

# The Long, Ironic Life of Norm Maleng

*Pick a state political or legal leader and chances are you'll find a person who was influenced by our veteran King County Prosecutor*

By Erik Lundegaard

Photography by Larry Marcus

Although there's a clean, carpeted efficiency to the hallways of the King County Prosecutor's Office in downtown Seattle, it's not without its personal touches. Office doors are bedecked with photos of family and friends, editorial cartoons and greeting cards. One woman displays, like trophies, the various espresso cups she's conquered during many a busy night. Even the office of the elected prosecutor, Norm Maleng, 64, has a stamp of individuality. The lobby outside his office is governmentally proper—somber furniture, potted plants, Arts Commission paintings—while the narrow, vertical window beside Maleng's door is plastered with Seattle Mariners stickers, as if a schoolboy secretly resided there. Maleng has a long history with the Mariners—he helped to overcome legal impediments to the construction of both the Kingdome and Safeco Field—and he considers himself and his son, Mark, 24, to be “the number-one Mariner fans in the whole com-

al, stay-the-course, do-the-job” kind of guy.

When his office door finally opened, nothing about his appearance suggested otherwise. His face was fleshy, and he wore a shirt and tie but no jacket. There was a droning quality to his voice, although he carried a slight twang that turned words like *file* into *fahl*—a gift, one assumes, of growing up on a dairy farm in Whatcom County. When he was enthusiastic about an issue—which was often—he slapped the table where we sat. Other times he leaned forward conspiratorially or winked reassuringly. His friendliness was disarming. One thinks of prosecutors as lean, mean sons of bitches, particularly if, like Maleng, they've held office for 24 years. Instead he was a man for whom the word *avuncular* could have been created.

“If you were a brand-new deputy prosecutor,” he told me, leaning forward, “very soon after you got here we'd have a conversation. We'd spend a little time together. And the first thing I'd tell you is we've got only one rule in the office: We go by our first names.”

he's going to consume you,” Maleng remembered, leaning forward as if to grasp me.

Then there was the way he described the worst moment of his life.

As a lead-in to a discussion about the 1990 Community Protection Act, Maleng mentioned, almost in passing, “My daughter Karen was killed in 1989,” and suddenly tears welled up in his eyes and his voice caught with emotion. He continued, unembarrassed, “It was on a snowy day, February 2, 1989, in my community of Magnolia. All these kids were going down a hill on these big rubber tubes, and a car came out on the bottom of the hill. Girls went into the car, two on the inner tube, one injured, Karen, massive head injury, died. She was one month short of 13.”

Such displays of emotion are rare from a politician seeking reelection, but completely understandable given the tragedy. I wouldn't have thought much about it if, a week later, I hadn't seen it happen again.

munity.” It will be his most controversial statement during our interview.

