



# Library podcast

## A Conversation with Attorney General Bob Ferguson

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[00:00:37] Good afternoon.

[00:00:41] Welcome to The Seattle Public Library. Does it sound all right or is it too loud. My name is Ann Ferguson and the curator of the Seattle Collection here at the library. Thanks so much for joining us today. Before we get started I have a couple of housekeeping items. We know that you all have lots of questions for Bob but to ensure that we get to as many topics as possible. We're asking that you write your question down on a piece of paper some of you picked them up on your way in. You didn't get a piece of paper just wave your hand and some staff members will be wandering and we'll give you them. They'll also be collecting the questions throughout the program. Today's event will be recorded for podcasts. It'll be available on the library's web site in about two weeks. And we also had the Seattle Channel here today and they'll have a video of this event up on their site soon. The Seattle Public Library is committed to offering programs that bring together people to discuss issues that matter most to our community. So we are extremely pleased to be hosting today's program and we want to thank the attorney general's office staff KCET us and Crosscut and the Seattle City Club for making this happen. We are delighted to have Enrique siRNA Casey T.S. 9 and crosscut senior correspondent

[00:02:17] Applause.

[00:02:19] We're delighted to have him here with us today to interview Bob Ferguson well known obviously to many of you in this room. Enrique has been a broadcast journalist for four decades and has earned nine Northwest Emmy Awards among many other honors. He has anchored current affairs programs produced and reported stories for national PBS programs. Moderated statewide political debates and interviewed many important newsmakers in our region. His thoughtful insights and his abilities ask just the right questions have enriched our understanding of our community. But before I hand the program over to Enrique I have the special pleasure of introducing my brother Washington state Attorney General Bob Ferguson. As Bob's only sister. I could tell many stories. Perhaps some best left untold but today I will share just three things about Bob. To understand Bob

you need to understand the influence of family. He and I grew up in a family of seven children six boys and one girl me. Bob is number six in the family and he learned at a very early age that he had to work hard in order to keep up with his older siblings whether playing basketball in the driveway or ping pong in the basement. My very competitive brothers and I were amazed when Bob began winning ping pong matches when he was barely tall enough to reach over the table.

[00:04:00] As a young boy he brought that same determination focus and competitiveness to the study of chess. He set up a card table in his bedroom where he spent countless hours studying chess books and poring over his chess set. By age 18 he was a chess master had won the Washington State chess championship. Most importantly however when it comes to the influence of family Bob had the great good fortune to have two wonderful parents who delighted in their large family and served as role models to us all. Following the example of our Mother and Father Bob's wife Colleen and their twins are the center of his life. The second thing you need to know about Bob is his deep connection to Washington state. We are fourth generation Washingtonians something that means a great deal to both of us. Bob has climbed many of Washington's highest peak. And backpacked hundreds of miles through the state. The geography of this place is deeply imprinted on him. When Bob was in law school at NYU I was living and working in Connecticut. When it came time for Bob to apply for jobs. He would only interview with Seattle law firms not D.C. not New York not Boston only Seattle. When I asked him why he said sis.

[00:05:23] I don't want to have happen to me. What's happened to you. Meaning that he wasn't willing to take a job in the east on the chance that he might never make it back to Seattle. When his law friends. Law school friends couldn't understand why he wouldn't even consider interviewing with the more lucrative East Coast firms. He told them if I had a chance to number one live in Washington State but never be able to travel outside its borders or no. two live where ever I want in the world and travel freely but never be able to return to Washington. I would choose number one without a second thought. That's how much Bob loves this place finally to understand Bob is to understand that he is motivated by a strong sense of social justice and the desire to make a positive difference in the world. Just two examples. He spent a year as a vault the volunteer director of an emergency inner city emergency center in Portland and a summer providing legal assistant to members of the Yankee Indian Nation in Arizona. It is that same desire to make a positive difference in the world that motivates Bob as he works on behalf of all Washingtonian in his role as attorney general and for that I'm very proud of him.

