

Chapter 7

Governing Washington today is complicated!

Since Washington became a state in 1889, the job of governing has become much bigger. Even so, the basic structure—a legislative branch, an executive branch and a judicial branch—is the same as 100 years ago.

The principal ideas in our national and state constitutions are also still the same:

- regular free and fair elections
- separation of powers
- the rule of law
- citizens' rights and duties

Those founding principles and practices still work in today's state government.

IF YOU WERE
GOVERNOR, WHAT
WOULD YOU WANT TO
CHANGE IN OUR STATE?



Illustration by Nguyen Tran

The state 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.

Legislative districts

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 legislative schedule

Our state’s legislative schedule was designed for a time when many legislators were farmers and needed to be home during the growing season. It has never been changed.



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WASHINGTON STATE'S GOVERNMENT

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

HOUSE OF REPRESENTATIVES



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



The state legislature meets every year beginning in January. In odd-numbered years, they work out 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 usually lasts for 105 days. In the second year of the biennium, the legislative session is shorter and usually ends after 60 days.

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

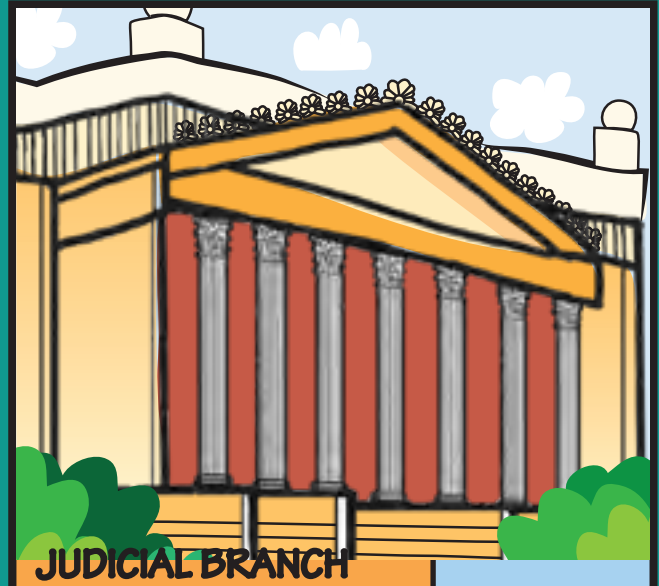
SECRETARY
OF STATE

AUDITOR

ATTORNEY
GENERAL

TREASURER

INSURANCE
COMMISSIONER



JUDICIAL BRANCH

SUPREME COURT: NINE 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

Sometimes legislators don't finish their work on time. When this happens—or when an important issue comes up at other times of the year—they can have special sessions that last up to 30 days.

People complain when the legislature doesn't finish on time, just like your teacher complains when you don't finish your homework on time!

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.

Committees

Both the House and the Senate divide up into committees. The Senate and House have committees on education, health, local government, energy, trade, the environment, and many other topics.

When legislators want to write a new law or change an existing law, they introduce a bill that says what should be changed. First, the bill is sent to a committee, where committee members study it. The committees hold public meetings (called *hearings*) where they listen to what citizens and lobbyists think about it.

A lobbyist is someone who speaks on behalf of a group of people, a business, or any kind of organization. Sometimes lobbyists get paid for doing this, and sometimes they do it for free, as a volunteer.

The committee can change the bill if people ask them to, or if they think they have a better idea. (This is called *amending* it, and the changes are called *amendments*.)

If it will cost money to do what the bill says, the bill goes to a special committee that writes the budget. If the budget committee votes for it, then the bill goes to the full House or Senate to vote on it.

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. If they have different versions of the same bill, they have to work out the differences, and then vote on it again.

photo courtesy Karen Verrill



This is a committee hearing on a bill. When the meeting room is this full, it's a bill a lot of people really care about.

After both the House and the Senate pass a bill, it goes to the governor, who can either sign the bill into law or veto it. (There's more about this in the section on the executive branch.)

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

People who own land or houses pay a **property tax** based on how much their house or land is worth. We also pay a **sales tax** on most things we buy—but not on food. And people pay **payroll taxes** that come out of their paycheck at their job.

