28

THE HONORABLE JAMES DIXON
For Hearing on September 5, 2019
1:30 p.m.

THURSTON COUNTY SUPERIOR COURT OF WASHINGTON

"Approve I-1000 Campaign Committee," et al., Petitioners/ Plaintiffs, vs. Thomas G. Jarrard, Kan Qui, John Carlson, Judy Warnick, Mary A. Radcliffe, and Yvonne Kinoshita Ward; Respondents / Defendants; Kim Wyman, Secretary of State, Nominal Party.	No. 19-2-04414-34 LIMITED APPEARANCE AND OBJECTION TO PETITION UNDER RCW 29A.32.090

I. RELIEF REQUESTED

Petitioners seek to institute quotas and repeal veterans' preferences through hidden provisions in I-1000. When those opposed to such action – the Respondents herein – disclosed this in a voter statement, the Petitioners individually sued the Respondents but never served them with this lawsuit. Nor did Petitioners disclose the existence of this pending motion seeking to have Respondents' statement stricken. Petitioners' claims violate of well-established law in their attempt, *ex parte*, to suppress Respondents' political speech. The undersigned respectfully requests the Court deny the petition.

YVONNE KINOSHITA WARD LLC
128 14th Street Southeast, Auburn, Washington 98002
253 887-8686

Original

There is only one statutory mechanism that authorizes the court to change or delete a voter pamphlet statement, and that is RCW 29A.32.090 (3). The standard to do so is extraordinarily high:

> The court shall not enter such an order unless it concludes that the statement is untrue and that the petitioner has a very substantial likelihood of prevailing in a defamation action.

RCW 29A.32.090 (3) (b) (emphasis added). Petitioners have not even come close.

Here, defamation is not even alleged regarding the reference to quotas. Nor is any evidence presented to establish that any person has been exposed to "hatred, contempt, ridicule, or obloquy," etc. necessary to justify court intervention. The petition should be dismissed.

II. LIMITED APPEARANCE

Two of the individual defendants named herein are well-established Washington State attorneys:

- Thomas Jarrard, Past President of the Washington State Veterans' Bar Association and expert in veterans' issues (WSBA # 39744); and
- The undersigned Yvonne Kinoshita Ward, Past President of the Asian Bar Association of Washington specializing in civil rights (WSBA #20276).

Declaration of Counsel, subjoined herein.

Both have addresses, phone numbers, and email addresses listed on their respective law firm websites and the WSBA Directory. Yet neither was served with this lawsuit, either by messenger, U.S. mail, email, or any other means. Neither was given the courtesy of even a phone call by Petitioners' counsel to alert them of this hearing. *Id.*

YVONNE KINOSHITA WARD LLC
128 14th Street Southeast, Auburn, Washington 98002
253 887-8686

Having not been served, each appears separately and specially to contest Petitioners' improper request for unjustified, extraordinary relief, reserving objection to personal jurisdiction and other procedural defects.

III. THE PETITION IS UNTIMELY

Not withstanding the failure to name the Committee, the Petition is untimely. On August 7, 2019, the Secretary of State certified Referendum 88, which placed Initiative 1000 onto the ballot. Voter pamphlet statements were due and submitted on August 16, 2019, with rebuttal statements due and submitted on August 21, 2019. Both sides were served with each other's statements on those dates. *See Petitioners' Statements at Exhibit A as provided by the Secretary of State, Declaration of Counsel Yvonne Kinoshita Ward, subjoined herein; Respondents' Statements at Exhibit B.*

RCW 29A.32.090 mandates that an action challenging a voter pamphlet statement "must be filed and served no later than the tenth day after the deadline for the submission of the argument or statement to the secretary of state." (emphasis added). The ten-day deadline is mandatory: "Washington courts have consistently held that "must" and "shall" are synonymous and both words impose mandatory duties." *Khandelwal v. Seattle Municipal Court*, 6 Wash.App.2d 323, 388 (2018).

Therefore, challenges to rebuttal statements had to be filed and served upon the opposing Committee within 10 days, by September 3, 2019.[1] If served by mail, the challenge had to be deposited into the US Mail by August 28, 2019 -- three court days before the deadline under CR 5: "Service shall be deemed complete upon the third day following the day

[1] The tenth day was August 31, a Saturday; the next court day was September 3, 2019.

