

Justice Jim Johnson

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Thank you for visiting my reelection campaign website.

Six years ago, the people of Washington trusted me with their votes and elected me to our state's highest court. At that time, I promised to uphold our state constitution as written and to never legislate from the bench. I have kept that promise and today I ask for your support to return to the state Supreme Court and continue my work defending our constitution and the rights it protects.

Sincerely,

“ In his six years as a state Supreme Court Justice, Jim Johnson has demonstrated his commitment to liberty and the law. A forceful voice for the constitution, every citizen in this state is freer and safer because of his leadership on our state's highest court. ”

- Rob McKenna
Washington State Attorney General

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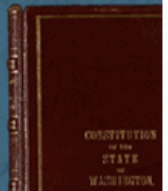
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Judicial restraint, and the commitment to defend the constitution as written, ensures that the constitution remains above partisan and ideological battles.



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Meet Justice Jim Johnson

Justice Johnson was elected to the Supreme Court in 2004. He is a life-long Washingtonian, born in Seattle where he attended Ingraham High School. Justice Johnson graduated from Harvard University with a B.A. in economics and obtained his J.D. from the University of Washington. He spent two years in the United States Army, Ninth Infantry Division, including serving as that Division's Top Secret control officer and Dive Team commander.

Justice Johnson next spent 20 years serving as a Washington State Assistant Attorney General, heading first the Fish and Wildlife Division and later the Special Litigation Division with responsibility for legal services to 25 state agencies and for major litigation involving the state. He served as Counsel for the Environment and personally tried major cases involving power dams and nuclear facilities to protect fish and wildlife. Also of high importance were elections-related constitutional cases, many of which went to the Washington and United States Supreme Courts.

After leaving the Attorney General's Office in 1993, Justice Johnson enjoyed a successful private practice in Olympia, until his election to the state Supreme Court. His private practice specialized in major litigation involving constitutional law and civil rights, including many of the important Initiative cases. Throughout his legal career, Justice Johnson has argued nearly 100 appellate cases in three different federal Courts of Appeal, the Washington Supreme Court, Washington Court of Appeals, and the United States Supreme Court. After the political parties sued to eliminate the state's popular "Blanket Primary," Justice Johnson wrote the initiative for the Grange that today allows Washingtonians to vote for any candidate without being restricted to one political party. The initiative was upheld by the United States Supreme Court.

Justice Johnson and his wife Kathleen live in Olympia. They have two daughters, Heather Swanson who is a school principal in Seattle and Stephanie who is part of the team producing news for a national network. One skill from his Army days he still enjoys is scuba diving. His other hobbies include sailboat racing, cycling, hunting, and the opera.

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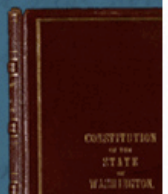
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“In person, Johnson's passion for the state constitution is infectious. He points out that Washingtonians' rights and freedoms are greater than those enshrined in the federal document. He believes that we have four branches of government in our state that provide crucial checks and balances: executives, legislative, and judicial (like the feds), and then Washington's constitution adds the rights of initiative, recall, and referendum - important powers vested in the people.”

All Politics is Local - Seattle Weekly
[read the entire article](#)

Other Stories:

WA Supreme Court hears death penalty debate -
Examiner.com www.examiner.com
WA Supreme Court hears death penalty debate, OLYMPIA, Wash.

Justice Jim Johnson running for re-election -
The Politics Blog - The Olympian - Olympia, Washington
www.theolympian.com
Brad Shannon maintains this blog. He is political editor at
The Olympian and can be reached at 360-753-1688 360-753-
1688 or bshannon@theolympian.com.

Political Buzz -> Jim Johnson will seek second term
on Washington state Supreme Court - The News Tribune
blog.thenewstribune.com
Our team of experienced journalists has the inside scoop on
Tacoma, Pierce County, Washington State and federal govern-
ment and politics.

The role of social media in judicial elections
www.wasupremecourtblog.com
One of the unique features of Washington's 2010 judicial
elections will be the role of social media in helping candi-
dates get out their message.

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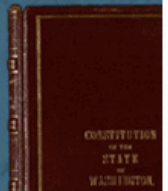
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The Freedom Five

Justice Jim Johnson at work protecting the freedom of all Washingtonians

1. THE PEOPLE'S RIGHT TO INITIATIVE AND REFERENDUM
Coppernoll v. Reed, Sept. 2005
155 Wn.2d 290

J. Johnson authored majority opinion holding that the people must be allowed to vote on qualified initiatives.

“The initiative is the first power reserved by the people in the Washington Constitution. ... [T]he right of initiative is nearly as old as our constitution itself, deeply ingrained in our state’s history, and widely revered as a powerful check and balance on the other branches of government. Accordingly, this potent vestige of our progressive era past must be vigilantly protected by our courts.”

Wash. State Farm Bureau Fed’n v. Reed, July 2005
154 Wn.2d 668

When the court held that the legislation was exempt from referendum, J. Johnson dissented, arguing that the court’s holding allows the secretary of state and legislature to engage in prior restraint of the right to referendum.

“[I]t is a violation of law for the secretary to refuse to file this petition [for referendum] as he has no constitutional or statutory authority to make decisions of constitutional validity that are exclusively the province of this court. I would protect the people’s constitutional right of referendum, while allowing later - and full and fair - consideration of the merits. Because the court allows the secretary of state and legislature to act in prior restraint of that right . . . I dissent.

