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Washington Unit

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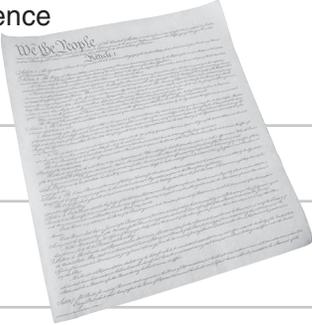
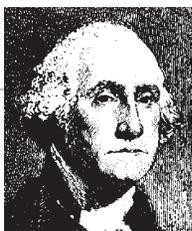
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Listed below are a sampling of the important events that led up to America's independence and the adoption of a new Constitution. You will find the year and the significant event that happened during that time.

1763-1765	England decides on a program of taxation and control of the colonies. The American colonists begin organized protests against British rule. Patriotic groups, such as the Sons of Liberty, are formed. Laws such as the <i>Quartering Act</i> , <i>Stamp Act</i> , and <i>Sugar Act</i> anger the colonists, who are forced to pay unjust taxes and provide supplies to British troops.	
1770	Colonists reduce their boycott of British goods when they withdraw all of the <i>Townshend Act</i> , except the tax on tea. Boston Massacre occurs when an angry crowd of citizens surround a group of soldiers causing them to open fire.	
1773	With the American colonists and merchants still angry over British tax policies, an uprising called the <i>Boston Tea Party</i> occurs.	
1774	In response to the Boston Tea Party, the Parliament passes several acts to punish Massachusetts. The colonies name delegates to a congress, The First Continental Congress. On September 5th, 12 of the 13 colonies send a total of 56 delegates to meet in Philadelphia, mainly to deal with Britain's actions.	
1775	When the Americans learn the British plan to seize their guns and ammunition, Paul Revere is sent to alert the countryside and gather the Minute Men. An unidentified shot triggers this Battle at Lexington. This starts the American Revolution and also leads to another famous battle, Bunker Hill.	
1776	On July 4th, The Second Continental Congress adopts the Declaration of Independence (written by Thomas Jefferson and a committee). A few days later, the Liberty Bell is rung in Philadelphia to call the people to the first public reading of the Declaration.	
1781	The Articles of Confederation are adopted by the states.	
1787	On May 14th, The Constitutional Convention meets in Philadelphia, it lasts until September 17th. Here the delegates reviewed and approved the Constitution.	
1788	Eleven states ratify the Constitution, and it is put into effect. America prepares to operate under this new document.	
1789	On March 4th, the new federal government is inaugurated in New York. In April, the first House of Representatives is organized. George Washington is elected the first president on April 6th. He is inaugurated on April 30th. On September 25th, the first 10 amendments (Bill of Rights) are adopted by Congress.	

Questions

TRUE OR FALSE?

