

## Will they use legislative privilege?

	Here's what some legislators say about whether they'll withhold records from the public.
<b>Rep. Peter Abbarno, R-Centralia</b>	I do not intend to invoke legislative privilege, and I have not invoked legislative privilege.
<b>Rep. Emily Alvarado, D-Seattle</b>	I have never invoked legislative privilege.
<b>Rep. Andrew Barkis, R-Olympia</b>	As you probably know, I was one of the few Republicans to utilize the Legislative privilege one time. It was brought to my attention (legislative privilege) by the House PRA [Public Records Act] staff. Before that, I did not know it existed. After the last inquires by the press on this, I spoke with all about this and in fact filled a PRA request to provide full text of what was redacted. That being said, it has been found to be a tool that can be used. I do not plan to use this in the future, but do reserve the right until such time if and when it changes.
<b>Rep. Stephanie Barnard, R-Pasco</b>	As a freshman legislator, I have not invoked legislative privilege and do not foresee a need to utilize this constitutional protection.
<b>Rep. Jessica Bateman, D-Olympia</b>	I do not intend to invoke legislative privilege to ensure transparency in the governing process. I have not.
<b>Rep. April Berg, D-Mill Creek</b>	I have not invoked legislative privilege.
<b>Rep. Steve Bergquist, D-Renton</b>	Did not respond
<b>Rep. Liz Berry, D-Seattle</b>	I have never invoked legislative privilege.
<b>Rep. Dan Bronoske, D-Lakewood</b>	No/no. I've been a government employee my entire adult life. PRA [Public Records Act] requests are not an issue for me. The folks at the House Public Records Office do a wonderful job and I'm grateful for the work they do on our behalf.
<b>Rep. Michelle Caldier, R-Gig Harbor</b>	To my knowledge, I have never invoked legislative privilege, nor do I plan to invoke it in the future. We serve the public and should be transparent to them.
<b>Rep. Lisa Callan, D-Issaquah</b>	I have not invoked Legislative Privilege in the past, at least that I recall or could find. It is not my intent to use Legislative Privilege in the future. There may be a circumstance that I am not thinking of now that may come up, but using the privilege isn't standard practice for me.
<b>Rep. Kelly Chambers, R-Puyallup</b>	Thanks so much for reaching out to me concerning legislative privilege. To the best of my knowledge, I have never invoked legislative privilege nor do I intend to. I do feel that it is important to preserve the institution.
<b>Rep. Bruce Chandler, R-Granger</b>	Did not respond
<b>Rep. Mike Chapman, D-Port Angeles</b>	I have not nor do I ever intend to invoke Legislative privilege. All my records are open to the public and I believe the public should know what information & public input I've received and how I respond in my capacity as a State Representative.
<b>Rep. Greg Cheney, R-Battle Ground</b>	Did not respond

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<b>Rep. Frank Chopp, D-Seattle</b>	NO and NO.
<b>Rep. Leonard Christian, R-Spokane Valley</b>	I do not intend to use Leg privilege. And I have not used it.
<b>Rep. April Connors, R-Kennewick</b>	I do not intend to invoke legislative privilege and I have not invoked legislative privilege in the past.
<b>Rep. Chris Corry, R-Yakima</b>	I do not intend to invoke legislative privilege and have not in the past.
<b>Rep. Julio Cortes, D-Everett</b>	Did not respond
<b>Rep. Travis Couture, R-Allyn</b>	Do you intend to invoke legislative privilege? A: No. If so or if not, why? A: The only privilege I enjoy in the Legislature is the privilege of serving the people of the 35th District and the state of Washington. I am a firm believer in open government and will always be 100% transparent with the people of Washington state.
<b>Rep. Lauren Davis, D-Shoreline</b>	I have only been offered to invoke legislative privilege once, and I elected not to do so. Candidly, I had never heard of legislative privilege until the last year or two and have been under the impression for my entire time in office that whatever I put in writing is a public record (I came in in 2019, right after the court decision). As far as invoking it in the future—I think I will wait to see what the courts say on the matter first and go from there.
<b>Rep. Tom Dent, R-Moses Lake</b>	I am currently in my 5th term and I have never to my knowledge used legislative privilege. I do know there are legal precedents to legislative privilege to consider, "legislative privilege can provide legislators a fundamental constitutional protection that allows them to work independently and unimpeded by threats of judicial or executive intervention, thereby sparing them from unnecessary burdens and distractions of their energy, and freeing them to legislate without the distorting influence of an inquisitorial executive or hostile judiciary." That being said, I cannot think of a reason where I would ever need or use it.
<b>Rep. Beth Doglio, D-Olympia</b>	That is not my intention, and no I have not.
<b>Rep. Brandy Donaghy, D-Snohomish</b>	Did not respond
<b>Rep. Davina Duerr, D-Bothell</b>	As a local elected, I was trained to never comment on pending litigation and that has consistently been my response to inquiries on this matter. The topic of legislative privilege is working its way through the courts now and so I will remain quiet until there is a final judgment.
<b>Rep. Mary Dye, R-Pomeroy</b>	I have served since May of 2015 and have never used legislative privilege and don't intend invoke it in the future.
<b>Rep. Debra Entenman, D-Kent</b>	I decline participation in this inquiry.
<b>Rep. Carolyn Eslick, R-Sultan</b>	Representative Carolyn Eslick does not intend to invoke legislative privilege and has not invoked legislative privilege in the past.
<b>Rep. Darya Farivar, D-Seattle</b>	I have never invoked legislative privilege before, and as a new member, am looking forward to learning more about this concept as the court provides their ruling.