YVONNE KINOSHITA WARD LLC
128 14th Street Southeast, Auburn, Washington 98002
253 887-8686

upon which they are placed in the mail." No such service was effected. As of this hearing, the Respondents have not been served.

RCW 29A.32.090 sets deadlines for obvious reasons which may be delineated by the Secretary of State. Notwithstanding the policies underlying the strict statutory deadlines, failure to comply is fatal to the extraordinary relief Petitioners seek. Dismissal is in order.

IV. PETITIONERS FAILED TO MEET THE HIGH BAR TO STRIKE A POLITICAL STATEMENT FROM THE VOTER PAMPHLET.

State law authorizes a court to strike a political statement only under the most stringent of circumstances: When the high bar of political defamation has been met. Here, Petitioners seek to suppress the truth about I-1000, i.e., that it contains hidden quotas and eliminates long-established preferences for veterans. Petitioners produced no evidence that this truth has defamed them under the stringent standards governing political speech; rather, they merely disagree with the conclusions of their opposition. That does not meet that extraordinary requirements necessary to authorize court interference with highly protected political speech under strict scrutiny standards.

A. I-1000 IMPLEMENTS QUOTAS THROUGH HIDDEN PROVISIONS.

While eschewing "quotas," I-1000 never defines them. Instead, I-1000 stealthily establishes quotas through §§ 3 (8) and (11). Section 8 authorizes the government to fix perceived "underrepresentation" of certain groups as decided through a "disparity study." In section 11, the government selects for admission into schools and hiring into government those from designated groups. The government is to establish "goals and timetables" specifically for the purpose of increasing hiring and enrollment of favored groups as determined by the undefined "disparity study." The quotas ("goals") are then enforced

YVONNE KINOSHITA WARD LLC
128 14th Street Southeast, Auburn, Washington 98002
253 887-8686

through a new, vast government bureaucracy to which no standards, rules, or regulations apply. See § 5.

"Goals and timetables" is code for quotas. This was first established in *Regents of University of California v. Bakke*, 438 U.S. 265, 289 (1978) ("The semantic distinction between "goal" and "quota" is beside the point. Whether this limitation is described as a quota or a goal, it is a line drawn on the base of race and ethnic status"). The courts have continued to rule "goals" and "quotas" are interchangeable with the difference being semantic. See, e.g., *U.S. v. County of Fairfax, Va.*, 1981 WL 214 (E.D. Va. 1981) ("the difference between the two, as requested by the government in its proposed decree, is semantic"); *Connerly v. State Personnel Bd.*, 92 Cal. App. 4th 16, 22 (2001):

> The strict scrutiny standard of review does not depend on semantic distinctions, such as "goal" rather than "quota." What is constitutionally significant is that the government has drawn a line on the basis of race or has engaged in a purposeful use of racial criteria.

Hence, strict scrutiny of "the purposeful use of racial criteria" cannot be avoided by using the term "goal" instead of "quota;" rather, the terms are interchangeable. See, e.g., *County of Fairfax*, supra; they are a distinction without a difference. *Connerly*, supra. Therefore even if one part of I-1000 on the surface eschews "quotas," they are *de facto* implemented.

This is the Harvard-Style anti-Asian quota and cap system that has been exposed in pending litigation. *See Northwest Asian Weekly Special at Exhibit D.* That is why the voters must know what I-1000 will really do. Respondents' use of the term quota brings to light that which the Petitioners seek to hide. The fact that Petitioners are upset does not justify court intervention.

YVONNE KINOSHITA WARD LLC
128 14th Street Southeast, Auburn, Washington 98002
253 887-8686

B. THE DEMISE OF LONG-STANDING VETERANS

Petitioners allege defamation by claiming that the Referendum 88 rebuttal statement falsely describes the effect of the law. Such a claim, of course is a political, or, at best, a legal opinion which is not sufficient to serve as a basis for defamation.[2] Moreover, the opinion that the passage of Referendum 88 is harmful to veterans is indisputable.

Veterans' preference in public employment that has been provided in Washington State since 1895. *See* RCW 41.04.010 and 73.16.010. Under these statutes, honorably discharged veterans, their survivors, and partners of 100% disabled veterans are entitled to veterans' preference in public employment in the following ways.

1. In competitive exams, veterans are entitled to a 10% bonus added to their passing score on employment examination;

2. Current public employees, who deployed to war and returned to public service, are entitled to 5% bonus on promotional examination;

3. Veterans, their widow/er/s and the partners of 100% disabled veterans, are entitled to a general preference in employment or appointment that does not involve a competitive examination.