[00:06:50] So please welcome Enrique Cerner and my brother Bob Ferguson.

[00:07:03] Thank you all for being here on this lunch hour. Well we've got a sold out crowd. We did. Here we go.

[00:07:11] And you know we have we have a few more of the Fergusons in the house so I'd like you to acknowledge those that are here because they're special people in here.

[00:07:21] There are. Thanks so much Enrique and from a large family as well but joined by my aunt Kris Hausmann who's here as well as my niece my sister's eldest daughter Claire is here. My cousin Claire is over here. Chris his daughter and also my mother Betty Ferguson who just turned 89. She says it all so

[00:07:48] Thank you all for being here.

[00:07:49] We really appreciate it. And we have like I said a full house here but we also have a lot of questions that people want to ask of you and. But let me start with this. Have you sued anybody today. No

[00:08:02] I'm not. As far as we know today. But we do have a weekly meeting where we talk about the Trump administration we had one yesterday afternoon so stay tuned for four maybe more news coming out.

[00:08:12] But let's talk a bit about that. You talk about the Trump administration because as the Trump administration became the Trump administration your office has been busy suing the Trump administration in many different ways. So has this become a big part of your office and the work that's there.

[00:08:38] Well it's had an impact on on my day to day life for sure and if some folks in the office. Now keep mine were a large office. We have more than 1000 employees. We do tremendous work on behalf of the state in the people so we can walk and chew gum at the same time. Right. But. But it is a new it's become a new normal right with this administration. And we have filed I think about eleven legal actions. And I'm proud to report that the travel ban gets a lot of attention which we prevailed on but we also went on to other legal challenges where three you know at this point. So it's not for me just about filing a lawsuit. We have to be thoughtful about that. We think it has to be well grounded in the law and on issues that people the state care about. And I think so far our record speaks well to that to that effort once.

[00:09:18] President Trump was elected. Were were you already thinking that there were going to need to be challenges.

[00:09:28] It's kind of a I'm sure there's a short answer that I'm in first when he was elected I was really as shocked as probably many people here. I mean there is a while during the campaign I really thought he could win. But at the end the last few weeks I just believe the polls. Right. And what the Electoral College said I believe that a few months before though I was more worried but I bought into that and so I was shocked.

[00:09:48] Now you know I remember that night I was I think at the Western hotel where the state Democratic Party had a big event there's many many hundreds if not thousands of people there and I spoke that night. I was on the ballot as well. And I remember saying to the audience there who was stunned by the results of course that Hillary Clinton lost. I do remember saying that the most

important office I thought people would come to realize in politics for the next four years was OMB the Office the attorney general that I really felt that was the case and I I recognize many people don't even have any idea what the attorney general does. That's changing now but the attorney general has the power of the law told everybody accountable to the law. You re gay myself and the present United States.

[00:10:32] And so that was the message I want to communicate to folks that come along and really that has become the case not for just you although you have you know made national news with the big splash initially with the travel ban in the first first lawsuit but across the country Attorney Generals challenging the administration and working together to challenge that is true.

[00:10:57] I speak on a regular basis with a key core group of Democratic Ags from around the country. And many of the lawsuits that we are a part of when I say we filed 11 different legal actions we are not the lead on all those by any stretch of the imagination or able to to divide up the resources. So New York can lead on certain cases. Massachusetts has lead on more Healey has led on cases involving student debt education secretary of education. And we are assisting but other states can lead as well so yes it's fair to say there has been a high level of coordination. I think in a way that's very positive for these cases.

[00:11:33] Ok. Recently the Supreme Court did allow a portion of the travel ban to go into effect which would explain that a little bit but also Hawaii last week also filed a motion in this case that motion if you could explain it but also where we at with this now because I think people. A little bit confused about it with good reason.