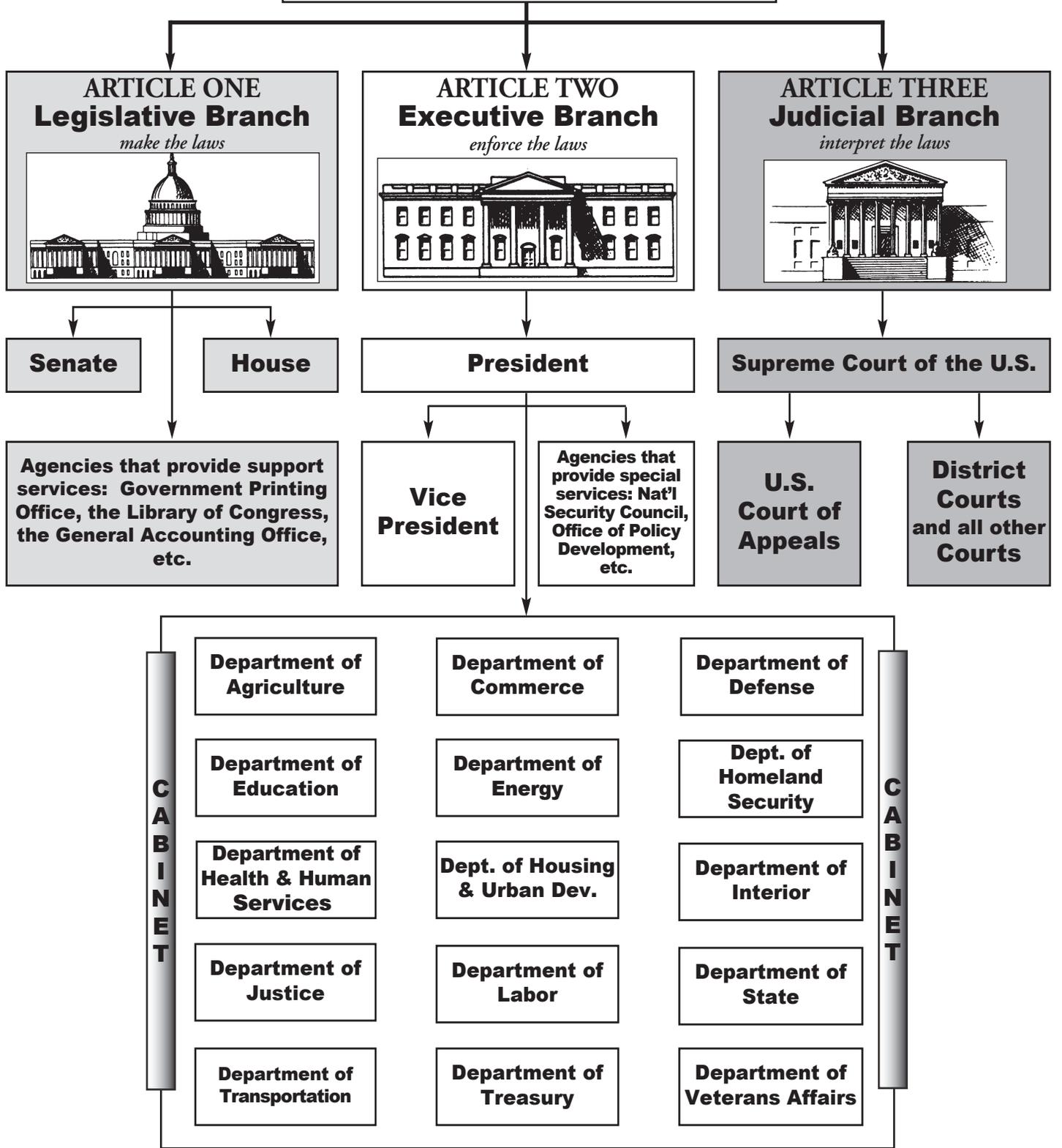
- ___ 1. The Minute Men helped the British at the Battle of Lexington.
- ___ 2. The Boston Tea Party occurred in 1773.
- ___ 3. The colonists especially liked the British Quartering Act and the Sugar Act.
- ___ 4. The Declaration of Independence was adopted by the Second Continental Congress.
- ___ 5. The Bill of Rights was adopted by Congress in 1789.

PUT THE 3 EVENTS IN EACH OF THE 4 QUESTIONS BELOW IN CORRECT CHRONOLOGICAL ORDER, FROM FIRST TO LAST, BY USING THE LETTER OF THE EVENT.

- 1. a. Boston Massacre, b. Declaration of Independence, c. Washington becomes president. ___
- 2. a. Articles of Confederation, b. Boston Tea Party, c. The Constitution ratified by 11 states. ___
- 3. a. England decides on a program of taxation and control of the colonies, b. Constitutional Convention, c. Battle of Bunker Hill. ___
- 4. a. Paul Revere alerts colonists, b. Stamp Act, c. First House of Representatives organized. ___

STUDENTS: NOW YOU WILL BEGIN A STUDY OF THE THREE BRANCHES OF GOVERNMENT AS OUTLINED BELOW. LOOK IT OVER CAREFULLY.

**THE CONSTITUTION
SETS UP THREE BRANCHES**



AFTER YOU REVIEW THIS CHART, BEGIN YOUR STUDY OF THE THREE BRANCHES OF GOVERNMENT ON PAGE 16.