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<b>Rep. Jake Fey, D-Tacoma</b>	I've never used it. And I don't contemplate a situation where it would be used. I've been here 12 years, I've never been close to having any situation like this. So the answer is no, I don't see a circumstance where I would ever use it.
<b>Rep. Joe Fitzgibbon, D-Seattle</b>	I have not invoked legislative privilege before. I reserve the right to do so in the future if it is necessary to protect our ability to ask honest and sometimes difficult questions of legislators and legislative staff in the process of developing and considering legislation. I have not yet been in a situation where I felt that invoking privilege was necessary to protect this deliberative process.
<b>Rep. Mary Fosse, D-Everett</b>	Did not respond
<b>Rep. Keith Goehner, R-Dryden</b>	I don't intend to invoke legislative privilege and I don't believe I have exercised legislative privilege in the past. In 22 years as an elected official, I have always felt whatever correspondence I've had was subject to public disclosure.
<b>Rep. Roger Goodman, D-Kirkland</b>	I have not ever invoked legislative privilege and I do not intend to invoke legislative privilege.
<b>Rep. Jenny Graham, R-Spokane</b>	I advocate for transparency and accountability in state government. I have no intention of withholding requested information. In addition, I have confirmed with staff and our legal that no legislative privilege has been invoked on my behalf. Bearing that in mind, there must be a balance between reasonable requests and concern for discarding a tool that may be needed to safeguard the legislative branch from an overly intrusive executive branch, or a possible adversarial judiciary in the future. Separation of powers must also be respected and protected.
<b>Rep. Mia Gregerson, D-SeaTac</b>	Did not respond
<b>Rep. Dan Griffey, R-Allyn</b>	Do you intend to invoke legislative privilege? A: No. If so or if not, why? A: I believe in transparency. Have you invoked legislative privilege in the past? Yes. Why? A: As I have previously stated, this was done without my knowledge due to the way our process was handled in the past. When I found out it had been asserted for me, I promptly waived it and got the records out to the requester. Our process has since been upgraded to avoid such errors in the future.
<b>Rep. David Hackney, D-Tukwila</b>	Yes. If there is sensitive information that falls within the privilege. I do not believe in a blanket privilege, but I would like to protect others from embarrassment. (Q2) Yes. Once. I had recently learned of the privilege and invoked it out of caution, even though I did not fully understand it.
<b>Rep. Paul Harris, R-Vancouver</b>	I do not intend to invoke legislative privilege and I have never done this in the past 14 years I have been here [in the Legislature].
<b>Rep. Spencer Hutchins, R-Gig Harbor</b>	No, I currently have no intention of invoking legislative privilege nor have I invoked it during my first term. I believe in open government and transparency with the people of the state of Washington and with my neighbors in the 26th District who have afforded me the privilege of serving them in the Legislature.
<b>Rep. Cyndy Jacobsen, R-Puyallup</b>	I do not anticipate needing to invoke legislative privilege, but would reserve the right to if it were: 1. legal; and 2. if there was a third party involved and there was a compelling reason to protect his or her privacy.