[00:11:57] So in a nutshell the first travel ban as you know was signed many months ago. We filed the lawsuit to stop it. That was essentially Washington leading on that. We won here before a federal judge and he put the injunction in place that stopped the travel ban. The Trump administration appealed to the 9th Circuit. We prevailed there unanimously. Now at that point it's important to point out the Trump administration did not appeal that original travel ban to the U.S. Supreme Court. They gave up. They rescinded it. So that first travel ban which was very very broad apply to people with green cards with travel visas. These are hundreds of thousands of people across our country. That was rescinded. They took five weeks and drafted a revised travel ban now which was much narrower in scope. Now we sued on that as well. But other states did like Hawaii and organizations in Maryland somewhat ironically the judge in our case did not rule on our challenge. The revised travel ban because judges in Hawaii and Maryland federal judges there put an injunction in place so he felt he did not need to rule. So somewhat ironically we're not actually before the Supreme Court washing states not a party to the revised travel ban. The state of Hawaii is an organizations in Maryland. The Supreme Court has said that if you have a bona fide relationship that's going to be worked out. What that means but you're the parent for example to the child if someone here would certainly count you can still travel to the United States. But he's the Supreme Court has allowed a portion of the travel ban to move forward. But washing state as I said somewhat ironically we're not. It's kind of hard to let go of it but we're not actually a formal party to that litigation right now.

[00:13:29] Let let me there is a question that was provided to us here from the audience on this. The public has been told that the purpose of the travel ban was to re-evaluate the vetting process. What clarification has the White House provided to explain why the re-evaluation of vetting has not been ongoing. And this seems to be an administrative issue which should next halt travelers from having a little trouble read this from the seven. Actually six listed countries an issue which should have been resolved already.

[00:14:03] So it's a really good quote It's a very astute question because both travel bans were limited in duration to 90 days and 120 days all. I'll spare you the details but it is limited in duration for much of it. And so part I think with the questions getting as hey since we first filed our first suit hasn't the administration had those three or four months to do this additional vetting. We think they have that may become an issue when the Supreme Court has looked like they'll be hearing the revised travel ban. I think in October it's entirely possible by that time the Supreme Court could say these months have gone by the case is essentially moot. On the other hand the Trump administration could reshape the revised travel ban could continue. And then of course would still be very active. So there is no short answer to this. It's complicated. Any legal cases before the Supreme Court. This one especially so think that is an argument that you make here before the Supreme Court is hey haven't they had their time. It's run its course. It should be mooted out.

[00:14:57] Do you think that the reason to have that executive order with the travel ban was no one to fulfill a campaign promise politically motivated.

[00:15:10] It it seemed like it came out of a place out of nowhere.

[00:15:15] Well I guess I don't think it came out of nowhere. I mean during the campaign and I think this is why people often ask why was Washington the state to file the lawsuit. I think this is part of his because after he was elected to your earlier question we did start having conversations internally about what are we going to do once becomes president. And we took a look at some campaign statements and promises one of the most he campaigned on adopting a Muslim ban. Those were his words. We don't have a complete and total shutdown of Muslims coming to the United States. That's a quote from him at many speeches and on his website. So I guess Enrique to be candid I took that seriously like I made the mistake of underestimating him during his campaign. Right. I'm in the habit of not repeating my mistakes. Right. And so I took him at his word that he would do that and our team knew to be prepared for that to to do it work we couldn't advance. And and that's why once it came down the team knew to go to work on it right away. So we had attorneys who were on ski vacations who left their ski vacations at Friday and drove to the office to work all weekend. I mean people I flew home from Florida and everybody got to the office to work that weekend and filed our lawsuit on Monday in part because we anticipated that he would actually follow through on that campaign promise which he did.

[00:16:24] So when the Supreme Court takes us up in the fall who will be arguing against the administration.

[00:16:33] So the person who should be argument is Noah Purcell my solicitor general unfortunately that's the guy we should be doing it. What why.