Id.

The passage of Referendum 88 will eliminate those preferences, and harm veterans. First, the Referendum 88 specifically adds "honorably discharged veteran or military status" to RCW 49.60.400 (Discrimination, preferential treatment prohibited) where it never

[2] "A simple expression of opinion based on disclosed or assumed *nondefamatory* facts is not itself sufficient for an action of defamation, no matter how unjustified and unreasonable the opinion may be or how derogatory it is." *Duc Tan v. Le*, 177 Wash. 2d 649, 664, 300 P.3d 356, 364 (2013) (quoting Restatement § 566 cmt. C). *Dunlap v. Wayne*, 105 Wash. 2d 529, 539-40, 716 P.2d 842, 848-49 (1986).

existed before. Second, section 3(1) of Referendum 88 plainly states, "(1) The state shall not [...] grant preferential treatment to, any individual or group on the basis of [...] honorably discharged veteran or military status in the operation of public employment, public education, or public contracting." If that becomes the new state law, the existing veterans' preference statutes, *i.e.* RCW 41.04.010 (Veterans' scoring criteria in examinations) and RCW 73.16.010 (Preference in public employment) will conflict with the new law.

Section 6 of the Act addresses the mechanism by which the conflicts in law will be resolved: it directs that within 3 months, "the office of program research and senate committee services shall prepare a joint memorandum and draft legislation to present to the appropriate committees of the legislature regarding any necessary changes to the Revised Code of Washington to bring nomenclature and processes in line with this act so as to fully effectuate and not interfere in any way with its intent." What does that mean? Simply put, it means I-1000 supersedes existing RCWs, i.e. veterans' preference statutes, eliminating those preferences to vitiate conflict with Referendum 88.

Third, Section 3(1) of I - 1000 plainly states, "(1) The state shall not [...] grant preferential treatment to, any individual or group on the basis of [...] honorably discharged veteran or military status in the operation of public employment, public education, or public contracting." The proponents allege that the law would help veterans because it includes veteran or military status as part of affirmative action. But, elimination of a clear mandatory hiring preference that currently exists under state law, in exchange for an uncertain or illusory inclusion in an affirmative action plan, is worthless to veterans.

Furthermore, this exact legal analysis was presented by committee staff at hearing on the proposed Initiative:

YVONNE KINOSHITA WARD LLC
128 14th Street Southeast, Auburn, Washington 98002
253 887-8686

> Representative Shea: For those of us who are veterans or as a concerning part of the definition section here that appears to prohibit preferential treatment for somebody's honorably discharged status, but we routinely seem to do that all the time with civil service points and schooling am I reading that correctly.
>
> Edie Adams Committee Staff, JT. HSE CIVIL RIGHTS & JUDICIARY & SEN ST. GOV., TRIBAL & Elections CMTE, Reply: Yes Representative Shea, the initiative will now prohibit the use of preferential treatment with respect to veterans and all of other listed characteristics .

INITIATIVE 1000 DIVERSITY, EQUITY, & INCLUSION HEARING 4/18/2019, *Available* in closed captions at: https://www.youtube.com/watch?v=oHns-78lbjk&feature=youtu.be.

Repeating legislative staff opinions in a referendum rebuttal to the proponents' false claims that the law will help veterans is not defamatory speech. It is truth.

C. STANDARD FOR POLITICAL SPEECH

Yet this Court need not establish truth of the statements. Political speech is afforded the highest protection under Washington Supreme Court precedent:

> The State asserts it may prohibit false statements of fact contained in political advertisements. This claim presupposes the State possesses an independent right to determine truth and falsity in political debate. However, the courts have "consistently refused to recognize an exception for any test of truth—whether administered by judges, juries, or administrative officials—and especially one that puts the burden of proving truth on the speaker."
>
> Rather, the First Amendment operates to insure the public decides what is true and false with respect to governance.

State ex rel. Public Disclosure Com'n v. 119 Vote No! Committee, 135 Wash.2d 618, 625 (1998), citing *New York Times Co. v. Sullivan*, 376 U.S. 254, 271 (1964).

