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Pushing the constitutional envelope.....

I'm Mike Fitzsimmons with commentary on 920 KXLY.....

The Washington Supreme Court has unanimously decided to hold the state legislature in contempt for its lack of progress on fixing the way the state pays for public education. The state's highest court says it will hold off on punishing the legislature until after the 2015 session. If lawmakers do not complete their plan for fixing the way the state pays for public schools by the end of the next legislative session, which begins next January, the court promises to reconvene and impose sanctions and other remedial measures.

What kind of punishment might the Supreme Court consider? Presumably the justices could impose fines upon the entire legislature or on any individual lawmaker. The court might elect to rewrite the state budget consistent with their version of what funding basic education means. The court could seek to fund it by revoking certain tax exemptions.

You will readily see, I'm sure, that some of these possibilities are clearly legislative functions that the Washington State constitution does not authorize the judicial branch to undertake. The justices appear to be pushing toward a constitutional crisis. This isn't like some uncooperative citizen under the jurisdiction of the Supreme Court to whom the justices want to teach a lesson. This is about one branch of government attempting to force its will upon another.

The Washington State Supreme Court must be respected of course, at least to the limits of its jurisdiction. But in our checks and balances environment, the court does not enjoy superiority over the other two branches of state government. Right now it is perilously close to the constitutional cliff.

With commentary on 920 - KXLY, I'm Mike Fitzsimmons

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