Nos. 06-713 & 06-730

IN THE

Supreme Court of the United States

WASHINGTON STATE GRANGE,

Petitioner,

-and-

WASHINGTON, *et al.*,

Petitioners,

v.

WASHINGTON STATE REPUBLICAN PARTY, *et al.*,

Respondents.

ON PETITIONS FOR WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIEF IN OPPOSITION FOR RESPONDENT LIBERTARIAN PARTY OF WASHINGTON

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QUESTIONS PRESENTED

1. Have the Petitioners properly raised any compelling reason for review, when the Ninth Circuit held that the "top-two primary" system adopted by Washington voters—which system unconstitutionally converts political party names to the State's own use and forces political parties to be associated with self-identified candidates not of the parties' choosing—is not the kind of "nonpartisan blanket primary" approved in *California Democratic Party v Jones*, 530 U.S. 567 (2000)?

2. Is Washington's "top two primary" also unconstitutional on other grounds because it requires far more than a "modicum of support" for access to the general election ballot as limited by *Storer v Brown*, 415 U.S. 724 (1974), and/or because it adds artificial qualifications for federal office, contrary to *U.S. Term Limits*, *Inc. v. Thornton*, 514 U.S. 779 (1995)?

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STATEMENT OF THE CASE

Ever since it became a state Washington has had a partisan election system in which voters at the general election chose between representatives of political parties.[1] Initially candidates were chosen either by convention or by petition. In 1907, Washington established a direct primary system.[2] In this system separate ballots were printed for each political party and voters could only cast ballots in one party's primary.[3]

In 1935 Washington established a "blanket primary" system, in which any voter could vote for "any candidate for each office, regardless of political affiliation and without a declaration of political faith or adherence on the part of the voter."[4] This system survived two legal challenges,[5] but failed in 2003 on the third challenge.[6]

On November 2, 2004, the voters approved Initiative 872. By the sponsor's[7] own admission, Initiative 872 was

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[1] A detailed history of primary election law in Washington State is set forth in Part V of *Washington State Republican Party v. Logan*, 377 F. Supp. 2d 907 (W.D. Wash. 2005)(Washington State Grange's Appendix, at 40a-48a)(hereinafter "Grange Appendix")

[2] *State ex rel. Wells v. Dykeman*, 70 Wash. 599, 127 P. 218 (WA 1912)

[3] Grange Appendix, at 40a (Petitioner Washington State's Appendix substantially duplicates the Grange Appendix.)

[4] R.C.W. § 29.18.200 (2003)

[5] *Anderson v. Milliken*, 59 P.2d 295 (WA 1936), and *Heavey v. Chapman*, 611 P.2d 1256 (WA 1980)

[6] *Democratic Party of Washington v. Reed*, 343 F.3d 1198 (9th Cir. 2003), cert. den. 540 U.S. 957, and cert. den. 541 U.S. 957 (2004)

[7] The prime sponsor of Initiative 872 was a Petitioner here, the Washington State Grange.

designed to give "voters the kind of control that they exercised for seventy years under the blanket primary."[8]

On May 19, 2005, the Libertarian Party of Washington sought and was later granted leave to intervene in this action challenging Initiative 872. The Libertarian Party alleged, *inter alia*, that Initiative 872 is "unconstitutional because it 'places impermissible limits on access to the general election ballot' contrary to the United States Constitution, and allows a person to appropriate the Libertarian Party label without compliance with its nominating rules and without allowing the Party to define what the Party label means."[9]

On July 15, 2005, the district court held Initiative 872 was unconstitutional because it: (1) forces political parties to have their nominees selected by voters unaffiliated with them, and (2) by forcing political parties to associate with candidates who merely express a "party preference."[10] On August 22, 2006, the Ninth Circuit affirmed, finding that Initiative 872 "forces political parties to be associated with self-identified candidates not of the parties' choosing."[11] Neither the district court nor the Ninth Circuit reached the ballot access claims raised by the Libertarian Party.[12]

In its petition to this Court the State of Washington (hereinafter "State") claims Initiative 872 established a "top

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[8] Ct. App. ER 29. And compare, Initiative 872, § 5,(Grange Appendix, at 118a), with R.C.W. § 29.18.200 (2003), n 4, supra

