

Fact Check: State Supreme Court

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EDITOR'S NOTE: The Yakima Herald-Republic will evaluate a position stated by each candidate for truthfulness.

CHIEF JUSTICE BARBARA MADSEN SAYS: The court necessarily serves as a check against legislation that violates the state constitution and judicial precedent. It is not a political or activist body; it's just doing its job, deciding matters that come before it. Court actions, such as striking down a voter-approved initiative requiring a two-thirds legislative majority on tax-increase votes and holding the Legislature in contempt while fining it \$100,000 a day as part of a school-funding case, are within that purview.

TRUTH METER: Somewhat true

THE REAL DEAL: The court can overrule legislative action if that action is challenged in court and the case is proven. That's not overreach. But the \$100,000 per day fine is unprecedented, and historically the court has been loathe to interfere with the Legislature on budget matters. As former Justice Phil Talmadge — also a former Democratic state legislator — told *The Seattle Times*, the lack of former legislators on the court means, "They have a certain outlook about the judiciary. It's basically a court that sees itself unrestrained in its authority."

CHALLENGER GREG ZEMPEL SAYS: In addition to a lack of geographic diversity among justices — only one of the nine is from east of the Cascades — the court has no one with major criminal prosecution experience and no one with county government experience.

TRUTH METER: Well, it depends what you mean by "major"

THE REAL DEAL: None of the justices have spent decades as a county prosecutor, as Zempel has. But Madsen served as a special prosecutor within the Seattle City Attorney's Office. And Justice Steven Gonzalez was a Seattle domestic violence prosecutor and, as an assistant U.S. Attorney, he prosecuted terrorism, organized crime, and child-trafficking cases as well as serving as hate crimes prosecution coordinator. Zempel's "no one with major criminal prosecution experience" statement comes from his submission to the state voter's guide. Gonzalez' experience, in particular, could be seen as "major."

— Pat Muir, Yakima Herald Reporter