As you can imagine, it's not easy to get a bill passed through this long process. In fact, it's not supposed to be easy. We want legislators to take their time, listen to everyone, and think carefully about the laws they are making.

In spite of this complicated system, hundreds of bills pass and become law during every legislative session.

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

The state budget is very complicated. The main budget—called the *operating budget*—is used to keep schools, colleges, prisons, and all other state agencies running.

Other kinds of budgets include a capital budget for building new buildings, and a transportation budget for building highways and bridges, and paying for buses and ferries. There are also many special accounts for special purposes. For example, one fund is 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.

Taxes pay for sports fields, fire departments, schools, and much more.



photo courtesy Dawn Gibbs



photo courtesy Chelan Fire & Rescue



photo courtesy Leslie Hoge Design

Working for equality for all

Washington has several state agencies that work to promote equality for all people.

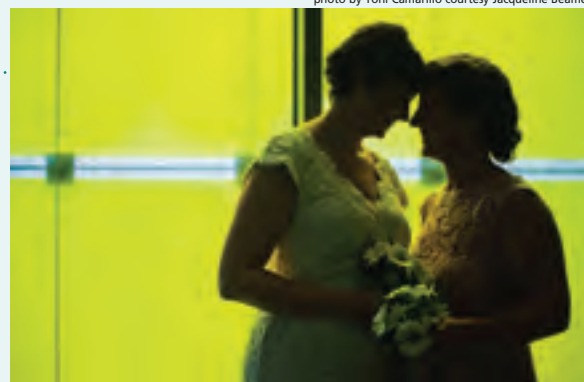
The state Human Rights Commission enforces laws against discrimination (unfair treatment) in jobs, housing, public places like hotels or restaurants, and in certain business matters.

The laws forbid discrimination against people based on race, creed, color, sex, age, disability, national origin, marital status, sexual orientation, households with children, or veteran or military status.

You might wonder why “households with children” is in that list. It’s because some landlords wouldn’t rent apartments or houses to people with kids

because they thought the kids might be noisy or break something. The state legislature made that illegal by adding the words “households with children” to the law.

There is also a Commission on African American Affairs, a Commission on Asian Pacific American Affairs, a Commission on Hispanic Affairs, and a Governor’s Office of Indian Affairs. These small agencies advise the governor and the legislature on the status of their communities and what state government can do to help them thrive.



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 (such as a house), we pay property taxes. Businesses also pay various kinds of taxes. Some money also comes from fees people pay for things like fishing and hunting licenses.

Every two years, lively debates take place in the legislature about how much to spend for public schools, colleges, prisons, parks, or health care, among other things. The legislators have to make many hard choices.

Equally lively debates also take place about whether to raise or lower taxes, and whether to change the kinds of taxes that people and businesses pay.

photo courtesy Legislative Support Services



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.

The 2020 legislature listens to Governor Inslee’s State of the State address.

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 get to choose who will chair each of the committees. They almost always choose 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 elects the leader in 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. The caucuses meet to discuss specific issues or bills and decide how to vote on them. No one else is allowed to come to these meetings.

Usually, members of one party stick together because they have more power when they do, and because they share the same ideas about what government should do. But sometimes strong disagreements occur 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 to be on the committees they want, or a bill they want passed might not be brought up for a vote.

Political parties in Washington

The two main political parties are the Democrats and the Republicans. But other, much smaller ones exist too, such as the Libertarian Party, the Reform Party, the Constitution Party, and the Green Party. They don't have anyone elected to serve in the legislature, but someday they might.



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



photo courtesy Karen Verrill

This committee is planning a big public meeting to educate people about water issues such as pollution, the health of rivers, and sea level rise.

Legislative staff

Representative Mary Dye, a dry land wheat farmer, lives in an area where many people grow crops or own ranches. The 9th Legislative District has many miles of wide open spaces.

Top: In the spring of 2020, Representative Dye helped organize a giveaway of nearly a million pounds of potatoes that couldn't be sold due to disruptions related to the COVID-19 pandemic.

Bottom: Wheat fields owned by Representative Dye and her husband near Pomeroy.



photos courtesy Representative Mary Dye

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

Part of the staff is nonpartisan; that means they 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.