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<b>Rep. Laurie Jinkins, D-Tacoma</b>	From AP Legislative Preview 1/4/24: "I think you're finding a lot of agreement up here, I would also be one of the 82% that, we should comply with public disclosure laws in Washington state. That's very important for us. You know, I think we're kind of currently in this holding pattern while this, these two cases go to the state Supreme Court. We've had two superior court judges who have ruled that there is such a thing as legislative privilege, as all my colleagues have acknowledged. I think, you know, I may be the person who has used it the most because, I don't know this for sure, but I've realized, I guess I'm a true institutionalist, which means I feel like I should be applying it in the limited circumstances that we think it should be used so that the court has good facts to review when they eventually make their decision. And so that's why I'm using it now. Once the court makes their decision, I may make a totally different choice about waiving everything or waiving most things, but I think it's important that the state Supreme Court has good facts to consider as they give us guidance on when and if that should be used. I think our goal has been to use it very narrowly, but again, we'll find out from the state Supreme Court whether we have been using it narrowly and appropriately. This is a privilege that applies to individual members, not like, no one here can make decisions for other members. So I guess the other reason that I have continued to use it is, I think if everybody stops using it, we've gone through a lot of pain to get to the state Supreme Court now. I don't want to moot this case so that the court says, well, no one's using it. We don't need to say anything about it. Let's get to the end. Let's get the guidance from the court, and then let's figure out how we move forward from there. But we should absolutely be complying. And everybody should, with Washington's Public Records Act. Absolutely."
<b>Rep. Mark Klicker, R-Walla Walla</b>	No, I don't intend to invoke legislative privilege because I believe in transparency, and I haven't invoked it in the past.
<b>Rep. Shelley Kloba, D-Kirkland</b>	I won't say never, as I can't predict the future, but it is hard for me to imagine a situation in which I thought this was necessary. I have never invoked legislative privilege, as it was only recently that I learned there was such a thing
<b>Rep. Joel Kretz, R-Wauconda</b>	No. No.
<b>Rep. Mari Leavitt, D-University Place</b>	(Q1) If so, or if not, why? While somewhat difficult to comment given lawsuit, it's clear that the privilege exists in narrow circumstances or instances of perhaps early policy development or proposals with policy staff in order to have candid discussion, and it's also clear, in my view, that legislative privilege does not extend to conversations with lobbyists, participants or stakeholders, etc. (Q2) Back in fall 2022, in response to a request for information, and the public records folks flagged that the responsive documents qualified for legislative privilege. That was the first and only time I had seen that statement and because it was information that was not related to myself or my office or anything that I had written or responded to, that included a few pages, and based on the information I understood at the time, allowed them to be redacted. Upon request from yourself and others to release shortly thereafter, I promptly shared that information and elected to waive legislative privilege for the purposes of the request and shared completely unreacted to all requests.
<b>Rep. Debra Lekanoff, D-Bow</b>	The issue of legislative privilege is still before the courts. It is not and should not be up to me to decide what can be considered legislative privilege and until the court rules, I don't have any other comments other than that I will follow the guidance given in the eventual decision.
<b>Rep. Sam Low, R-Lake Stevens</b>	I personally have not invoked legislative privilege and I do not plan on invoking legislative privilege.
<b>Rep. Nicole Macri, D-Seattle</b>	Did not respond

## Will they use legislative privilege?

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<b>Rep. Jacquelin Maycumber, R-Republic</b>	1. No 2. No
<b>Rep. Stephanie McClintock, R-Vancouver</b>	No, I do not plan to invoke legislative privilege.
<b>Rep. Joel McEntire, R-Cathlamet</b>	Did not respond
<b>Rep. Sharlett Mena, D-Tacoma</b>	Did not respond
<b>Rep. Melanie Morgan, D-Parkland</b>	Did not respond
<b>Rep. Gina Mosbrucker, R-Goldendale</b>	At this time in my political career, I do not intend to invoke legislative privilege. I do not anticipate a reason to invoke legislative privilege. To my knowledge, I have not invoked legislative privilege since my swearing in as a Washington State Legislator over a decade ago -- 2014. I have not had a reason to invoke legislative privilege.
<b>Rep. Greg Nance, D-Bainbridge Island</b>	Neighbors in Kitsap expect transparent, accountable leadership from their representatives, so I don't plan to invoke legislative privilege. I have not invoked legislative privilege in the past. I'm brand new, so I haven't even gotten a request yet.
<b>Rep. Ed Orcutt, R-Kalama</b>	I currently have no intent to invoke legislative privilege. I cannot recall a time when I would have invoked legislative privilege. If ever legislative privilege is invoked, it should be rare. But because legislative privilege has been recognized by Washington courts, and in most other states, I am reluctant to completely abandon this tool that could one day prove necessary to protect the legislative branch from "an inquisitorial executive or hostile judiciary." To my knowledge, I have never invoked legislative privilege or requested legislative privilege be invoked.
<b>Rep. Timm Ormsby, D-Spokane</b>	Did not respond
<b>Rep. Lillian Ortiz-Self, D-Mukilteo</b>	I invoked legislative privilege once when we were having committee discussions and preparation because, as a member of leadership, I feel the need to protect our committees' private discussions, and our members' right to struggle with bills. I do not have a problem sharing information most of the time. However, I will invoke legislative privilege if the same situation were to arise. I will also invoke legislative privilege if I need to protect a constituent's confidentiality on sensitive topics. Legislative privilege allows us to discuss with each other and wrestle with the issues before us candidly.
<b>Rep. Tina Orwall, D-Des Moines</b>	No, I do not intend to invoke legislative privilege because I think that transparency is important in the work we do and helps store faith in government. The legislature should be held to the same standards as local government when it pertains to releasing public records. I also have not invoked legislative privilege. I do think that records from my office may have been held by leadership, but upon finding out that this occurred I directed them to release the information. I have asked that none of my public records be held again.

