
HOUSE JOINT MEMORIAL 4004

State of Washington

55th Legislature

1997 Regular Session

By Representatives Bush, Sheahan, Sheldon, Carrell, Cairnes, Talcott, McDonald, Boldt, Mulliken, McMorris, Smith, Lambert, Wensman, Pennington, Koster, Backlund, Cooke, Johnson, Mielke, Delvin, Robertson and Thompson

Read first time 01/23/97.

1 TO THE HONORABLE JUSTICES OF THE WASHINGTON STATE SUPREME COURT:

2 We, your Memorialists, the Senate and House of Representatives of
3 the State of Washington, in legislative session assembled, respectfully
4 represent and petition as follows:

5 WHEREAS, All people of the State of Washington, including judicial
6 candidates and judicial officers at all levels, have a fundamental
7 right to free speech under the First Amendment to the United States
8 Constitution and Article I, Section 5 of the State Constitution; and

9 WHEREAS, All people of the State of Washington, including judicial
10 candidates and judicial officers, have the right to freedom of religion
11 and conscience as protected by the First Amendment to the United States
12 Constitution and Article I, Section 11 of the State Constitution; and

13 WHEREAS, All people of the State of Washington, including judicial
14 candidates and judicial officers at all levels, have a right to be free
15 from invidious viewpoint discrimination under the First Amendment to
16 the United States Constitution and Article I, Section 11 of the State
17 Constitution; and

18 WHEREAS, All people of the State of Washington, including judicial
19 candidates and judicial officers at all levels, have a right to be free
20 from arbitrary and capricious governmental action which would deprive
21 them of the right to life, liberty, or property without due process of

1 law, as guaranteed by the Fourteenth Amendment to the United States
2 Constitution and Article I, Section 3 of the State Constitution; and

3 WHEREAS, All people of the State of Washington, including judicial
4 candidates and judicial officers at all levels, have a moral right to
5 receive fair and equal treatment under the law, regardless of their
6 beliefs or the positions that they advocate; and

7 WHEREAS, Free elections require that the electorate must have
8 adequate information to vote intelligently; and

9 WHEREAS, The Legislature finds many of the voters of this state are
10 frustrated by the restrictions currently placed upon the speech of
11 judicial candidates and judicial officers; and

12 WHEREAS, The current provisions of the Code of Judicial Conduct
13 which hinder judicial candidates and judicial officers from speaking
14 are detrimental to our state's system of electing judges by vote of the
15 people;

16 NOW, THEREFORE, Your Memorialists respectfully pray that Canon
17 Seven of the Code of Judicial Conduct, and any other pertinent
18 provisions of the Code of Judicial Conduct, be rewritten to make clear
19 that all judicial candidates and judicial officers may speak freely,
20 and without fear of governmental retaliation, on issues that are not
21 then before the court.

22 BE IT RESOLVED, That copies of this Memorial be immediately
23 transmitted to each Justice of the Supreme Court of the State of
24 Washington.

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