



STEVEN GONZÁLEZ

"JUSTICE FOR ALL
JUST AIN'T SPECIFIC ENOUGH"

BY BOB YOUNG

STEVEN GONZÁLEZ

"JUSTICE FOR ALL JUST AIN'T SPECIFIC ENOUGH."

Steven González was disappointed by business law. The young attorney thought it would be romantic, crisscrossing the Pacific, using his familiarity with Japanese and Chinese cultures, and their languages, to make international deals. Instead, it was a lot of waiting by the FAX machine for early dispatches from Asia, where the next business day began after one had just ended in his Seattle office.

He much more enjoyed his volunteer gigs, steering immigrants through legal channels, and providing free counsel to victims of domestic violence. "I had misjudged myself," he recalls. "I'm very introverted and didn't think arguing a case to a jury would fit with my skill set." But he felt quite comfortable in court, with a podium, a rule book, and evidence to present. "I really enjoyed that controlled interaction," he says. "Very much."

He was in the King County Courthouse in March 1995, helping a client get a protection order when Timothy Blackwell, disgruntled about his own divorce proceedings in a nearby court room, took a pistol out of his brief case and killed his wife, her unborn child, and two of her friends, while they sat on a courthouse bench. All three women were Filipina; Blackwell was white.

That experience, coupled with his own father's violence, compelled González to do more for abuse victims. He quit his job at the law firm. A senior partner there called it career suicide.

Three years later, González was living like a character in an airport novel. He was a globetrotting federal prosecutor collecting evidence against an al-Qaida trainee known as the Millennium Bomber. He found himself in the Paris office of legendary terrorist-hunter Jean-Louis Bruguière, who propped open a win-

dow with a volume of his files on the notorious bomber, Carlos the Jackal, giving González a view of a medieval chapel where Jesus's crown of thorns was said to be kept.

After that "case of a lifetime," González was appointed a trial court judge in King County. Looking up the judicial ladder, he saw a dire lack of diversity on the state's highest court, where only one justice of color, Charles Z. Smith, had ever served, and others in the Temple of Justice were still making troubling statements about race.

In 2012, González, a Jewish Latino, became the second person of color elected to one of the Temple's high-backed seats. He soon ruffled some of his robed peers by saying their "callous" opinion in a case seemed as if it was handed down from an "ivory tower."

The complexion of the court changed over the next decade. Mary Yu, Raquel Montoya-Lewis, and G. Helen Whitener all became barrier-breaking justices. The court, which reflected Washington's population more than ever, elected González its Chief Justice in November 2020.

The new lineup was lauded as the most diverse Supreme Court in U.S. history. Who could argue with seven women, four people-of-color, three Jews, two lesbians, an immigrant with a disability, and one straight white man?

After two dramatic decisions in a span of months, court-watchers wondered if a new alignment of justices might spark bolder rulings to come. One national publication called them a "progressive" model for President Joe Biden's judicial nominees.

González takes nothing for granted, explaining, in part, why he challenged sitting Chief Justice Debra Stephens for the position as the court's captain. He's up for statewide re-election in 2024. "As an outspoken person of color, I'm more likely to draw an opponent," he says. And his last name may be a liability. It was in 2012, in some parts of the state, an academic paper concluded.* "If I'm ever going to be chief, there may not be a next time, or later," says González, about his mission. Whether as a role model, advocate for court interpreter services, or author of barbed opinions, he's made his case bluntly, and with urgency.

"It's got to be equal, or it's not justice," says Associate Chief Justice Charles Johnson, the court's senior member. "That's his mantra."

* His opponent, Bruce Danielson, didn't raise money or attend candidate forums. But Danielson had an Anglo surname and won 29 of 39 counties. Research led by a UW professor pointed to racial bias in some counties.



Washington Supreme Court, pre-Covid 2020: seated, left to right, Susan Owens, Charles Johnson, Steven González, Barbara Madsen, Debra Stephens; standing, l-r, Raquel Montoya-Lewis, Sheryl Gordon McCloud, Mary Yu, Helen Whitener. *Washington Courts*

THE DECISION GONZÁLEZ CALLED “CALLOUS” revolved around Ignacio Encarnacion and Norma Farias, and their three children. Encarnacion and Farias had rented an apartment in the King County city of Burien for more than a year when Aaron Hundtofte and a partner bought their building. The new owners demanded that Encarnacion and Farias become month-to-month tenants.

The couple still had 11 months on their lease at the time, and refused, while continuing to pay rent. Hundtofte filed a lawsuit, trying to illegally evict them. Encarnacion and Farias called his bluff in court. Hundtofte gave them three months of rent in a settlement, and agreed to pay their attorney fees, along with promising a positive reference.

But when the couple went looking for a new apartment, they were told by a landlord’s screening company that their references didn’t matter. They were automatically rejected because court records showed the dismissed eviction action against them. They were blacklisted by digital fingerprints.

At the couple’s request, a Superior Court judge weighed the potential harm to them against the public’s right to know their names under the open-records law. The judge decided to replace their names with initials, for a limited period. The clerk of King County Superior Court appealed.

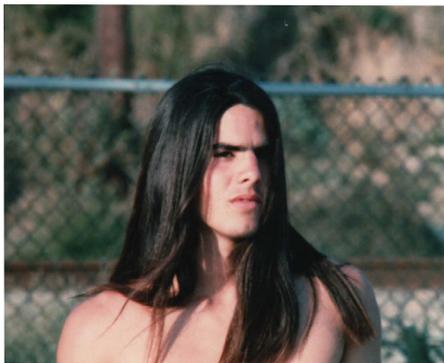
In a 5-4 decision, the Supreme Court sided with the clerk. The lead opinion, issued in July 2014 and written by Justice Susan Owens, acknowledged that Encarnacion and Farias had done nothing wrong—and likely faced more rental rejections because of a landlord’s ploy to muscle them out.

But, Owens stressed, the couple had only been turned away once. It was “pure

speculation" that they faced a "serious and imminent threat" in the future. In other words, the couple, and their three children, hadn't suffered quite enough to overcome the public interest in keeping their names in a court index of records available to landlords.*

It's not hard for renters to see callousness in the opinion. It seemed that way to González. Although his parents owned the house he grew up in, they divorced when he was 12, because of his father's mental health issues and domestic violence. His mother, who he considers a mentor, was the sole provider for several years, until she remarried. She put herself through school and became a nurse. She and her children were eligible for food stamps.

Through his volunteer work, González came to better understand the hardships of eviction, particularly on children of color and their education. "I thought [the court's decision] showed a lack of understanding, empathy, sensitivity, or even knowledge



González (above, at 16) is introverted, not shy. "I don't have a problem speaking up when I have something to say. I am not worried about human interaction," he says. "I just prefer my own company most of the time." *Steven González*



Susan Owens was a rural and tribal judge before her election to the high court in 2000. Viewed as moderate to liberal, she dissented from the court's 2006 decision to uphold a ban on gay marriage. *Washington Courts*

about what it's like not to know where you're going to live," González said six years after the Encarnacion case. "And that's what led me to the harsh language."

In his dissent, he noted that the lower court had followed procedure in balancing the competing interests of privacy and public records. But the lead opinion "rebalanced the facts from our ivory tower," González said, and "it seems that Encarnacion and Farias could satisfy the justices of the lead opinion only if they and their children were, in fact, homeless."