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<b>Rep. Dave Paul, D-Oak Harbor</b>	I do not intend to invoke legislative privilege. It's difficult to discuss with the ongoing litigation, but it is clear that legislative privilege exists. In some cases, a legislator may need to have candid conversations with legislative staff about challenging policy implications that the legislator has not yet considered. It's equally clear that legislative privilege does not extend to any communication with lobbyists, constituents, or other outside interested parties. I have not invoked legislative privilege in the past.
<b>Rep. Strom Peterson, D-Edmonds</b>	(Q1) I don't intend to, however I believe certain work products are privileged, and I would make any decisions on a case-by-case basis. (Q2) Not that I am aware of.
<b>Rep. Gerry Pollet, D-Seattle</b>	I have pledged to never invoke "legislative privilege" to prevent disclosure of the public's records. I informed the House Public Records Officer that they should never assert legislative privilege in response to a records request for records that I have or communications that included me. ... I have never asserted privilege, and I objected when the public records officer attempted to assert legislative privilege in regard to records involving communication for which I was a participant. As I wrote in my legal declaration in the court case in Thurston County Superior Court, there can be no privilege when there is no reasonable basis to believe that all participants to a communication expect that their communication is privileged. Thus, if other legislators know that I and others will never assert privilege, privilege can not be asserted on behalf of any legislator in regard to a communication which the legislators who pledge not to are part of.
<b>Rep. Alex Ramel, D-Bellingham</b>	I have not used legislative privilege. I don't have an intention to use it on anything pending or for the typical types of requests that I've received in the past. However, I'm not willing to promise that I would never do so. Jurisprudence on this question is evolving and, of course, I'll always follow the law to the best of my understanding.
<b>Rep. Bill Ramos, D-Issaquah</b>	Did not respond
<b>Rep. Julia Reed, D-Seattle</b>	I have never invoked legislative privilege. I am refraining from further comment until the legal cases surrounding this issue are resolved.
<b>Rep. Kristine Reeves, D-Federal Way</b>	Did not respond
<b>Rep. Marcus Riccelli, D-Spokane</b>	Did not respond
<b>Rep. Eric Robertson, R-Sumner</b>	Did not respond
<b>Rep. Skyler Rude, R-Walla Walla</b>	No to both questions.
<b>Rep. Alicia Rule, D-Blaine</b>	I believe strongly in transparency in governance and have never used legislative privilege.
<b>Rep. Cindy Ryu, D-Shoreline</b>	I hoped for a clear ruling from the Court, and with Judge [Mary Sue] Wilson's recent ruling we have some more clarity on the scope and application of constitutional legislative privilege, which is helpful. To answer your specific questions, yes, I have invoked legislative privilege in the past and may do so again in the future to retain the ability to discuss issues and exchange thoughts with honesty and clarity, particularly during the development of legislation and negotiations of the budgets.

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<b>Rep. Bryan Sandlin, R-Zillah</b>	Did not respond
<b>Rep. Sharon Tomiko Santos, D-Seattle</b>	Did not respond
<b>Rep. Joe Schmick, R-Colfax</b>	At this time I don't intend to use it. I don't think I ever have. There may have been an instance when the House used it without my knowledge, but to my knowledge I've never used it and I don't intend to use it, either.
<b>Rep. Suzanne Schmidt, R-Spokane Valley</b>	I currently have no intent to invoke legislative privilege and I think privilege should be invoked sparingly if ever. With that said, legislative privilege has been recognized by Washington courts, and in most other states, not as an exemption from public disclosure laws but as a tool to “provide legislators a fundamental constitutional protection that allows them to work independently and unimpeded by threats of judicial or executive intervention, thereby sparing them from unnecessary burdens and distractions of their energy, and freeing them to legislate without the distorting influence of an inquisitorial executive or hostile judiciary.” Steven F. Huefner, <i>The Neglected Value of the Legislative Privilege in State Legislatures</i> , 45 Wm. & Mary L. Rev. 221, 224-25 (2003). I am reluctant to preemptively abandon a tool that could one day prove necessary to protect the legislative branch from “an inquisitorial executive or hostile judiciary.” To my knowledge, I have never invoked legislative privilege.
<b>Rep. Tana Senn, D-Mercer Island</b>	I don't intend to, but reserve the right to. While I am generally comfortable with making my communications public, at times, negotiations and possible negative impacts on my constituents, colleagues or legislation may require or benefit from confidentiality. I did in order to protect House protocols while waiting to see how the Supreme Court ruled on this matter.
<b>Rep. Clyde Shavers, D-Oak Harbor</b>	I have not invoked legislative privilege in the past. I do not anticipate invoking legislative privilege.
<b>Rep. Tarra Simmons, D-Bremerton</b>	To be honest, I don't understand when or how we can use legislative privilege. No, I have never used this before and do not intend to. I am under the impression that every email or text is subject to the public records act since I was elected in 2020. However, if I had it my way the only time I would be allowed to NOT turn over these messages would be when a constituent reaches out for casework on sensitive health or financial situations. I don't think they always know these communications are not confidential, so it makes me concerned. If legislative privilege existed in those circumstances, I would likely utilize it to protect sensitive information of an individual constituent under most circumstances.
<b>Rep. Vandana Slatter, D-Bellevue</b>	I do not believe I have invoked legislative privilege in the past nor intended to. At this point I am not sure why this would change but recognize there will be future court rulings on the scope of legislative privilege.
<b>Rep. Larry Springer, D-Kirkland</b>	It is too easy to conflate legislative privilege and the benefits of legislators feeling unconstrained to be forthright and candid with their colleagues while crafting legislation, and our obligations to adhere to the Public Records Act, which I have defended many times. I have invoked legislative privilege in the past as we awaited a ruling from the Supreme Court. I was motivated to protect the historical protocols of the House until more was known from the court. In the future my decision whether to invoke privilege will likely be guided by a judgment regarding the degree to which disclosure may have a detrimental impact on legislation we are working on and the impact to legislators and constituents I am working with, whose relationships are critical to being a successful Representative. I will also be guided by future Supreme Court rulings regarding the scope of legislative privilege.