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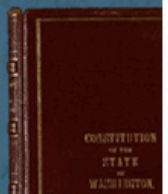
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2. PROTECTION OF PROPERTY RIGHTS

In re Condemnation Petition of Seattle Popular Monorail
Auth., 2005
155 Wn.2d 612

Seattle monorail case, where majority ruled that Monorail company's taking of private lands for profitable resale did not violate Washington State Constitution. J. Johnson dissents.

"In the wake of Kelo, legal scholars and citizens exulted that Washingtonians were insulated from such abuses [taking private land for profitable resale] because the plain language of the Washington Constitution, as previously enforced by this court, afforded broader protection against eminent domain abuse than its federal counterpart. See CONST. art. I, § 16. Unfortunately, the majority of this court is less enlightened than the citizenry or less inclined to restrain public agencies in their taking of private property. I side with the citizens and our Washington Constitution . . . [emphasis added].

"Special protection against taking of private property is found in our constitution's article I, section 16 'Declaration of Rights.' These protections were enacted to protect citizens from abuse of government powers. The settlers of Washington came here drawn by the opportunity to own their own property and many fled from abusive governments."

"By upholding Monorail's decision to take far more property than it needs from a lawful private owner, and by erroneously applying a deferential standard to the agency's grab of this property, the majority overrules this court's "universal rule" sub silentio. I would uphold our constitution and agree with the property owner that Monorail (and other agencies of its ilk) should be restrained from abusing private property rights. . . .[S]uch rights are of exceptional import to our citizens. I believe the authors of our constitution understood this vital principle and drafted and overwhelmingly approved article I, section 16 to protect against such abuse."

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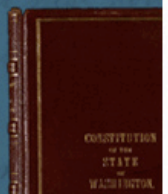
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3. FREEDOM OF SPEECH

Rickert v. Pub. Disclosure Comm'n, Oct. 2007
161 Wn.2d 843

J. Johnson authored majority opinion that a statute censoring political speech is unconstitutional, holding that political speech is highly protected, and even if defamatory, a government agency should not engage in censoring speech.

“The United States and Washington Constitutions both protect the right of free speech, and political speech is the core of that right. ... The notion that the government, rather than the people, may be the final arbiter of truth in political debate is fundamentally at odds with the First Amendment... [T]he best remedy for false or unpleasant speech is more speech, not less speech. The importance of this constitutional principle is illustrated by the very real threats to liberty posed by allowing an unelected government censor like the PDC to act as an arbiter of truth.”

4. FREEDOM OF RELIGION

City of Woodinville v. Northshore United Church of Christ, 2009
166 Wn.2d 633

Majority opinion authored by J. Johnson on the “Tent City” case. City of Woodinville’s refusal to consider Tent City permit request substantially burdens the church’s right to religious exercise.

“Washington’s constitution guarantees, ‘[a]bsolute freedom of conscience in all matters of religious sentiment, belief and worship’ and also provides that this ‘shall not be so construed as to . . . justify practices inconsistent with the peace and safety of the state.’”

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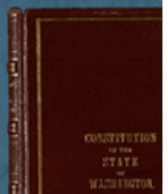
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“The City violated the Church’s constitutional rights under article I, section 11 when it refused to process the Church’s permit application based on a total moratorium on temporary use permits in the area. Rather than seeking to impose reasonable conditions on the Church’s project to protect the safety and peace of the neighborhood, the City categorically prevented the Church from exercising what the City concedes is religious practice.”

5, LAW AND ORDER
Brown v. Eldon Vail, 2010
No. 82832-6

A bare majority of the Supreme Court granted another stay to torturer/rapist/murderer Brown on his death penalty case litigated 15 years previously.

“When the United States Supreme Court ruled against Brown’s claims, it noted that ‘the State has a strong interest in having jurors who are able to apply capital punishment within the framework state law prescribes.’ ... The same must be said of all judges... [j]udges are also bound by a constitutional oath to enforce the law. The people of Washington and family and friends of Holly Washa [the victim] are also entitled to this protection.”

State v. Sutherby, 2009
165 Wn.2d 870

The majority held that prosecutions for child pornography should be limited to one unit or prosecution instead of multiple units depending on the number of images possessed. Thus, they reversed the conviction of a child molestor/kiddie porn possessor for a new trial because his lawyer failed to request severance of the charges. J. Johnson authored a potent dissent against this holding.

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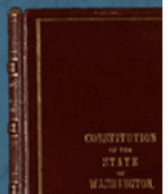
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“Poor little L.K. This innocent young girl was victimized at age five by her own grandfather, and now by a justice system that is supposed to protect her. The majority holds that Randy Sutherby, although convicted after a jury trial, is entitled to a new trial because he and his counsel did not ask to sever other criminal charges. I dissent because the majority finds this violates Sutherby’s constitutional rights and remands to force L.K. to an unnecessary second trial....

“[R]emanding now for an unnecessary new trial disregards an important principle of our constitution’s crime victims’ rights amendment. See CONST. art. I, § 35 (amend. 84). That amendment stands for the principle that victims ought to be accorded dignity and respect throughout the criminal process. Under the majority’s holding, L.K. and her family must now suffer through a second trial on the rape and molestation charges because the majority has an unfounded hunch that Sutherby might have been prejudiced.”

“Child pornography offenders should not be entitled to a ‘volume discount.’ . . . The majority’s analysis undermines the legislature’s purpose and fails to adequately protect innocent child victims. Hopefully the legislature will act to correct this misreading of the statute.”

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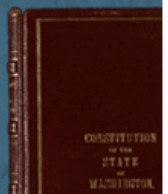
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