To justify court intervention and change or strike a political statement, the Petitioners have to meet the extraordinarily heavy burden of public figure defamation, to which they have not even come close. First, they would have to establish falsity and this they

YVONNE KINOSHITA WARD LLC
128 14th Street Southeast, Auburn, Washington 98002
253 887-8686

cannot do. Indeed, it is a difference of opinion rather than of fact as to whether I 1000 imposes quotas and harm veterans. A difference of opinion cannot give rise to government intervention with political speech:

> The State claims that "it may prohibit false statements of fact contained in political advertisements." However, "this claim presupposes the State possesses an independent right to determine truth and falsity in political debate," a proposition fundamentally at odds with the principles embodied in the First Amendment.
>
> Moreover, it naively assumes that the government is capable of correctly and consistently negotiating the thin line between fact and opinion in political speech. Yet, political speech is usually as much opinion as fact. As aptly summarized by the supreme court..."Every person must be his own watchman for truth, because the forefathers did not trust any government to separate the truth from the false for us."

Rickert v. Public Disclosure Com'n, 161 Wash.2d 843, 849-50 (2007) (emphasis added), citing *119 Vote No!*, supra at 625. In restricting State intervention into political speech the Court then held:

> Particularly relevant here is the fundamental First Amendment principle forbidding censorship or coerced silence in the context of political debate. "The First Amendment exists precisely to protect against laws ... which suppress ideas and inhibit free discussion of governmental affairs." *Id.* at 627, 957 P.2d 691; *see also White*, 536 U.S. at 774, 122 S.Ct. 2528 (political speech is " 'at the core of our First Amendment freedoms'").

Id.

At issue here is the height of political speech: Whether Harvard-style Asian caps and limitations, and different rules for different races, should be used by the Government in deciding who gets into college, who gets public employment, and who gets government contracts through a Statewide Initiative invokes due process, equal protection, civil rights, and policies with profound implications. Whether Veterans should lose their hard-earned

YVONNE KINOSHITA WARD LLC
128 14th Street Southeast, Auburn, Washington 98002
253 887-8686

preferences likewise has far reaching impacts. Petitioners are wrong to try to seek a secret hearing to stifle First Amendment speech on these issues of significant public import.

D. D. PETITIONERS FAILED TO ESTABLISH DEFAMATION.

The statute does not allow the Court to strike a rebuttal statement on the belief that it is false. Under the statute, the only basis to strike or amend the statement is if it is defamatory. RCW 29A.32.090 (3)(a).

1. *PETITIONERS DO NOT ALLEGE THAT THE REFERENCE TO "QUOTAS" IS DEFAMATORY.*

Nowhere in their 17-page petition is it alleged that the rebuttal statement exposing the implementation of quotas is defamatory. Because defamation is necessary before the court can even consider striking a voter pamphlet statement, the reference to quotas is not subject to judicial review.

2. *PETITIONERS FAILED TO ESTABLISH DEFAMATION RELATED TO THE REFERENCE THAT I 1000 ELIMINATES VETERAN PREFERENCES.*

In addition to their failure to establish falsity, petitioners present zero evidence for the other elements necessary to change a voter statement, i.e., exposure to "hatred, contempt, ridicule, or obloquy, or to deprive him or her of the benefit of public confidence or social intercourse, or to injure him or her in his or her business or occupation." RCW 29A.32.090(2). They present not a single sworn statement or other piece of evidence to suggest that they have been exposed to any of the above based upon Respondents' rebuttal.

3. *THE PETITIONERS CANNOT COME EVEN CLOSE TO PREVAILING ON A DEFAMATION CLAIM.*

There is no defamation established by Petitioners. First, as noted above there are no untrue statements. To the extent there is a difference of opinion as to the impact of the initiative, that is not something the government can determine.

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128 14th Street Southeast, Auburn, Washington 98002
253 887-8686

Second, Petitioners have purposely placed themselves into the public forum and become public figures on highly political issues. As such, the bar is extraordinarily high for them to prevail in any defamation action:

> In some instances an individual may achieve such pervasive fame or notoriety that he becomes a public figure for all purposes and in all contexts. More commonly, an individual voluntarily injects himself or is drawn into a particular public controversy and thereby becomes a public figure for a limited range of issues. In either case such persons assume special prominence in the resolution of public questions.

Taskett v. KING Broadcasting Co., 86 Wash.2d 439, 446 (1976) (emphasis added). Hence , when one is public figure, defamation is exceedingly difficult to establish duty importance a public discussion and involvement:

> Therefore, with regard to public officials and public figures, the First Amendment compels a greater tolerance since they have, through their conduct, intentionally placed themselves before the public with full knowledge of the attention accorded individuals in their position by the media, and the public's need to be fully informed is at its maximum.