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<b>Rep. Chris Stearns, D-Auburn</b>	I have no plans to do so. No.
<b>Rep. Mike Steele, R-Chelan</b>	I have no intent to invoke legislative privilege. I have been in the House for almost 5 terms now and never invoked legislative privilege. I will say, legislative privilege has been recognized by Washington courts, and in most other states, not as an exemption from public disclosure laws but as a tool to “provide legislators a fundamental constitutional protection that allows them to work independently and unimpeded by threats of judicial or executive intervention, thereby sparing them from unnecessary burdens and distractions of their energy, and freeing them to legislate without the distorting influence of an inquisitorial executive or hostile judiciary.” Steven F. Huefner, <i>The Neglected Value of the Legislative Privilege in State Legislatures</i> , 45 Wm. & Mary L. Rev. 221, 224-25 (2003). My goal has always been to serve my constituents as best I can, and that may mean employing every tool to help them. I do not shy away from that. I have never used legislative privilege, but again, will exercise discretion to serve my constituents as best I can.
<b>Rep. Drew Stokesbary, R-Auburn</b>	I currently have no intent to invoke legislative privilege. As I've noted before, I have not encountered any issue in my five terms in the House where I would have invoked legislative privilege, and I think privilege should be invoked sparingly if ever. But legislative privilege has been recognized by Washington courts, and in most other states, not as an exemption from public disclosure laws but as a tool to “provide legislators a fundamental constitutional protection that allows them to work independently and unimpeded by threats of judicial or executive intervention, thereby sparing them from unnecessary burdens and distractions of their energy, and freeing them to legislate without the distorting influence of an inquisitorial executive or hostile judiciary.” Steven F. Huefner, <i>The Neglected Value of the Legislative Privilege in State Legislatures</i> , 45 Wm. & Mary L. Rev. 221, 224-25 (2003). I am reluctant to preemptively abandon a tool that could one day prove necessary to protect the legislative branch from “an inquisitorial executive or hostile judiciary.” To my knowledge, I have never invoked legislative privilege. In one instance, legislative counsel asked me if I wished to assert legislative privilege with respect to some proposed committee amendments I had drafted; after asking a few questions about how legislative privilege worked, I declined to assert it. FROM PREVIEW 1/24/24: "I would characterize it as, like Senator Braun said, I don't view legislative privilege as a tool to protect legislators from public disclosure. I view it as a tool to protect the legislature as an institution from incursion by the other two branches of government. Our founders at the federal level and our founders at the state level took great pains to construct a system of government with checks and balances. And for as long as the executive branch has legislative privilege, and for as long as the judicial branch will be litigating and adjudicating arguments, I think it is important to have legislative privilege exist as an option to ensure that other branches don't take ...unfair action towards the legislature. I view it sort of as a rough analog to nuclear weapons, which is that the other guys have 'em, so we should too. But we should hope to God that we never have to use it. In my, going on ten sessions here, I have yet to see an issue where I would assert legislative privilege over anything. I think the one time it ever was offered to me, I asked a few questions about it and then declined to exercise it. I also don't believe any members of my caucus have, knowingly, used it, or once they found out it was used, they have waived the privilege. So I view it as a tool, not to shield us from public disclosure, but to shield us from the executive branch and the judicial branch. I don't think we should ever use it. I've yet to see a situation where it should be used, but I don't want to give it up entirely, because, who knows what lies behind door number three?"
<b>Rep. Monica Jurado Stonier, D-Vancouver</b>	Did not respond