"The executive power shall be vested in a President of the United States of America..."

— Article II of the United States Constitution

The executive branch of government is discussed in Article 2 of the Constitution.

The main duty of the executive branch is to enforce or administer laws. The most important official in this branch is the president. The president and the vice president are the only national officers of the government elected by voters of the entire United States. The president is thought of as being the representative of all the people. Unlike senators and representatives, all of the people in the United States vote for the president.

The president assumes the duties of office on the 20th day of January following the election and serves for four years. The president may be re-elected only once, since the 22nd Amendment provides for a limit of two terms for any president.

A candidate for the Office of President is nominated at a party convention the summer before the election. A party convention is a meeting of delegates and party officials for the purpose of nominating candidates and carrying out other party business.

After a candidate has been nominated for president by the party, a campaign begins. This campaign is an organized attempt to win the November election. The major candidates are those nominated by the Democratic and Republican parties. Campaigns get underway in late summer and last until the November election.



President Barack Obama

Qualifications and Salary

The president or the vice president must be a natural born citizen, 35 years of age, and a resident of the United States for at least 14 years.

The president and vice president must always be on the same party ticket. You vote for the president and the vice president at the same time, always assuring that the president and vice president are from the same political party.

The yearly salary of the president is \$400,000 plus an expense allowance. The vice president receives a salary of \$221,100 plus an expense allowance.

Before 1999, the president's salary had not been increased for more than 20 years. As a result, the salary was very low for the leader of the most powerful country in the world. All the chief executive officers of large American corporations make more than 10 times the salary of the president. Finally, in 1999, the Congress raised the president's salary from \$200,000 to \$400,000. If you adjust for inflation, the president today makes less than George Washington!

Oath of Office

The *oath of office* was established in the U.S. Constitution, Article 2, and is mandatory for a new or re-elected president. With the words of this simple oath, the president takes the most important political position in the world:

"I do solemnly swear (or affirm) that I will faithfully execute the Office of the President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

The entire section of the Constitution that tells about the powers of the president contains only 320 words, but the wording is designed so that the office gets a maximum of necessary powers with necessary safeguards for the people.

During the inauguration of President Obama, Chief Justice John Roberts made a mistake while administering the oath. Roberts rearranged the order of the words, not saying "faithfully" until after the "President of the United States," causing Obama to repeat the mistake. Because the oath appears in the Constitution and to erase any question Obama is president, the process was repeated with success one day later.

Critical Issues

The president faces critical issues daily. The day is long, and the pressures are great. The vice president may be assigned duties by the president, and in recent years, presidents have given considerable authority and responsibility to their vice presidents. This is one way the president can ease the presidential burdens of the office. The vice president is also the president of the Senate and provides the president with a valuable link with the Congress.

Vacancy

If the Office of the President becomes vacant, the vice president becomes president. Next in order of succession is the speaker of the House, then president pro tempore of the Senate, then members of the cabinet, starting with the secretary of state.

In 1973, the Office of Vice President became vacant when Vice President Agnew resigned in a scandal. President Nixon made the first use of the 25th Amendment when he nominated Gerald Ford, House minority leader, as the new vice president. Congress approved the nomination. For more about the 25th Amendment, see Page 14.

Before 1974, the only way the Office of the President had become vacant was through death. However, in 1974, when President Nixon was found to be involved in the Watergate cover up, he became the first president ever to resign. Vice President Ford then became the 38th President of the United States.

"Laws are a dead letter without courts to expound their true meaning and operation." – Alexander Hamilton

Judicial review is the name given to the process by which the courts interpret the meaning of the Constitution and the laws passed under it. It is clear that the Constitution is the supreme law of our land and takes precedence over any law passed or any action taken by any state or federal official. But the Constitution is not a detailed legal code, and it is not always easy to see how the Constitution can be applied to particular cases. As conditions change, new interpretations may be placed on the Constitution; actions may be taken in areas that are not directly covered by the Constitution. Someone, then, must have the authority to say exactly what the Constitution means and to decide if the government is acting within constitutional limits. Most historians agree that the members at the Constitutional Convention meant the courts to have the power of judicial review, even though they did not write it out in detail. Apparently, they thought that the idea had been conveyed adequately through the wording of Article 3, the judicial article, and Article 6, the "supreme law of the land" clause.

