territory, the territorial government divided counties into school districts. Today, Washington has 295 school districts. The voters in each school district elect five (in a few cases seven) school board members to govern their public schools. The biggest school district in the state is Seattle, which has about 53,400 students in 103 schools. The smallest is Benge, in Adams County, which has 14 students in a two-room school.

School boards are responsible for the budgets and policies of local schools. There are a lot of state laws that set the basic rules for schools, but local school boards can add local graduation requirements, negotiate contracts with teachers, decide when and whether to build new schools, and what academic programs and sports will be offered.

About 80% of the money for schools comes from the state government, but the rest has to come from within the school district. To raise this money, school boards figure out how much money the schools need, and then ask people in the district to vote to

**Richland, Kennewick, and Pasco** comprise the entity commonly called the Tri-Cities. The first two, located in Benton County, were initially small agricultural communities, while Pasco was the Franklin County seat and site of railroad yards. In 1943 the Atomic Energy Commission constructed a plutonium-producing facility, the Hanford Works, north of Richland. The three towns boomed and grew into one crescent-shaped population center extending along both banks of the Columbia River.

tax themselves for that amount. This is called a school levy election. For a school levy to be approved, a simple majority of the voters have to vote for it. The taxes for school levies come from property tax on people's land, houses, and other buildings.

The school board also has to ask voters to tax themselves to help pay for building new schools or sports facilities. When they put a measure on the ballot to build something new, it's called a school bond election.

### **Jurisdiction:**

*power and control over a certain area. (For instance, if you ask a mayor of a city to solve a problem that is outside the city's borders, he or she might say, "That's not in my jurisdiction.")*

School districts are just one of many kinds of special purpose districts. Usually, a special purpose district has just one job – for example, running a port, providing sewage treatment, managing irrigation in a certain area, or building and maintaining a ball park.

There are over 1,700 special purpose districts in Washington, and they do an amazing variety of things. For instance, a Metropolitan Park District was set up in Tacoma in 1907 to create the Tacoma Zoo. There are cemetery districts, mosquito control districts, fire districts, library districts, and transit districts. In some cases, several counties might band together to create a multi-county transit district (such as Sound Transit, which serves King, Pierce, and Snohomish Counties).

Usually, special purpose districts are governed by elected boards, but sometimes they are governed by boards appointed by County Commissioners.

Probably the most famous special purpose district is the Washington State Major League Baseball Public Facilities District, which owns and manages Safeco Field in Seattle.



photo courtesy Ben VanHouten

**Safeco Field, Seattle**

## State and Local Governments

### State and Local Governments: Democracy at Work? (5.10)



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*Although their composition and rules may vary from state to state, state legislatures have a common function: to propose legislation and enact laws that apply to their state. Here, the New Jersey State Legislature is hard at work.*

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One national government, 50 state governments, and 85,000 local governments.

The vast majority of government employees work for local and state — not the federal — governments. Teachers, policemen, clerks at the motor vehicle office. Many of these people are state and local employees. This seems to confirm the general notion that government is in fact "closer to the people," and therefore more democratic. But the real evidence is contradictory.

### Who Holds State and Local Power?



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*Waste management is a sensitive issue that often stirs local residents to political action. Concerned citizens in Dayton, Ohio, called for a boycott of Waste Management, Inc. when the company refused to clean up a landfill to the satisfaction of nearby residents.*

---

Governors, legislators, and many other elected officials lead state governments, and judges sit on both state and local courts. Local officials include Mayors, City Council members, City Planning Commissioners, and school board members. Many local officials are nonpartisan. In other words, they do not run for election to office with a party label, but on their own good name. Often these individuals cross register themselves in both political parties.

Social scientists have studied power in communities and have found some contradictory evidence. Several have found a relatively small and stable group of top policy makers, many of whom are local businesspeople. Others have concluded that while some people had a great deal of local influence and most others had little, still there was no permanent "power class," in local politics.



## State and Local Governments

### Participation in State and Local Politics



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*Several states have taken steps to regulate and oversee managed health care within their own borders so that their residents can navigate the often confusing world of health insurance with less difficulty.*

---

How interested are Americans in their local political affairs? What about citizen participation — voting, attending meetings, phoning officials, and keeping up with local politics? Citizens generally take less interest in and are less informed about their local governments than they are about the national government. Percentages of eligible voters who actually vote in presidential elections have been hovering around 50 -60% in the past few elections. Local elections draw far fewer voters, with some school board and city council members elected with 10-15 percent of the eligible voters.

Why the dramatic difference, if they are so close to the people?

Some of the reasons are understandable. After all, local governments in particular are preoccupied with relatively non-controversial routines, such as providing fire and police service, attracting businesses that can create more jobs, and keeping the roads in shape. People tend to let them do their jobs until something happens that directly affects their lives. For example, people often get involved when a landfill company or a drug rehabilitation center buys the property next to theirs, or when a house down the street is robbed.

But the participation rates tend to bear out the fact that most people have very little interest in local politics. Still, many of the burning issues of modern times are also state and local concerns. People need protection from crime and violence, and they depend on state and local officials for that. Drugs, gangs, racism, and poverty confront governments on every level. Education, preservation and protection of the environment, and health care delivery all cry out for active participants to solve their problems. All across the United States, thousands of political activists are making the attempt, but a democracy needs all its citizens.