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<b>Rep. Chipalo Street, D-Seattle</b>	I have not invoked legislative privilege and have no plans to do so at this time.
<b>Rep. Jamila Taylor, D-Federal Way</b>	Did not respond
<b>Rep. My-Linh Thai, D-Bellevue</b>	Did not respond
<b>Rep. Steve Tharinger, D-Port Townsend</b>	Did not respond
<b>Rep. Joe Timmons, D-Bellingham</b>	Did not respond
<b>Rep. Mike Volz, R-Spokane</b>	Did not respond
<b>Rep. Amy Walen, D-Kirkland</b>	I do not intend to invoke legislative privilege. My answer as to why/why not is contained within my answer to your second question. I have invoked the privilege in the past, and may invoke legislative privilege in the future. The Court is still determining the scope of legislative privilege. I am wondering if your question has just to do with public records requests or with the broader concept of legislative privilege, which I think has a valid function. I think that legislators should have the ability to work independently and some limited privilege is appropriate in order to maintain that independence. The process is full of influences and pressures, and what we want is for people to bring their very best hearts and minds and integrity to the work. Sometimes that means that legislators should be protected from both liability as well as compelled questioning. I think that BOTH/AND apply here. We can value and uphold open government AND we can uphold a limited legislative privilege which allows for a fully engaged legislature not functioning with fear of prosecution constantly in mind.
<b>Rep. Jim Walsh, R-Aberdeen</b>	I thought I'd made my position on the "legislative privilege" matter clear months ago, when the topic of my legislative research into possible articles of impeachment against the current governor was in the news. I have instructed relevant staff NOT to claim "legislative privilege" on any public records request involving me. I don't support the concept. And I was surprised to learn that it sometimes has been claimed on behalf of House members in the past — sometimes without the members' explicit permission.
<b>Rep. Kevin Waters, R-Stevenson</b>	Did not respond
<b>Rep. J.T. Wilcox, R-Yelm</b>	Nope. Well, I've never thought that I had a need to do that and I don't really like the policy, and honestly, I think that having been a 14-year member of the minority, I think that the use of privilege, actually, you know, is very useful for a majority that doesn't want people to know everything. Well, we've got so many people that don't trust the government now, and sometimes we give 'em reasons. And it just seems like clinging to privilege is one more time when we're giving people reasons to distrust.... In 14 years, I'd hate to answer absolutely not and then discover that it was asserted for me or I've just totally forgotten, but as far as I can remember, no [I have not asserted privilege], and if there was some case where it looked like I had used it I'd immediately waive it.
<b>Rep. Sharon Wylie, D-Vancouver</b>	I have not invoked legislative privilege. My inclination and intent is to be as open and transparent as possible. I am waiting until the court process is complete for a more comprehensive response.

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	Here's what some legislators say about whether they'll withhold records from the public.
<b>Rep. Alex Ybarra, R-Quincy</b>	No I do not intend to invoke legislative privilege. I haven't been in a position to invoke legislative privilege in my time in Olympia. No [not in past]. There hasn't been a situation where legislative privilege was needed.
<b>Sen. Andy Billig, D-Spokane</b>	I do not have any plans to invoke legislative privilege but I have held short of making the "pledge" that was requested earlier [by Washington Coalition for Open Government]. I typically do not make pledges except for my oath of office. While I believe legislative privilege does exist and could be used if certain limited circumstances, I try to err on the side of disclosure and cannot currently imagine a situation that would require the use of it. I briefly used legislative privilege in a couple of cases but have since released all of those documents. And, I believe all of the documents were released while the relevant public records requests were still open and being processed. For most of the time I have spent in the Legislature, we did not have any public records requirement or formal process for release of the documents. After it was clear that the PRA [Public Records Act] applied to the Legislature, we went through a couple of years of growing pains to work out the processes and policies related to public records. Part of that evolution was considering if and when to use attorney-client privilege and legislative privilege. As I got more experience and perspective I realized that I was able to effectively do my work representing the people of Spokane without using legislative privilege. FROM PREVIEW 1/4/24: Largely in agreement. If I was called on that poll, I would have been one of the people in the affirmative, that we should apply, agree to follow the law. We are following the law. I think we need clarity, as the court case is going to give us clarity on what the determination is from the courts on legislative privilege. But as of now, it is established, it's real. And I am not currently using it. I don't have any plans to use it. I don't think there are any Senate records other than the one that Senator Braun mentioned that are currently being withheld under legislative privilege that I'm aware of, at the moment. And it should be used sparingly, just like other privileges that are well-established, like attorney-client privilege, which does get used occasionally. I think those are there for a reason. It's up to each individual legislator to decide if they're going to use it. And I think the, largely, the disclosure that we've done has been a very positive thing. I think I was on the wrong side of that issue. I think it's some of the concerns that we had logistically about how we get all of the information out. It's been a little rocky to get that administration up and running and get all the information out. But largely it's been very positive. And I think we're in the right place with disclosing everything that we're disclosing. And legislative privilege exists, and it should be used sparingly.
<b>Sen. Matt Boehnke, R-Kennewick</b>	No. No.