[9] Grange Appendix, at 37a-38a

[10] Grange Appendix, at 79a

[11] *Washington State Republican Party v Washington*, 460 F.3d 1108 (9th Cir. 2006)(hereinafter "*Wa. St. Rep. Pty.*")(Grange Appendix, at 20a)

[12] Grange Appendix, at 33a, 84a

two" primary election system "broadly similar" to the one used in Louisiana,[13] apparently implying that the Louisiana system—and hence Initiative 872—may be deemed constitutional under the reasoning of *Foster v Love*.[14] However, *Foster* was decided under the supremacy clause, not the First Amendment.[15]

Petitioner Washington State Grange (hereinafter "Grange") concedes that Initiative 872 applies only to "*partisan* office"[16] and that "the primary selects the two most popular candidates for the November ballot." (emphasis in original).[17] Paradoxically, the State asserts "I-872 establishes a '*non-partisan* primary' exactly meeting the Court's description" in *California Democratic Party v Jones*.[18] The State claims further that it is a primary in which party affiliation plays "no role" or "no part" in qualifying candidates for the general election ballot.[19]

The Grange acknowledges the significance of *partisan* labels as a "shorthand description of the candidate's views 'on matters of public concern' as well as the candidate's 'substantive and ideological positions.'",[20] but argues that candidates' First

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[13] Washington State's Petition for Writ of Certiorari, at 11(hereinafter "State Pet.")

[14] 522 U.S. 67 (1997)

[15] Even under the supremacy clause there is a constitutionally fatal difference between the two systems. See, "Initiative 872 Violates Federal Law For Federal Offices," infra.

[16] Washington State Grange's Petition for Writ of Certioari, at 8-10 (hereinafter "Grange Pet.")

[17] Grange Pet., at 10

[18] 530 U.S. 567 (2000) (State Pet., at 11)

[19] State Pet., at 8, 9 and 12

[20] Grange Pet., at 17 (footnote omitted) By conceding party designations connote "substantive and ideological positions," the (Cont'd)

Amendment speech rights allow them to declare their "party preferences" regardless what effect those declarations may have on the associational rights of the political parties.[21] Meanwhile the State downplays the significance of *partisan* labels, conceding only that they are "some information that voters may find useful . . ."[22] and argues instead that a candidate statement of party preference "in no sense makes them the 'nominees' or 'standard bearers' of those parties."[23]

REASONS FOR DENYING THE PETITIONS:

A. THE NINTH CIRCUIT CORRECTLY CONCLUDED THAT INITIATIVE 872 DID NOT CREATE A "NON-PARTISAN BLANKET PRIMARY" AUTHORIZED BY JONES

It may be true, as the State claims, that Initiative 872 was "designed in specific response" to the *Jones* decision.[24] But that merely renders the motivations of the drafters all the more suspect.[25] As the Ninth Circuit explained, Initiative 872 diverges significantly from the "*non-partisan blanket primary*" visualized by *Jones*[26] because it retains the crucial

(Cont'd)

Grange implicitly concedes that Initiative 872 creates the same problem addressed by this Court in *Jones*, i.e., the ability to destroy a party by permitting candidates who do not share its core values to become its standard-bearer. *Jones*, 530 U.S. at 581-582

[21] Grange Pet., 17-19.

[22] State Pet., at 12.

[23] State Pet., at 17.

[24] State Pet., at 11.

[25] "Some urban voters might think that special protection for rural water and electricity concerns serve a 'special interest' of farmers, and that the Grange is a special interest group." *Reed*, 343 F.3d at 1204.

[26] 530 U.S. at 585.

concept of partisanship within the primary at the expense of political party rights.[27]

This Court noted in *Jones* that states may condition access to a "*non-partisan blanket primary*" ballot in part on prior and independent nomination by an established political party.[28] But Initiative 872 involves no such mechanism to accommodate nominations by a political party. Instead, Initiative 872 converts partisan nominations to the state's own use, by relegating political party nominations to the status of endorsements,[29] and allowing any person to appear on the primary ballot showing his or her personal "party preference." If the candidate is one of the two top vote getters, he or she may emerge as the only one bearing that party designation in the general election.[30]

Contrary to the assertions of the State, party labels do provide a "shorthand designation of the views of party candidates on matters of public concern . . ."[31] The Ninth Circuit observed:

> [v]oting studies conducted since 1940 indicated that party identification is the single most important influence on political opinions and voting. . . . [T]he tendency to vote according to party loyalty increases as the voter moves down

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[27] Grange Appendix, at 19a-20a.

