

JOINT STATEMENT OF JUSTICE ROBERT F. UTTER (RET.) AND JUSTICE FAITH IRELAND (RET.)

Today we are filing a citizens' lawsuit against the Building Industry Association of Washington for what we believe are serious violations of campaign finance laws. We are also notifying the Attorney General that at the end of a statutory waiting period, we intend to bring a similar lawsuit against Dino Rossi.

Based upon our earlier notice, the State Attorney General has already brought suit against a subsidiary of the BIAW for its illegal campaign fundraising that was designed to support Rossi's candidacy. The actions taken by a Republican Attorney General and a bi-partisan Public Disclosure Commission against the BIAW show that the violations are serious and their prosecution is not a partisan issue, as some have claimed.

However, the Attorney General took no action on our assertion that the BIAW had improperly coordinated with a candidate, and we therefore have brought suit on this claim.

The evidence upon which we base our legal action can be construed to show that Dino Rossi was not just a beneficiary of these illegal activities, but was a knowing and active participant. The evidence shows, moreover, that the attack ads of the BIAW are not really "independent" of their beneficiary Dino Rossi. This is because Dino Rossi helped the BIAW to amass the war chest for these attack ads.

This is an important issue for all races. Special interests are increasingly supporting candidates through "independent expenditures" that are not subject to contribution limits. These "independent" campaigns also tend to contain the most vicious and dubious negative attacks, since the benefitting candidate can say that they have no control over these messages. It is critical to enforce the law that prohibits candidates from providing fundraising assistance to or otherwise coordinating with "independent" committees.

The fact that Dino Rossi had not publicly declared his candidacy when this alleged coordination took place is not a defense. A person becomes a candidate when he helps a political committee to amass a war chest to support his candidacy. And the evidence suggests this is what happened here.

If this coordination took place, then the BIAW's expenditures would not qualify as an independent expenditure, and would be legally limited to \$2,800. The millions of dollars of attack ads that have blanketed our airwaves would be illegal, and further expenditures should be enjoined.

Washington campaign laws are in place to ensure our elections are fair, that all candidates know what they are facing from their opponents in terms of campaign financing. These rules are there to ensure that special interests cannot buy their way into a legislative process designed to serve and protect the interests of all citizens. Without enforcement our laws are meaningless.