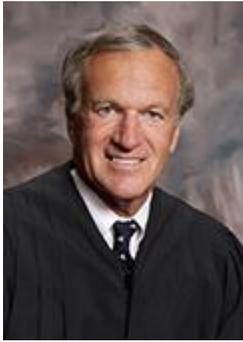


Governor should add diversity to Supreme Court

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Justice James M. Johnson

WASHINGTON STATE SUPREME COURT

State Supreme Court Justice James M. Johnson retires next week, creating a rare opportunity for Gov. Jay Inslee to appoint a temporary replacement. Whoever the governor appoints must seek election in November, but taking the position now will give Inslee's selection some political advantage.

Three of the state's major newspapers have urged Inslee to appoint a justice from Eastern Washington. They reasoned that because only Justice Debra L. Stephens formerly resided east of the Cascade Mountains, the high court is geographically unbalanced.

But there are more important qualifications than a candidate's current place of residence.

First of all, the person Inslee selects must have the intellectual ability to faithfully interpret the state constitution and to discern whether legislative action or lower court opinions are in conflict with it. We assume most of the 19 declared candidates meet that criterion.

And it's naive to think any governor would not also give primary consideration to a candidate's judicial ideology. As we have seen at both the state (McCleary) and federal (Citizen's United, voting rights, etc.) levels, a high court's decision has broad and powerful consequences.

So what, beyond those fundamental characteristics, should Inslee consider in his first state Supreme Court appointment?

We suggest Inslee look first for racial and ethnic diversity. Women hold five of the remaining eight seats on the court, but only Justice Steven Gonzalez reflects people of color. In our mind, that constitutes a far greater imbalance in representation.

Minorities in this state have always been underrepresented on the high court and as well on most lower court benches. Considering the evidence of racial preferences in voting during the 2012 election of Gonzalez, primarily in Eastern Washington, there's a strong argument for giving a minority candidate a campaign advantage that could help even the score.

If the governor chooses to weigh any geographical considerations, we prefer he choose a qualified candidate from a rural community. Only Justice Susan Owens comes from a nonurban area – Forks in Clallam County.

Justice Stephens may have resided in Eastern Washington, but she hails from the urban Spokane area, which has little in common with rural communities, such as the 593 residents of George in Grant County.

The rural versus urban divide is certainly a key dynamic in our Legislature and one that outweighs the east versus west division.

Adding diversity to court, regardless of where candidates live today, should be Inslee's first priority.

Read more here: <http://www.theolympian.com/2014/04/24/3100425/governor-should-add-diversity.html?sp=/99/109/#storylink=cpy>