[28] 530 U.S. at 585-86.

[29] "The ability of the party leadership to endorse a candidate is simply no substitute for the party members' ability to choose their own nominee." *Jones*, 530 U.S. at 580.

[30] Initiative 872, §§ 7, 9(Grange Appendix, at 119a-121a).

[31] *Tashijan v. Republican Party*, 479 U.S. 208, 220 (1986).

> the ballot to lesser known candidates seeking lesser known offices at the state and local level.[32]

Thus, the Ninth Circuit concluded, "to the extent Initiative 182 (sic) allows candidates to self-identify with a particular party-even if only as a 'preference'-it cloaks them with a powerful voting cue linked to that party."[33] As the Ninth Circuit noted, the Washington Secretary of State recognized the significance of "party preferences" by amending the Washington Administrative Code to prohibit candidates from changing their "party preference" between the primary election and the general election.[34]

The Grange claims that candidates have a First Amendment speech right to declare their "party preference" regardless whether the party agrees.[35] At no place in these proceedings has the Grange alleged or shown that it is a candidate or has any standing to represent a candidate whose speech rights may be implicated.[36] Even if the Grange has standing to raise the First Amendment rights of candidates, the district court correctly noted: "A candidate's free speech right to express a 'preference' for a political party does not extend to disrupting the party's First Amendment associational rights."[37]

Neither the State nor the Grange argued with any vigor that the State had a compelling or narrowly tailored interest

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[32] Grange Appendix, at 21a (*quoting Rosen v. Brown*, 970 F.2d 169, 172 (6th Cir. 1992)).

[33] Grange Appendix, at 22a.

[34] Grange Appendix, at 20a-21a, n 16.

[35] Grange Pet., at 17-19.

[36] *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992)(party must have "standing" to raise claim or defense).

[37] Grange Appendix, at 69a (citing *Storer v. Brown*, 415 U.S. 724, 736, 94 S. Ct. 1274, 39 L. Ed. 2d 714 (1974)).

to justify this severe burden on the political parties.[38] Neither was the offending aspect of Initiative 872 servable.[39] Consequently, the Ninth Circuit correctly determined that Initiative 872 was unconstitutional in its entirety.

B. INITIATIVE 872 DOES NOT RESPECT THE RIGHTS OF POLITICAL PARTIES

"Freedom of association would prove an empty guarantee if associations could not limit control over their decisions to those who share the interests and persuasions that underlie the association's being."[40] "Protection of the association's right to define its membership derives from the recognition that the formation of an expressive association is the creation of a voice, and the selection of members is the definition of that voice."[41] "[A] nonmember's desire to participate in the party's affairs is overborne by the countervailing and legitimate right of the party to determine its own membership qualifications."[42]

> "[A] single election in which the party nominee is selected by nonparty members could be enough to destroy the party. . . . Ordinarily, however, being saddled with an unwanted, and possibly antithetical, nominee would not destroy the party but severely transform it. '[R]egulating the

[38] Grange Appendix, at 30a.

[39] *Id.*, at 30a-33a.

[40] *Democratic Party of U.S. v. Wisconsin ex rel. La Follette*, 450 U.S. 107, 122 n.22, (1981) (quoting Laurence H. Tribe, *American Constitutional Law* 791 (1978)).

[41] *Roberts v. United States Jaycees*, 468 U.S. 609, 633 (1984)(O'Connor, J., concurring in part and concurring in the judgment).

[42] *Tashijan*, 479 U.S. at 215 n.6.

> identity of the parties' leaders,' we have said, 'may . . . color the parties' message and interfere with the parties' decisions as to the best means to promote that message.'" [43]

The Ninth Circuit recognized "[t]he principle underlying the breadth of the right of association is one of mutuality: both the putative party member and the political party must consent to the associational tie." [44] Despite more than six years of continuing litigation in Washington State, no litigant and no court involved has yet identified a single case authority that even hints a political party may not prevent unacceptable candidates from using its label. Initiative 872 deprives them of that right.