The justices who signed the lead opin-

* The index was available for a fee, which posed a conflict of interest for the clerk who appealed, González believes. Gonzalez also said the court shouldn't have heard the case; the clerk wasn't a party to its legal dispute and lacked "standing" to appeal the lower court's decision. Justices Mary Fairhurst and Debra Stephens firmly agreed, in their own dissent.

ion took umbrage. “The dissent mischaracterizes our analysis for the sake of rhetoric,” they said, those five last words landing like a slap, amid the precise language of high-minded justices.

Inside the court, however, it doesn’t pay to hold grudges over prickly opinions, says Justice Charles Johnson. Today’s biting dissenter may be tomorrow’s brilliant supporter. “We all rub each other,” he says. Strong positions often lead to strong language.

“I think the idea is that you’re not supposed to attack the writer, but the writer’s ideas,” González says of what his colleagues found impolite. But he saw disregard for low-income people, who are disproportionately people of color. “That’s what I was trying to convey by that; that we’re out of touch, at least on this topic.”

ONE OF GONZÁLEZ’S EARLIEST memories is of his father’s mother, Consuelo Capaceta, babysitting while his parents, still in their early 20s, went on a date. Grandma rounded up him and his older brother. She stuck them in the bathtub. She was mortified that her little *nietos* were being raised unbaptized in a mixed Jewish and Catholic household.

Determined to save their eternal souls, she sprinkled them with holy water she obtained from a local priest, and prayed in Spanish, which young Steven couldn’t understand.

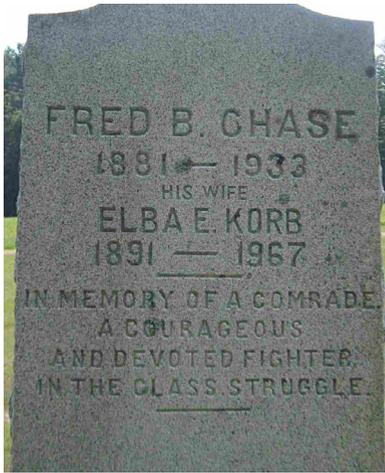
González grew up “between two cultures,” in a household with both Menorahs and Christmas trees. His mom’s side of the family was Jewish. His dad’s Catholic. (González identifies as Jewish.) The family practiced both faiths to a degree, he says, and ignored both to a degree.

“So, I enjoyed a rich tradition with plenty of guilt,” he deadpans, with humor he displayed in a clip for public television. He interviews himself and reveals, among other things, that the umpires have no robes—of proper fabric. Justices are required by state law (RCW 2.04.110) to wear silk, which they do not.

His dad’s side came to southern California in the early 20th century, fleeing the decade-long civil war known as the Mexican Revolution. They settled near citrus groves in the Pomona-Claremont area, snuggled against the foothills of the San Gabriel Mountains.

The 1970s, when Steven González came of age, was a fabled time in Los Angeles, 30 miles to the west.* But he mostly remembers the layers of brown smog

* An edgier generation had enlivened Hollywood and TV. The recording industry’s center of gravity moved from New York to Malibu. In the overlapping worlds of celebrity and politics, Governor Jerry Brown dated singer Linda Ronstadt. But entertainment and politics remained segregated by race and gender.



González's great-grandparents, Fred and Elba Chase, met in the Socialist Party in Boston. Fred died in 1933, after building dams during the Great Depression. *Find A Grave*

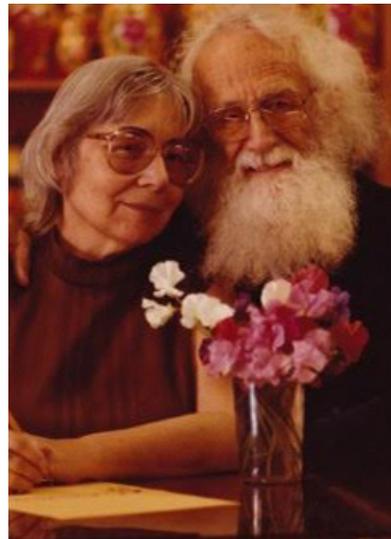
Elba Chase would run for governor of New Hampshire three times—as a communist. Her son Charles married Dorothy “Dot” Udin, whose Jewish parents had also fled anti-Semitism in Eastern Europe. Charles and Dot settled in the Boston suburbs, where Dot played and taught music, and strummed her way into the buzzing folk scene. During the red-baiting of the 1950s, Charles, an Army veteran, was blacklisted from his teaching job because of his pre-World War II association with socialists. After his firing, bricks were heaved through the family’s windows.

Charles had taken up repairing stringed instruments as a hobby. He was good enough that troubadour and family friend Pete Seeger (“If I Had a Hammer”) suggested he make a living of it. So, like many Americans seeking a fresh start,

clogging the air. And how his hometown of Claremont was starkly segregated. Most Latinos lived in a barrio, without sidewalks, on the south side of the tracks bisecting the city. “So, there was quite a demarcation in town,” he recalls.

His mother’s side of the family was a blend of Pilgrims and Ellis Island immigrants, Yankees and radical lefties.

His mom’s dad, Charles Everett Chase, could trace his lineage to New England in the 1630s. “A few ships after the *Mayflower*,” González says. Charles’ father, Fred, had shocked the clan when he married Elba Korb, a Jewish immigrant, escaping persecution in Latvia. She was a proud socialist. “Bad enough that Fred became a socialist. But marrying a Jew? Unforgivable,” González’s aunt, Ellen Harper, wrote with caustic wit, in her memoir.*



Charles and Dot Chase were on a mission to bring music to the community. They opened their Folk Music Center near Los Angeles in 1958. *Claremont Folk Festival*

* Ellen Harper is a singer-songwriter and music teacher. She runs the Folk Music Center in Claremont with her son, Ben. Her memoir, *Always A Song*, was published in 2021.

Charles headed to California, staking out a place for Dot and their four daughters. She followed months later with the girls packed into a blue Ford Fairlane, her banjo in the trunk.



The Chief's mom, Joanne Chase. She made a point of telling him, "If everybody likes you, you don't have any principles." *Steven González*

Steven González's mother, Joanne, was pained more than her sisters by the blacklisting. Following her father's instructions to be "tough," she took up with Mexican American friends who lived on the other side of the tracks and were seen as outsiders. She became a defiant teen, spinning rock and roll records, and getting married at 18 to Joe Gonzales. Steven's older brother John was soon born. Steven arrived two years later, his sister Becky five years after him.

(Steven changed the spelling of his last name to match his wife's, after he married Michelle González in 1994.)

His grandparents, Charles and Dot, had become left-leaning pillars of the community after they opened the Folk Music Center in Claremont, where Dot taught, and Charles, behind a flowing mist of whiskers, repaired and sold instruments, wrote poetry, and left the back door open.

Young Steven got to meet musicians passing through, including blues legends Sonny Terry and Brownie McGhee, who had been playing together since 1939. Whenever the duo stayed at his grandparents' house, his mom would bake the "cat's-head biscuits" (roughly the size of a cat's head) they liked so much. Steven would get a backstage pass. He'd especially marvel at Terry, the blind harmonica player, who mimicked the sound of passing trains and nocturnal animals, before learning the blues. "Pretty heady stuff for a kid," González recalls.

But he did not get the family's musical gene. It went to his cousin, sing-



The Chief's dad, Joseph Gonzales in his Claremont, California yearbook. González says he reconciled, but not "entirely" with his father, who died in 2009. *Claremont High Alumni Society*



Michelle and Steven González with Grammy-winner Ben Harper, who bought the Folk Music Center when it was facing bankruptcy. His mother, Ellen, runs the store with stock from African drums to xylophones. *Steven González*

er-songwriter Ben Harper, winner of three Grammy Awards.