Other staff people 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. They thought people who worked at regular jobs would make better laws—laws that served the needs of ordinary people. They wanted the legislature to really be “of the people, by the people, and for the people.”

It's getting harder, though, for state legislators to keep their regular jobs while they serve in the legislature. Over time, the state's population has grown and our society has become more complex. So the work of making laws for the state has grown more complex too. It takes more and more of legislators' time

The public's right to know

People have the right to know what our elected leaders are doing, but that right wasn't always fully respected. State and local officials used to meet behind closed doors so people couldn't hear what they were saying. Also, people didn't know where candidates and elected leaders were getting their money. People wondered if elected leaders were making decisions to please the people who gave them money rather than the people who voted for them.

In 1971, the legislature passed the Open Public Meetings Act, which opened the doors to both state and local meetings.

But people wanted to know more. They wanted to know where elected officials' personal income came from, and who gave how much money to their campaigns. They also wanted to know who was paying lobbyists—people who try to influence elected leaders—how much, and why.

In 1972, a group of citizens wrote a proposed law (called an *initiative*) that required all candidates, elected officials,

and lobbyists to file public reports on their finances. The voters passed it.

It says "The people of this state . . . 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."

Now there is an agency called the Public Disclosure Commission. (*Disclose* means to make known.) All candidates for office, elected officials, and lobbyists have to report to the commission on who gave them money, when, and how much; anyone can look this information up on the commission's website.

Before the internet existed, Jolene Unsoeld, who used to be a state legislator and then was elected to the U.S. Congress, led the effort to get this law passed.

After it passed, she wrote a book called *Who Gave? Who Got? How Much?* based on the information collected by the Public Disclosure Commission. It was a big hit.



Jolene Unsoeld

photo courtesy The Unsoeld Family Collection

because they have to go to committee meetings that are held in between legislative sessions. They also have to learn more about complicated issues. Plus, it takes time to run campaigns so that they can get elected or reelected.

Members elected to the House of Representatives are paid about \$42,000 a year, and Senators are paid about \$52,000. They also get extra money to pay for transportation and living expenses when they travel to special meetings and to

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/) 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.

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. Each of our 49 legislative districts has about 137,000 people in it.

In fact, one legislator said that if he walked into a crowded restaurant and picked the first 147 people he saw, that we would have the same quality of representation as when we elect people. His point was that legislators aren't smarter or wiser than anyone else. They are just like the rest of us.

How to get elected

The main ways candidates try to get people to vote for them include:

- **Door-to-door:** 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 go door-to-door for them too. They call this *doorbelling*.



Illustration by Nguyen Tran

- **Candidate forums:** These are public meetings where all the candidates for an 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:** Candidates create and use yard signs to make sure everyone knows the candidate's name and to show that a lot of people support them.

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

- **Internet:** Online information, such as a website and social media posts, also helps people learn about candidates.

- **Fundraisers:** These are like parties, where 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 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 vote for them.

- **Mailings:** The campaign sends out brochures and postcards about the candidate—usually only to registered voters—in the candidate's district. In many campaigns, writing, designing, printing, and mailing these is the most expensive part of the campaign.

- **Endorsements:** Candidates also seek sponsorships from unions, business associations, or advocacy groups such as 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.



Illustration by Nguyen Tran



art by MWillowsIllustration

Paid political advertising in newspapers, or on radio, TV, or the internet, 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.

photo provided by Washington YMCA Youth & Government



If you want to know what it's like to be a state legislator, the YMCA Youth and Government program is just for you.

Could you be a future legislator?

Running for the state legislature is still within the reach of any ordinary citizen who cares about their community. They just need 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 already have some experience in government. They may have served on a local city council or been active in local school committees or in 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, after they gain more experience. Moving from the House to the Senate is called *moving up* because the House of Representatives has twice as many members as the Senate.

*(One senator per legislative district = 49 senators;
two representatives per legislative district = 98 members of the House of Representatives.)*

In the Senate, which has 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 reelection every four years instead of every two years..

Many state legislators also go on to run for local offices that are full-time jobs, such as county commissioner or city council members in big cities. Others run for 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. 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 4.)