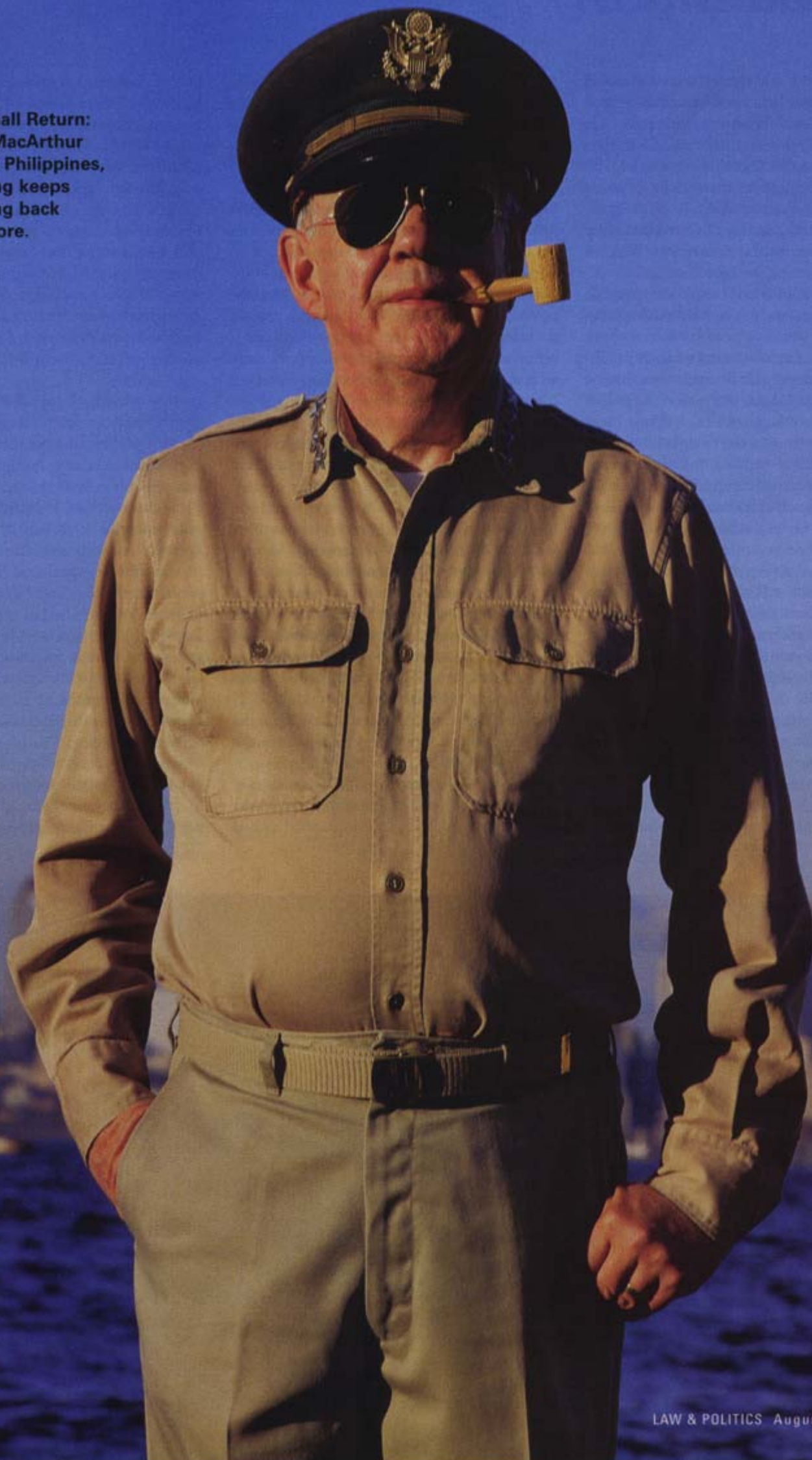
People warned me beforehand about Norm Maleng. Not a good interview, I was told. A bit dull. When he ran for governor in 1996, Republican rival Pam Roach dismissed his candidacy, saying, “We need someone with a slightly exciting personality.” Even Judy, his wife of nearly 30 years, admits, “He gives the impression of a boring, profession-

Other small surprises emerged. A staunch Republican, he twice invoked John F. Kennedy as the great proponent of politician-as-public-servant. He thrilled at meeting President Lyndon Johnson during the signing of the Flammable Fabrics Act of 1967—which Maleng, as an aide to U.S. Sen. Warren Magnuson, helped work on—and hammered home the voraciousness of Johnson's personality. “You almost think

We were in Room 942 of the King County Courthouse, which was roiling with the region's political and legal leaders—Mayor Greg Nickels, King County Executive Ron Sims, high-ranking judges—for the induction of Judge Ann Schindler to the Court of Appeals. Maleng, her former boss in the Prosecutor's Office, and the man she referred to as a father figure, gave the first of three speeches. It was heavy on the themes of fami-

General MacArthur's “old soldiers never die” speech so affected Norman that he bought a book of speeches, and imitated MacArthur's clipped tones for his friends.

**He Shall Return:  
Like MacArthur  
in the Philippines,  
Maleng keeps  
coming back  
for more.**



# Norm Maleng

ly and work ethic—Maleng staples. He talked directly to Schindler's two boys, Max, 15, and Peter, 12, his eyes brimming with pride. He ended, with a rhetorical flourish, "God bless Ann, God bless this honorable court and God bless America," and in the middle of these sentences he choked up again.

Twice in two meetings? Could the King County Prosecutor, far from being a mean sonuvabitch, simply be an old softie?

For most of his friends and colleagues the answer is unequivocal: yes. Marco Magnano, a close friend who works with Foster Pepper & Shefelman, admits, "Norm wears his emotions on his sleeve. He's a very empathetic individual. And I think the reason for that—when he got in touch with his feelings—was going through his daughter's death."