Harper performed at a benefit for González's 2012 Supreme Court campaign. Harper told the audience at The Crocodile, a funky venue in Seattle's Belltown: "I've grown up with Steve. And I know his heart. I know his character." Harper was back in 2018 to do another concert for "my mama's sister's son."

GONZÁLEZ AND HIS COUSIN shared more than blood. Both had grown up with fathers who abused their mothers.

In his adolescence, González saw that domestic violence can increase after a separation or divorce. He called the police during one such outburst by his father.

The patrol officer who arrived discouraged "taking a report," González recalls, and "urged us to take him back into the home even though he was already out, and my parents (were) legally divorced at the time. So, the officer jumped to all sorts of conclusions."

González persisted in making a report.

Later, an investigating officer tried to convince him to recant his statement. "I was 13 at that point. That's quite intimidating to get that sort of pressure from the system."

He didn't retreat. Why not, in the face of such authority? "I'm not sure how to put it. It just seemed I was being asked to do something wrong. And I wasn't willing to do that. I've always had a bit of a stubborn streak so that might just be consistent with my makeup."

Not only did he come away thinking he couldn't do enough to help his mother, but he felt the courts and police weren't up to the task of protecting victims. "I was underwhelmed by our society's preparedness to deal with this problem," he recalls.

His interactions with police did not improve. He'd be walking, biking or driving in Claremont (decades later called the "Best Suburb" in the West by *Sunset* magazine). And police would stop him, especially during his teen years when he had a security and custodial job at a reception hall for weddings and parties. He'd clean up, and lock up, which meant going home late. The stops continued when he

went to college in his hometown, and was heading from his job to his dorm.

He was never arrested or manhandled. Then again, he'd never done anything illegal. His worst offense was "being a bit lippy with the officers."

Was he being stopped because of his heritage?

"They would say, 'I'm pulling you over because you look suspicious,' " he recalls. "Now what was suspicious about me walking, or on a bike, or driving?" Because his Caucasian friends weren't getting similar treatment, he says, "one draws conclusions."

A YEAR AFTER THE "IVORY TOWER" opinion, González was again prodding the court to see inequities that led to unjust penalties for people of color.

This case involved the arrest and conviction of a Seattle teenager, identified only as "E.J.J." because he was a juvenile, for obstructing justice. E.J.J.'s mom had called police because his sister was drunk and belligerent. After E.J.J. saw an officer raise his nightstick toward his sister in the front yard of their family home, he cursed at officers and wouldn't obey their orders to go inside his house and close the front door.

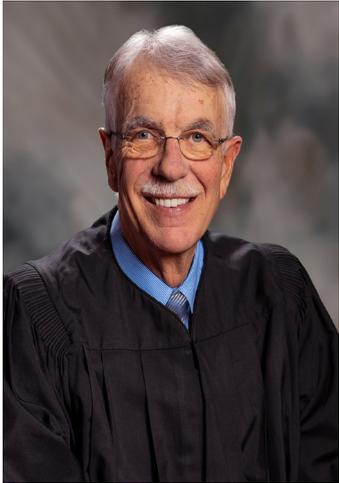
Attorneys who initially screen cases for the Supreme Court did not think E.J.J. even warranted review.

But González believed that if a Black teen, such as E.J.J., had instead been a 50-year-old white woman, she never would have been arrested, let alone convicted, for asserting, like E.J.J., her right to look out her front door and comment on what police were doing with her sister.

"And it troubled me greatly," González recalls, "that much of the judicial branch was saying, 'No problem here, garden-variety interference with law enforcement case, here, nothing wrong with it.' "

He persisted. "We had some real fights about that case, whether to even take it," he says. In appellate courts, such as the Supreme Court, justices may use their own viewpoints to influence peers. There is no jury, and justices don't see new evidence, or hear from witnesses. Instead, they rule on points of law by analyzing, questioning, conferring, and passing draft opinions back and forth, collaborating at times on key language. There's opportunity to sway colleagues.

The court did agree to review E.J.J.'s case. And the majority opinion by Justice Charles Johnson, in June 2015, said the 17-year-old should not have been convicted of obstruction. He did not physically interfere with the police, or touch them, or his sister. And his free speech rights allowed him to criticize the police, even profanely.



Charles Johnson made national news in 1991 when the folksy 39-year-old with a small practice unseated Chief Justice Keith Callow. Johnson calls that era, when Barbara Durham was the lone woman justice, "dinosaur-ish." *Washington Courts*

Authorities can't violate Constitutional freedoms, Johnson wrote, to prevent "slight inconveniences or annoyances." (If they could, Darnella Frazier, a 17-year-old bystander, might not have captured George Floyd's murder on her phone's camera, and changed history.)

González had more to say. In a concurring opinion, he wrote about "liberty in context."

The crucial context of E.J.J.'s case, he emphasized, was this: "E.J.J. is a young black man in a city where the police have been found by the United States Department of Justice (DOJ) to use excessive force against nonviolent black youth, especially when intoxication or mental health issues are involved, and that the charge of obstruction is used against black defendants disproportionately."

The Department of Justice found that Blacks accounted for 51 percent of all obstruction charges in

Seattle, but were just 7 percent of the city's population.

González's opinion included a line from the soundtrack for the film "Selma," written by John Legend and the rapper Common: "Justice for all just ain't specific enough."

González quoted from memory the song's preceding lyrics in an interview six years later: "The movement is a rhythm to us; freedom is like religion to us; justice is juxtapositionin' us."

GONZÁLEZ GOT INTO A BEEF with his entry-level Spanish teacher at Claremont High School, when she assumed he could speak the language and was taking her class for an easy grade.

That wasn't true, González objected. The freshman with a stubborn streak insisted the teacher apologize. Instead, she sent him to the principal's office. He ended up getting the lowest



As the 58th Chief Justice of the Washington Supreme Court, Steven González presides over court sessions, oversees administration, and represents the court in public. *Facebook*

grade of his life in her class.

A couple years later, he was griping about the school administration during a discussion in his creative-writing class. The teacher, Rosemary Adam, was described by a colleague as “edgy, quirky, provocative.” Her classes were “exercises in free-thinking.” Adam challenged González. If he didn’t like something, she said, he had an obligation to try and fix it. Why didn’t he run for student council?

The council didn’t have any power, he said.

Why don’t you test that? Adam replied. If you’re right, then you can complain.

He accepted her dare. He ran against a cheerleader. He was hardly Mr. Popularity among the school’s 2,000 students. He played soccer but didn’t hang out with teammates after games or practice. He was one of the few guys in school with long hair. His black locks spilled *way* past his shoulders. His clothes came from the Salvation Army, before that was hip. He didn’t belong to any clique. And he didn’t have much time for social life. He had started working when he was 14, lying about his age, in order to get a job with the Parks Department cleaning bathrooms.