C. THIS COURT HAS PROVIDED PROPER AND ADEQUATE GUIDANCE FOR DISPOSITION OF THIS CASE

The State argues it lacks sufficient guidelines from this court to design a constitutionally sound election system.[45] The Grange argues the Ninth Circuit overstepped the boundaries of judicial restraint.[46] Both are wrong.

"It is too plain for argument, and it is not contested here, that the State may limit each political party to one candidate for each office on the ballot and may insist that intraparty competition be settled before the general election by primary election or by party convention." [47] Thus, states have

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[43] *Jones*, at 530 U.S. at 579, (citing *Eu v. San Francisco County Democratic Cent. Comm.*, 489 U.S. 214, 231, n. 21 (1989).

[44] Grange Appendix, at 13a.

[45] State Pet., at 18-20.

[46] Grange Pet., at 22-29.

[47] *Am. Party of Tex. v. White*, 415 U.S. 767, 781 (U.S. 1974) (citing to *Storer v. Brown*, 415 U.S. 724, 733-736 (1974)).

considerable flexibility in designing partisan election systems—having the option of using either primaries or conventions, together with several permutations of each—so long as they provide some discrete mechanisms for political parties, large and small, to select the "standard bearer who best represents the party's ideologies and preferences."[48]

A state can also opt for a completely nonpartisan system, without any political party recognition or involvement. Some Washington State offices, such as all judicial offices and Superintendent of Public Instruction, are already fully nonpartisan.[49] But Initiative 872 does not convert other state offices to nonpartisan offices. Instead, it steals partisan identities from the political parties and denies the political parties any meaningful mechanism by which to protect or define those identities.[50]

Once a State opts for a partisan election system it must protect the integrity of party labels. In *Clingman v. Beaver*[51] this Court recently limited the rights of political parties even to dilute the meaning of their own party labels. This Court held that party labels could mislead voters if other voters could register as members of one party and vote in another party's primary.[52] This same concern influenced *Timmons v. Twin Cities Area New Party*.[53] This Court was concerned that "members of a major party could [use 'fusion' candidacies

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[48] *Eu*, 489 U.S. at 224.

[49] Initiative 872 § 4 (Grange Appendix 117a)(judicial offices non-partisan), R.C.W. § 29A.52.111(Superintendent of Public Instruction non-partisan).

[50] Initiative 872, §§ 4,5,7,9 (Grange Appendix, at 117a-121a).

[51] 544 U.S. 581 (2005).

[52] *Clingman*, 544 U.S. at 595.

[53] 520 U.S. 351 (1997).

to] . . . undermine the ballot's purpose by transforming it from a means of choosing candidates to a billboard for political advertising."[54]

Thus, this Court has prevented political parties from inviting members of other political parties to participate in their primaries and from nominating candidates associated with other parties, despite earlier holding that "courts may not interfere [with First Amendment expressions of political parties] on the ground that they view a particular expression as unwise or irrational."[55] As the district court and the Ninth Circuit both recognized, and this court has consistently held, First Amendment rights would mean little if *anyone* may, in the exercise of his or her own First Amendment rights, interfere with the First Amendment rights of *another.*

Contrary to the intimations of the Grange, the judicial doctrines of separation of powers and federalism are not licenses for states to violate constitutional rights. "It is emphatically the province and duty of the judicial department to say what the law is."[56] "[This Court has] continually stressed that when States regulate parties' internal processes they must act within limits imposed by the Constitution."[57]

D. INITIATIVE 872 IS UNCONSTITUTIONAL ON OTHER GROUNDS

Even if this Court somehow concludes the First Amendment rights of political parties are not severely burdened and the state's interests are sufficiently weighty to validate unilateral candidate statements of "party preference", Initiative 872 is still unconstitutional.

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[54] *Timmons*, 520 U.S. at 365.

[55] *La Follette*, 450 U.S. at 123-124.

[56] *Marbury v. Madison*, 5 U.S. 137, 177 (1803).

[57] *Jones*, 530 U.S. at 573.

I-872 Deprives the Libertarian Party Of Reasonable Ballot Access Rights

> For more than two decades, this Court has recognized the constitutional right of citizens to create and develop new political parties. The right derives from the First and Fourteenth Amendments and advances the constitutional interest of like-minded voters to gather in pursuit of common political ends, thus enlarging the opportunities of all voters to express their own political preferences.[58]

In one sweeping move Initiative 872 eliminates all of the third party and independent ballot access jurisprudence developed by this court over the last 40 years.