The governor's power over budget and laws

While Washington's governor may have a little less power than governors in most other states, our governor still has a lot. The governor writes the first draft of the state budget and sends it to the legislature.

Governors have a big influence on the legislature because they can veto bills or sections of bills, including the state budget. Governors also get their allies in the legislature to introduce bills that they want to become law.



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

The Department of Licensing

Over one thousand people work at the Washington State Department of Licensing. The following are just a few of the people and services this department licenses:

- Drivers of cars, trucks, motorcycles, and boats
- Accountants (people who are experts at keeping track of money)
- Manicurists (people who pretty up hands and fingernails)
- Tattoo artists
- Wrestlers (yes, really!)
- Addiction treatment centers
- Migrant labor camps (places where farm workers live)
- Shelters for victims of violence in their homes

Licensing is an important way to keep citizens safe by making sure people get good training and know what they're doing.

The fees people pay for licenses also help pay for government services.

Our country's first Chinese American governor

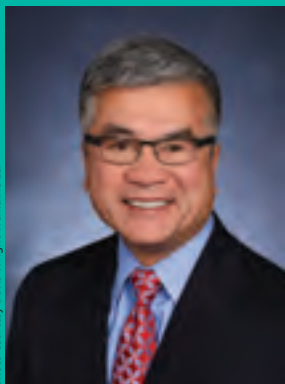


photo courtesy Davis Wright Tremaine LLP

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

He worked part-time jobs to help pay his way through Yale University. He became a lawyer and returned to Seattle.

In 1982, he was elected to the state House of Representatives and became chair of the powerful committee in charge of writing the state budget.

In 1996, he was elected governor—the first person of color to be our governor, and the first Chinese American in the history of the United States to be elected a governor.

Later, he served as U.S. Secretary of Commerce and then as the U.S. Ambassador to China.

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 big celebrity there. When he went to the village his family came from, thousands of people lined the road to greet him, and children tossed flowers at his car.

The governor is the boss of a lot of people

But the governor's biggest job is running state government. The governor hires and is the boss of the directors of about 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.



photo courtesy Leslie Hoge Design

When you want to get a driver's license you go to the Department of Licensing. The governor chooses who will be in charge of that department—and a lot of other departments, too.

The governor appoints a lot of people to positions of power

Another 46 agencies in the state are governed by boards or commissions (groups of specially selected people who 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 works with the U.S. Congress

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 help. 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 explains, inspires, and leads

The governor does one more thing that's really important: She or he gives speeches to business and community groups all over the state to explain the challenges we face. The governor also travels around 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 corrupt governors get a reputation for being corrupt. States that elect respected governors are respected.



When immigrants become citizens, there is a big celebration, often on July 4. At this one in 2018, Navy Airman Allan Ordonez is being honored by Governor Jay Inslee.

We also elect other executive branch officials:

photo courtesy of the Office of the Secretary of State



Secretary of State Kim Wyman enjoys visiting with students who might be elected officials in years to come.

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 Secretary of State supervises state and local elections. (County officials, however, register people to vote and actually conduct elections.) The secretary of state also mails a state voters' booklet to all the voters before each election. It contains statements from candidates for state offices and information about other issues that people vote on.

The State Treasurer manages the state's cash and debts.

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 lawyers. 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.

The Superintendent of Public Instruction is in charge of the state's public schools. (But local school districts actually run them.) The superintendent sends state money to schools, and he or she also provides 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 schools. The commissioner runs a big state agency called the Department of Natural Resources. It has a lot of duties, including fighting forest fires and working to prevent them.

The Insurance Commissioner is in charge of making sure that insurance companies treat customers fairly and that insurance companies follow the rules.

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. People also go to court to get a divorce or take care of other legal issues that don't involve a crime.

To make this decision, a judge (and sometimes a jury) listens to people on both sides of the case (called *witnesses*) who swear to tell the truth. Lying in 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.

When a jury is needed for a court case, 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



Washington's Attorney General, Bob Ferguson, holds a conversation about immigrants' rights in Yakima.



A jury is group of people—usually 12 of them—who listen to a court case and then vote on whether the person accused of a crime is innocent or guilty. All citizens can be called on to be members of a jury.

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.