Current chief of staff Dan Satterberg agrees. "He has a lot of human compassion that's not far below the surface. He's someone who will talk to a total stranger about grief and loss and suffering because he's been through it personally."

These total strangers include the families of homicide victims. "He goes over to their homes and sits in their living rooms with them," friend and former U.S. Attorney Mike McKay recounts. "And cries with them. And tells them, 'I know what it's like to lose a family member.' You see no press releases. It's a very personal thing, and it's a wonderful service to these families that they know that the person who's handling the case knows what it's like to lose a family member. You can't do it with every family that loses someone, but he does it a lot."

In a sense, Norm Maleng embodies what, for our past two U.S. presidents, were merely slogans. He is a compassionate conservative who feels our pain.

**T**he ironies surrounding Norm Maleng add up quickly. For one, he's a prosecutor who prosecutes nothing. Unlike in smaller counties, the elected prosecutor in King County is too busy to take a case of his own, which means his job is mainly administrative. Maleng meets once or twice a week with the heads of the various divisions—criminal, civil, fraud and family support—and with attorneys who are prosecuting high-profile cases. He decides whether to pursue the death penalty in relevant cases. He attends board meetings. And he tries to get to know all the people in his office, which is a full-time job in itself. When Maleng was first elected prosecutor in 1978, total staff numbered 160 (75 attorneys, 85 support); today that number is 511 (249 attorneys, 262 support), and his annual budget is more than \$40 million.

Maleng is also considered nonpolitical, even though he's more heavily involved in politics than most elected prosecutors—but this is only a seeming contradiction. Maleng doesn't care much about party politics within his office. "His process is the old five-second test," Satterberg states. "If he likes the fact that you've got energy and enthusiasm and you want to work hard, that speaks more for him than the three-hour interview." In the past he's even endorsed Democratic candidates.

But—make no mistake—he loves politics, and is often down in Olympia prodding legislators toward his latest reforms. Just this year, two Maleng-backed bills made it into law. Washington state has increased penalties for car thieves; and Maleng helped reform his own drug laws by reducing sentences for some nonviolent drug offenders, and earmarking the jail-time savings for drug treatment. According to Rep. Ruth Kagi (D-Lake Forest Park), who co-sponsored the drug reform bill, Maleng "worked very hard to get the endorsement of the prosecutor and law enforcement communities, which was critical. . . . He's really gone where he needed to go to meet people and discuss the issue."

But perhaps the biggest irony surrounding Norm Maleng is that he's virtually unstoppable when running for King County Prosecutor—since 1978 he's been opposed only once, in 1998, and then only after a *Seattle Times* editorial flushed out a couple of candidates—and yet his attempts at statewide office go nowhere. He ran for governor in '88 but failed to get his party's nomination. In '92, a post-Anita Hill year that saw many women swept into office, he lost the race for state attorney general to Christine Gregoire. Four years later, he was considered the Republican front-runner but finished a distant third in the primary. Maleng didn't even take King County, his stronghold. What's going on here?

"He's not, well, a glamorous candidate," Judy Maleng mentions diplomatically.

## Norm! Time traveling with the "Zelig" of Washington state politicians



Maleng with his favorite cow, Lassie May, in the mid-1950s



Blowing out the candles on a Kingdome cake in the 1970s

# Norm Maleng

ly. A bigger impediment in her mind, though, is Maleng's current job. "His reputation as prosecutor put him in the criminal justice arena, and it was difficult for voters to see him as a governor with an ability to handle education issues, tax issues, legislative issues."

For political consultant Bob Gogerty, Maleng's fairness as a prosecutor—his depoliticization of the office—actually works against him. For a prosecutor to seek higher office, he says, "You have to look more at the political side of how the office can be used. And I don't think he thinks that way."

"Traditionally," political consultant Cathy Allen says of Maleng's job, "[it's] been a dead-end street."

**M**ore irony: "The Governor" was Norm Maleng's nickname in high school. "He was always making these stentorian speeches about government," childhood friend Ray Bakke recalls fondly. "And he had opinions about everything, and would stand up and give them."