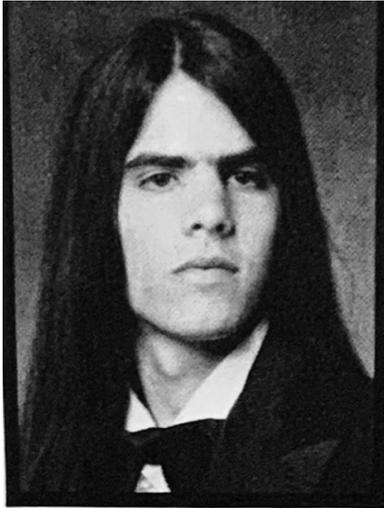
Teacher Rosemary Adam had González grade other students’ exams on Richard Wright’s memoir *Black Boy*. He learned where he stood among his peers. He thought, “I’m doing okay. I fit in pretty well at the top of the class.”
Claremont Courier

He was an outsider, an alternative candidate, and he won the election. Once seated on the council, he tested its authority. The council’s faculty adviser may have meant well, but he tended to dominate meetings with his opinions. González raised his hand and made a motion: that the adviser could only speak when asked a question by a council member. His motion passed. Furious, the adviser sent González to the principal’s office for being disrespectful.

González stated his case. He was just trying to exercise his rights under the student charter, he said. There was no further punishment.

It was a transformative lesson. “I thought, ‘Rules matter; procedure matters; and democracy matters,’” he recalls.

But he wasn’t done with the principal’s office. He got sent again for asking a U.S. Government teacher if the class was going to be tested on the text? Or the truth?



Steven Gonzales

Decreased cost in chicken feed results in an increase in the supply of eggs.

The future Chief Justice in his yearbook.
Claremont High Alumni Society

A PANEL OF PROFESSORS heard González, then a sophomore at Pitzer College, plead for a waiver. He wanted to study abroad in Japan, but the Claremont, Calif., school didn't allow that until students were juniors. The college should grant an exception, he argued, because he had developed a mental block against learning Spanish after the run-in with his high school teacher. If he could learn Japanese by immersing himself in the country for ten months, he believed, then Spanish would be easier.

"I think they were bemused by my reasoning," he says of the panel.

If they only knew how he got to Pitzer.

After cleaning park bathrooms, he knew he didn't want to do that for a career. But he hadn't spent time scouting colleges while in high school. He had no use for guidance counselors after one told him it was great to see students "like him" doing well. He thought that reflected the bigotry

of low expectations. He shunned the counselors after that.

In the summer between his junior and senior years he walked into the admissions office of the nearest of the "Claremont Colleges," which are affiliated and share a 500-acre campus.* He asked for an application, which, back in 1980, was done in paper.

The woman behind the desk replied, Is this for you?

Yeah, it's for me, he recalls saying, with some attitude.

Scripps is a women's college, she said.

He walked out, feeling foolish. About to give up, he decided to try one more. He marched to the next nearest school, Pitzer College.

His first question: Are you co-ed?

"So, that's where I went," he said. And, his interest in Japan was about more than just overcoming his block with Spanish. He had become fascinated by its culture after taking ceramics classes throughout his high-school years. While

* There were then five Claremont Colleges; seven in 2021. Founded by New Englanders, Claremont reminded González's grandparents, Charles and Dot, of home.

building a Raku kiln, he started reading about Buddhism and Japanese culture.



The tea ceremony “was an improvised drama whose plot was woven about the tea, the flowers, and the paintings,” wrote Okakura Kakuzo. “Not a color to disturb the tone of the room, not a sound to mar the rhythm of things, not a gesture to obtrude on the harmony...” *Wikimedia Commons*

He was intrigued, in particular, by the tea ceremony, which was steeped in history, ritual, and its own aesthetic.

Soon, he was enamored of *The Book of Tea*, a slender treatise on “tea-ism” by Okakura Kakuzo.

Teaism “is the art of concealing beauty that you may discover it, of suggesting what you dare not reveal,” Kakuzo wrote. “It is the noble secret of laughing at yourself, calmly yet thoroughly, and is thus humour itself—the smile of philosophy.”

GONZÁLEZ WOULD BOARD a crowded subway after a day at Waseda University and ride it across Tokyo to his host’s home in the southwest of the metropolis. The three-train trip would take about an hour, depending on connections, and whether the subway’s white-gloved “pushers” squeezed him into a departing car.

His host was a Japanese widow. Every evening when he got home, he’d do homework, and have dinner with the widow, Kikue Imai (*ke-ku-eh ee-my*). Then they’d sit at the *kotatsu*, a sunken table, and drink tea and talk. She’d ask about his day, who he was, what his dreams were. And she’d tell him about Japan and things he needed to know. That’s how he learned conversational Japanese.

Unfortunately, he sounded like a 70-year-old woman.

“I picked up her speech patterns,” he says. And they were very different from the way a young man would talk, “because the Japanese language is very much dictated by who you are, and your station in life.”

He made an effort *not* to spend time with other foreign students in Tokyo. He was on a mission to learn the language. Hanging with them wouldn’t help the cause. He was there to sink into Japan, and let it seep into his pores.

He came to most appreciate the tea ceremony aesthetic, symbolized by reverence for the ephemeral cherry blossom. “It’s a delicate flower that blows away with the slightest wind. And I would think, ‘What flower is the most prominent in the Latino culture?’ And it’s the rose. And you’ve got this strong perfume, and the thorns, and the wind doesn’t affect the rose until it’s towards the end of its bloom. And I just thought, ‘What a different way to look at the world. And what a dif-



González as an undergraduate in Japan with a fellow student. *Steven González*

garrulous nature, Chinese people were tight-lipped. They weren't allowed to talk about things like political reform.

González was experiencing not just a new culture, but a radically different form of government. It gave him a deeper appreciation for what we call "liberty," the freedom to speak, to travel, to worship as you wish.

STILL TRYING TO FIGURE OUT where he fit, González learned Spanish. He was a paralegal in Los Angeles. He went back to Japan for two years to study economics and international trade, thanks to a scholarship from Rotary International, this time, in Sapporo, on the snowy island of Hokkaido.

Then he applied to the only law school he considered, the University of California at Berkeley. "My thought was that I, with Spanish, Chinese and Japanese, could do a lot on the Pacific Rim, in terms of international trade and business."

He found romance with fellow law student Michelle González. They carried on a long-distance relationship later while she was getting a master's degree at Harvard and he practiced at a Seattle firm that had recruited him, Hillis Clark Martin & Peterson. The two eloped, on spring break, in Vermont.

He also discovered a mentor in Supreme Court Justice C.Z. Smith. Black and the son of a Cuban immigrant, Smith broke the Supreme Court's color barrier in 1988, a century after the court's first rulings. González went to hear Smith lecture

ferent sense of beauty and passion. One, overstated. And the other, understated. And where do I fit? "

The world had opened up for the blossoming González. His major was East Asian Studies. He wanted to broaden his experience. He spent half of his senior year studying in Nanjing, China, learning Mandarin.

It was 1985. Tank-defying student protests that would later captivate the world hadn't yet started. "It was a very controlled environment. There was nothing in the way of public displays of disquiet at that time," González recalls.

Foreign students were only allowed to travel to certain places. Despite their

at the University of Washington one day, and introduced himself after the justice's talk, to ask a few questions.

Smith said something that caught González off-guard

"He said, 'When you're a judge, this is what you will do.'"

He didn't talk about it as a theory, or possibility. "He didn't even ask me if that was my interest," González recalls. He found Smith, an opera buff who had prosecuted Jimmy Hoffa, very dignified.

After five years of business law, González took a big pay cut to prosecute domestic violence crimes, specializing in child and elder abuse. His boss was Seattle City Attorney Mark Sidran. A conservative publication, the *National Review*, called Sidran "Seattle's Own Giuliani."



"His pattern of speech was very measured," González says of a mentor, Charles Z. Smith. "He took time between each sentence. Sometimes between each word in each sentence. He was very careful and thoughtful about it. And he just had a presence and a charisma." *Washington Courts*



González with his wife Michelle, a former assistant dean of the UW Law School, and executive director of the Washington State Women's Commission. *Facebook*

Like New York's pugnacious mayor, Rudy Giuliani, Sidran had advocated "civility" laws that cracked down on homeless people, and he battled with the prosecutor's union. González was part of the union's negotiating committee.