## Chapter 8: What Does it Take to Be a Good Citizen (5.10)

The State We're In: Washington - Your Guide to State, Tribal & Local Government  
(8th Ed.)



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## CHAPTER 10

### What does it take to be a good citizen?

Usually when people talk about being a good citizen, the first thing that comes up is voting. That's because voting is the most basic act of citizenship. When immigrants become citizens, they nearly always take great pride in being able to vote. They are right to feel this way. There's really nothing more important than the act of marking a ballot and making an informed choice about how we want to shape our future, and who we want to lead us.

But voting is only part of the story. In fact, government is only a part of the story. To be good citizens, we have to think about the whole of our lives – about how we treat the people around us, how well we take care of the natural world, and what impact all our actions will have on the future.

To live in an open, democratic society, we have to accept that not everyone will share our beliefs. (When a society includes and embraces people who have a variety of backgrounds and beliefs, it's called *pluralism*.) In fact, it helps if we all enjoy this diversity. If we only spend time with people who think and act just like us, we would never hear about new ideas that might be better than our own. In the long history of human civilization, the most progress has always been made when people are exposed to new ideas, new ways of looking at things, and new insights – even if those new ways of thinking seem disturbing or difficult to understand at first.





But voting and being open to new ideas are just the beginning. Being a good citizen also requires striving to develop certain habits of mind and ways of living. Here's one list of traits and habits that contribute to good citizenship. You may think of others that should be added:

### Try to be a person of good character.

Good people make good citizens. Being a good person means always trying to be kind and honest, to pay attention to other people's needs, to respect yourself and others, and to work hard. None of us is perfect, so we also need to cultivate the habit of facing up to our faults and striving to overcome them.

### Love to learn.

The best way to help make the world a better place is to keep learning all you can about it. Knowledge is power. For instance, the more we know about salmon, rivers, and oceans, the more likely we will be able to save both the salmon and the natural world that sustains us.

### Learn science.

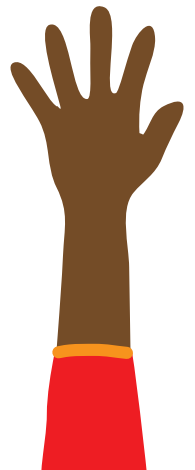
In the 21st century, scientific discoveries will change our world in ways we can't yet understand. To make sure these changes benefit all of us, we will need citizens who understand science and can govern the way we use it.

### Don't feel you have to know everything.

No one knows everything. It's important to understand the big ideas and principles of democracy, but if you don't remember all the details about which court does what, or how many people are on a city council, don't worry. You can re-learn those facts when you need them.

### Get to know your neighbors.

Democracy depends on people having a sense of community. When neighbors know each other and help each other, they are more likely to participate in activities that make their neighborhoods safer, better places for kids to grow up to be good people.



## Spend time with people of different cultures and colors.

People often feel shy about getting to know people from other cultures or races. But if you let your curiosity overcome your shyness, you will be rewarded with new insights and new friends. This is important because no one racial or cultural group will be a majority by about 2050. We will all need to understand each other's cultures so we can work together to keep our democracy strong.

## Participate in the life of your community.

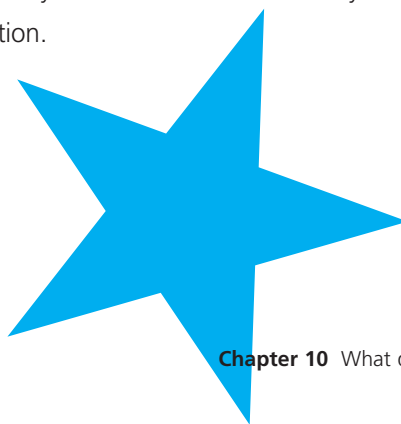
There are lots of activities that help democracy without really even involving politics or elections. Charities, religious groups, sports leagues, book clubs and arts organizations all contribute to making communities healthy places to live. This supports the work of government by helping us be a civilized society where people know how to get along with one another.

## Think about the common good, and about individual liberty.

As human beings, we are all constantly trying to find the right balance between doing what we want to do, and doing what's best for the people around us. This is true in our family lives, in our schools, in our workplaces, and in our government. Being a good citizen requires thinking carefully about what's best for all of us, and what's best for each of us.

## Lean towards optimism.

To make democracy succeed, we have to share the belief that human beings are capable of resolving differences peacefully, respecting each other, and putting aside selfish interests. But when people do things that are mean, corrupt, or hateful, it can make all of us wonder if democracy really works. When this happens, we have to remind ourselves of the progress our country has made. We have to stay focused on living up to the ideals in our constitution.





## Think of yourself as a very powerful person.

You are. As a citizen of the world's only superpower, each American has more political power than a hundred citizens of a smaller, less prosperous democratic country – and thousands of times more powerful than citizens who live under corrupt or undemocratic governments. When we vote for President, we are voting for someone who will have an impact all over the world – not just on our fellow Americans. This is an enormous responsibility.

## Question authority.

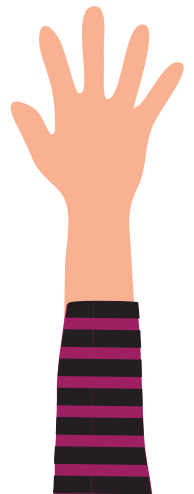
In fact, question everything. Democracy depends on people asking hard questions, and insisting on honest answers. If this country's founders hadn't questioned the authority of the British, we would still be curtsying to the Queen of England.

