



Washington State Senate

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Senator Randi Becker

Caucus Chair
2nd Legislative District

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December 3, 2018

Senator John McCoy, Chair
Facilities and Operations Committee
305 Legislative Building
Olympia, WA 98504

RE: Partisan Investigation

Dear Senator McCoy:

I am writing to formally request a new vote of the Senate Facilities and Operations Committee regarding the Senate's planned investigation of Senator Joe Fain. By now it should be apparent to everyone this effort can serve no legitimate legislative purpose. Now that Sen. Fain has been defeated for re-election, the plan can only be seen as a partisan witch-hunt, aimed at the destruction of an individual member of the Senate who has served with great distinction.

We outlined our concerns, less pointedly, in a letter I sent to you Nov. 21 (enclosed). I am still awaiting the courtesy of a reply. Your silence on this matter forces us to express ourselves more bluntly. If the Senate Democratic Caucus continues to pursue this investigation, it will poison the relationship between our two caucuses, reduce cooperation, and make it all the more difficult for the Senate as a whole to do the work we have been elected to do.

This investigation had my support and from other Republican members of the Facilities and Operations Committee when the matter was discussed at our meeting of Nov. 8. At that point, the outcome of the election remained in doubt. We agreed with our Democratic colleagues that an outside investigator should be hired to conduct a fair and non-partisan inquiry into the accusation leveled against Senator Fain during the just-finished campaign. Had the outcome of the election been different, the findings would have been helpful to the Senate in making a decision as to whether to seat him. A vote would have taken place on the opening day of the 2019 legislative session.

Circumstances have obviously changed. This is no longer a matter of relevance to the Senate. What would we do with the results? What action could we possibly take against a former member in such a matter? There is no longer a legislative purpose to serve, only a partisan one.

At the committee's meeting of Nov. 15, Republican members urged that the investigation be canceled, but no vote was taken on the matter. Let us be absolutely clear: This investigation no longer has the support of the Senate Republican Caucus.



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Once the investigation became partisan, supported solely by you and your caucus, we lost any confidence that Senator Fain would be treated fairly. For the Senate to conduct an investigation without a legislative purpose is absurd. Senator Fain lost his election. No one has alleged any wrongdoing involving legislative activities or at any time during his term of office. Any legitimate purpose is gone.

To pursue this matter at this point raises obvious questions about your motives and those of the Senate Democratic Caucus.

Democratic members have defended this effort using such rhetoric as “standing with survivors.” We can only conclude that many of your members have prejudged this case, and that the true reason for the investigation is to destroy the reputation of a member of the Senate, and to please special interests, activists and others.

We believe the allegation should be investigated. Both of the parties involved in the matter also agree. However, the proper place for the allegation to be examined is within the criminal justice system, in accordance with standards of due process and the rule of law. We must not allow the Senate to be used as an alternate forum when an accuser chooses not to pursue a case through the proper channels.

We call on you and the Senate Democratic Caucus to halt this investigation before it begins. This effort dishonors the Senate. We should remember that the same type of defamatory accusation could be leveled against any member of the Senate, regardless of party affiliation. If there is no reason for Senate involvement, the Senate should refrain from interference with the proper administration of justice.

Sincerely,

Senator Randi Becker

CC:

Senator Andy Billig
Senator Mark Schoesler
Senator Marko Liias
Senator Karen Keiser
Senator John Braun
Secretary of the Senate Brad Hendrickson
Deputy Secretary of the Senate Sarah Bannister
Senior Senate Counsel Victoria Cantore
Senior Senate Counsel Jeannie Gorrell