First, Initiative 872 provides only one route to a partisan general election ballot. Those who advance to the general election ballot may be of the same party or of different parties, but to "qualify"[59] for the general election ballot one must participate in the primary established by Initiative 872.

The number and reasonableness of alternative routes to the general election ballot has been a major factor in the result of several ballot access cases.[60] *Burdick v. Takushi*,[61] upheld

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[58] *Norman v Reed*, 502 U.S. 279, 288 (U.S., 1992) (citing to *Anderson v. Celebrezze*, 460 U.S. 780, 793-794 (1983); *Illinois Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979); *Williams v. Rhodes*, 393 U.S. 23, 30-31 (1968)).

[59] The State openly argued before the Ninth Circuit that Initiative 872 created a "qualifying primary." See, Brief of Appellants, State of Washington, et al., at 5, 26, 29, 32, 48 (*Wa. St. Rep. Pty v. Washington*, 9th Cir., 05-35780)(2003).

[60] E.g., *Jenness v. Fortson*, 403 U.S. 431 (U.S., 1971), *Storer*, supra, *Am. Party of Tex.*, supra, and *McCarthy v. Briscoe*, 429 U.S. 1317, 1320 (U.S., 1976).

[61] 504 U.S. 428 (1992).

Hawaii's elimination of write-in candidacies in part because Hawaii had three alternative and relatively easy routes to the ballot. None of the ballot access cases decided by this Court suggest that a state may provide only one route to a partisan general election ballot.[62] Even the "*nonpartisan blanket primary*" paragraph in *Jones*,[63] the meaning of which is disputed in this case, contemplated two alternative routes to the general election ballot.

> The fact is that there are obvious differences in kind between the needs and potentials of a political party with historically established broad support, on the one hand, and a new or small political organization on the other. . . . Sometimes the grossest discrimination can lie in treating things that are different as though they were exactly alike, a truism well illustrated in *Williams v Rhodes*.[64]

By providing only one route to the general election ballot Initiative 872 "treat[s] things that different as though they are exactly alike", and thus discriminates against "new or small political organizations" such as the Libertarian Party.[65]

Second, nothing in any of the ballot access cases decided by this Court suggests that a state can require more than a "modicum of support" from voters for access to a partisan general election ballot. This Court has signaled that 5% of

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[62] *Foster v. Love*, supra, the only Supreme Court case addressing an election system even remotely similar to Initiative 872, concerned "the day" for federal elections, not access to the final ballot.

[63] 530 U.S. at 585

[64] *Jenness*, 403 U.S. at 442 (citing to *Rhodes*, 393 U.S. 23 (1968))

[65] *Id.*

the electorate is probably as high a threshold as it is likely to approve.[66]

Not only is the general election ballot access threshold under Initiative 872 well in excess of the 5% standard established by *Storer*, it is a moving target. Indeed, the actual number of votes necessary to determine whether one advances to the general election ballot is incapable of determination until *after* the "qualifying event" has taken place!

"[A] law forbidding or requiring conduct in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates due process of law."[67] A statute is unconstitutionally vague if it does not give "a person of ordinary intelligence fair notice" of the statute's requirements.[68] The void-for-vagueness doctrine applies to laws regulating conduct protected by the First Amendment.[69]

> The right to form a party for the advancement of political goals means little if a party can be kept off the election ballot and thus denied an equal opportunity to win votes. So also, the right to vote is heavily burdened if that vote may be cast only for one of two parties at a time when other parties are clamoring for a place on the ballot.[70]

By limiting the number of routes to the general election ballot to one only, and by limiting the number of partisan candidates who may appear on the general election ballot to two only, two who by definition must show far more than a "modicum of

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[66] *Storer v Brown*, 415 U.S. 724, 739 (1974)(footnote omitted).

[67] *Baggett v. Bullitt*, 377 U.S. 360, 367, (1964) (citations omitted).

[68] *United States v. Harriss*, 347 U.S. 612, 617 (1954).

[69] *Kolender v. Lawson*, 461 U.S. 352, 358 (1983).

