



Tacoma, WA - Friday, December 9, 2005

PRINTER-FR

< Back to F

State must prevent a politicized judiciary

THE NEWS TRIBUNE

Last updated: December 6th, 2005 02:40 AM (PST)

To understand why Washington's judiciary ought to be nonpartisan and apolitical, consider how hard it's been to find a judge for U.S. Rep. Tom DeLay of Texas.

Indicted for money-laundering and conspiracy, DeLay was initially arraigned before state District Judge Bob Perkins, a Democrat. But his case got tossed from one judge to another because Texas is one of a handful of states that – insanely – has made judgeships partisan offices.

Being a prominent Republican, DeLay protested that a Democratic judge would be hostile to him. For their part, Democrats fear that a Republican judge would give him an unwarranted break. In Texas, unfortunately, nearly all the judges are either Republican or Democratic.

Which is scary. The first requirement of justice is impartiality. If judges' political and financial connections are such that some litigants fear their bias and others expect favors, the entire court system is tainted.

Certain people want to take Washington in the same direction. Recent years have seen a huge surge of special interest money and political polarization in judicial races.

The most glaring instance of this trend was the 2004 contest between Jim Johnson and Mary Kay Becker for an open seat on the state Supreme Court. Johnson prevailed on the strength of \$440,000 in campaign contributions, three times as much as Becker raised. A staggering \$232,000 of his total came from one group, the Building Industry Association of Washington, which has become one of the state's leading pro-Republican property-rights advocacy groups.

Now a group of Republican leaders and activists have created a political action committee, the Constitutional Law PAC, whose sole purpose is to elect like-minded candidates to the Washington Supreme Court.

This is alarming – and would be just as alarming if it were a Democratic PAC. Jurists are supposed to be arbiters of law, not political advocates or dispensers of party-line rulings.

Once Washington starts categorizing judges and justices as Democratic or Republican, in fact if not in name, something very precious will have been lost. Conservatives who welcome the new PAC and BIAW's donations to Johnson may want to think twice: The shoe will be on the other foot soon enough, if this catches on.

The politicization of our judiciary could be checked considerably by reviving a bill that died in the 2005 Legislature. House Bill 1226 would subject contributions to state Supreme Court races to the same limits – \$1,350 for the primary and \$1,350 for the general election – that already apply to other races for statewide office.

That would help prevent well-financed pressure groups from fixing the outcomes of judicial elections and buying favorable rulings from the bench. The backers of political candidates live with those limits, so why not the backers of judicial candidates? And if some justices are bent on campaigning like politicians, let them play by the rules politicians have to play by.

Originally published: December 6th, 2005 02:30 AM (PST)



[Privacy Policy](#) | [User Agreement](#) | [Contact Us](#) | [About Us](#) | [Site Map](#) | [Jobs@The TNT](#) | [RSS](#)
1950 South State Street, Tacoma, Washington 98405 253-597-8742
© Copyright 2005 Tacoma News, Inc. A subsidiary of The McClatchy Company