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COMMISSION ON JUDICIAL CONDUCT

**BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON**

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In Re the Matter of:)
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Justice Richard B. Sanders)
Washington State Supreme Court)
Temple of Justice)
P. O. Box 40929)
Olympia, WA 98504-0929)

No. 96-2173-F-63
**ANSWER TO STATEMENT
OF CHARGES**

I. Preliminary Statement

The Honorable Richard B. Sanders hereby files his answer completely and unequivocally denying the allegations of the Commission on Judicial Conduct that he violated the Cannons of the Code of Judicial Conduct. Justice Sander's conduct did not diminish in any way the public confidence in the integrity, impartiality and independence of the judiciary. Neither did Justice Sanders engage in political activity inappropriate to his judicial office. Moreover, any determination that Justice Sanders' speech and conduct did constitute a violation of the Code of Judicial Conduct would violate Justice Sanders' rights under the United States and Washington State Constitutions. Justice Sanders' brief and general statement and appearanc at a March for Life event are speech protected by the First Amendment of the United States Constitution and Article I, §5 of the Washington State Constitution and reflect Justice Sanders' religious conscience protected by the First Amendment of the United States Constitution and Article I, §11 of the Washington State Constitution. Justice Sanders' conduct is also consistent with the conduct of many jurists who have made statements or appeared at functions reflecting support for matters such as the death penalty, crime victims rights, criminal penalties for sex offenders, gun control, and the right to have an abortion. Any determination to sanction Justice Sanders would therefore constitute invidious viewpoint discrimination which is further prohibited by the First Amendment of the United States Constitution and Article I, §5 of the Washington State

1 Constitution. Finally, the entirely secretive and one-sided process utilized by the Commission in
2 investigating, charging and prosecuting Justice Sanders violates Justice Sanders' due process rights
3 guaranteed by the Fifth Amendment of the United States Constitution and Article I, § 3 of the
4 Washington State Constitution.

5 II. Answers to Statement of Charges

6 In Answer to the statement of charges, Justice Sanders states as follows:

7 1. Justice Sanders admits that he is now and has been a Justice of the Washington
8 Supreme Court since December 12, 1995 as alleged in Section I, paragraph 1 and denies the
9 remainder of the paragraph.

10 2. Justice Sanders admits the matters alleged in Section I, paragraphs 2.

11 3. Justice Sanders admits that on January 26, 1996 he addressed the March for Life event
12 held at the Washington State Capital as alleged in Section II, paragraph 1 and denies the remainder of
13 the paragraph.

14 4. Justice Sanders admits the matters alleged in Section II, paragraph 2.

15 5. Justice Sanders admits that he appeared at the event carrying a red rose as alleged in
16 Section II, paragraph 3 and denies the remainder of the paragraph.

17 6. Justice Sanders denies the matters alleged in Section II, paragraph 4.

18 7. Justice Sanders admits that his introduction and statement are accurately transcribed in
19 Section II, paragraph 5 and denies the characterization of the event as a "rally".

20 8. Justice Sanders denies the matters alleged in Section II, paragraph 6.

21 9. Justice Sanders denies the matters alleged in Section II, paragraph 7.

22 10. Justice Sanders denies that he violated any Cannon of the Code of Judicial Conduct.

23 III. Further Response

24 By way of further response, Justice Sanders states as follows:

25 1. The facts alleged in the statement of charges do not state a basis for finding a violation
26 of the Code of Judicial Conduct.

