

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Tracy, Mary](#)
Subject: FW: Support for General Rule 38
Date: Tuesday, January 28, 2020 11:45:25 AM



From: Peter Kardas [mailto:kardasp@gmail.com]
Sent: Tuesday, January 28, 2020 11:41 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Re: Support for General Rule 38

Oops. It looks like my paragraph breaks disappeared. I have reasserted them below. Anyway the copy I sent you can be fixed? Many thanks.

On Jan 28, 2020, at 11:38 AM, OFFICE RECEPTIONIST, CLERK
<SUPREME@COURTS.WA.GOV> wrote:

Your comments have been forwarded to the rules committee.

Thank you,

*Receptionist
Supreme Court Clerk's Office
360-357-2077*

From: Peter Kardas [mailto:kardasp@gmail.com]
Sent: Tuesday, January 28, 2020 11:31 AM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: Support for General Rule 38

I am writing to support adoption of General Rule 38.

One of the most important aspects of this proposed rule is its grounding in common law that goes back centuries – to English common law that existed before the American Revolution, and in US common law and the US Constitution since that time. We live in a time of high anxiety when our liberties are threatened by domestic and foreign political leaders as well as by business practices that use technology to spy on us for commercial gain. The idea that there are ancient freedoms protected by our courts provides some reassurance that liberties which were fought for and established in the past will continue into the future.

If the ordinary resident of this country is anxious about a threat to liberties, we know the anxiety is much higher for those who fear being arrested by Immigration and Customs Enforcement or the border patrol. Such anxiety means not only fear of being arrested and deported, but also fear that basic human rights can be violated without people having recourse to law enforcement or the courts. Everyone, no matter their immigration status, has the right to feel safe in their person, and the right to get protection through the courts. Without that, it is much harder to challenge domestic abusers or anyone else who is using or threatening violence against one's person or property. It is untenable for a country committed to universal human rights to allow such a condition to exist.

The proposed rule would provide protection from arbitrary arrest to all who are in court, or who are traveling to or from court. For that period of time, providing there are no judicial warrants subjecting someone to arrest, people will be in a space where some security can be expected. This will make the courts different from virtually every other space that many immigrants inhabit, which is appropriate given the centrality of courts to protecting freedoms. The proposed rule may make policing more difficult – though not impossible – for immigration officers, but rules that protect liberties are not supposed to make the exercise of police powers easier. People centuries ago fought for habeas corpus, free speech, and other rules for fair play to provide protection from arbitrary police and political power, and General Rule 38 would reinforce that tradition. It should be adopted and defended, all the way up to the U.S. Supreme Court if necessary. It is that important.

Thank you for your consideration,

Peter A. Kardas
Member, Law Enforcement and ICE Working Group
Strengthening Sanctuary Alliance, Olympia