## Don't waste time hating government.

Lots of people will tell you that government is no darn good, and that it wastes tax dollars and interferes with people's lives. Or they might say government is no darn good because it's all controlled by big-money interests and corporations. These statements may point out problems that need to be solved, but they sure don't help solve them. Complaining about something doesn't change it. And in a democracy, hating the government is a kind of self-hatred, because we're the ones who elect our government leaders.

## Keep the faith.

What makes democracy work is that we all believe in it. If people stop believing in it, it will die. All the progress our country has made – from outlawing slavery to extending voting rights to everyone to making the 40-hour workweek a legal standard – happened because people believed that they could create change. They were right.



## **A Guide to Washington State Courts (5.10)**

A Guide to Washington State Courts is supported in part by a grant from the Program on Law and Society of the Open Society Institute and the League of Women Voters of Washington Education Fund.

Previous editions of this booklet were published in 1979, 1982, 1985, 1987, 1991, 1993, 1997, 2002, 2006 and 2008 by the Washington State Administrative Office of the Courts (AOC). Revisions are made regularly.

Note to educators:

Definitions of italicized court terms used in this booklet are included in a companion text, *A Guide to Terms Used in Washington Court*, an online-only publication. Online copies of *A Guide to Terms* and *A Guide to Washington State Courts* are available and can be downloaded from the Washington Courts homepage at [www.courts.wa.gov](http://www.courts.wa.gov), by clicking on "Resources, Publications and Reports," and scrolling down to "Informational Brochures."



# A GUIDE TO WASHINGTON STATE COURTS



**A Guide**  
**to**  
**Washington State Courts**

**Twelfth Edition**  
**2011**

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# *Washington Court System*

<b>THE SUPREME COURT</b> Six-year terms, staggered
<ul style="list-style-type: none"><li>♦ Appeals from the Court of Appeals</li><li>♦ Administers state court system</li></ul>
<b>COURT OF APPEALS</b> Six-year terms, staggered Division I, Seattle; Division II, Tacoma Division III, Spokane
<ul style="list-style-type: none"><li>♦ Appeals from lower courts except those in jurisdiction of the Supreme Court.</li></ul>
<b>SUPERIOR COURT</b> Four-year terms
<ul style="list-style-type: none"><li>♦ Civil matters</li><li>♦ Domestic relations</li><li>♦ Felony criminal cases</li><li>♦ Juvenile matters</li><li>• Appeals from courts of limited jurisdiction</li></ul>
<b>COURTS OF LIMITED JURISDICTION</b> Four-year terms District and Municipal courts
<ul style="list-style-type: none"><li>♦ Misdemeanor criminal cases</li><li>♦ Traffic, non-traffic, and parking infractions</li><li>♦ Domestic violence protection orders</li><li>♦ Civil actions of \$75,000 or less</li><li>♦ Small claims up to \$5,000</li></ul>

# *Visiting Our Courts*

There are four levels of court in Washington: the Supreme Court, the Court of Appeals, the superior courts and courts of limited jurisdiction, or district and municipal courts.

The Supreme Court is located in Olympia in the Temple of Justice on the state capitol grounds. Courtrooms of the three divisions of the state Court of Appeals are located in Seattle, Tacoma, and Spokane. Courthouses in each of the state's 39 counties house superior court courtrooms. Each county has at least one district court and many of the state's cities and towns have a municipal court.

Though some proceedings are not open to the public, visitors are welcome to attend all others without appointment. It is usually advisable for large groups to check in advance with the court clerk, administrator, bailiff, or judge about the availability of seating and parking.

## *Types of Cases*

All cases filed in the courts are either *civil* or *criminal*.

### Civil

Civil cases are usually disputes between private persons, corporations, governmental bodies, or other organizations. Examples are actions arising from landlord and tenant disputes, personal injuries, breach of warranty on consumer goods, contract disputes, adoptions, marriage *dissolutions* (divorce), *probates*, guardianships, and professional liability suits.

Decisions are based upon a *preponderance of evidence*. The party suing (*plaintiff*) must prove his or her case by presenting evidence that is more persuading to the *trier of fact* (judge or jury) than the opposing *evidence*.

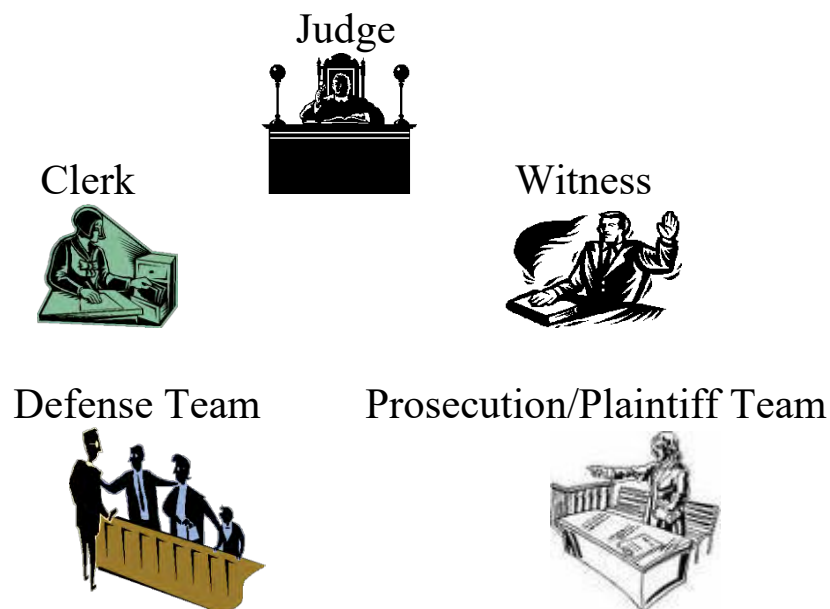
There are special court procedures for the protection of persons threatened by harassment and domestic violence. Persons may request protection orders through documents available at their County Clerk's office.