## Will they use legislative privilege?

	Here's what some legislators say about whether they'll withhold records from the public.
<b>Sen. John Braun, R-Centralia</b>	I have answered these questions several times at different public forums. My answers have not changed. FROM 1/4/24 preview: Nobody wants to go first on this issue. But I appreciate the question. It's an important question. I think we should be. You know, we've had this debate, a few years ago, about public disclosure. I think the public won, and many of us have supported that, that we need to disclose that. I think right now, we're conflating the public disclosure rules in our state with legislative privilege. And I think it gets a little bit subtle here, but one, most things are not protected by legislative privilege. It's a very limited amount. And I think as a leader of our caucus and a leader in the legislature and, and believing based on rulings from around the state, from around the country, rather that legislative privilege is a real thing and we have an obligation to defend it as part of the legislative branch. We should defend it. Should we use it? No. In the Senate Republican Caucus, we've released everything that has ever been protected to our knowledge about legislative privilege, except one item and that legislator is no longer with us. So we can't release it. And understand, it's a decision by each legislator. It's not a caucus decision. It's not a leader decision. It's a decision by each legislator, and each legislator, serving legislator, in their Senate Republican caucus, has released everything they've ever used legislative privilege for. So we're not interested in holding things back from the public. I think they're finding them generally uninteresting when they are released. But if they want to see them, they want to see them. But I say that with a slight caveat, that it is something that has been established in law in other states. It is something that has been established at the trial level in our state. It is something that as a leader in the legislative branch, I think we have an obligation to protect our branch of the government so we have equal, three equal branches. But should we use it? I'd say sparingly or not at all. And we've chosen not at all.
<b>Sen. Annette Cleveland, D-Vancouver</b>	No, I do not have any plans to invoke legislative privilege. No, I have never invoked legislative privilege in the past.
<b>Sen. Steve Conway, D-Tacoma</b>	[Sen. Conway] says he hasn't used legislative privilege and has no plan to (via spokesperson)
<b>Sen. Manka Dhingra, D-Redmond</b>	Did not respond
<b>Sen. Perry Dozier, R-Waltsburg</b>	Did not respond
<b>Sen. Phil Fortunato, R-Auburn</b>	I believe in transparency. To my recollection, I have not invoked any legislative privilege and don't intend to, unless it's to protect the privacy of my constituents.
<b>Sen. Noel Frame, D-Seattle</b>	Currently, courts have held that legislative privilege is a right that exists for each legislator. I believe legislative privilege should be applied sparingly and judiciously, but there is the possibility that I may decide to use it in the future. I did use legislative privilege in the past, on deliberations with staff over a potential amendment that we considered and ultimately chose not to introduce.
<b>Sen. Chris Gildon, R-Puyallup</b>	Did not respond
<b>Sen. Drew Hansen, D-Bainbridge Island</b>	Did not respond

## Will they use legislative privilege?

	Here's what some legislators say about whether they'll withhold records from the public.
<b>Sen. Bob Hasegawa, D-Seattle</b>	I have no intention to use it going forward—this is not a typical practice of mine.
<b>Sen. Brad Hawkins, R-East Wenatchee</b>	I don't plan to invoke the privilege, but I can't say it will never happen. I don't believe I have ever invoked the privilege in the past.
<b>Sen. Jeff Holy, R-Cheney</b>	Do you intend to invoke legislative privilege? No. Have you invoked legislative privilege in the past? No.
<b>Sen. Sam Hunt, D-Olympia</b>	No. No.
<b>Sen. Claudia Kauffman, D-Kent</b>	Kauffman says she hasn't used it and doesn't intend to. (via spokesperson)
<b>Sen. Karen Keiser, D-Des Moines</b>	I don't and won't invoke legislative privilege.
<b>Sen. Curtis King, R-Yakima</b>	Senator King will not be responding.
<b>Sen. Patty Kuderer, D-Bellevue</b>	I have no plans to use legislative privilege in the future. As you noted, I used it once in the past and subsequently waived it. When legislative privilege is used, I believe it should be used very sparingly and that the goal should always be to land on the side of transparent and open government.
<b>Sen. Marko Liias, D-Edmonds</b>	(Liias) says he doesn't plan to use it. (via spokesperson)
<b>Sen. Liz Lovelett, D-Anacortes</b>	I have never used legislative privilege and I don't plan on it.
<b>Sen. John Lovick, D-Mill Creek</b>	I have not invoked legislative privilege in the past, and I have no intention of invoking it in the future.
<b>Sen. Drew MacEwen, R-Shelton</b>	Do you intend to invoke legislative privilege? NO I DO NOT If so, or if not, why? I DO NOT SEE THE NEED TO Have you invoked legislative privilege in the past? NO I HAVE NOT If so, or if not, why? N/A
<b>Sen. Jim McCune, R-Graham</b>	I am absolutely for open government. There is no need to use legislative privilege. The only thing I am not for, is the sharing of personal information for constituents who have contacted us about issues. In that case, I would be for redacting personal info, but not the nature of the conversation. I have never invoked legislative privilege and do not plan to do so.
<b>Sen. Mark Mullet, D-Issaquah</b>	I took the (Washington Coalition for Open Government) pledge not to invoke legislative privilege going forward. I believe it's important that the Legislature be accountable and open to the public. I did take legislative privilege once in the past, but once we discussed the issue further and heard the concerns raised, I waived that privilege.
<b>Sen. Ron Muzzall, R-Oak Harbor</b>	I have not invoked Legislative Privilege and will not invoke it in the future.
<b>Sen. Joe Nguyen, D-White Center</b>	I have never, nor do I intend on invoking legislative privilege.