There had been some discussion of this question after the Constitutional Convention, but nothing had been settled until 1803, when the Supreme Court handed down its decision in the case of *Marbury v. Madison*.

The court ruled that one section of a 1789 law was contrary to the Constitution and, therefore, was not a valid law. This case established the precedent for judicial review.

The Supreme Court's right to interpret the Constitution has been challenged at times, but has always been upheld. In a sense, all of our courts contribute to the interpretation of the Constitution through the rulings they hand down on various cases involving the Constitution. But, the Supreme Court can, and often does, overturn the rulings of lower courts. It is the final authority on the meaning of the Constitution.

QUESTIONS

FILL IN THE BLANK

1. This name is given to the process by which courts interpret the meaning of the Constitution and the laws passed under it. _____
2. What article in the Constitution discusses the judicial branch? _____
3. What important case came before the Supreme Court in 1803? _____
4. What court is the final authority on the meaning of the Constitution? _____

LEARNING AID

JUDICIAL BRANCH FACT SHEET

Main Courts	The Supreme Court, Courts of Appeals, and District Courts.	
Number of Courts	The Supreme Court: 1 Courts of Appeals: 13 District Courts: 94	
Number of Judges	The Supreme Court: 9 Courts of Appeals: 3 to 9 District Courts: 1 to 24	
Salaries	\$217,400 for chief justice \$208,100 for associate justices	
Terms	For life; may be removed only by impeachment.	
Duties	Main duty of the judicial branch is to interpret laws and administer justice. Supreme Court: Decide if laws are constitutional Courts of Appeals: Hear appeals from lower courts District Courts: Ordinary trial courts	
Meeting Place	Supreme Court: Washington, D.C. Courts of Appeals: Various circuits District Courts: Various districts	
Article Number in Constitution	Article 3	

On June 14, 1777, less than a year after the Declaration of Independence was signed, the Continental Congress adopted the *Stars and Stripes* as the flag of the United States. Original plans to provide a new star and a new stripe for each new state proved impractical and it was decided that only a new star would be added with each new state. So our flag today retains 13 stripes in honor of the 13 original colonies and 50 stars, one for each of our 50 states.



We look upon our flag as a symbol of union, freedom, and justice. Historically, the red of the flag stands for courage, the white for liberty, the blue for loyalty. Since the number of stars show the growth of our nation, the flag is not only an emblem, but a history of our nation, as well.

It should be important to all Americans to fly the flag from their homes on national holidays and other patriotic occasions. When we pledge allegiance to our flag, it is not a pledge to any person or political party but to the United States Constitution and its ideals.

When the flag passes in a parade or during the ceremony of raising or lowering the flag, all persons present should face the flag, stand at attention, salute, and men should remove their hats.

The Pledge of Allegiance

"I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Flag Code Rules

All Americans should treat their country's flag with respect and follow established conduct in the use and display of the flag. Some of the main points of the flag code are shown here. Consult a copy of the complete code, found in your library or on the Internet, when you have other questions about the flag.

- The flag should be flown only from sunrise to sunset.
- The flag should be hoisted briskly and lowered ceremoniously.
- When displayed against the wall, the union should be on top and to the flag's own right, your left.
- The flag may be used to cover a casket, but should not be lowered into the ground.
- In a procession, the flag should always be in the front.
- When shown with flags of states or other groups, the flag should be in the center and highest.
- When shown with flags of other nations, the American flag should not be flown higher than others.

- The flag should never be used as a cover or carrying device.
- The flag should be displayed daily and especially on national holidays.
- The exact likeness of the flag should never be used for advertising.
- Nothing should be attached to the flag.
- The flag should never be allowed to touch the ground or floor, not be used as a carrying device, nor brush against any objects, nor be used as drapery of any sort.
- Worn flags should be burned and not thrown in the trash.
- On a speaker's platform, the flag should be displayed at the right if it is on a staff or on the wall behind the speaker if it is flat.
- Flags flown from fixed staffs are placed at half staff to indicate mourning. The flag so used should be first raised to the peak and then lowered to half staff; it is again raised to the peak before lowering.

