

Don't judge judges by place

By Tracy Warner
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Geography counts. In politics, in popular culture, your place of origin or your current home make a difference. It makes a difference in how you see things and how others see you.

Thank God we have a republic where we choose people to represent us, and represent our state or regional political and economic interests, in the legislative branch of government. Our system is designed for a kind of geographic balance. States, regions, have different points of view. It's a similar system on the state level. We elect people from our place, to represent us, to advance our interests as laws are written.

That's how we see it. It is mostly that way, but not always right. There are times when our parochial desires do not mesh with the best interest of the state or nation as a whole. In that case, I would hope my representative would choose the greatest good, no matter what I might want.

That's the legislative branch. The function of the judicial branch of government is different entirely. A judge is not elected to represent a region or tribe, district or town. A judge is not elected to make law. A judge of the Superior Court or a justice of the Supreme Court is charged with interpreting the law, not advancing the cause of the neighborhood or place from whence they came. Ideally, their point of origin shouldn't affect their judgment.

Maybe it does, sometimes. Washington's Supreme Court justices are chosen in statewide elections, at-large. Anyone who meets the requirements can seek the office and every qualified elector may vote in the election that chooses them. And so it has come to pass that nearly all Supreme Court justices hail from where most of the voters and lawyers live, within sniffing distance of Puget Sound, while sparsely populated Eastern Washington is ignored except for the occasional open-seat appointee by a geographically sensitive governor.

Some would change that, to add geographic diversity to the judicial branch. Senate Joint Resolution 8205, subject of a hearing last week, would amend the constitution to allow primary elections for Supreme Court justices by district. The state would be divided into districts, akin to the Court of Appeals. Eastern Washington would be allotted two positions and would choose nominees to be considered in the statewide general election. Each justice must reside in the district where they are chosen.

This would provide the geographic diversity some think is necessary for "balance." Residents of different parts of the state have a certain innate point of view, knowledge

and experience that somehow affect their view of the law. As of now only Justice Debra Stephens, formerly of Spokane, originated in Eastern Washington, and she was at first an appointee of Gov. Chris Gregoire.

When Gov. Jay Inslee was recently asked to fill a vacancy, several newspapers – Seattle, Yakima, Spokane among them – urged him to appoint someone from Eastern Washington simply for diversity's sake. He instead appointed Justice Mary Yu from King County.

What is really desired, I suspect, is ideological diversity, and that is less dependent on geography than our prejudices lead us to believe. Some of the state's best non-liberal judges have come from Seattle, recently retired Justice James Johnson, for instance.

We to the east of the Cascade Crest sometimes have good reason to believe that those people over there, to the west, look down on us. It's as if our choice of residence affects our intelligence, maybe our genetic code. That's what those people think, anyway. And it's wrong. It's geographic bigotry.

We shouldn't judge people by address, especially justices of the Supreme Court. Judge by qualifications, track record and judicial philosophy, not point of origin.

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