## Will they use legislative privilege?

	Here's what some legislators say about whether they'll withhold records from the public.
<b>Sen. T'wina Nobles, D-Fircrest</b>	I don't.
<b>Sen. Mike Padden, R-Spokane Valley</b>	Did not respond
<b>Sen. Jamie Pedersen, D-Seattle</b>	I do not see any need to shield records from public scrutiny on that basis. I have not seen any need to shield records from public scrutiny on that basis.
<b>Sen. Emily Randall, D-Bremerton</b>	It is not my practice to use legislative privilege, and I do not intend to use it in the future.
<b>Sen. Ann Rivers, R-La Center</b>	Did not respond
<b>Sen. June Robinson, D-Everett</b>	Did not respond
<b>Sen. Rebecca Saldana, D-Seattle</b>	I have not invoked legislative privilege in the past, and I don't intend to do so. At the same time, I also respect that timing of information matters when we are in deliberation and gathering information to gain knowledge and context of the many bills and policies that come before us. I believe there could be a time or place for it. However, I think there are much more serious issues impacting the health of democracy than legislative privilege.
<b>Sen. Jesse Salomon, D-Shoreline</b>	Since my election in 2018, I have not utilized legislative privilege. I'm not planning to invoke it in response to any records requests moving forward.
<b>Sen. Mark Schoesler, R-Ritzville</b>	Did not respond
<b>Sen. Sharon Shewmake, D-Bellingham</b>	I appreciate the question. In the past, I haven't used legislative privilege in response to any of the public records requests I've received. I don't intend to use it moving forward if my office is asked to provide records to the public.
<b>Sen. Shelly Short, R-Addy</b>	Did not respond
<b>Sen. Derek Stanford, D-Bothell</b>	Did not respond
<b>Sen. Nikki Torres, R-Pasco</b>	Do you intend to invoke legislative privilege? No If so, or if not, why? I believe in transparent and open government, and there's never been a time that has warranted me using that constitutional right. Have you invoked legislative privilege in the past? No If so, or if not, why? See above.
<b>Sen. Yasmin Trudeau, D-Tacoma</b>	After consulting with Sen. Trudeau, she does not have a response for this at this time. (via spokesperson)
<b>Sen. Javier Valdez, D-Seattle</b>	Sen. Valdez has stated that he has not invoked legislative privilege in the past. (Via spokesperson)
<b>Sen. Kevin Van De Wege, D-Lake Sutherland</b>	I have never claimed legislative privilege, and I don't see a situation in which I would need to invoke it.

## Will they use legislative privilege?

	Here's what some legislators say about whether they'll withhold records from the public.
<b>Sen. Keith Wagoner, R-Sedro-Woolley</b>	I can foresee no circumstance where I “intend” to invoke my legislative privilege. That is not the same as renouncing the right, which is enshrined in the State Constitution and has been upheld by the courts. In seven years as a senator, I have never been in a situation that, in my opinion, warranted the use of legislative privilege. I also have never needed my Fifth Amendment Right but I do not renounce it. Have you invoked legislative privilege in the past? I have not ever personally invoked legislative privilege. In fact I have, as stated above, cooperated fully and transparently with the press and offered up any and all requested documents. If so, or if not, why? I believe transparency and accountability are important tenets of our system of government.
<b>Sen. Judy Warnick, R-Moses Lake</b>	Did not respond
<b>Sen. Lisa Wellman, D-Mercer Island</b>	I used it once in the past. I later had that document un-redacted and released in full. I don't have any intention of using it going forward.
<b>Sen. Claire Wilson, D-Auburn</b>	No. Don't feel the need. No. Haven't felt the need and don't anticipate any need in the future.
<b>Sen. Jeff Wilson, R-Longview</b>	As the ranking Republican on the Senate State Government and Elections Committee, the committee that deals with public records issues, I think it is important to answer these questions as clearly as I can. The only pledge I feel comfortable making is the Pledge of Allegiance. I haven't invoked legislative privilege, and I don't plan to do so. But in the politics business, only the foolish say “never.” This is the advice newspaper editorial writers keep giving us, and I agree with them 100 percent. The best any of us can promise is a careful case-by-case consideration of each issue as it arises. Three judges have told us legislative privilege is a constitutional right for each member of the Legislature. I believe the public has a right to know what its government is doing, and our presumption should be in favor of transparency and disclosure. This is not a privilege that should be exercised blithely. If it is used, it should be only after thoughtful examination of the issues involved. One clarification from Rep. Wilson's spokesperson: In response to a public records request (concerning HB 1815/2022), Wilson originally claimed privilege, but then, along with other SRC members who had done so, he waived it last January.
<b>Sen. Lynda Wilson, R-Vancouver</b>	Did not respond
	Table: Frank Mina / The Seattle Times and Reporting by Claire Withycombe and Jim Brunner