

## **Effort to shrink state's Supreme Court misguided**

### **Sen. Michael Baumgartner's effort to reduce the court from nine to five justices seems to be a slap at the court for recent rulings.**

Sen. Michael Baumgartner's petulant attempt to gut the state Supreme Court to punish the justices in the wake of a few recent unfavorable rulings is misguided and wrong.

The Spokane lawmaker has introduced legislation to reduce the number of high court justices from nine to five.

Baumgartner seems to be irked over the high court's recent decisions such as mandating the Legislature allocate more funding for education and striking down the two-thirds majority requirement for the Legislature to increase taxes. Sens. Doug Erickson, R-Ferndale, and Janea Holmquist Newbry, R-Moses Lake, signed on to the proposal,

Baumgartner is attempting give the court what he seems to believe is a taste of its own medicine. He said the reduction in justices follows the court's reasoning in striking down legislative action that adds requirements to constitutional mandates.

"The constitution clearly says that the Supreme Court shall consist of five judges," Baumgartner said.

"Based on their recent rulings on McCleary (education funding) and their rationale behind the decision to throw out the will of the people regarding the two-thirds tax rule, I expect the court will support this approach," he added.

Baumgartner is correct. Article IV, Section 2 of the state constitution does state the Supreme Court "shall consist of five judges."

But if Baumgartner had bothered to read (or, perhaps acknowledge) the last sentence of Section 2 he would clearly see that having nine justices on the court is not stretching a constitutional mandate.

That sentence that allows nine or more justices reads: "The legislature may increase the number of judges of the supreme court from time to time and may provide for separate departments of said court."

And nowhere in the state constitution does it specifically state the court can be reduced — even back to its original size.

Case closed.

When the state's court system was established in 1889 it had five Supreme Court justices. However, as Washington's population grew so did the court's caseload. In 1905 the Legislature used its power granted in Section 2 to expand the high court to seven justices. Four years later two more justices were added. The court has had nine members since 1909.

And the court's caseload has gotten much larger in the past 104 years.

Baumgartner also argues eliminating four justices and their staffs would save the state \$2 million a year that could be dedicated to education.

While \$2 million is a nice chunk of change, it won't make a enough difference in our schools to offset the damage it does to the judicial system. Cutting the court nearly in half will make a trek through the court system even slower than it is today.

The plan to essentially fire four high court justices is petty nonsense.