Id.

Here, by Petitioners' own statements about how they are on the websites for the I-1000 campaign, they are public figures for purposes of the issue before this Court. They had made public statements as to what the initiative does and does not do. To that extent, they cannot possibly prevail in any defamation action simply because they disagree with how respondents have categorized the impact of the initiative. Petitioners cannot meet the basic elements to warrant court intervention on this issue of high public importance. The petition must be denied.

Nor is there any possible harm to reputation. The I-1000 Campaign did not pay its workers – veterans, minorities, and students – who were hired to gather signatures. In fact, the Campaign owes these workers nearly $1.4 million dollars. *See Exhibit E.* Notwithstanding

YVONNE KINOSHITA WARD LLC
128 14th Street Southeast, Auburn, Washington 98002
253 887-8686

that Respondents' statements are true and protected as political speech, there is no possible harm to Petitioners given their public conduct to date.

V. RCW 7.96 DOES NOT AUTHORIZE STRIKING A POLITICAL STATEMENT

The only statutory mechanism to change the voter pamphlet statement is RCW 29A.32.090(3). No other statute grants such authorization.

Petitioners rely upon RCW 7.96, a relatively new and untested statute which provides a defense to defamation claims. It does not authorize a court to strike a political statement from a voter pamphlet. Rather, it appears to be a mechanism designed to facilitate dispute resolution over private defamation claims. Indeed, it provides no mechanism for court action in any respect. And in any event, Petitioners have not served Respondents with any purported defamatory claims to address to invoke this statute. Their reliance is not only misplaced; it is disingenuous.

VI. THE REBUTTAL IS CLEARLY IN THE SCOPE

Petitioners falsely allege a "scope" issue. Yet Petitioners themselves reference quotas and veterans' preferences in their "pro" statement. *Exhibit A.* That they claim Respondents cannot address what they themselves raise is part of the pattern of deceit that is the hallmark of the I-1000 campaign. And as noted above, there is no statutory authority to strike a voter pamphlet statement absent the high bar of public figure defamation.

The bottom line is that Petitioners are upset that their attempt to establish Harvard-Style racial quotas and eliminate Veterans' preferences have come to the light of day. That, however, does not justify the extreme remedy of striking Respondent's truthful statements.

YVONNE KINOSHITA WARD LLC
128 14th Street Southeast, Auburn, Washington 98002
253 887-8686

VII. CONCLUSION

The I-1000 campaign has engaged in a pattern of deceit from its onset. That is evident from the hidden provisions establishing quotas and limiting veteran preferences; the fact that it is $1.4 million in debt due to its failure to pay its employees; and the gamesmanship we see here, i.e., setting a secret hearing and not providing notice or serving the actual defendants in this cause of action.

Now it seeks court intervention because it is upset that the light of day is being shown upon I 1000. That is insufficient. They failed to show that they have a substantial likelihood of prevailing in any defamation suit as public figures. The petition should be dismissed.

RESPECTFULLY SUBMITTED on September 5, 2019.

YVONNE KINOSHITA WARD LLC

Yvonne Kinoshita Ward

Yvonne Kinoshita Ward, WSBA #20276

YVONNE KINOSHITA WARD LLC
128 14th Street Southeast, Auburn, Washington 98002
253 887-8686

VIII. DECLARATION OF COUNSEL

I, Yvonne Kinoshita Ward, hereby declare as follows:

1. The attached exhibits are true and accurate copies of records in my files and are what they purport to be.

2. The above assertions whose cited factual basis is "Declaration of Counsel" are my statements and are based upon my personal knowledge.

3. I declare under penalty of perjury under the laws of Washington the foregoing is true and correct to the best of my knowledge.

Signed at Auburn, Washington, on September 5, 2019.

YVONNE KINOSHITA WARD LLC

Yvonne Kinoshita Ward

Yvonne Kinoshita Ward, WSBA #20276

YVONNE KINOSHITA WARD LLC
128 14th Street Southeast, Auburn, Washington 98002
253 887-8686

IX. CERTIFICATE OF FILING AND SERVICE

I certify I caused the foregoing and its attachments, if any, to be

☒ Filed with the court on ☒ September 5, 2019 ☐ _____ ☐ by noon via

☐ Electronic filing;

☐ Depositing the same in the U.S. Mail, first-class postage prepaid; or

☐ Hand delivery

And/or ☒ served on Petitioners' counsel via the following means:

☐ Via Court's E-Service on ☒ September 5, 2019 ☐ _____ ☐ by noon,; and/or

☑ Electronic mail on ☒ September 5, 2019 ☐ _____ ☐ by noon; and/or

☐ ~~Hand~~ delivery on ☒ September 5, 2019 ☐ _____ ☐ by noon.