## Criminal

Criminal cases are brought by the government against individuals or corporations accused of committing a crime. The government makes the charge because a crime is considered an act against all of society. The prosecuting attorney prosecutes the charge against the accused person (*defendant*) on behalf of the government (*plaintiff*). The prosecution must prove to the judge or jury that the defendant is guilty beyond a *reasonable doubt*.

The more serious crimes are called *felonies* and are punishable by more than a year's confinement in a state prison. Examples are arson, assault, larceny, burglary, murder, and rape.

Lesser crimes are called misdemeanors and *gross misdemeanors*. Both are punishable by confinement in a city or county jail. Examples of gross misdemeanors are theft of property or services valued at up to \$250 and driving while under the influence (DUI) of alcohol or drugs. Among the many types of misdemeanors are disorderly conduct, prostitution, and possession of less than 40 grams of marijuana.



# ***Trial Process***

Whether the case is civil or criminal, or tried by a judge or jury in a superior, district, or municipal court, the procedure is essentially the same. There may be some differences from court to court, however.

## **Jury Selection**

Jurors are randomly selected from voter registration lists, and lists of those who are valid driver's license or "identocard" holders. In superior courts, 12 persons are seated on a jury. In district courts, the jury consists of six or fewer people.

In district, municipal and superior courts, jury selection is handled in the same manner. Selection, or *voir dire*, consists of questions asked of juror candidates by the judge and attorneys to determine if they have any biases that would prevent them from hearing the case. Questions can be general (directed at the whole panel) or specific (directed at specific candidates).

If an answer indicates a prospective juror may not be qualified, that individual may be *challenged for cause* by a party, through his or her attorney. It is up to the judge to decide whether the individual should be disqualified.

After questions have been asked, *peremptory challenges*--those for which no reason need be given--may be exercised by an attorney and the prospective juror will be excused. Just how many challenges may be exercised depends on the type of case being tried. How they are exercised (orally or in writing) depends upon local procedure. After all challenges have been completed, the judge will announce which persons have been chosen to serve on the case. Those not chosen are excused.

After the judge or clerk administers the oath to the jurors, the case begins. Because the plaintiff always has the *burden of proof*, his or her attorney makes the first *opening statement*.

# Opening Statements

An opening statement is an outline of the facts a party expects to establish during the trial. The plaintiff opens first, then the defendant. The defendant can choose to delay making an opening statement until after the plaintiff *rests* or presents his or her evidence.

# Evidence

Evidence is testimony and exhibits presented by each side that is admitted by the judge. The plaintiff presents evidence by *direct examination* of each witness, who are then subject to *cross examination* by the defendant. After plaintiff rests, the defendant presents witnesses who may be cross examined by the plaintiff's attorney.

After the defendant rests, the plaintiff may present *rebuttal* evidence. Following that, the evidentiary phase of the trial is over.

# Jury Instructions

The judge then instructs the jury on how the law must be applied to that case. Jurors may be given written copies of the instructions.

# Closing Arguments

Following the judge's instructions, attorneys for each party make closing arguments. As with opening statements, the plaintiff goes first. After the defendant presents closing arguments, the plaintiff is allowed time for rebuttal.



# Jury Deliberations

After closing arguments, the bailiff or other court-designated person escorts the jury to the jury room to begin deliberations. While deliberating, jurors are not allowed to have contact with anyone, except as designated by the court.

## Criminal Sentencing

In Washington, superior court judges make sentencing decisions under a *determinate* sentencing system.

Under the determinate sentencing system, offenders convicted of felony crimes are sentenced according to a uniform set of guidelines. The guidelines structure, but do not eliminate, a sentencing judge's discretion. The purpose of the system is to assure that those sentenced for similar crimes, and who have comparable criminal backgrounds, receive similar treatment.

The guidelines are based on...

*....seriousness of the offender's crime(s)*

*....the offender's criminal history*

A judge can depart from these guidelines but only if compelling circumstances exist. Only sentences imposed outside of the guidelines can be appealed.

All convictions, adult or juvenile, include mandatory penalty assessments, which are deposited in the state's victim compensation fund. A judge may also order the offender to make restitution to victims for damages, loss of property and for actual expenses for treatment of injuries or lost wages.

Those convicted of misdemeanors may be given probation and/or time in a local jail. Violating the terms of probation can result in a longer jail term.

# Crime Victims and Witnesses

State law “ensure(s) that all victims and witnesses of crime are treated with dignity, respect, courtesy, and sensitivity; and that rights extended (to them) are honored and protected...in a manner no less vigorous than the protection afforded criminal defendants.”