[00:16:40] Well he's not because we're not a party to that revised travel ban. That's the ironic part about this whole thing is we started this whole thing and stopped the first one but because federal judges in Hawaii and Maryland ruled our judge said I don't need to issue a ruling so we're not actually we're not before the Supreme Court. So the state of Hawaii and organizations in Maryland they'll have to determine who will. What lawyer will do the argument. I don't know who that's going to be but it will it will not be anyone from Washington state because we literally are not a party to that lawsuit right now. It's you don't have any input. Well one thing we have done is we've written as attorney general I can file or join what's called an amicus brief it's called a friend of the court brief in any court in the country. If there's an issue that's important the people the state of Washington as attorney general I can file a brief expressing my views. So a number of states have joined together to file such a brief in support of Hawaii and the organizations in Maryland. But but that's the extent of it.

[00:17:36] So the question here at what point does the attorney general protect the constitution over the institution why do I protect the Constitution or the institution will.

[00:17:47] For me it's about the Constitution. I respect the institution of the president right. I respect that. But it's the Constitution. So someone's chuckling Perhaps because they think I don't. But I would say is when Barack Obama was president I twice sued the Obama administration. Right. And so our job is to go where the law takes us. And frankly if we hadn't we would have lost. Right. Or Trump would've appealed the Supreme Court. He did not because he knew he would lose.

[00:18:15] That's. And that's all there is to it. So for us it's about the law. It's the Constitution. And the fact I think that were three you know in our lawsuits against the president I think speaks that we're right about that so far.

[00:18:26] So you haven't been just focusing on the travel ban. There've been many other issues. And just recently you also filed a lawsuit regarding an insecticide that also but it's stirred up. Some controversy or opposition in my Washington State Farmers. Can you explain that that lawsuit.

[00:18:49] Yeah so I mean one way to think about what's happening is that with the Trump administration the travel ban gets a lot of attention as it should. Right. Or maybe rolling back protections for national monuments. Right. Those are big issues. But in some ways on a more fundamental level one thing that's going on that we're seeing in many the cases we're bringing is an attempt by the Trump ministrations to roll back rules and regulations created by the Obama administration particularly the context of environmental protections right identifying certain pesticides as such and they can't be produced right. They're a threat to farmworkers and public health as well. But what they're the problem is we're challenging those because a new administration can't simply say those rules no longer apply. I'll spare you the details but there is a lengthy process for these rules and regulations to go into place after public comment. There's all sorts of things that happen. A new president can't simply say those don't apply anymore. And that's why we've won on a couple of other

cases saying hey you have a process yet to go through. You don't have the unilateral authority to say those rules and regulations no longer apply. So I think that doesn't get nearly as much attention perhaps as a travel ban but these are key areas of environmental protection health of our communities that are at stake and I think that's why we've been winning so far on those you mentioned the monuments.

[00:19:59] Please tell us about your work with other AGs challenging the administration on the conflicts of interest and protecting national monuments.

[00:20:08] So the secretary of the Interior and the president I shared that the president rather started by saying he wanted to have an examination of national monuments that were created by past presence. I think in the last 20 years if I recall correctly that would encompass at least two national monuments in washing state the San Juan Island National Monument and Hanford Reach a national monument. So there is an analysis going on the administration and what they're going to do with those national monuments. And are they going to roll back protections. It's our view the president doesn't have the does not the authority to roll back those protections unilaterally. So I sent a letter to the Secretary of Interior saying two things. Number one come visit our national monuments right. We think they're pretty special. You should check them out before you do anything about them. And number two I said right.

[00:20:53] And and number two I said if you move forward to rollback those protections are being a national monument we will sue you.

[00:21:01] I believe in being direct in my work and I do I do I believe in being direct and and and I'm confident I'm confident they try to roll back protections for those national monuments.

[00:21:13] I'm confident that we would prevail or other ages if they brought litigation against him his regime would prevail as well. No president has attempted over the many many decades we've had those protections. No president has attempted to rollback those protections in part because we think legally they cannot do it.