Signed at Auburn, Washington, on ☒ September 5, 2019 ☐ _____.

YVONNE KINOSHITA WARD LLC

Yvonne Kinoshita Ward

Yvonne Kinoshita Ward, WSBA 20276
Of Attorneys for Plaintiffs

YVONNE KINOSHITA WARD LLC
128 14th Street Southeast, Auburn, Washington 98002
253 887-8686

SUPERIOR COURT OF WASHINGTON FOR Thurston COUNTY

"Approve I-1000 Campaign Committee' et al.,

PLAINTIFF/PETITIONER,

VS.

Thomas G. Jarrard, et al.,

DEFENDANT/RESPONDENT,

NO. 19-2-04414-34

DECLARATION OF ELECTRONICALLY RECEIVED DOCUMENTS (DERD)

Pursuant to the provisions of GR 17, I declare as follows:

1. I am the party who received the foregoing electronically transmitted for filing.
2. My address is: 1517 S. Fawcett St., Suite #100, Tacoma WA 98402.
3. My phone number is 253-383-1791
4. The facsimile number where I received the document is 253-272-9359 and or e-mail address is tac@abclegal.com.
5. I have examined the foregoing document, determined that it consists of 16 Pages, including this Declaration page.

I certify under the penalty of perjury under the laws of the State of Washington that the above is true and correct.

Dated: 9/5/19
At Tacoma, Washington.

Signature: _____

Print Name: Jacob Josephsen

EXHIBIT A

Last year, nearly 400,000 voters petitioned lawmakers to support Initiative 1000, restoring fairness and opportunity to Washington's public employment, contracting, and education enrollment policies. Our State Legislature listened, and passed I-1000. With special interests paying to overturn this law, voters must approve I-1000.

I-1000 Ensures a Level Playing Field with No Quotas

I-1000 simply restores rights consistent with 42 other U.S. states, ensuring fairness and opportunity for all people and small businesses. It allows outreach and recruitment to veterans, women, minorities, and others too often left behind in government hiring, contracting, and education. Under I-1000, quotas and preferential treatment are prohibited, and no one who is unqualified will be selected due to preferential treatment.

Improved Opportunity for Veterans and People of All Abilities

I-1000 expands laws allowing consideration for Vietnam era and disabled veterans in government contracting and employment to include all honorably discharged veterans and military personnel, honoring the sacrifice of those delaying entry into the workforce—or returning injured or disabled.

Build a Healthy Economy, Expand Small Business Opportunities

I-1000 ensures fairness and opportunities for small businesses competing for public contracts—helping local businesses grow local jobs. And, large employers need a diverse, skilled workforce, which is why Microsoft, Alaska Airlines, Vulcan, Amazon, and many other businesses all support I-1000, joining Labor organizations and civil rights groups like the ACLU and Urban League.

We urge all Washingtonians to approve I-1000 for fairness and equal opportunity.

Gary Locke, Democrat, Former Governor, US Ambassador, US Secretary Commerce
Daniel J. Evans, Republican, Former Governor
Christine Gregoire, Democrat, Former Governor, Attorney General
April Sims, Secretary Treasurer, Washington State Labor Council, AFL-CIO
Marilyn Strickland, CEO, Seattle Chamber of Commerce, Former Tacoma Mayor
Rogelio Riojas, CEO, Sea Mar Community Health Centers

For more information, call (206) 682-7328 or visit www.wafairness.org

88 In favor, rebuttal to opposition statement

Don't be fooled! I-1000 unifies us and creates opportunity for all! I-1000 prohibits government discrimination because of your age, gender, disability, race or veteran status without using quotas or preferences. It guarantees fairness and accountability. That's why nearly 400,000 Washington voters are standing against fear and division. We're taking action to help veterans, women, seniors, small businesses, and the disabled. Join the broad coalition of business, labor and community by approving I-1000!