Holly Morris, a friend from law school, called González about an opening in the U.S. Attorney's Office in Seattle. It would be a promotion to the major leagues, from municipal misdemeanors to international arms-smuggling and racketeering. González says Sidran pressured him to "name names about who was doing what in the union in order to consider giving me a reference, and I refused to do that."

That kind of intimidation didn't sit well with González. His middle name is Charles, after his grandpa, who was blacklisted, like many others who refused to "name names" of friends and colleagues suspected of communist sympathies.

THE U.S. CUSTOMS STATION at Port Angeles, Washington, looked like a homespun, if not ramshackle affair in late 1999. There were no surveillance cameras or barbed wire. Instead of working in booths, customs inspectors stood next to tables assembled from scrap lumber. "It'd be understandable if an international terrorist mistook this port for easy entry," wrote Paula Bock of *The Seattle Times*.

In the early evening dark of December 14, 1999, the ferry from Victoria, British Columbia, disgorged only 20 vehicles. The last one, in particular, caught the attention of Diana Dean, a veteran inspector. It was a luxury sedan with Canadian plates, driven by a slight 30-ish man. When Dean asked where he was going, the man explained, in heavily accented English, that he had come from Montreal and was headed to a hotel in Seattle.

That's an odd route, Dean thought. The driver seemed agitated. She asked him to step out and pop open his trunk. Other inspectors, done with their cars, came over to help. Deep in the sedan's trunk, they found bags and jars of suspicious chemicals. Narcotics, they guessed.

The man, who had offered a driver's license for Benni Noris of Montreal, was really Ahmed Ressam, an Algerian trained in an Afghanistan camp by al-Qaida. It turns out he was carrying detonation devices and 130 pounds of high-power explosives. But before inspectors ever realized that, Ressam had bolted from their grip and led them on a foot-chase through downtown Port Angeles, until he bounced off a car in traffic, and agents pinned him to the ground. Federal prosecutors later concluded that Los Angeles, on the eve of the millennium, was his target.*



While amassing evidence against Ahmed Ressam (above in courtroom sketch), González rode in Jean-Louis Bruguière's Renault, replete with bodyguards and bulletproof glass, because of death threats against the French investigator. *The Seattle Times*

A slew of journalists devoured the prosecution's 75-minute opening statement in the Los Angeles Federal Court trial of Ressam. It was delivered on March 13, 2001 by 37-year-old Steven González.

The junior of three prosecutors on the case, González said Ressam was a terrorist intent on inflicting catastrophic violence, and not a gullible dupe unaware

* Because Ressam planned to stop first in Seattle, the Emerald City was initially his suspected target and New Year's Eve celebrations at the Space Needle were cancelled.

of his deadly cargo. He told jurors of “forensic evidence, a long paper trail of clues, and even a credit card in one of Ressam’s aliases that was used to purchase bomb timing components and olive jars that were later filled with high-grade explosives.”

González later brought in Jean-Louis Bruguière, the renowned terrorist-hunter, to stitch together threads that connected Ressam, through Algeria, Afghanistan and Canada, to al-Qaida. But Judge John Coughenour decided against allowing the jury to hear the celebrated sleuth. Bruguière’s “extraordinary” credentials, the judge said, would “carry the risk that the jury would not focus on hard facts” of Ressam’s case.

In April, the hard facts presented by prosecutors were enough for jurors to convict Ressam on all counts, including terrorism. While in prison, Ressam revealed that “sleeper cells” were hiding in the U.S. That information was included in the daily intelligence brief to President George W. Bush on August 6, 2001.

After 9/11, Assistant U.S. Attorney González worked the other side of the scales of justice, prosecuting hate-crimes that targeted Muslims, Sikhs and Jews. “Hate and ignorance travel together,” he says.

Within a year of Ressam’s conviction, Governor Gary Locke appointed González a King County Superior Court judge. “We wanted someone who would bring fresh blood and a new perspective to the court,” said Locke, the first Chinese-American governor in the United States.

González had been recruited by Mary Yu. She was already a Superior Court judge when González impressed her as a “smart ass.”

She had appeared before a panel of Latino lawyers who evaluated, and rated, judicial candidates. Still a prosecutor, González was obviously smart and asked tough questions, particularly about immigration law. She didn’t have a good answer for one question. The “heat” he put on her—a daughter of immigrants—triggered a commitment she would make for the rest of her career to ensure state courts were accessible, a “sacred” space, even to undocumented immigrants.

Their friendship grew from that moment, she says. Over time, González became like a brother.



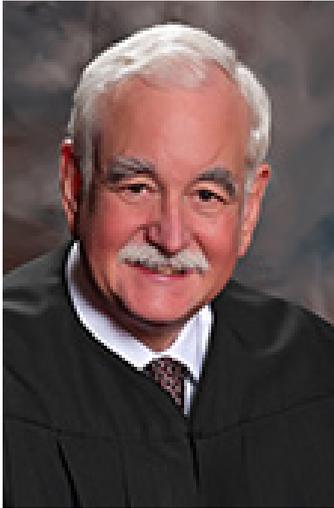
Justice Mary Yu grew up in a working class Chicago neighborhood. As a Superior Court judge she officiated Washington’s first legal gay marriage.
Washington Courts

THE KING COUNTY COURTHOUSE is a full-block fortress, which once doubled as a jail, on a rough edge of Seattle's Pioneer Square.* This was where all rose to Judge Steven González, who was calling balls and strikes in a big-city trial court, ruling what evidence could be admitted and whose question was argumentative.

His cases ran the gamut from murder-for-hire plots to the Seattle Monorail Project, a web of elevated train lines sketched out by a cabbie, a quixotic vision derailed by debt-bloated financing.

It wasn't an easy decision for González to go from advocate to umpire. Qualms? He had a few. Topping the list: He wasn't sure if he was suited for the neutral role. And, he and his wife were expecting their first child, and she wasn't working at the time. If he took the open judgeship he'd have to run for election in a matter of months. And if he lost, he would've been jobless with a newborn.

But he accepted the challenge out of a sense of duty. "I believe in the promises that we've made to each other in this nation," he says. "And one way we do that, is, we allow a forum for people to resolve their disputes peacefully, for *everyone* to resolve their disputes peacefully. And I would like to be a part of fulfilling the promise."



After losing his seat in 2010, Sanders ran again in 2012, and was defeated by Sheryl Gordon McCloud, an accomplished criminal defense lawyer, who won 55 percent of the vote.
Washington Courts

He was motivated to take on a bigger, more public role, in the wake of stunning comments made by two Supreme Court justices, Richard B. Sanders and Jim Johnson (not to be confused with Charles Johnson).

Sanders had long been provocative, if not a provocateur. In law school, he authored a column for the *UW Daily* after the assassination of Martin Luther King, Jr. "It looks like suicide to me," Sanders wrote, claiming King's nonviolent protests had stoked law-breaking up to, and including, King's own murder. He later wore a Nazi military uniform as a party prank.

Sanders served 15 years on the Supreme Court. He was in the homestretch of his campaign for an-

* Metal detectors were installed in many courts after Timothy Blackwell's rampage in 1995. He was convicted of aggravated first-degree murder, but the jury did not sentence him to death. He got life without parole.

other term in October 2010. *The Seattle Times* had endorsed him over Charlie Wiggins, a professorial Bainbridge Island attorney. Then Sanders and other justices met with court administrators reporting on fairness in the judicial system for minorities.