There are two kinds of court cases: civil and criminal. A **civil case** is a dispute between two people—for example, between a landlord and a renter or between a husband and wife who want a divorce.

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

Criminal offenses include both very small and very large crimes—everything from driving too fast to killing someone.

Charles Z. Smith

Charles Z. Smith was the first African American Washington Supreme Court justice. (A justice is a judge who serves on the Supreme Court.)

His mother was a cook and his father was an immigrant from Cuba who worked as an auto mechanic.

He was born in Florida and came to Seattle to attend the University of Washington School of Law. There were only four students of color in his class—and he was the only one of them who graduated in 1955.

He became a judge, a news commentator on TV and radio, and a professor. In 1988, Governor Booth Gardner appointed him to the Washington Supreme Court.



photo courtesy Office of the Courts

He worked for fairness for people of color. He was also president of the American Baptist Churches, and was appointed by President Bill Clinton to serve on the U.S. Commission on International Religious Freedom.

There were no women justices, and no other people of color, when Smith joined the court in 1988. But by 2020, Washington State had the most diverse Supreme Court in the nation. Seven out of the nine justices are women.

Law schools have also changed. In 2020, 27 percent of the students at the University of Washington School of Law were people of color and 60 percent were women.

Different levels of courts

Municipal or district courts

There are several levels of courts. The lowest level handles things like traffic tickets and smaller crimes, called *misdemeanors*. When people are convicted of misdemeanors, they often just pay a fine, especially if it's for something like speeding. If they are sent to jail, they are locked up in local jails, not state prisons.

Superior courts

The next level of courts are called superior courts. These courts handle most civil cases, including divorce, child custody, and other family matters. Superior courts also handle more serious crimes, called *felonies*. People who are convicted of felonies are usually sent to state prisons.

People who are 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.

Appellate courts

Washington has three state appeals courts, located in Tacoma, Seattle, and Spokane. People go to these courts when they feel that a superior court decision was not correct. When people appeal to these courts, the court doesn't listen to

If you are accused of a crime, you need a lawyer (someone who is an expert about the law) to speak for you in court. If you don't have enough money to hire a lawyer, the government will provide one for free. These lawyers are called *public defenders*.

photo courtesy Washington Supreme Court



The Washington Supreme Court in session in Olympia



Takuji Yamashita

Takuji Yamashita graduated from the University of Washington School of Law in 1902, but he wasn't allowed to work as a lawyer because he wasn't a U.S. citizen.

He wasn't a citizen because people from Asian countries weren't allowed to become citizens. That law wasn't changed until 1952, and Yamashita died just a few years later.

In 2001, people asked the Washington Supreme Court to recognize that this was an injustice. The court agreed and held a special ceremony to induct Yamashita as a lawyer. Members of Yamashita's family came all the way from Japan to attend.

the witnesses all over again; the judges just read the record of the earlier trial. Then they listen to the lawyers explain why they thought the decision was or was not right. Then the appellate court decides whether the lower court ruling was correct or not.

The top court for the state is the Washington Supreme Court, which consists of nine justices we elect and send to 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 just decide not to take up the case.

Washington state's Supreme Court

The Washington Supreme Court's most important job is deciding whether a new law goes against what our state constitution says. If a law violates the constitution, the Supreme Court can throw it out.

It can also rule that the state legislature is not following the constitution. For instance, the Supreme Court can order the legislature to fully fund public schools, because the constitution says that is “the paramount duty of the state.” (*Paramount* means more important than anything else.)

Elected judges

All the judges in Washington are elected, with special rules that apply to how people run for these positions. Candidates for judge aren't supposed to know who gives money to their campaigns because we want judges to be fair and not grant favors to their contributors. Candidates for judge are also not supposed to talk about issues that they might be called on to deal with in court.

So in a campaign for a judge, voters don't have much to go on except the person's reputation. And since most of us don't spend a lot of time with lawyers, we may not know much about them.

To try to fix this problem, the state's Administrative Office of the Courts publishes a voter's guide. It isn't mailed to all voters; it is put in local newspapers.



photo courtesy Washington Courts

The Washington Supreme Court is the most diverse in the nation. The majority of justices are women, and its newest member is its first Native American.