The law lists nine rights of crime victims and witnesses, and in some cases, their families. These include the right to be told about the outcome of a case in which they were involved, and to be notified in advance if a court proceeding at which they were to appear has been canceled.

If threatened with harm, victims and witnesses have the right to protection. They also have the right to prompt medical attention if injured during the commission of a crime. While waiting to testify, they must be provided with a waiting area away from the defendant and the defendant's family and friends.

Stolen property is to be returned quickly. Criminal justice system personnel are expected to help victims and witnesses work out employment-related problems that might arise during the periods of time they are involved in the trial.

## ***Alternative Dispute Resolution***

Many disputes do not have to be resolved in an open, public court setting. “Alternative dispute resolution” (ADR) offers a variety of ways to resolve disputes in lieu of an official trial. ADR can be conducted in any manner to which the parties agree--it can be as casual as a discussion around a conference table, or as structured and discreet as a private court trial.

Advantages to solving conflicts through ADR include decreased litigation costs, and an expedited outcome. The most commonly used techniques are *mediation* and *arbitration*.

# Mediation

Mediation is a confidential, voluntary, non-binding process which uses a neutral third party to guide parties towards a mutually beneficial resolution of their disagreement. Resolutions are created to suit both parties, and may include an agreement not available via the court system.

The mediator does not impose his or her will or judgment on the parties, but helps them decide for themselves whether to settle, and on what terms. The mediator is a catalyst, helping parties reach agreement by identifying issues, exploring possible bases for agreement, and weighing the consequences of not settling.

Mediation works well in one-on-one disputes and in large, multi-group conflicts. It is effective in all types of civil matters, and may occur before or after the filing of a lawsuit. Although attorneys may be present during the mediation process, they are not essential to the process.

# Arbitration

In arbitration, a neutral third party is chosen to hear both sides of the case, then resolves it by rendering a specific decision or award. Arbitration is a common way of solving disputes with insurance companies on specific claims.

An arbitration proceeding is similar to a regular court trial. The main difference is that arbitration can be either binding or non-binding, as agreed in advance by the disputing parties. If binding arbitration has been chosen, the decision or award is final.

In Washington counties with a population of 70,000 or more, the superior court may require mandatory arbitration of some civil actions, usually those in which the sole relief sought is a money judgment. Unlike voluntary arbitration, mandatory arbitration operates under the authority of the court system. By law, it can only be used to settle disputes of \$35,000 or less.

# *Court Organization*

## Courts of Limited Jurisdiction

### Jurisdiction

Courts of limited jurisdiction include district and municipal courts. District courts are county courts and serve defined territories, both incorporated and unincorporated, within the counties. Municipal courts are those created by cities and towns.

More than two million cases are filed annually in district and municipal courts. Excluding parking infractions, seven out of every eight cases filed in all state courts are filed at this level. This is due primarily to the broad jurisdiction these courts have over traffic violations and misdemeanors.

### District Courts

District courts have jurisdiction over both criminal and civil cases. Criminal jurisdiction includes misdemeanors and gross misdemeanors cases that involve traffic or non-traffic offenses. Examples include: Driving while under the influence of intoxicating liquor or drugs (DUI), reckless driving, driving with a suspended driver's license and assault in the fourth degree. Preliminary hearings for felony cases are also within the jurisdiction of the district courts. The maximum penalty for gross misdemeanors is one year in jail and a \$5,000 fine. The maximum penalty for misdemeanors is 90 days in jail and a \$1,000 fine. A defendant is entitled to a jury trial for these offenses. Juries in courts of limited jurisdiction are composed of six people as opposed to superior court juries, which have 12 people.

Jurisdiction in civil cases includes damages for injury to individuals or personal property and contract disputes in amounts of up to \$75,000. District courts also have jurisdiction over traffic and non-traffic *infractions*, civil proceedings for which a monetary penalty--but no jail sentence--may be imposed. There is no right to a jury trial for an infraction. District courts have jurisdiction to issue domestic violence and antiharassment protection orders and no-contact orders. They also have jurisdiction to hear change-of-name petitions and certain lien foreclosures. More information on these procedures can be obtained by contacting your local district court.

Small claims are limited to money claims of up to \$5,000. These are filed and heard in the Small Claims Department of the district court. Generally, each party is self-represented--attorneys are not permitted except with the permission of the judge. Witnesses may not be subpoenaed, but may be allowed to voluntarily testify for a party. Examples of cases heard: Neighborhood disputes, consumer problems, landlord/tenant matters and small collections. The district court clerk can provide specific information about filing a claim.

## Municipal Courts

Violations of municipal or city ordinances are heard in municipal courts. A municipal court's authority over these ordinance violations is similar to the authority that district courts have over state law violations. The ordinance violation must have occurred within the boundaries of the municipality. Like district courts, municipal courts only have jurisdiction over gross misdemeanors, misdemeanors and infractions. Municipal courts do not accept civil or small claims cases. As with district courts, municipal courts can issue domestic violence protection orders and no-contact orders. A municipal court can issue antiharassment protection orders upon adoption of a local court rule establishing that process.



## Traffic Violation Bureaus (TVB)

In addition to a municipal court, cities can establish traffic violation bureaus or TVBs. TVBs handle traffic violations of municipal ordinances that involve no possible incarceration. The primary purpose of a traffic violation bureau is to expedite the handling of traffic cases that do not require any judicial involvement. The TVB is under the supervision of the municipal court and the supervising court designates those traffic law violations that a TVB may process.