Contrary to popular belief, the flag code is not a law with penalties. It is a guide for American citizens on what is the best etiquette for displaying and honoring the American flag. The Supreme Court has ruled that even those who desecrate the flag by burning or mutilating the flag are simply exercising their rights of free speech and cannot be prosecuted. However, most Americans heed the flag code and treat it very seriously.

From our independence back in 1776 until today, many Americans have fought for and died to preserve the ideals of democracy represented by the flag.

Questions

1. What do the stars of the flag stand for? _____
2. What do the stripes of the flag stand for? _____
3. What does the red of the flag stand for? _____
4. What does the blue of the flag stand for? _____

TRUE OR FALSE?

- ___ 1. A staff flag should be put on the speaker's right.
- ___ 2. The flag should be used to advertise only if the products advertised are in good taste.
- ___ 3. The flag should be in the rear of a procession and centered.
- ___ 4. The flag should be flown only on holidays.
- ___ 5. The flag can be displayed on public buildings.

WHO DESIGNED THE FLAG?

Did Betsy Ross design the flag? Probably not. Historians have been unable to find solid evidence that Betsy was involved in either making or designing the flag. Best guess as who did? Probably Francis Hopkinson, a naval flag designer, who billed Congress for that service in 1781.

The Governor

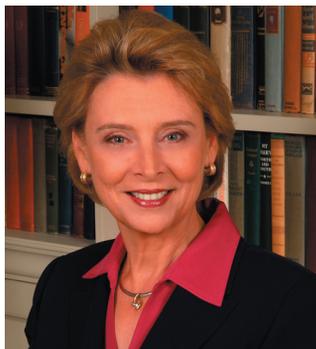
The executive branch of Washington’s government enforces and administers the law. The governor is the most important officer in the executive branch. This office was created by Article III, Section 2, of the Washington Constitution.

The Washington Constitution states the governor must be a citizen of the United States, a qualified voter of the state, and at least 18 years of age. The governor serves a term of four years and is not restricted to *term limits*. The governor receives a salary of \$166,891. In the event that the governor cannot complete a term, the lieutenant governor becomes governor. If the lieutenant governor is unable to serve, the secretary of state assumes the office followed by the treasurer.

The governor, besides enforcing and administering the law, also has the important duty of vetoing or approving bills passed by the Legislature.

The governor of Washington has many other important duties:

- The governor appoints many members of the state government. Some appointments require approval by the Senate. The governor may also remove any of these officials he/she feels is incompetent.
- The governor may grant pardons, commutations, and reprieves, as deemed proper.
- The governor must approve the spending of all federal aid grants, state land purchases, and construction of highways and airports.
- The governor represents the state in interstate relations and at national meetings.
- The governor must spend a great deal of time explaining the goals of the administration to citizens.
- In addition to having the power to veto legislation, the governor influences the lawmaking process by submitting the state budget to the Legislature.
- The governor may call special sessions of the Legislature.
- The governor addresses the General Assembly in a State of the State message and other special messages on topics of urgent or desirable legislation.
- The governor is commander-in-chief of the state militia.
- The governor must call for a special election to fill a vacancy in the Senate or House of Representatives.



Governor Christine Gregoire was re-elected to a second term in the 2008 gubernatorial election.

Veto

The governor may take action on bills by:

1. The regular veto in which the whole bill is rejected, much like the veto of the president.
2. The *item veto*. This is for *appropriation* or money bills and means that the governor may approve only some parts of a bill while rejecting others.

The governor’s office is similar in some ways to the Office of the President of the United States. However, there are some differences. Some of the most important differences are the lack of foreign affairs and national defense in the responsibilities of the governor.

Washington has had many famous and talented governors. Daniel J. Evans served three terms (from 1965 to 1997) and was a strong advocate for environmental protection. In 1996, Washington citizens elected Gary Locke to become the first Asian- American governor in the continental United States. The lives of these people make an interesting and worthwhile study. Your local or school library contains interesting material on the lives of Washington’s chief executives and officials.

