

Why Bill Gates is trying to change Washington's Supreme Court



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Washington State Supreme Court Justice Charlie Wiggins spent 10 months raising a little over \$200,000 for his reelection campaign. On Oct. 17, a single donor — Microsoft co-founder Bill Gates — wrote a \$200,000 check to a political action committee aiming to boot Wiggins from office.

That same day, several of Gates's former colleagues, including Microsoft co-founder Paul Allen and former Microsoft President Steve Ballmer, wrote checks to a new group, Citizens for Working Courts. Brad Smith, Microsoft's current president, has also donated.

Another group, Judicial Integrity Washington, has received hundreds of thousands of dollars from wealthy Washington state businessmen, including billionaire investment manager Ken Fisher, real estate mogul Kemper Freeman and John Stanton, the majority owner of the Seattle Mariners.

Both groups are supporting Dave Larson, a municipal court judge in Federal Way, a city of about 100,000 just south of Seattle. Larson is seeking to replace Wiggins on the state's Supreme Court.

Judicial Integrity is already running [one spot](#) against Wiggins that recalls the infamous Willie Horton ad from the 1988 presidential campaign.

"Charlie Wiggins has a history of letting dangerous people do dangerous things — rapists, murderers and kidnappers," the ad says, citing a defendant accused of trafficking in child pornography. "Our children are preyed upon, and Wiggins enabled the predator."

"If you want to take a judge out on an ideological ground, this is what you do: You find a criminal case that was decided in favor of the defendant, and then you vilify the judge," Wiggins said in an interview. The money being spent against him "demonstrates the problems with Citizens United. How can you effectively limit money going into judicial races, or any races for that matter, if money talks?"

The outside spending mirrors a growing trend across the country in which outside groups and large donors dump thousands, and even millions, of dollars into nonpartisan judicial races that have otherwise garnered little outside interest.

Judges and candidates for judicial office raise little money compared with candidates for legislative, statewide or federal office, meaning those races can become dominated by wealthy outside actors.

In recent years, coal companies, conservative activists and business groups have all contributed millions of dollars to judicial races in states like West Virginia, Pennsylvania, Alabama and elsewhere. Observers say those contributions threaten to undermine judicial independence, especially because most states do not have rules barring judges from hearing cases involving their own donors.

This year alone, outside groups have spent \$14 million on state supreme court races across the country, according to the Brennan Center for Justice, which has issued warnings about the impact of big spending in judicial races.

"When outside groups pour money into judicial races, it puts our whole system at risk. Our democracy relies on judges to decide cases based on their understanding of the law and the facts in front of them, and not out of fears about their next election," Brennan Center senior counsel Alicia Bannon wrote.

In Washington, Gates and the other mega-donors are targeting a judge who has ruled against one of their pet projects in the past.

Last year, the court ruled that a 2012 ballot measure establishing charter schools in Washington violated the state constitution because it gave control of charter schools to appointed boards, rather than elected ones. Wiggins voted with the majority.

Gates, Allen and Ballmer had helped fund the ballot measure establishing charter schools.

"It sends a terrible message to judges, which is if you don't toe the line as we see it, we'll find a criminal case and we'll vilify you," Wiggins said of the outside spending.

Judges "rely on the respect of the public, and, quite frankly, the other two branches of government. This kind of negative campaigning that I'm confronting is corrosive."

A Gates spokeswoman did not respond to a request for comment. Larson's campaign did not respond to an email.

Candidates running for Supreme Court seats in Washington and most other states seek ostensibly nonpartisan offices. But the veneer of nonpartisanship, too, is leaking away: In practice, candidates seek endorsements from state political parties, and groups with overtly partisan goals are among the biggest outside spenders.

In the past two years, the Republican State Leadership Committee, which is allowed to accept donations from corporations, has been the biggest spender in judicial races in Ohio, Montana, Pennsylvania, Arkansas, West Virginia and Wisconsin. North Carolina Families First, a liberal PAC that backs Democratic candidates for state legislative seats, has purchased \$670,000 in television advertisements in a state Supreme Court race this year, the Brennan Center reported.

Washington's state Republican Party has spent more than \$100,000 on television ads critical of Wiggins and Justices Mary Yu and Barbara Madsen, who are also on the ballot this year, for voting to uphold a \$15 minimum wage at SeaTac Airport.

Even President Obama has taken the unprecedented step of weighing in on a state court race. Obama this week endorsed Mike Morgan, a Wake County Superior Court judge running to unseat North Carolina Supreme Court Justice Bob Edmunds.

Edmunds voted with three other Republican justices to uphold a 2011 redistricting plan that a federal court later ruled violated prohibitions on racial gerrymandering.

Voters in 27 states will elect supreme court justices this year. Candidates and outside groups have spent almost \$30 million on races for those seats.