## Domestic Violence and Antiharassment Orders

District and municipal courts are confronted daily with domestic violence issues. Besides adjudicating criminal domestic violence and antiharassment cases, courts of limited jurisdiction also enter protection orders. These are no-contact orders, orders of protection and antiharassment orders. No-contact orders and orders of protection can be obtained in either a municipal or district court. Antiharassment orders can be obtained in district courts, as well as in municipal courts that have adopted local court rules establishing the process. Court personnel are knowledgeable about domestic violence issues and can assist a victim in completing domestic violence or antiharassment forms. However, court personnel cannot give legal advice.

## Appeals from Courts of Limited Jurisdiction

Cases are appealed from “the record” made in the lower court. In courts of limited jurisdiction, the record is made from an electronic recording of the original proceedings and court documents. The cases are appealed to superior court where only legal errors from the proceeding below are argued.

There is no additional evidence or testimony presented on appeal. The one exception is an appeal from a small claims case. Small claims cases are heard *de novo* (or *anew*) in superior court on the record from the court of limited jurisdiction.

## Judges

District court judges are elected to four-year terms. Municipal court judges may be elected or appointed to a four-year term, depending on state law provisions. All judges are required to attend 45 hours of judicial training every three years.

Judges of courts of limited jurisdiction belong to the *District and Municipal Court Judges' Association*. The association was created by state statute to study and make recommendations concerning the operation of courts served by its members.

## Court Support Personnel

Courts of limited jurisdiction are served by an administrative support staff. Under the direction of the presiding judge, the staff is responsible for maintaining the court's fiscal, administrative and court records.

## Probation

Courts of limited jurisdiction have authority to order probation for up to two years, except in DUI convictions where a court can order probation for up to five years. A probation counselor administers programs that provide pre-sentence investigations, supervision and probationary treatment for misdemeanor offenders in a district or municipal court.

Probation counselors can make sentencing recommendations to the court, including appropriate treatment (i.e. drug and alcohol counseling) that an offender should receive. The probation counselor periodically advises the district/municipal court judges of an offender's progress while the offender is on supervision.

## Superior Courts

### Jurisdiction

Because there is no limit on the types of civil and criminal cases heard, superior courts are called *general jurisdiction* courts. Superior courts also have authority to hear cases appealed from courts of limited jurisdiction.

Most superior court proceedings are recorded so a written record is available if a case is appealed. Appellate courts can then properly review cases appealed to them. Some superior courts use video recordings instead of the customary written transcripts prepared by court reporters.

### Appeals

Appeals may be made to the Court of Appeals. In some cases, they go directly to the Supreme Court.

### Juvenile

Juvenile court is a division of the superior court, established by law to deal with youths under the age of 18 who commit offenses (offenders) or are abused or neglected (dependents). Like adults, juvenile offenders are sentenced according to a uniform set of guidelines. Taking into account the

seriousness of the offenses committed and the history of the subject's prior offenses, the guidelines establish a range of sentences, and sentence conditions.

A juvenile sentence or *disposition* outside the standard range is possible if the court finds the standard disposition would amount to a "manifest injustice," to the juvenile or to the community. Dispositions within the standard range are not appealable; manifest injustice dispositions are.

Dependent children are usually placed under the care of the state's Department of Social and Health Services (DSHS). Courts frequently place such children outside the home for varying periods of time.

## Districts

All superior courts are grouped into single or multi-county districts. There are 30 such districts in Washington state (see map on page 17). Counties with large populations usually comprise one district, while in less-populated areas, a district may consist of two or more counties. A superior courthouse is located in each of Washington's 39 counties. In rural districts, judges rotate between their counties as needed. Each county courthouse has its own courtroom and staff.

## Judges

Superior court judges are elected to four-year terms. Vacancies between elections are filled by appointment of the Governor, and the newly-appointed judge serves until the next general election. To qualify for the position, a person must be an attorney admitted to practice in Washington.

There is a presiding judge in each county or judicial district who handles specific administrative functions and acts as spokesperson for the court.

Superior court judges belong to an organization established by law, called the *Superior Court Judges' Association*. Specific committees of the association work throughout the year to improve the court system and to communicate with other court levels, the Legislature, bar associations, the media, and the public. Officers of the organization are elected each year at the association's annual spring conference.

## Court Support Personnel

***Bailiff*** -- Responsibilities and designation of a court bailiff vary from one court to another, depending upon the needs of the court served. The bailiff's primary duties are to call the court to order, maintain order in the courtroom, and attend to the needs of jurors. In some counties, bailiffs with legal training serve as legal assistants to the judge.

***County Clerk*** -- The county clerk is an elected official who maintains the court's official records and oversees all record-keeping matters pertaining to the operation of the courts. Among other things, the county clerk may be responsible for notification of jurors, maintenance of all papers and exhibits filed in cases before the court, and filing cases for the superior court.

***Commissioner*** -- Most courts employ court commissioners to ease the judges' caseload. Court commissioners are usually attorneys licensed to practice in Washington. Working under the direction of a judge, court commissioners assume many of the same powers and duties of a superior court judge. Matters heard by the court commissioner include probate, uncontested marriage dissolutions, the signing of court orders for uncontested matters, and other judicial duties as required by the judge. The state constitution limits each county to no more than three court commissioners, but additional commissioners may be appointed for family law and mental health matters.

