

Education

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to politicians being held in contempt or reduced funding for the court.

“This could be downright nasty,” Talmadge said.

Democratic Sen. Jim Hargrove, one of the budget writers in the Legislature, said it was the court’s jurisdiction to find that the Legislature wasn’t meeting its constitutional

Baumgartner has proposed a bill that would shrink the court from nine justices to five, acknowledging that it was partially an attempt to push back against the decision

responsibility on education. But he said he sees separation-of-power problems with the court’s approach of describing detailed budget numbers when the court doesn’t have staff to handle budget issues.

“They got specific in ways that weren’t even accurate,” Hargrove said.

Chief Justice Barbara Madsen, who wrote the latest McCleary order, declined to com-

ment through a spokeswoman. She had written in the opinion that the court was retaining jurisdiction in the case, in part, because the court has made a promise to schoolchildren that it will not stand idly by while the Legislature makes unfulfilled promises.

Justice James Johnson, the only dissenting justice in the court’s latest message to the Legislature, has agreed that the court is violating the constitution.

“Put simply, the founders did not intend for this court to act in such a role and, more importantly, prohibited exercise of such self-granted power,” Johnson wrote.

Talmadge noted that in decades past, the Supreme Court often had members with past experience in the Legislature or managing state government, providing justices with the perspective of the practical impacts of their decisions. That isn’t the case with the current justices, he said.

Talmadge doesn’t necessarily think the court is overstepping its authority, but he says the justices seem to be getting close.

“This is really uncharted waters,” he said.

Vote

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Eastern Washington who have seen the population change and election outcomes stay the same,” said David Perez, a Seattle attorney who helped write the bill.

Like the Washington Dream Act, which expands state college financial aid to students illegally in the country, the Voting Right Act is a priority for minority advocates and their allies. But unlike the financial aid measure, the Voting Rights Act doesn’t enjoy bipartisan support. Last year, when the House passed it, one Democrat joined the Republicans in opposing it.

Walla Walla Republican Rep. Maureen Walsh, who voted in favor of the Dream Act , says minority candidates face challenges in Central and Eastern Washington.

“Can we legislate prejudice out of people? No,” she said.

Walsh hopes minority candidates will fare

better as communities in Central and Eastern Washington become more integrated. And she doesn’t think lawmakers in Eastern Washington are ignoring the needs of their constituents.

This short legislative session is shaping into a bipartisan stall, where measures from opposite chambers aren’t going anywhere

“I don’t perceive that the Hispanic population is not having their voice heard by the people in government that represent them,” she said.

Fan-atics



PHOTO BY SUSAN FRIED

Hundreds of hardcore Seahawks fans showed up in the rain, Wednesday, Jan. 29 at Seattle Center to show their support for the team. The 25' x 35' 12th Man flag which has been flying atop the Space Needle during the playoff run, was brought down and fans were given an opportunity to sign it. The flag will then been delivered from the “Needle to New Jersey” in time for the Superbowl.

But Perez said opponents of the Voting Rights Act and Dream Act will eventually have to answer to a growing Latino population, which in total numbers has become a majority in some small counties in Eastern Washington.

Opposing the measures now is planting seed for challenges in the future, Perez said.

“You’re going to alienate pockets of the

population that are growing every day,” he said. “They’re going to have to look at folks in the eyes and tell them they voted not to give them more representation.”

Perez said the issue is systemic problem that goes beyond Eastern Washington towns. Local offices, like school board and city council positions, often serve as springboards to higher offices in Olympia and elsewhere. But if minorities have additional challenges getting elected to those offices, then the pipeline is not created.

Matt Barreto, a University of Washington professor and pollster, said the Voting Rights Act could be used as a rally point for elections if there is more publicity done around it, much like the backers of the Dream Act have done so for the past few years.

Evidence

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The Innocence Project Northwest said most states have varying laws on how long to preserve biological evidence.

Washington is among eight states where evidence is not automatically preserved. Once convicted, defendants must file motions to have evidence preserved for use during possible appeals, said Lara Zarowsky, policy director for Innocence Project Northwest.

Jurisdictions within the state of Washington have different preservation rules, and Zarowsky said there is no guarantee that DNA evidence will be available for testing if cases are appealed.

“If DNA is going to serve this really vital role in our criminal justice system, as it should, then we need to preserve the evidence,” she said.

Orwall, D-Des Moines, said she was surprised to learn about inconsistency in how DNA is handled after a conviction.

“It could make the difference in someone being exonerated or remaining in prison,” she said.

Her bill is set for a public hearing on Wednesday before the House Public Safety Committee.

Tom McBride, executive secretary of the Washington Association of Prosecuting Attorneys, said his group supports the study

Washington is among eight states where evidence is not automatically preserved

proposed in the bills but does not support the moratorium.

He said the language of the bill applies to any item that may include a touch of DNA evidence, ranging from vehicles to broken glass that may later be ruled out of a case. As a result, “the commitment of scarce resources is greater than the actual benefit

that will be seen,” he said.

“If our concern is getting to the truth, let’s test any potentially significant items at the time we are evaluating all evidence — not mandate saving a single piece of evidence for review later,” he said in an email.

Darneille, D-Tacoma, said she understands the concerns of the prosecutors but thinks critics are “overly cautious that this is going to create a burden of work without proving that it’s a burden of work.”

The DNA preservation bills are House Bill 2468 and Senate Bill 6310.

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