

SENATE BILL REPORT

SJM 8054

As Reported By Senate Committee On:
Judiciary, February 19, 2004

Brief Description: Requesting the Supreme Court to vacate the conviction of Chief Leschi.

Sponsors: Senators Rasmussen, Winsley, Jacobsen, Kline, Finkbeiner, McCaslin, Regala, Spanel, Roach, Fraser, Benton, B. Sheldon, McAuliffe, Franklin, Prentice, Haugen, Hargrove, Brown, Thibaudeau, T. Sheldon and Oke.

Brief History:

Committee Activity: Judiciary: 2/18/04, 2/19/04 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Joint Memorial No. 8054 be substituted therefor, and the substitute joint memorial do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Kline, Roach and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: In 1853 the area north of the Columbia River and east to the Continental Divide was separated from Oregon and became the Washington Territory with its own Supreme Court initially composed of three justices. *Leschi v. Washington Territory*, 1 Wash. T. 14 (1857), was the sixth case reported in the Washington Territorial Reports and only the second case of murder heard by the new Territorial Supreme Court. The decision was rendered by the two associate justices since Chief Justice Lander was absent from the territory during the 1857 term of the court. Each of the five basis for the appeal was rejected and the conviction for murder in the first degree was affirmed. Chief Leschi was hanged on February 19, 1858, the last year of the Indian wars in Washington.

Summary of Substitute Bill: The Supreme Court of the State of Washington is asked to determine whether it has jurisdiction to hear a petition for relief and, if so, to vacate the conviction and depublish the record. The Washington State School Directors' Association is asked to urge local districts throughout the state to purchase history textbooks that accurately portray the life of Chief Leschi. Finally, it is requested that the injustice that occurred in the trial and execution of Chief Leschi be recognized along with a recommitment to a fair criminal justice system.

Substitute Bill Compared to Original Bill: It is clarified that the Supreme Court is asked to vacate the conviction and depublish the record after first determining whether they have jurisdiction to hear the petition.

Appropriation: None.

Fiscal Note: Not requested.

Testimony For: What occurred in 1857 to Chief Leschi was a gross injustice. This is a black mark on the history of the state, the Legislature, the court, and the Office of the Governor. People need to be told the true story of Chief Leschi. We have named institutions after this great chief.

Testimony Against: None.

Testified: PRO: Senator Rasmussen, prime sponsor; Billy Frank Jr., Chairman, NW Indian Fish Commission; John Ladenburg, Pierce County Executive.