EXHIBIT B

Argument Against
Referendum Measure 88

REFERENDUM 88 WOULD DIVIDE US

Let's start where we all agree: There's too much division in our society today. We need solutions that bring us together. But Referendum 88 (also known as Initiative 1000) creates ***more*** division by allowing the government to inject race into college admissions and government employment. That's wrong. And it drives us further apart.

R-88 Would Allow Government-Sponsored Discrimination

Referendum 88 allows the government to use different rules for different races in deciding who gets into state colleges and universities, who gets hired for jobs in state, county or city government, and who gets a government contract. By separating people this way, Referendum 88 drives a deeper wedge into our community and actually empowers those who would divide us.

As a community we must not let that happen.

R-88 Would Damage Progress Already Made on Diversity

Referendum 88 would overturn a voter-approved state law that forbids discrimination and preferences based on race and gender. And the law has worked well. Our college campuses are more diverse now than before the current law was enacted.

R-88 Lacks Accountability

Referendum 88 would create a massive government agency to enforce the use of race in government employment, college admissions and public contracting. Referendum 88 would be overseen by an unelected board that would ***not*** be accountable to voters. A board with sweeping authority to make decisions on preferences in academic admissions and government hiring. Send the Olympia politicians who support this a message: ***Reject Referendum 88!***

Argument Prepared by

Yvonne Kinoshita Ward, Democratic Party National Delegate: 2000 (Gore), 2004 (Kerry);
Judy Warnick, State Senator, 13th LD, R, Moses Lake;
Thomas G. Jarrard, JDMBA, Past Chair, Washington State Veterans Bar Association;
Mary A. Radcliffe, past Co-chair, Diversity Committee, Episcopal Diocese;
Kan Qiu, Tiananmen Square Survivor, Chair, American Coalition for Equality;
John Carlson, Morning Radio Broadcaster 570 KVI

Contact: 425-588-8011;
campaign@reject88.com;
www.reject88.com

Argument Against
Referendum Measure 88

Rebuttal of Argument For

Referendum 88 (I-1000) uses quotas and harms Veterans. Since 1895, Washington has guaranteed honorably discharged and disabled veterans a preference in public employment. Referendum 88 eliminates that preference through a hidden loophole in Section 3. Racial quotas are implemented under Sections 8, 9, and 11, with a "disparity" study to count by race, goals to enroll and hire by race, and timetables enforced by bureaucrats. Quotas harm everyone, including our Veterans. Reject Referendum 88.

EXHIBIT D

COMMENTARY: Initiative 1000 is unfair to Asian children and divides our community

AUGUST 23, 2019 BY NORTHWEST ASIAN WEEKLY — 1 COMMENT

Yvonne Kinoshita Ward

By Yvonne Kinoshita Ward
Special to the Northwest Asian Weekly

Driven by political insiders, Asians here are facing a disturbing threat to their children's future: the movement to deny Asian children educational opportunities and government employment. This threat is through Initiative 1000 (on your ballot as Referendum 88), which would implement quotas and caps by race for college admissions, public employment, and government contracting.

For now, in Washington, such discrimination is illegal under our Civil Rights Act. But government and corporate insiders want to repeal those rights through Initiative 1000 (I-1000). This represents the ultimate betrayal to our parents, grandparents, and great-grandparents who worked so hard and endured harsh racism just to make better lives for their children. We must honor those sacrifices by ensuring Asian children are not denied the dignity, the fairness, and the respect our elders earned for them. We must reject I-1000.

I-1000 legalizes anti-Asian bias through quotes and caps

The lawsuit against Harvard disclosed what Asian families knew: Colleges and universities discriminate against Asians. Under Harvard's affirmative action policy, Asians are not invited unless their SAT scores are at least 300 points higher than other groups. Harvard then caps the number of Asians for admission. And even though Asian applicants score significantly higher than all other groups in every objective category, they have the lowest admission rate.

The same is happening through medical school affirmative action policies, where other groups are admitted up to 10 times the rate as Asians with the same MCAT and GPA scores.

If I-1000 passes, anti-Asian discrimination will be legalized here through Harvard-style quotas and caps, which the powerful insiders behind I-1000 concealed in hidden loopholes. Agencies will count students and employees by race, decide which races get favored status, set targets for those races, and make college admission and employment decisions in favor of those races. These are, by definition, quotas. They will be implemented at every level of government.

Bureaucrats will be empowered to decide whom to include and exclude from colleges, universities, and government employment based upon favored race status.