Born Norman Kim Maleng in 1938, he first became known by his middle name (his parents may have been hoping for a girl) to avoid confusion with his father, also named Norman. Friends and family in Acme, Washington, still call him Kim. His parents, first-generation Norwegians, ran a dairy farm. "Folks didn't have much money, but we ate good," his older brother, Henry, a logging truck driver, recalls. "We

usually got up around seven o'clock. When we were in grade school we didn't have to do chores, but as we got older we had to get up earlier, help with the chores. Folks milked about 18 cows."

It was a highly politicized time, and Norman was a sharp, highly politicized kid who was always looking beyond the Acme Valley. He remembers being transfixed by the 1948 Republican convention, which he listened to over the radio. He and friend Ray Bakke argued politics and sports on the school bus every day. When President Truman dismissed Gen. Douglas MacArthur for insubordination in April 1951, Bakke recalls, "Both of us stayed up all night listening to MacArthur's triumphant entry into San Francisco. He came from overseas and landed. It was like he was God from another planet." Shortly thereafter, MacArthur appeared before the U.S. Congress, and his "old soldiers never die" speech was piped into Mount Baker High School (grades 7 through 12) and played over the P.A. system. The speech so affected Norman that he bought a book of speeches and imitated MacArthur's clipped tones for his friends.

Soon he was giving his own speeches as a member of the Future Farmers of America (FFA), an organization that (another irony) ensured that Norm Maleng would never be a future farmer.

According to Maleng, "[FFA] wasn't so much about a life in farming as an activity center for kids within a school community." Bakke remembers that soon after joining

FFA, Maleng "became a statewide, well-known high school speaker and chairman of the parliamentary procedure team, which took the state championship." In his senior year Maleng also won the state speech competition and traveled with his mentor, Glen Ziegler, to Idaho for the regional championships. He placed second, but his speech—concerning price support subsidies for farmers—came to the attention of Eisenhower's Secretary of Agriculture, Ezra Taft Benson, who wrote Maleng an encouraging letter. He was on his way.

"Now, why I ever decided to be a lawyer, I don't know," he admits. "I had no relatives or friends who were lawyers. I'd never even been in a lawyer's office. I'm not even sure I'd met a lawyer." Maleng concedes that he probably saw the law as a road to politics, his first love, although he almost exited that road several times. At the University of Washington he was intent on studying pre-law, but wound up majoring in economics, which fascinated him. For a brief time he considered a career in the military—he was in the Army from 1960 to '63—but then decided, "I don't want to wake up one day and be 50 years old and wonder what would have happened if I'd followed my boyhood dream." So he returned to the UW and its law school, where he became editor of the *Law Review* in 1965 and graduated in 1966. After a year as staff counsel to U.S. Sen. Warren Magnuson in Washington, D.C.—he was the only Republican among Magnuson's energetic staff—he worked for



On the campaign trail for governor in 1988



Ladies' man Maleng in 1996

PHOTOGRAPHY COURTESY OF NORM MALENG

# Norm Maleng

three years as an associate attorney at Preston, Thorgrimson, Starin, Ellis & Holman. Then scandal came calling.

It was known as the "Tolerance Policy." A payoff system in the Seattle Police Department allowed relatively open gambling to prosper in the city, and when the *Seattle Post-Intelligencer* published a front-page photo of "Pinball King" Ben Cichy entering the home of long-standing King County Prosecutor Charles O. Carroll, the Prosecutor's Office became enmeshed in the scandal as well. As a result, Carroll—who was later indicted but never convicted—lost the 1970 Republican primary to newcomer Chris Bayley. When Bayley was elected in November, he brought with him Dave Boerner to head the criminal division, and Norm Maleng—who had worked on Bayley's campaign—to head the civil division.

Eight years later, when Bayley decided not to run for a third term, Maleng, after sounding out Boerner, announced his candidacy and won more than 58 percent of the vote. He was 40 years old.

Like Bayley, he anticipated serving only two terms. "I thought that after eight years, it would become too much business as usual. . . . [But] one of the greatest positions you can ever have is the office of prosecutor. Because there's *always* something new and exciting to be involved in."

