

October 18, 2016

To: Mr. Ken Fisher  
Mr. Kemper Freeman  
Mr. John Stanton  
Mr. Rodney Tom

Dear Sirs,

Together, we represent legal perspectives as former federal and local prosecutors, Justices, and advocates for a fair and independent judiciary. We are writing to express our concern for the television advertisement you are running against Justice Charlie Wiggins and ask that it be removed from the air immediately.

All of you are no strangers to public life and advocacy, and are entitled to your positions and opinions as citizens and voters. You also know full well the importance of an independent judiciary, and the need to present factual information to voters in the election of their judges and Justices.

The ad you have funded and placed borrows tactics from some of our country's ugliest political moments – most famously, the despicable and widely decried Willie Horton ads in 1988. You are knowingly misrepresenting both the impacts—and motives—of Justice Wiggins' majority opinion in the Budd case.

Justice Wiggins' long legal career has demonstrated his commitment to upholding the rule of law, which requires safeguarding and maintaining civil liberties for all citizens. The narrow decision was not “soft on crime”, nor was it condoning the deplorable behavior of the accused. The decision was rooted in upholding the constitutional right to privacy under Washington's search and seizure laws. To attempt to scare voters into thinking otherwise is grossly unfair—to Justice Wiggins and voters.

Furthermore, these ads have the serious potential to produce a chilling effect on the state's judiciary, in which judges make decisions based not on their best interpretation of the law but on fear of electoral retaliation by a few people with substantial resources.

Justice Wiggins is supported broadly throughout the legal community, including by trial lawyers and prosecutors as well as over 200 present and former judges who have endorsed his candidacy. He was rated “Well-Qualified” by the Washington Association of Prosecuting Attorneys while his opponent was rated only “Qualified.”

These tactics are improper, dishonest, and beneath us as Washingtonians. Please demonstrate your respect for the truth, fair elections, and the integrity of our judicial system and remove your ad from Washington airways and online resources. Your prompt attention is appreciated.

Signed,

Chief Justice Gerry Alexander, retired, Washington State Supreme Court  
Professor Dave Boerner, Seattle University School of Law  
Russ Hauge, former Kitsap County Prosecutor  
John McKay, former US Attorney for the Western District of Washington  
Rebecca Roe, former King County Deputy Prosecuting Attorney