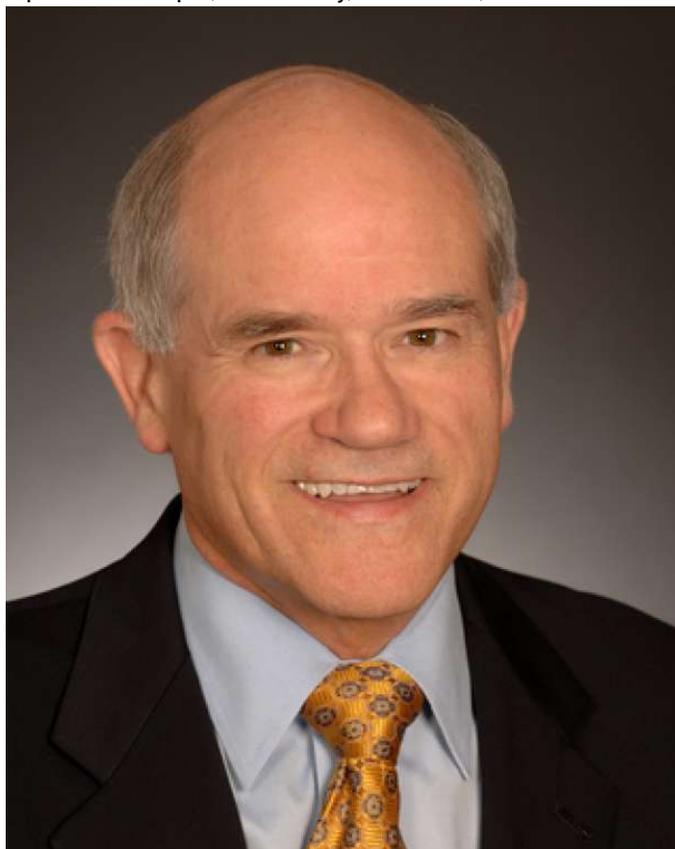


## Top lawyers tell rich conservatives: Take Willie Horton-style TV spot off the air

BY JOEL CONNELLY, SEATTLEPI.COM Updated 12:33 pm, Wednesday, October 26, 2016



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State Supreme Court Justice Charlie Wiggins has been targeted by charter school supporters and wealthy conservatives. One group is running an anti-Wiggins TV spot reminiscent of Republicans infamous Willie

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A crude, negative TV ad attacking Washington Supreme Court Justice Charlie Wiggins "should be removed from the air immediately," several of the state's leading lawyers said in a letter to wealthy conservatives who put up \$350,000 to put it on the air.

"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 of 1988," they wrote. "You are knowingly misrepresenting both the impacts -- and motives -- of Justice Wiggins' majority opinion in the Budd case.

The letter was signed by former U.S. Attorney John McKay, retired Supreme Court Chief Justice Gerry Alexander, former King County Senior Deputy Prosecuting Attorney Rebecca Roe, and Seattle University Law School Professor Dave Boerner.

Willie Horton was a felon serving a life sentence for murder in Massachusetts. He was let out of jail under that state's weekend furlough program. Horton did not return but went on to commit assault, armed robbery and rape.

The glowering African-American visage of Horton appeared on TV screens across America as part of a Republican attack strategy against Massachusetts Gov. Michael Dukakis, the Democrats' 1988 presidential nominee (who carried Washington).

Conservatives have decried the Washington Supreme Court over a number of issues, notably its 2015 ruling against charter schools, and its McCleary decision requiring that the state fully fund K-12 education by September 2018.

Three justices are up for reelection. Chief Justice Barbara Madsen appears unassailable after taking 64 percent of the vote in the primary. Justice Mary Yu is a highly popular former King County Superior Court judge.

Which leaves Wiggins, a mainstay of the Kitsap County bar who upset libertarian Justice Richard Sanders six years ago.

Wiggins has a target on his back. A group of billionaire charter school supporters and business groups -- Steve and Connie Ballmer, Paul Allen's Vulcan, Bill Gates and the Building Industry Association of Washington, among others -- have put \$550,000 behind a PAC called Citizens for Working Courts.

The group will tout Wiggins' challenger, Federal Way Municipal Court Judge Dave Larsen.

A second PAC, Judicial Integrity Washington, is funded by billionaire Camas investor Ken Fisher, Bellevue developer Kemper Freeman Jr., and Seattle Mariners president John Stanton. It is mounting a bare knuckles attack on Wiggins from the right.

"What's unfortunate is their opinion is shouted loudly because they are incredibly wealthy," Wiggins told Austin Jenkins of KNKX radio, which broke the story.

"I hope the voters of Washington will not be confused by messages that are being sent and be able to see this for what it is, which I think is an attempt to purchase a seat on the court."

The centerpiece of the anti-Wiggins ad is his opinion in State vs. Budd, in which the high court ruled that police overstepped in a warrant-less household search after receiving an anonymous tip that a man possessed child pornography.

Ex-State Sen. Rodney Tom, head of Judicial Integrity Washington, defended the anti-Wiggins ad.

"I just saw the letter," Rodney said in an email. "The ad is factually correct. Justice Wiggins was the swing vote and wrote the opinion on the Washington vs. Budd case where the defendant was let off on a technicality, and just recently that same defendant was re-arrested in a sting operation trying to solicit sex with a 14-year-old girl."

The lawyers, in their letter, took a different view, writing:

"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.

"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."

The nasty spot, running on Cable TV, has caused upset in the Seattle legal community. In particular, there has been wonder why Stanton, a man of high repute, would lend his resources to such an advertisement.

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