

For more information ...

Washington state:

General information:
<http://access.wa.wa.gov>

Courts: www.courts.wa.gov

Legislature: www.leg.wa.gov/legislature

Governor: www.governor.wa.gov

United States:

General information: www.usa.gov

Supreme Court: www.supremecourt.us.gov

Congress:

www.house.gov

www.senate.gov

White House: www.whitehouse.gov

Other useful websites:

General information: www.lawforwa.org

Washington State Bar Association:
www.wsba.org

Washington State Secretary of State:

www.secstate.wa.gov

Washington State Attorney General:

www.atg.wa.gov

National Constitution Center:

www.constitutioncenter.org

American Bar Association's Division of Public Education:

www.abanet.org/publiced

Library of Congress: <http://thomas.loc.gov>

U.S. Supreme Court multimedia:

www.oyez.org

Washington State Bar Association

FOUNDATIONS OF AMERICAN DEMOCRACY



www.wsba.org/foad.htm

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WSBA

How much do you know about American law and government?

1. What is "the rule of law"?
___ a. Only lawyers can make laws
___ b. We all agree to follow the same laws
___ c. We all agree to obey whoever is in power
2. What are the three branches of government?
___ a. Republican, Democrat, and Independent
___ b. Federal, State, and Local
___ c. Executive, Legislative, and Judicial
3. The Constitution gives the President the power to declare war.
___ True
___ False
4. Which branches of the federal government work together to appoint justices to the U.S. Supreme Court?
___ a. Executive and Judicial
___ b. Executive and Legislative
___ c. Legislative and Judicial
___ d. All three branches
5. How do we make sure the three branches of government share power with each other?
___ a. Checks and balances
___ b. Habeas corpus
___ c. Bait and switch
6. Which branch of the federal government can declare a law unconstitutional?
___ a. Legislative
___ b. Executive
___ c. Judicial
___ d. Legislative and Executive
7. The President's power to veto legislation passed by Congress is an example of checks and balances.
___ True
___ False
8. A fair and impartial judiciary means
___ a. Judges are appointed for life
___ b. Judges are not allowed to vote
___ c. Judges' decisions are not influenced by interest groups, political parties, or public opinion

See inside of brochure for answers.

The Foundations of American Democracy

"As citizens of this democracy, you are the rulers and the ruled, the law-givers and the law-abiding, the beginning and the end."

- Adlai Stevenson

RULE OF LAW

No king or queen has ever ruled the United States. Instead, we have chosen to live by "the rule of law."

Some think of the rule of law as the glue that binds our society together. We, in society, have all agreed that we will abide by the rights and responsibilities that are set forth in the law. These rights and responsibilities cannot be changed by an individual or group that happens to have the most power or money at any particular time. Laws can be changed, but only by the government, which represents everybody.

Our broadest rights and responsibilities are written in our federal and state constitutions – the central documents of our society. More specific rights and responsibilities are in the laws enacted by our democratically elected local, state, and federal representatives.

Because the United States lives by the rule of law, our laws are supposed to be clear, consistent, realistic, and fair. When people think the law doesn't meet these standards, they try to change it, which is one reason the law changes over time.

Answers to quiz: 1. b; 2. c; 3. F (only Congress can declare war); 4. b; 5. a; 6. c; 7. T; 8. c.

SEPARATION OF POWERS

Our federal government consists of three separate but equal branches. Each has its own special powers and responsibilities as established by the U.S. Constitution, and may not perform the functions of the other branches.

The **legislative branch** consists of the Senate and the House of Representatives. Its constitutional powers include making laws and establishing public policy. These elected representatives of the people create and change laws, set budgets, declare war, and confirm judges and other presidential appointments.

The **executive branch** consists of the President, his cabinet, and all federal agencies, including the military. Its constitutional powers include operating the federal government; providing for national security; waging war; negotiating treaties; collecting taxes; and appointing key federal offices such as judges, diplomats, cabinet members, and department heads.

The **judicial branch** consists of the entire legal community, starting with the U.S. Supreme Court, on which sit nine justices appointed by the President and confirmed by the Senate. Its constitutional powers include interpreting and applying the law, resolving disputes, and protecting the rights guaranteed by the U.S. Constitution.

The same division of powers exists at the state and local levels across our country. In our state, the Governor heads the executive branch, the Senate and House of Representatives constitute the legislative branch, and the State Supreme Court heads the judicial branch.

CHECKS AND BALANCES

The U.S. Constitution created the three separate branches of government to serve as a check and balance on each other, thereby limiting their power. This system of checks and balances prevents any one branch from taking control.

The presidential veto of laws created by the legislative branch is one of the best-known examples of checks and balances. The President can also serve as a check on the judiciary through the power of appointment.

The legislative branch can check the executive branch by overriding a presidential veto, approving or disapproving presidential appointments, and even impeaching the President. Congress can check the judicial branch by making or changing laws in response to judicial decisions, and by approving or rejecting nominations to federal courts.

Under the separation of powers doctrine, the judicial branch grants wide discretion to the legislative and executive branches to act in the areas where the U.S. Constitution has granted them power. However, when the legislative or executive branch oversteps its bounds, it is the function of the judicial branch to establish whether the particular action is within that branch of government's constitutional limits. This process is known as judicial review. It was established in the famous 1803 Supreme Court case of *Marbury v. Madison*.

Similar checks and balances among the three branches occur at the level of state and local government.

FAIR AND IMPARTIAL JUDICIARY

Respect for the rule of law requires respect for the decisions made by our courts. We respect judges' decisions because judges are required to be fair and impartial. This means they consider only the facts and the law when they make decisions. This ensures that everyone is treated equally before the law, no matter how much or how little power or money they have. This ensures cases are not decided on a personal bias or partisan basis.

Because we need our judges to be fair and impartial, we need to choose them in a different way than how we choose politicians. We usually vote for politicians who make and administer the law based on whether they agree with us on issues. We should not support or reject judges based on whether we agree with their decisions or whether they agree with us on issues. Doing so would pressure them to depart from the impartiality that is essential to fairness. It is our responsibility to vote for judges based on their knowledge of and experience with the law and on whether we think they can be fair and impartial.

Judges do make mistakes. If we believe a judge acted unfairly or with bias, we can ask for an investigation into the judge's conduct. If we believe a judge made a mistake about the law, we can appeal the judge's decision to a higher court or seek legislative or constitutional changes in the law. These options allow us to respect the decisions of the courts even when we disagree and allow us to trust the rule of law.