Questions

1. What are the qualifications for governor? _____

2. What is the order of succession to the office of governor? _____

TRUE OR FALSE?

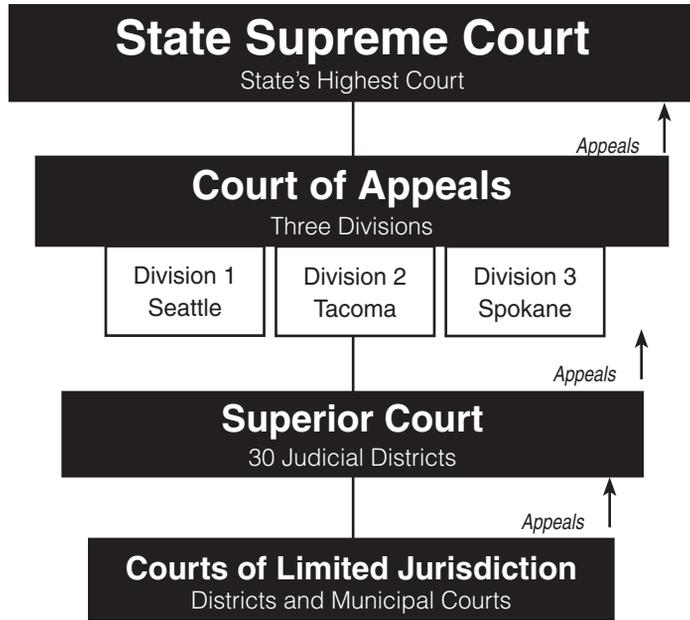
- ___ 1. The General Assembly cannot be called into special session.
- ___ 2. The governor may remove an appointed official.
- ___ 3. The governor has the job of enforcing the law.
- ___ 4. The governor is the commander-in-chief of the state militia.
- ___ 5. The governor may only serve two successive terms.
- ___ 6. The governor is in charge of foreign affairs.
- ___ 7. The governor cannot grant pardons.
- ___ 8. The governor’s term of office is four years.
- ___ 9. The governor may veto only a part of a bill and approve the rest.
- ___ 10. The governor must be 35 years or older.

DEFINE

1. pardons _____
2. militia _____
3. reprieves _____
4. vacancy _____

The Judicial Branch of government in Washington administers justice and interprets the laws. It is composed of a system of courts. Each court has specific responsibilities and restrictions in legal matters. This authority of a court to exercise judicial power is referred to as *jurisdiction*.

Although Article IV of the state constitution gives most of the details to the judiciary, Article I (Section 10) states that “Justice in all cases shall be administered openly and without unnecessary delay.” This is the basis for the four levels of Washington courts described below.



Types of Court Cases

Cases filed in any court system are either *civil* or *criminal* cases. Civil cases deal with the settlement of disputes between individuals, organizations, or groups. Examples of civil cases include:

- negligence leading to personal injuries;
- landlord and tenant disputes;
- breach of warranty on purchased goods or services;
- contract disputes;
- family issues such as divorce, adoption, and guardianship.

Here, decisions are based upon a *preponderance of evidence*. The party suing (*plaintiff*) must prove their case by presenting evidence that is more convincing to the judge or jury (*trier of fact*) than the opposing evidence. The one being sued is called the *defendant*.

Criminal cases are brought by the government against individuals or businesses accused of committing a crime. Examples of criminal cases include:

- more serious crimes (*felonies*), such as assault, burglary, and murder;
- lesser crimes (*misdemeanors* and *gross misdemeanors*), such as theft, more severe traffic violations, possession of drugs, and disorderly conduct.

The prosecuting attorney prosecutes the charge against the accused party (*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*.

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. However, there may be some differences from court to court.

District & Municipal Courts

The district and municipal courts are also known as the *courts of limited jurisdiction*. Each county has at least one district court (49 total) and many of the state’s cities and towns have a municipal court. Over 80 percent of the cases, or over two million cases annually, are filed in these state courts. This is due to the jurisdiction over traffic violations and misdemeanors.

