



Washington State Senate

Olympia Office:
Institutions Building
Olympia, Washington 98504-0406
(206) 786-7610
SCAN: 298-7610

Senator James E. West
6th Legislative District
March 29, 1995

District Office:
Post Office Box 2744
Spokane, WA 99220-2744
(509) 456-2998
SCAN: 545-2998

Hon. Clyde Ballard
Speaker
Legislative Building 3rd Flr
Olympia, WA 98504

Dear Representative Ballard:

After reading the entire 51-page report of Mary Alice Theiler, the special investigator appointed by the Governor in the Suzanne Albright case, I have come to a remarkably different conclusion than the Governor himself. The Governor should be removed from office under Article V of the State Constitution. He has clearly committed offenses which fall under the definition of misdemeanors or malfeasance in office. Anyone except Governor Lowry that reads this report would not want their wife, daughter or female friend to work in close proximity to this man.

As the memo to me from Senior Counsel Gordon Golob dated 27 March 1995 points out, the Governor has violated Executive Order EO-89-01 which carries with it the force of law. In addition, the report in my opinion clearly indicates that his conduct constitutes malfeasance in office.

The purpose of this letter is to call upon you as a member of the House of Representatives to initiate a resolution to impeach the Governor. Under Article V of the Constitution the action must be initiated in the House. The Senate then must try the case.

I recognize that this not something that should be taken lightly. Impeaching a Governor is serious business, but the Governor should not be held to any lower standard than anyone else in our society. Governors cannot and should not flaunt the law. If only half of the allegations are indeed true and this were anyone but the Governor there would be no questions asked, he would be summarily fired.

This case requires a full airing. An impeachment process allows for that.

I know that some Republicans will flinch at the prospect of impeaching Governor Lowry at this time. They see it as in their best interest to have him survive to the General Election in 1996. I have even heard those arguments advanced by some of the candidates for Governor. I considered those arguments and find them partially valid, but I think the right choice--the harder choice--the greater good, has to be to see justice done now. As was once said, "Justice delayed is justice denied." His actions, if true, do not merit defense. They especially do not merit defense for raw political reasons. As the article in the P-I this morning points out, this case and the Governor's reaction will have an incredible chilling effect on women who are harassed in the future.

Sincerely,

James E. West
Senator

WHEREAS, An investigation authorized and performed at the direction of the Governor of the State of Washington, reveals a pattern of activities by the Governor that appear to constitute sexual harassment and omissions that may constitute malfeasance; and

WHEREAS, It is in the best interests of the citizens of the State of Washington to have an in depth and independent investigation of the aforesaid activities of the Governor; and

WHEREAS, The proper constitutional forum for said investigation is in the House of Representatives of the State of Washington; and

WHEREAS, The investigation pursuant to the constitution should be conducted as a proceeding of Impeachment; and

WHEREAS, The House of Representatives has sole power of Impeachment;

NOW THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the House of Representatives commence with the constitutional process of Impeachment of the Governor of the State of Washington, the Honorable Mike Lowry; and

BE IT FURTHER RESOLVED, That the House of Representatives formulate Rules and procedures for commencing and completing their constitutional duties regarding Impeachment; and

BE IT FURTHER RESOLVED, That an investigative committee of the House of Representatives be appointed and be empowered pursuant to Chapter 44.16 RCW, to issue compulsory process, administer oaths, examine witnesses and do all other items necessary pursuant to said law; and

BE IT FURTHER RESOLVED, That in the event that the Legislature is not in session upon completion of the investigation which makes findings which warrant the Impeachment of the Governor, that the Legislature shall conduct a vote by Resolution of each House pursuant to Article II Section 12(2), to convene a special session for the purpose of proceeding with the Impeachment; and

BE IT FURTHER RESOLVED, That in the event that the House of Representatives following their investigation votes by a majority for Articles of Impeachment, that said Articles be immediately transmitted to the Senate for action by the Senate pursuant to the constitution; and

BE IT FURTHER RESOLVED, That in the event that the House of Representatives transmits Articles of Impeachment to the Senate, the Senate shall immediately formulate Rules and Procedures, for proceeding with their constitutional duty to sit as a Court of Impeachment.

SENATE REQUEST

Code Reviser Request Number: S-3304/95

The Brief Title of this measure is: Calling for the process of impeachment of the governor.

When this form has been signed, please send it to **Statute Law Committee** (Bill Drafting) on the first floor. They will prepare bill backs and will deliver the bill to the Secretary of the Senate, who is authorized to accept it for introduction. Only members who have personally signed below will appear as sponsors of the bill when introduced.

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Special Request Endorsement

If this proposal is to be captioned as request bill, i.e., Executive Request, Departmental Request, Interim Committee Request, etc., please procure endorsement below.

Endorsement _____
(State official, agency, department, board, commission etc.)

Name _____ Title _____

depended on
constantly betraying
one's conscience.

Who will stand up for
this woman.

Who will do what has to
be done.

Do we just ignore this?

Do we just let it go?

IMPEACH

Attack the accuser

~~View~~ News about
workplace sexual harassment

Daughter or wife

Conscience

If he worked for
any other employer
he would have been
fined