***Court Administrator*** -- Many superior courts employ court administrators. Their functions vary, depending upon the policies of the court served. Generally, the court administrator is responsible for

notification of jurors, supervision of court staff, assisting the presiding judge in budget planning for the court, assignment of cases, and implementation of general court policies.

***Juvenile Court Administrator*** -- The juvenile court administrator directs the local juvenile court probation program and provides general administrative support to the juvenile division of superior court. Each of the state's juvenile courts is unique in the range and diversity of programs and services it offers, though all offer some type of diagnostic and diversion services. A number of juvenile court administrators direct county-level detention programs. The administrator is generally appointed by judges of the superior court; however, in a few counties, judges have transferred this responsibility to the county legislative authority.

***Court Reporter*** -- Stenographic notes are taken in court by a court reporter as the record of the proceeding. Some court reporters assume additional duties as secretary to one or more judges.





Most superior court districts in Washington serve the one county in which they are located. However, several of Washington's smaller counties are served by a multi-county superior court *districts*. While courthouses are located in each county of these districts, superior court administration is consolidated for each district. Those counties belonging to a district include:

- Skamania and Klickitat
- Columbia, Garfield and Asotin
- Ferry, Stevens and Pend Oreille
- Benton and Franklin
- Pacific and Wahkiakum

# The Court of Appeals

## Jurisdiction

Most cases appealed from superior courts go directly to the Court of Appeals. It is a non-discretionary appellate court--it must accept all appeals filed with it. The Court of Appeals has authority to *reverse* (overrule), *remand* (send back to the lower court), *modify*, or *affirm* the decision of the lower court.

The court decides each case after reviewing the transcript of the record in the superior court and considering the arguments of the parties. Generally, the court hears oral arguments in each case but does not take live testimony.

## Appellate Process

Most cases appealed from superior courts go directly to the Court of Appeals, though certain, specific types of cases go directly to the Supreme Court (see Supreme Court).

## Divisions

The Court of Appeals is divided into three divisions. As shown on the map on page 20, each division serves a specific geographic area of the state. Division I, located in the One Union Square Building in downtown Seattle, has 10 judges. Division II in Tacoma has seven judges. Division III has five judges and is located in downtown Spokane.

## Judges

The 22 judges on the Court serve six-year staggered terms to ensure that all judges are not up for reelection at the same time. Each division is divided into three geographic districts and a specific number of judges must be elected from each. The divisions are divided as shown on the next page.

## Division I

**District 1:** King County, from which seven judges must be elected.

**District 2:** Snohomish County, from which two judges must be elected.

**District 3:** Island, San Juan, Skagit and Whatcom counties, from which one judge is elected.

## Division II

**District 1:** Pierce County, from which three judges are elected.

**District 2:** Clallam, Grays Harbor, Jefferson, Kitsap, Mason and Thurston Counties, from which two judges are elected.

**District 3:** Clark, Cowlitz, Lewis, Pacific, Skamania and Wahkiakum Counties, from which two judges are elected.

## Division III

**District 1:** Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens Counties, from which two judges are elected.

**District 2:** Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla and Whitman Counties, from which one judge is elected.

**District 3:** Chelan, Douglas, Kittitas, Klickitat and Yakima Counties, from which two judges are elected.

To qualify for a position on the Court of Appeals, a person must have practiced law in Washington state for five years and, at the time of election, lived for a year or more in the district from which that position was drawn. Vacancies are filled by the Governor and the appointee serves until the next general election.

A presiding chief judge for all three divisions is elected for a one-year term. Duties of the presiding chief judge include coordination of business matters among the three divisions. Each division elects its own chief judge to handle administrative details at the division level.

## MAP – Court of Appeals Divisions of Washington



**The Court of Appeals Division I is headquartered in Seattle** and serves King, Snohomish, Skagit, Island, San Juan and Whatcom counties.

**The Court of Appeals Division II is headquartered in Tacoma** and serves Pierce, Thurston, Mason, Kitsap, Jefferson, Grays Harbor, Clallam, Clark, Cowlitz, Lewis, Pacific, Skamania and Wahkiakum counties.

**The Court of Appeals Division III is headquartered in Spokane** and serves Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla, Whitman, Chelan, Douglas, Kittitas, Klickitat and Yakima counties.

# Court Support Personnel

***Clerk of the Court*** -- Appointed by the court, the clerk is its chief administrative officer. The clerk is responsible for filings, and plans, organizes and supervises the administration of the clerk's office, manages court facilities, and sets court calendars.

***Commissioner*** -- Judges of each division also appoint commissioners who decide some motions that come before the court. Commissioners also perform additional duties that promote the effective administration of the court.

***Law Clerks*** -- Each judge is assisted by clerks trained in the law. The clerks research the law and assist in writing court opinions.

## *The Supreme Court*

### Jurisdiction

The Supreme Court is the state's highest court. Its opinions are published, become the law of the state, and set precedent for subsequent cases decided in Washington.

The Court has original jurisdiction of petitions against state officers and can review decisions of lower courts if the money or value of property involved exceeds \$200. The \$200 limitation is not in effect if the case involves a question of the legality of a tax, duty, assessment, toll, or municipal fine, or the validity of a statute.