District courts have jurisdiction over both *criminal* and *civil* cases, but do not handle felony or juvenile cases. Besides misdemeanors and traffic infractions, this court also hears small claims cases up to \$4,000. Municipal courts are operated by cities and rule on violations of ordinances. They do not accept civil or small claims cases.

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.

Superior Courts

Because there is no limit on the types of civil and criminal cases heard, superior courts are called *general jurisdiction* courts. These courts have exclusive jurisdiction for felony matters, property rights, domestic relations, estate, mental illness, juvenile, and civil cases over \$50,000. The superior courts also hear appeals from courts of limited jurisdiction. An appeal from a final decision of a superior court generally is heard by the court of appeals. However, in some cases such as death penalty cases, appeals are sent directly to the Supreme Court.

There are 30 superior court judicial districts in the 39 counties. There are approximately 150 superior court judges, rotating between courts in rural counties as needed. These courts hear over 8,000 cases each year. Superior court judges are elected on a non-partisan basis for a four-year term. Judges must be an attorney admitted to practice in Washington.

Court of Appeals

Most cases appealed from the superior courts go directly to the court of appeals. This court must accept all appeals filed with it. The judges have the authority to *reverse* (or *overrule*), *remand* (send back to the lower court), *modify*, or *affirm* (agree with) the decision of the lower court.

The following test will help check your understanding of the Washington Constitution. It has questions similar to ones that may be on a final unit test. It is suggested you write your answers on a piece of paper so you can take the test a number of times. You will find the correct answers at the bottom of the page.

Hard work on this page will assure you of a better grade on your final exam. Be sure to look up any answers you don't understand or see your teacher for an explanation.

MATCHING. Match the person or body in **Column A** with the correct branch of state government in **Column B**. Put the letter of the correct answer in the blank at the left.

Column A

- _____ 1. The governor
- _____ 2. The state House of Representatives
- _____ 3. The Washington Supreme Court
- _____ 4. Secretary of state
- _____ 5. The state Senate

Column B

- A. The Legislative Branch
- B. The Judicial Branch
- C. The Executive Branch

FILL IN THE BLANKS. Write the correct answer in the blank to the left of the question.

- _____ 6. Who can veto a bill passed by the Legislature?
- _____ 7. If the governor resigns, who becomes governor?
- _____ 8. The chief legal officer in Washington.
- _____ 9. The year Washington became a state.
- _____ 10. The election held before a general election.
- _____ 11. The governor of Washington.
- _____ 12. The next presidential election will be held in what year?
- _____ 13. How many constitutions has Washington had?
- _____ 14. What is the minimum age to vote?
- _____ 15. Hears appeals from superior courts.

TRUE OR FALSE? Write a **T** or **F** in the space at the left of the question.

- _____ 16. Both the Washington Constitution and the United States Constitution have a Bill of Rights.
- _____ 17. The governor is the commander-in-chief of the state militia.
- _____ 18. Bills can start in either house of the state Legislature.
- _____ 19. Foreign affairs is one of the duties of state government.
- _____ 20. The governor must be 40 years old or older.
- _____ 21. Washington voters must live in the state for two years.
- _____ 22. There are 39 counties in Washington.
- _____ 23. The Legislature can override a governor's veto by a two-thirds vote.
- _____ 24. There are 49 members of the state Senate.
- _____ 25. Most of the minor infractions are handled by the courts of limited jurisdiction.
- _____ 26. The current constitution was adopted in 1889.
- _____ 27. The capital of Washington is Seattle.
- _____ 28. The lieutenant governor is appointed by the governor.
- _____ 29. The governor is responsible for submitting the state budget.
- _____ 30. A member of the House of Representatives serves a term of two years.

Answers: 1. C 2. A 3. B 4. C 5. A 6. governor 7. lieutenant governor 8. attorney general 9. 1889
 10. primary election 11. Christine Gregoire 12. 2012 13. one 14. 18 years of age 15. court of appeals 16. T
 17. T 18. T 19. F 20. F 21. F 22. T 23. T 24. T 25. T 26. T 27. F 28. F 29. T 30. T