Asians know exactly what that means. We have often been the group excluded by those in power. I-1000 will legalize such discrimination by using an insider-filled government agency to enforce caps against us. It is unfair to deny our children educational and employment opportunities because they are Asian.

While we as parents have attained educations and jobs, our children have not and they will be the ones to feel the full impact of Asian discrimination if I-1000 passes. We must stand up and reject I-1000.

I-1000 divides us

I-1000 is divisive, pitting race against race. It is even splitting our own community: Asian insiders are attacking Asians who oppose I-1000, condemning them personally and

marginalizing them as outsiders. This is what I-1000 does, just as a proposal. Imagine what will happen if it passes. We must reject I-1000.

We can be quiet no longer

Asians are disregarded as the quiet stepchild of the civil rights movement. We have always supported equal treatment for all, yet when we face discrimination, we are ignored. None of the so-called civil rights groups supporting I-1000 stood up for us in the face of racism in education, such as at Harvard. In fact, the ACLU even applauded that discrimination.

Those groups have dismissed us in the past, and now they expect us to support discrimination against our children. To this we must say no. In honor of those who came before us who sacrificed so much, and on behalf of our children who have done nothing wrong to warrant discrimination, we must stand our ground and fight this prejudice. We must take our stand at the ballot box because there, the anti-Asian Establishment cannot ignore us. With your ballot in hand, focus on our children's future, their right to dignity, their right to fairness, and their fundamental right to respect. Reject racism. Reject I-1000.

Yvonne Kinoshita Ward is past president of the Asian Bar Association of Washington and past chair of the Washington Commission on Asian Pacific American Affairs. She was twice named a Top Contributor to the Asian Community by the Northwest Asian Weekly and was awarded the Washington State Association for Justice Carl J. Maxey Award for promoting diversity in the legal profession.

Related

COMMENTARY: Asian coalition opposes I-1000 and calls for legislature to allow measure to be voted on by all citizens

Asian Americans throughout Washington are alarmed that Gov. Jay Inslee would deny the public a right to vote on Initiative 1000, which qualified earlier this
January 18, 2019
In "Commentaries"

Vote yes on Initiative 735

When my grandparents came to this country from China, they came for the dream of a government of the people, by the people, and for the people.
September 23, 2016
In "Letters to the Editor"

COMMENTARY: Why all Asian Americans should support and uphold I-1000

The main reason people immigrate to America is for a better life.
August 9, 2019
In "Commentaries"

EXHIBIT E

One Washington Equality Campaign, 2019

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All debt history

Current outstanding debt for this campaign is $1,316,470.22

The table below shows the debt reporting history for the campaign as of the date the referenced report was filed and does not necessarily reflect the current debt of the campaign. A particular debt may be shown more than once if that debt was reported on more than one C4 report. Debt repayment is not reflected.

VENDORS NAME	FILING PERIOD	DESCRIPTION	AMOUNT	REPORT
BRAXTON KARISSA	07/01/2019-07/31/2019	CAMPAIGN MANAGER	$7,000.00	C4
CITIZEN SOLUTIONS LLC	07/01/2019-07/31/2019	SIGNATURE GATHERING	$150,000.00	C4
CITIZEN SOLUTIONS LLC	07/01/2019-07/31/2019	SIGNATURE GATHERING	$187,609.75	C4
CITIZEN SOLUTIONS LLC	07/01/2019-07/31/2019	SIGNATURE GATHERING	$141,955.75	C4
CITIZEN SOLUTIONS LLC	07/01/2019-07/31/2019	SIGNATURE GATHERING	$147,942.25	C4
CITIZEN SOLUTIONS LLC	07/01/2019-	SIGNATURE GATHERING	$88,405.75	C4

Overview | Contributions | Expenditures | Loans | Pledges | Debt | Reports

Registration: May 12, 2019 (C1 report)
Ballot Number: 88
For Or Against: For

Treasurer:
Cole, Shawn
PO BOX 27113
SEATTLE, WA 98165
2533703253

Committee Category: Statewide Initiative
Political Committee Type: INITIATIVE
Jurisdiction: State of Washington

Address:
PO BOX 27113
SEATTLE, WA, 98165
Phone: (206) 701-4188
Email: INFO@YESON1000.COM

Campaign starting balance: $0.00
Contributions: $430,904.96
Loans: $10,400.00
Total: $441,304.96

Expenditures: $449,814.40

Pledges: $0.00
Debt: $1,316,470.22