[70] *Williams v Rhodes*, 393 U.S. 23, 31 (1968).

support" to "qualify" for the general election ballot, Initiative 872 undermines the very rights that *Williams v. Rhodes* and its progeny have recognized and protected.

Initiative 872 Violates Federal Law For Federal Offices

Initiative 872 has added an unconstitutional "qualification of membership" in Congress. The State itself has called Initiative 872 a "qualifying primary."[71]

While it may be "too plain for argument" that states "may insist that intraparty competition be settled before the general election,"[72] nothing in the Constitution or in any act of Congress authorizes states to use primaries as qualifying mechanisms for candidates for federal office. Indeed, states do not have the power to adopt their own qualifications for congressional service, and the power to add qualifications for the offices of congressman and senator is not part of the original powers of sovereignty that the Tenth Amendment reserved to the states.[73]

The primary contest created by Initiative 872 is an "artificial distinction" that limits "the number capable of election" that James Madison warned against almost 220 years ago.[74] It neither nominates nor elects anyone. It qualifies candidates for the constitutionally relevant event to be held later, when there is no other way to qualify. It means that candidates who may be relatively unknown or unfamiliar on the day of the primary, but who may otherwise qualify for

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[71] *See* n. 59, supra.

[72] *Am. Pty. Of Tex*., supra.

[73] *U.S. Term Limits*, *Inc. v. Thornton*, 514 U.S. 779 (1995).

[74] 2 Records of the Federal Convention of 1787, at 249-250 (cited in *Powell v McCormack*, 395 U.S. 486, 533-534 (1969)).

the office, will never be on the general election ballot, despite the intervention of time and possibly crucial events.[75]

In addition, Initiative 872 violates this court's holding in *Foster v. Love*,[76] by expanding the time for elections beyond "the day" provided for federal elections, to several weeks. Under Initiative 872 the disputed primary, held in September,[77] is but the "first stage in the public process by which voters elect candidates to public office."[78] The final "stage" is a general election on the first Tuesday after the first Monday of November.[79] Louisiana's "first stage" election is held on the same day as Washington's general election, with runoffs held later.[80] There is nothing in the U.S. Constitution or the United States' Code allows federal elections to be held in two stages. But Initiative 872 creates an election held in two stages.

The United States Constitution authorizes Congress to preempt state law regarding the time, place and manner of elections.[81] Under that power Congress has determined that Representatives, Senators and Presidential electors should all be elected on the second Tuesday of the November in each affected year.[82] Congress has also preempted state law

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[75] For example, a "Donna Rice affair" can easily "break" a front-runner overnight. Or, perhaps, voters might be forced to "Vote for the Crook" in order to avoid election of a segregationist.

[76] 522 U.S. 67 (1997).

[77] Initiative 872 § 8, (Grange Appendix, at 120a) and compare, R.C.W. § 29A.04.311.

[78] Initiative 872 § 7(1), (Grange Appendix, at 119a).

[79] R.C.W. § 29A.04.321.

[80] *Foster v Love*, supra.

[81] Art. I, § 4, cl. 1.

[82] 2 U.S.C. §§ 1, 7; 3 U.S.C. § 1.

by providing, in the event no candidate obtains a majority or other "failure to elect" a state may hold a "runoff" after the general election.[83] *Foster v. Love* held that the first Tuesday after the first Monday in November of even numbered years was "the day" for federal elections.[84]

The State even argued to the Ninth Circuit, "[t]he general election is a 'runoff' between the two candidates gaining the most votes in the primary."[85] But to the extent runoffs may be necessary they must be held after "the day" for federal elections.[86] Therefore Initiative 872 violates federal law as to the time of elections for federal offices because the general election is effectively moved to September.[87]

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[83] 2 U.S.C. § 8; and see, *Foster v. Love*, 522 U.S. 67, 71-72, n. 3.

[84] *Id.*, 522 U.S. at 71 (quotes in original).

[85] See, n. 59, supra.

[86] 2 U.S.C. § 8.

[87] Compare, *Jones*, 530 U.S. at 580 ("In effect, Proposition 198 has simply moved the general election one step earlier in the process . . .")(citation omitted).

CONCLUSION

For the foregoing reasons, the Libertarian Party of Washington opposes the Petitions of both the State of Washington and the Washington State Grange for a Writ of Certiorari.

Respectfully submitted,

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