At one point, Sanders objected to a comment about biases in the system, and said that African Americans were disproportionately incarcerated because they were more likely to commit crime.

Jim Johnson complained about “poverty pimps,” a pejorative term for people who supposedly represent the poor for their own gain.

Shirley Bondon, a Black court administrator, said she took Sanders’ “comments personally, as though he were saying that I and all African Americans had a predisposition for criminality, and I was offended.”

At the time, African Americans represented about 4 percent of Washington’s population but nearly 20 percent of the state prison population, *The Seattle Times* reported. “Similar disparities nationwide have been attributed by some researchers to sentencing practices, inadequate legal representation, drug-enforcement policies and criminal-enforcement procedures that unfairly affect African Americans.”

The Seattle Times editorial board withdrew its endorsement of Sanders. He lost to Wiggins by less than 1 percent of the votes cast. Jim Johnson later stepped down for health reasons.

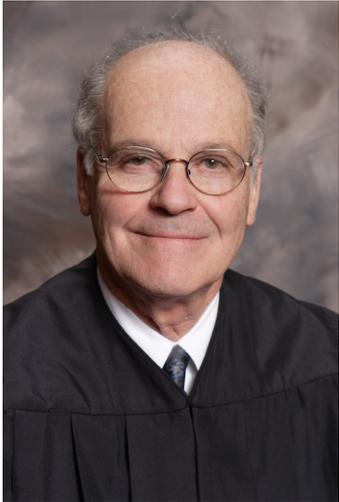
González convened, along with UW Law Professor Robert Chang and African American lawyer Nicole Gaines Phelps,* a Task Force on Race and the Criminal Justice System. The panel’s March 2011 conclusions found that prosecutors were “significantly less likely to file charges against white defendants than against defendants of color” and to recommend longer sentences for black defendants over white defendants. Juvenile defendants of color also received longer sentences than white defendants for the same crimes.

AN OPENING on the state Supreme Court loomed at the time of González’s task force report. Gerry Alexander, the longest-serving chief justice in state history, was on the verge of stepping down. Alexander would hit the mandatory retirement age of 75 before the last year of his term.

A congenial centrist, Alexander encouraged González to apply to fill the remainder of his stint—and then run later that year, 2012, for a full six-year term on the court.

* Gaines Phelps was president of the Loren Miller Bar Association, a Seattle-based organization of African American attorneys founded in 1968. She became a King County Superior Court judge in 2017.

Soon, Governor Chris Gregoire was interviewing González for the high-court vacancy. He recalls talking about how important it was to confront disproportional treatment of minorities in the justice system.



Justice Gerry Alexander's retirement in 2011 created an opening on the high court, filled by Gonzalez. Nearly two-thirds of all justices have been initially appointed to fill a vacancy. *Washington Courts*

Gregoire appointed him on Nov. 11, 2011, citing his work as chairman of the Washington State Access to Justice Board. He had also won the 2011 Outstanding Judge of the Year Award from the state bar association, along with his peer and pal, Mary Yu.

González drew an election challenger, Bruce Danielson, a little-known Kitsap County attorney. Danielson missed so many candidate forums and interviews that the King County Bar Association rated him as “refused to cooperate,” while González was “exceptionally well qualified.” Danielson said he didn’t want to raise money because of the potential conflicts of interest, and candidate forums were just popularity pageants, and speaking with editorial boards was a waste of time because their questions weren’t smart.

González ended up winning, with 60 percent of the statewide votes, thanks to a huge edge in King County. But the sitting justice with impressive credentials carried just 10 of 39 counties.

Matt Barreto, a UW professor, studied the outcome. Barreto focused on why Danielson, with no campaign to speak of, fared better than well-known, well-funded conservatives in some parts of the state. Why did Danielson, a political phantom, outperform Rob McKenna, the Republican candidate for governor, who was backed by \$25 million in spending, in his race against Jay Inslee?

In Yakima and Grant counties, Danielson received 18 percent and 12 percent, respectively, more of the votes than McKenna, a two-term state attorney general, who had signed on to a lawsuit trying to undo “Obamacare” at the U.S. Supreme Court.

What’s more, if the voters’ ideological leanings were decisive, then why did Justice Susan Owens, considered center-left in her politics, win 60 percent in Yakima County, while González just 36 percent?

Digging deeper, Barreto found that González did very well with Latino voters in Yakima, but poorly with non-Latino voters. The outcome, Barre-

to wrote, “strongly supports the hypothesis that racial voting bias distorted the González-Danielson race in certain Washington counties.”

That’s the way it looked to Hugh Spitzer, a UW law professor and court-watcher. Spitzer told *The Seattle Times* that historically, voters who hadn’t done their homework on judicial elections make choices based on race, sex, and other factors besides qualifications.

“And I felt at the time, and still feel, that his last name was a negative in terms of the electorate,” said Spitzer in 2021.

To González, the results confirmed his reservations. Not everyone was comfortable voting for a Latino.



Michelle and Steven with Sonia Sotomayor, the first woman of color to become a U.S. Supreme Court justice. *Steven González*

Later, González was visiting with middle-school students. He showed them a map of the 2012 results, and asked them what might explain the outcome. One student raised his hand, González recalls, and said: “Well, I have cousins in Yakima, and there, the Latinos are janitors and gardeners, and people there probably thought, ‘We don’t want a janitor or gardener to be on the Supreme Court.’”

“THE PUBLIC’S PERCEPTION of justice suffers,” said Ohio Supreme Court Justice Yvette McGee Brown, “when the only people of color in a courthouse are in handcuffs.”

Here’s another view on why diversity matters: “Bringing a range of experiences and perspectives to bear allows judges to make better informed decisions and increases public confidence in their rulings,” reports the Brennan Center for Justice at New York University.

But most state Supreme Courts remained so overwhelmingly pale and male in 2021, that you were more likely to meet a white justice named David, James or John, than you were to encounter any woman justice of color. Nationwide, just 15 percent of Supreme Court seats were held by individuals who are Black, Asian, Latino or Native American, although nearly 40 percent of the nation’s population



In July 2020, Raquel Montoya-Lewis read aloud from the bench the court's reversal of a century-old case that dismissed tribal fishing rights in ugly terms. "We take this opportunity to repudiate this case, its language, its conclusions, and its mischaracterization of the Yakama people," the court's order said. *Washington Courts*

the U.S. from Trinidad for medical care, and has a disability.

"It's not enough to passively wait for diversity to come to you. It needs to be prioritized," says Alicia Bannon, a Brennan Center expert, about Inslee's appointments.

Elections have rarely been a path to state Supreme Courts for people of color, and have often been a path *off* the bench for incumbents of color, Bannon wrote, based on more than 50 years of data. Her report identified racial disparities in court elections, from how much money candidates raise, to

were people of color.*

Washington has long been above average in its share of female justices. But in early 2014, González was still just the second justice of color in state history, when Governor Jay Inslee appointed Mary Yu to the court. Yu's mom came from Mexico, and her dad from China. She became the state's first Asian American and Latina justice, as well as its first openly gay one.