Direct Supreme Court review of a trial court decision is permitted if the action involves a state officer, a trial court has ruled a statute or ordinance unconstitutional, conflicting statutes or rules of law are involved, or the issue is of broad public interest and requires a prompt and ultimate determination. *All* cases in which the death penalty has been imposed are reviewed directly by the Supreme Court. In all other cases, review of Court of Appeals decisions is left to the discretion of the court.

Motions to be determined by the Court, and petitions for review of Court of Appeals decisions, are heard by five-member departments of the Court. A less-than-unanimous vote on a petition requires that the entire court consider the matter.

All nine justices hear and dispose of cases argued on the appeal calendar. Each case is decided on the basis of the record, plus written and oral arguments. Exhibits are generally not allowed and no live testimony is heard.

The Supreme Court is the final rule-making authority for all of the state's courts. Though local courts make their own rules of procedure, these rules must conform to, or not conflict with, those established by the Supreme Court. In addition, the Supreme Court has administrative responsibility for operation of the state court system. It also has a supervisory responsibility over certain activities of the *Washington State Bar Association*, including attorney disciplinary matters.

## Justices

The nine Supreme Court justices are elected to six-year terms. Each term is staggered to maintain continuity of the court. The only requirement for the office is that the prospective justice be admitted to the practice of law in Washington State. Vacancies are filled by appointment of the Governor until the next general election.

## Court Support Personnel

***Bailiff*** -- A court-appointed official, the bailiff announces the opening of each session of the court and performs a variety of other duties as required by the court.

***Clerk*** -- Appointed by the court, the clerk of the Supreme Court maintains the court's records, files, and documents. The clerk is also responsible for managing the court's caseload, including the preparation of its calendars, arranging for *pro tem* (temporary) judges and docketing all cases and papers filed.



The clerk supplies attorneys, opposing counsel and other appropriate counsel with copies of Supreme Court briefs, and records attorney admissions to the practice of law in Washington state. The clerk also rules on costs in each case decided by the court, and may also rule on various other procedural motions. The clerk is assisted by a deputy clerk and supporting staff.

***Commissioner*** -- The commissioner, also appointed by the court, decides those types of motions which are not required by court rule to be decided by the justices. Called *rulings*, these decisions are subject to review by the court. The commissioner also heads the court's central staff. The commissioner and other attorneys on the central staff assist the court in screening cases to determine which ones should be accepted for full hearing. The court is asked to hear more than 1,000 cases each year, though only a small portion of these can be accepted.

***Court Administrator*** -- Washington's administrator for the courts is appointed by the Supreme Court and is responsible for the execution of administrative policies and rules in Washington's judicial system. With the assistance of a support staff, the administrator compiles court statistics; develops and promotes modern management procedures to accommodate the needs of the state's courts; studies and evaluates information relating to the operations and administrative methods of the judicial system; and provides pertinent information to the members of the judicial community, the other branches of government, and the general public. The administrator's staff also prepares and submits budget and accounting estimates relating to state appropriations for the judicial system.

***Reporter of Decisions*** -- Appointed by the Supreme Court, the reporter of decisions is responsible for preparing Supreme Court and Court of Appeals decisions for publication. Decisions are published in weekly "advance sheets" and in the permanent volumes of *Washington Reports* and *Washington Appellate Reports*.

***Law Clerk*** -- Law clerks primarily provide research and writing assistance to the justices.

***Law Librarian*** -- The state law librarian is appointed by the Supreme Court to maintain a complete, up-to-date law library.

## ***How Courts are Financed***

Funds to support Washington's courts come from state and local sources.

### **State Sources**

Only a small portion of the total cost of operating state government is devoted to the courts. Court operations funded directly by the state include those of the Supreme Court (including the Supreme Court Clerk's Office, the Reporter of Decisions, the State Law Library, and the Administrative Office of the Courts), the Court of Appeals, half of the salaries and benefits of superior court judges, and a smaller portion of salaries of district court judges.

### **Local Sources**

As is the case at the state level, the amount spent to support local courts is small relative to expenditures made for other city and county government operations. Though local governments finance the major portion of the state's judicial system, during recent years those expenditures have represented only about six percent of all funds spent by local governments. Local funds support the cost of court administration, juries, local law libraries, court facilities, civil process services and witness expenses.

# *Judicial Discipline*

Washington's Commission on Judicial Conduct was established to investigate allegations of a judge's misconduct or disability. Its membership consists of two lawyers, three judges, and six non-lawyer citizens.

Any person, organization or association may submit written or oral allegations of misconduct. These are reviewed by the Commission to see if the Code of Judicial Conduct was violated or if any permanent disability exists.

Because the Commission has no authority to modify judicial decisions, objections to a particular official judicial action will not normally trigger Commission action. The Commission's power is limited to two areas: (1) misconduct, as defined by the Code of Judicial Conduct, and (2) disability which is, or likely to become, serious enough to interfere with a judge's official duties.

If misconduct is found, the Commission may admonish, reprimand, or censure the judge, or may recommend to the Supreme Court that the judge be suspended or removed. Like a trial, Commission fact-finding hearings are held in public. The Supreme Court has appellate review of the Commission's decision, or in the case of a Commission recommendation, the Court makes the final decision after reviewing the Commission's record and taking argument on the matter.