He got involved right away. With Dave Boerner, he articulated and lobbied for the Sentence Reform Act of 1981, which established clearer guidelines for adult felony convictions. Shortly after his daughter's death in 1989, Maleng was appointed by Gov. Booth Gardner to chair a task force on sex predators, which traveled around the state seeking input. Rep. Ida Ballasiotes (R—Mercer Island), a task force member (the rape and murder of her daughter, Diane, was one of the flash points in the creation of the task force), credits Maleng with the comprehensiveness of the Community Protection Act. "He has an extraordinary ability to bring diverse people and opinions together . . . to [create] something we can all accept," she says.

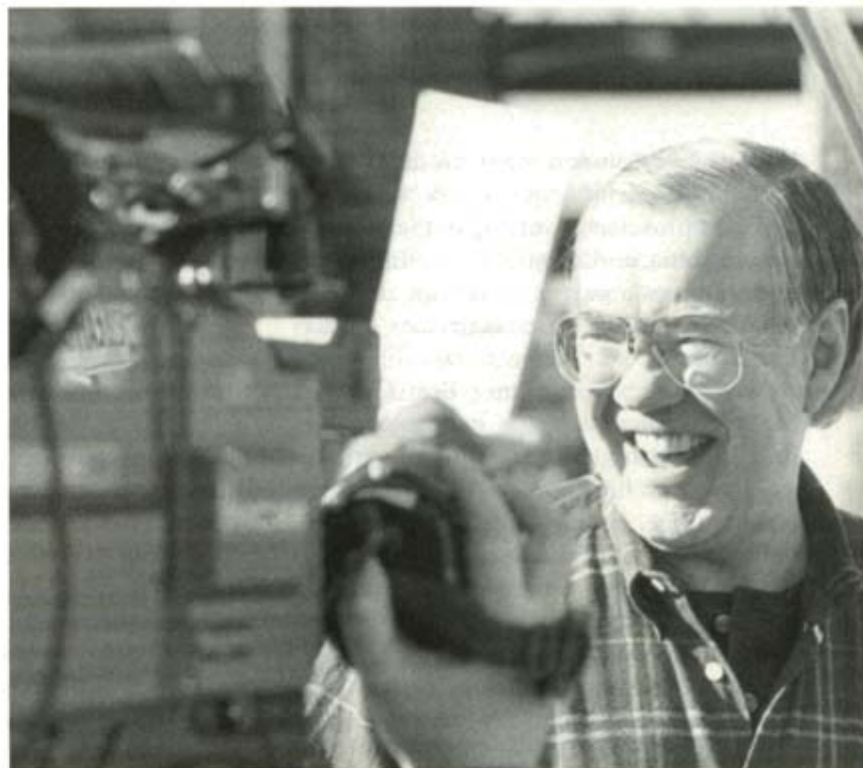
Yet Maleng's greatest legacy may be the people who passed his five-second test and who are now among the most powerful political and legal leaders in the state. The list includes former city attorney Mark Sidran, defense attorney Rebecca Roe, Gov. Gary Locke and a good portion of the judges on the King County Superior Court bench. They gush embarrassingly about their former boss. He gave them opportuni-

ties and responsibilities—often beyond what others thought they could handle—then stepped back and let them work. He didn't micromanage. He boosted morale and inspired confidence and placed trust. He was inclusive. When they were interested in pursuing work elsewhere, he helped them get there. Ann Schindler remembers that when she was pregnant—twice—in the 1980s as an attorney in Maleng's office, there was no question about accommodating her. U.S. Magistrate Monica Benton remembers how seriously Maleng took the issue of cultural diversity when she and other prosecutors broached the subject. Above all, he instilled in them the notion that—as corny as it sounds, the role of the prosecutor is to serve justice.

"Not necessarily just to win a case," Ricardo Martinez, now a U.S. Magistrate, clarifies. "Sometimes that might mean you have to stand up and ask for a dismissal of a case that can't be proved or that has potential problems."

"I've met a lot of prosecutors from other states, and other parts of the country, who want to start every conversation by telling you what their conviction rate is," chief of staff Dan Satterberg says. "We kind of roll our eyes [at that] here. That's the least important thing you can tell me about yourself."