When Chief Justice Mary Fairhurst retired in 2019, and Justice Charlie Wiggins followed suit in 2020, both before their terms expired, Inslee appointed Raquel Montoya-Lewis, the court's first Native American, who is also Jewish. He followed up by installing G. Helen Whitener, the state's first Black female justice. Whitener, who is lesbian, came to



G. Helen Whitener split with González in a 2021 decision on the specificity of search warrants. González wrote for the 5-4 majority, which upheld a diamond thief's conviction. Whitener's dissent said police lacked probable cause in using their suspects' cell-phone records as round-the-clock surveillance. *Washington Courts*

* People of color held 44 percent of Washington's Supreme Court seats in 2021; they were 32 percent of the state's population. [Only California and New York had a higher share](#) of justices of color, 71% and 50%, respectively, than Washington. But no state had a higher percentage of women justices than Washington's 77%; and only Hawaii had a higher share of women justices of color, with 40% to Washington's 33%.

who is supported by special interests. And it found negative ads against people of color more often use themes such as “soft on crime,” and have even darkened the skin of candidates of color.

In an April 2021 update, the Brennan Center found Washington to be the only state with at least one Black, one Asian, one Latino, and one Native American justice. That demographic was not even matched by California, where five of its seven Supreme Court seats were held by people of color.

The Evergreen State “now has the most diverse Supreme Court in history,” declared a headline in *Slate*, an online magazine. González and other Washington justices don’t doubt the claim. Nor does UW Professor Spitzer.

Would it make more than a cosmetic difference?

GEORGE FLOYD’S BRUTAL DEATH compelled Supreme Court members around the country to make statements about equal justice. Washington’s justices wanted to take a stand, united.

González had his doubts. His colleagues’ handling of cases like *Hundtofte* and *E.J.J.* showed a lack of commitment to equal justice, he felt. “I was skeptical that we could say something and mean it,” he says. “And if we weren’t going to say something meaningful, then I didn’t want us to say anything at all.”

But his colleagues delivered, with an extraordinary 555-word letter on June 4, 2020, signed by all nine justices. They called out ongoing systemic racism, saying, “Our institutions remain affected by the vestiges of slavery: Jim Crow laws that were never dismantled and racist court decisions that were never disavowed.”



The state high court ruled in 1960 that a Seattle cemetery’s insistence on segregation outweighed the right of Bernice Price (above) and her husband to bury their young son there. Justices overruled that opinion in 2021, calling it “incorrect and harmful.” Mrs. Price’s daughter, Toni, said it was “too little too late.” *The Seattle Times*

The justices said they had to recognize their role in devaluing Black lives: “This very court once held that a cemetery could lawfully deny grieving black parents the right to bury their infant.”

And they pledged to loosen the shackles of legal tradition, because “even the most venerable precedent must be struck down when it is incorrect and harmful.”

In a radio interview, Justice Yu credited Chief Justice Debra Stephens, for coming up with the idea. “And that’s a shift for somebody like me who’s been in the judicial system for 20 years,” Yu said, “to have a white

female who happens to be the Chief, say, 'I feel like we've got to do something' was really important."

Stephens, in turn, praises all the justices for coming together on the message—via Zoom, no less—so the statement would carry the court's full weight. "I do think I can say, just personally," she adds, "that as a white woman, with my



Justice Debra Stephens says a headline calling the court "truly progressive" should be ignored because, "We're not policy makers." Such coverage is also skewed by looking at a selective slice of cases, she says. *Washington Courts*

experience, I don't know that I would've had the right words."

González says he decided several months later to seek the post of Chief Justice—a four-year term as the court's leader and spokesperson. The Chief is selected by secret voting among the nine justices.

"You're likely to be the next Chief Justice, but not yet." That's what González says he heard from some colleagues, who cited his temperament, or especially, his timing.

Not yet. "I've heard that frequently," he says. "It's not your turn.' "

He had more judicial experience than two of the three justices who immediately preceded him as Chief. He did, though, understand the timing argument.

"Well, look, it's true that Justice Stephens had just been Chief for a year, and I ran against a sitting Chief," he says. "So, some thought she deserves longer than just a year, in a tough year,

in a pandemic, and why would you run against her if she wants to continue to be Chief? That's a legitimate point of view."

But there was more to the equation, from his viewpoint. One was the urgency argument—that, he might no longer be on the court when his next opportunity would likely arise in four years.

Another reason to run was the stylistic differences between he and Stephens, he says. "I have a certain approach and leadership style. That's how I wanted the court to operate."

As for what distinguishes his manner, he says it's a tough question because he doesn't want to criticize colleagues.

"We say we want to have difficult discussions. We say we care about diversity

and inclusion. I want us to mean it ... And it's not comfortable raising those issues. So, I'll continue to raise them. And if that means things are hard for me, or altogether, that's okay."

He knows how his fellow justices voted, but he wouldn't disclose more. Nor would Stephens or Charles Johnson, in interviews. Mary Yu voted for González because she wanted to see her good friend have the opportunity to be Chief. "It's really that simple," Yu says.

Stephens, the only justice from Eastern Washington, says she's "pretty philosophical" about the election. When you're in the business of debate and disagreement, she says, other people's decisions "are not always a personal referendum on your worth as a human being. So, move on."

She genuinely likes González, considers him a friend, and appreciates his passion for equal justice, she says. "Our personalities are somewhat different, but we're also quite similar. We can both lean in pretty hard."

JOSE MARTINEZ-CUEVAS AND PATRICIA AGUILAR worked at the DeRuyter Brothers Dairy in the Yakima Valley. The dairy ran around the clock, and workers had to stay until all cows were milked and the barn was cleaned. They didn't get overtime pay, or adequate meal and rest breaks. Martinez-Cuevas and Aguilar sued on behalf of some 300 dairy workers.*

In a 5-4 decision, Washington's Supreme Court went against existing state and federal law and held that farmworkers were eligible for overtime pay; denying them overtime violated the state Constitution.



Farmworkers packed the Temple of Justice for 2019 oral arguments in their overtime case. Plaintiff Jose Martinez, in the purple shirt, was in the first row. *Twitter*

The majority opinion, issued in November 2020, was written by Barbara Madsen and signed by González, Yu, Sheryl Gordon McCloud and Charlie Wiggins. (Montoya-Lewis and Whiten-er were not on the court in 2019 when it heard oral arguments in the case, so they weren't part of the decision.)

In his concurrence, González spelled out hazards farmworkers

* The dairy paid \$600,000 to settle most of the claims. But the workers' claim that they were entitled to overtime had not been resolved.



In 1992, Barbara Madsen became the first woman elected to the state Supreme Court without first being appointed. She wrote the majority opinion in the 2020 farmworkers' overtime case. *Washington Courts*

faced—extreme weather, pesticides, high rates of sexual harassment—and their vulnerabilities, especially their lack of political clout.

He laid out a political history of why farmworkers were excluded from labor safeguards won during the Great Depression.

“Plantation agriculture, which dominated the southern economy, depended on the exploitation of a black labor force,” he wrote. “To obtain the support of Southern Democrats, proponents of President Roosevelt’s New Deal agenda made compromises to preserve a quasi-captive, nonwhite labor force and perpetuate the racial hierarchy in the South by excluding agricultural workers.”

In Washington, 99 percent of farmworkers are Latino, he said, and “are precisely the type of politically powerless minority whose interests are a central concern of equal protection.” Denying them overtime pay, “violated our state constitution’s promise

of equality under the law.”

González knew a little about the subject. He was born in Pomona, so lush in citrus groves it was named after the Roman goddess of fruit. The soundtrack of his youth rang with folk songs about union organizers and migrant workers. And he went much of his childhood without grapes or lettuce because his parents supported boycotts aiming to improve conditions for the mostly Latino field laborers.

“I don’t think I can separate my background from who I am, or how I see the world,” González said in early 2021. “I certainly hope that I’m not using it in a way that creates any bias in my decision-making. But there’s no doubt in my mind that how I grew up and the experiences I’ve had influence and affect both the way I see the law and the world.”

IN THE FIRST TURBULENT MONTH of 2021, which saw a record spike in Covid-19 deaths, and a violent mob trash the U.S. Capitol, it was easy to overlook *Mancini v. Tacoma*.

Eight Tacoma police officers, using bad information from an informant, had battered down the door of a sleeping 62-year-old nurse, Kathleen Mancini. Even though she was not the suspect the police were looking for—or had anything to

do with the suspect—they pointed guns at her and handcuffed her. They made her stand outside in her nightgown, barefoot, for 15 minutes, before acknowledging they had raided the wrong apartment.



Sheryl Gordon McCloud, elected a justice in 2012, wrote the court's ruling that a florist violated the law by refusing to create arrangements for a gay couple's wedding, saying "this case is no more about access to flowers than civil rights cases were about access to sandwiches." *Washington Courts*

Mancini sued the police for negligence in the performance of their duties. A jury sided with her, finding the police breached a duty of reasonable care they owed Mancini in executing a search warrant.

Washington's high court agreed in an 8-1 opinion written by Sheryl Gordon McCloud.* Mancini's attorney said the justices had created a new cause for action against police misconduct. "Police hit the wrong door more often than we know, more often than we think," lawyer Lori Haskell said. "And in the state of Washington there's never been recourse for when police hit the wrong door of a citizen, and now there is."

A month later, the court issued a ruling that couldn't be ignored.

Shannon Blake, a Spokane woman, had been arrested and convicted for drug possession after officers found a small packet of methamphetamine in the coin pocket of her jeans. Blake said the pants belonged to a friend and she didn't know about the drugs.

A divided Supreme Court, on Feb. 25, 2021, struck down a longstanding law that made it a felony to possess illegal drugs even if you didn't know you had them.

The court had previously reviewed and upheld that law, ruling that legislators had intended such a "strict liability" standard. The justices had avoided, however, the issue of the law's constitutionality.

The 5-4 majority of Gordon McCloud, González, Yu, Montoya-Lewis, and Whitener did not dodge the question. They decided that "strict liability" is unconstitutional. The harsh consequences of a felony conviction, they said, violate due-process guarantees when a person's possession came from "innocent, passive conduct."

* Justice Barbara Madsen dissented because she thought the court should have created a new "negligence of investigation" legal standard.

Not expecting this sudden plot twist, the Legislature was pressed to write a new drug law, or allow "simple possession" of drugs across the state. Recognizing the failures of a war on drugs, lawmakers made low-level possession a misdemeanor, rather than a felony. In signing the new law, Governor Inslee said it would "help reduce the disparate impact of the previous drug possession statute on people of color."

THE ALIGNMENT OF THE FOUR justices of color and Gordon McCloud in the Blake case had some observers eyeing a potential cluster of "progressive" justices on coming decisions.

Justice Yu wonders when like-minded white judges were viewed as such groups. "So, did they call them a cluster or a gang? I doubt it," she says. "It's because we're the new threat, and seeing four people of color together, somehow, you've got to minimize it some way, and categorize it in a way that makes it comprehensible."

Certain justices may land together, says UW Professor Hugh Spitzer, but they don't follow one another. "They don't group together just because they're part of a gang and think they should. These are not political parties," Spitzer says.

The justices are calling cases as they see them. "And they're idiosyncratic and independent, and nobody on that court follows anybody else on a regular predictable basis," he says.



Not long after some were touting a "progressive" bloc on the Supreme Court, that group—which included González, Yu, and Sheryl Gordon McCloud (above)—split on a public-records case. *Facebook*

As if on cue, the justices of color and Gordon McCloud, who together made up the "progressive" bloc in the Blake case, split in a May 2021 decision on public records law. Montoya-Lewis wrote for the majority, including Yu and González. Whitener wrote the dissent, joined by Gordon McCloud.

While personal experience colors their thinking, their opinions must be rooted in law, Spitzer says. Or, as another scholar put it: in judicial decisions we see "the lights and shadows of personality

and principles."

González doesn't believe the court is deciding cases on progressive ideology. "I think we're willing to live up to the ideas we espoused in our June fourth letter.

I think that's hard work. And I think that's a work in progress."

LOOKING AT Washington's justice system in the early 21st century as a partially filled glass, Charles Johnson, the senior justice, sees it half-full, saying, "We've come a long way." But González's view differs, he says. "Maybe it's got a little splash in it, but it's got a lot farther to go."



González and staff in costume for the Mexican holiday *Día de los Muertos*, celebrating the dead. *Steven González*

Farther to go. Which direction?

A few hours before celebrating his 27th wedding anniversary, in March 2021, González was on a recorded Zoom call with the American Jewish Committee. He fielded a question about being "curt on the bench" and apologized, with grace. He admitted to professional struggles with impatience, but smiled warmly, maybe wistfully, when the call's moderator was interrupted several times by his toddler. He talked, allowing a faint trace

of sadness, about learning "who I thought I was inside, was not how the world perceived me."

Oliver Wendell Holmes, a Civil War veteran known for his pithy, widely cited, and, at times, controversial U.S. Supreme Court opinions, said, "The life of the law has not been logic: it has been experience."

It remains to be seen what it will mean to have a Chief Justice whose ancestors fled their homelands for the American promise of equality; whose grandmother was then educated in a segregated California school; who himself, as a child of mixed race and religion, discovered that people viewed him in a different way than he saw himself.

Look at his resume, Johnson says. You'll see his values right there: leading the Access to Justice Board, and the court's Interpreter Commission. He talks to students, champions the Northwest Minority Job Fair, and serves on the board of the Washington Leadership Institute. "Chief González has seized the responsibility to keep, hold the door open for other folks," Johnson says.

González, at 57, is driven to optimism because despair and complacency are

* Holmes' views on free speech took a twisting path. And, while upholding Virginia's "eugenic sterilization" of the intellectually disabled, he authored an opinion in 1927's *Buck v. Bell* that concluded: "Three generations of imbeciles are enough." It is considered one of the worst opinions in U.S. Supreme Court history.

unacceptable. He admits to no career ambition except, "I aspire to be the best justice I can be. And I'm fortunate to have been elected as Chief. That's a big additional responsibility."

All along, he reports, his family has embraced the task of keeping his ego in check.

He tells the story of a neighbor asking his son, then a preschooler, if he knew what his dad did for work. "Yes," his son said, "He wears a black dress and talks into a microphone."

And there was the time he lamented to his sister Becky that there were only two Latino judges in Washington. Later, he told her he had just won the National Hispanic Bar Association's "Judge of the Year." She joked: "That's great, bro. But the other one must have been disappointed."

And how could he forget the day he came home, bragging to his wife that he had received the Vanguard Award from Washington Women Lawyers?

"This was when we had young children," he recalls, "and my wife was doing more of the domestic load than I was because she took some time off and was staying home.

"And she said, 'Isn't that for somebody who is on the cutting edge of women's rights issues?'

He replied "yes," knowing full well he was about to be humbled.

"And she goes, 'Well, it must be aspirational.' "



To relax, González spends time with his wife (above) and family, writes poetry, listens to music, watches the Seattle Sounders (he was awarded a "Golden Scarf" by the team), and rides his mountain bike on a trail he built on his property. *Steven González*

Bob Young
Legacy Washington
July 2021

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