Even those on the opposite side of the courtroom respect the man, if not always his policies. David Chapman, director of the Associated Counsel for the Accused (ACA), thinks the civil commitment portion of the 1990 Community Protection Act is "horrible," but still considers Maleng trustworthy and thoughtful. "If I have discussions with Mr. Maleng," Chapman says, "I know he's going to follow through on any commitments he's made." Defense attorney John Henry Browne butted heads with Maleng on the Martin Pang case and disagrees with him on the death penalty and other issues. "He's a Republican," he says



That rarest of creatures, a politician who doesn't seek the spotlight

with a verbal shrug. But there's still respect. "There are a lot of prosecutors who aren't as balanced as Norm. . . . They file every possible death penalty case. They definitely grandstand in a much more *egotistical* way."

"He's just a fantastic person," U.S. District Court Judge Robert Lasnik states. "He's so generous and giving of himself. There are so many people who are in positions that were their life's dreams, such as myself, who simply would not have gotten there without Norm making it not just a priority but *the* priority for him to work on."

"He even remembers the trash and recycling on Tuesdays," Judy Maleng says.

If there have been controversies during Maleng's tenure, they've tended to be minor. When *The Seattle Times* suggested that someone—anyone—challenge Maleng in '98, they criticized only two of his decisions: He didn't recuse himself quickly enough from the Thomas Stewart case despite the fact that Stewart had donated money to Maleng's '92 campaign; and he pushed the Rodney Fletcher case, in which Fletcher sued the county for wrongful arrest, all the way to the Supreme Court. In the end, the *Times* still endorsed Maleng in the general election.

More recently, Maleng drew fire, from the American Civil Liberties Union and the National Association for the Advancement of Colored People, among others, for his handling of the Earl "Sonny" Davis case, in which a police officer was tried for stealing money from a man fatally wounded by the police. And some fear that the \$5 million price tag for prosecuting Gary Leon Ridgway for four

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of the "Green River Killer" murders is a low-ball figure and will continue to grow as the other 45 murders are investigated. The trial itself won't begin until at least 2003.

In fact, one could argue that Maleng has done his job *too* well, since the overcrowded county jails have placed too great a strain on the county budget, but Maleng is ready for this argument. Reforms in drug sentencing, he says, will relieve some of the strain. And the tougher sentences on car thieves will act as a deterrent *and* send repeat offenders to the state prisons more quickly. Ever the politician, Maleng adds, "One of the areas I want to turn my attention to in the future is this whole issue of jail population."

At some point, though, Maleng will step down, and the question remains, who will step in? Names have been bandied about: Mark Sidran, Republican King County Councilmember Rob McKenna. Rebecca Roe hears her name mentioned too, and laughs. "I would miss being in trial way too much," she says.

Essentially the job requires a lawyer who won't miss being in trial and a politi-

cian who will have difficulty using the office as a political stepping stone.

"To be honest with you," John Henry Browne says, "I don't think a lot of people want that job."

**M**aleng's office contains the artifacts of more than 30 years of public service and 64 years of life, and he seems to enjoy showing them off. They include one of three footballs given out during the Kingdome's groundbreaking ceremony on November 2, 1972 (the others went to John Spellman and Johnny O'Brien), and an old black-and-white photo of a young Norm Maleng with his prize-winning Jersey cow, Lassie May. On one wall, disturbingly close together, hang an affirmative-action award and a photo of Maleng with President George W. Bush. Farther down is a large card, signed by seemingly half the county, that Maleng received on his 50th birthday. A signature near the center: "For the best dad! Karen Maleng."

The opposite wall includes a framed photograph of Gen. Douglas MacArthur wading

ashore at the Philippines. "One of my boyhood heroes," Maleng says with pride. He asks me if I know MacArthur's famous speech. "You know: *Old soldiers never die...*"

I nod. "They just fade away."

He's quiet for a moment. Then, imitating MacArthur, he recites the beginning of the speech from memory: "*I speak to you today with a sense of deep humility and great pride. Humility in the wake of those great architects who have gone here before me, and pride, pride in the reflection that this home of legislative debate represents human liberty in the purest form yet devised.*" As he recites, one gets a glimpse of the sharp schoolboy he once was, fascinated with speech-making and politics, who dreamed of a life beyond the Acme Valley. The class valedictorian. The Governor. Afterward he turns away.

"So if you can ever figure out why the hell I went to law school or any of that," he says, "let me know." **L&P**

—Erik Lundegaard writes for The Seattle Times and Slate. His most recent article for L&P was on courtroom violence and security.

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