[00:21:28] You've also focused on the these loans college loans and some look at very questionably. I have a son that is paying back a lot of money in loans and suing over that. What's your concern there why the lawsuit. Well there so

[00:21:49] Let me start by saying I think the whole issue of student debt and the crushing student debt that many students and graduates have is both my children have right. Big student debt. It's a huge issue. I have no doubt there are folks here impacted by the author cosigner their kids loans. There are thousands and thousands of student reformers students fro, Washington state with literally billions of dollars of debt. Now what happens is hey look I borrowed a hundred grand to go to law school right. Right. And I'd pay that back. And that was a challenge for me to do that. So it's a challenge enough when you've got the debt but that challenge is made much worse when you have student loan servicers or organizations like Navient they're an offshoot of Sallie Mae. They're the largest

player in student loans that don't play by the rules and exploit students with predatory loans or do not provide all the information they're entitled to. I'll give you one small example. So we sued Illinois in Washington sued Navient again offshore Sallie Mae. They're the largest player in student loans and the industry example of just one small thing they did. But one that really ticks me off is if you're a cosigner to your kids loan your kid can have you removed from the loan. If they make regular monthly payments every month for two or two years or three years something like that.

[00:22:59] What Navient did though was if you happen to pay your loan in advance two or three months like I would do sometimes let's say my loan was 500 bucks a month I might say in January I'll pay the next three months off. Here's fifteen hundred dollars. So I got to pay until April. But now the and did was they counted February and March when you got a zero balance because you've already paid it off. You did not send a check in February. You're not going to check in March. You already sent it. They said that is not a consecutive payment right. I'm told this is this is part of this and this is minor. I mean compared to the big stuff they're doing right. Is this one that's easy to explain right. Everybody gets well that's how can you do that. Well they're doing it and we get heartbreaking letters from people all across our state on the impact of these loans and and how entities like Navient don't play by the rules so it's a big big issue for us. We have returned more than a million dollars back to students and borrowers in the state from lawsuits we have brought against servicers don't play by the rules. But the Navient case dwarfs all the others.

[00:23:56] Are you ever worried or scared of repercussions from fighting the Trump administration either personally or professionally.

[00:24:04] No no no no not.

[00:24:07] Applause No. I mean.

[00:24:12] I mean look to do people write crazy things to the office you know especially after the first travel ban lawsuit. Of course you do I bring this home and show them to my my wife or children my mom No I don't.

[00:24:24] Right. And. And so. But it's look it's a public life right. I accept that. And one advantage my sister talked about having you know a lot of older siblings I really believe this right. It's true that it's prepares you well for politics. There's nothing in it weakens it is true there is nothing anyone can say about me that my older brother's been safe while beating me up at the same time like it's the perfect. It really is the perfect preparation. We used to have a saying in the driveway basketball was big in our house. We played basketball every day. And my brothers the rules were no blood no foul if you don't have blood on your arm don't call a foul. That's just part. That's the rough and tumble of driveway basketball just deal with it. Don't complain. No. Nobody was interested. Nobody was rich and complaining to an older brother. And so I really think it taught me in all seriousness I think it taught me really really valuable lessons. Don't complain. Don't worry about other people or what they think. Do what you think is the right thing and focus on that.

[00:25:19] How many times did your sister tell you to not complain.

[00:25:21] My sister she was equally tough. Don't be fooled. Don't be fooled. No. But yeah she might have the toughest of us all actually.

[00:25:27] Yeah one sister we've talked about this before you and I. But she mentioned this in the beginning here too as a fact. You know you're you're a chess guy and you've been very successful about it. In fact one of the things that know people know this is that when you get out of high school you told your parents you were going to run off to Europe and play chess and become the next Bobby Fischer. How is that

[00:25:52] I didn't become the next Bobby Fisher.

[00:25:55] It's not the usual path to becoming attorney general being a professional chess player but it did work for me right. And so it was you know I was you outside my family. I often say that chess was the most formative part of my life and so it is true the way I think about the world the way I think about law the way I think about politics is really. You just can't spend that many thousands of hours doing something and not be in it. It's gonna impact the way you think about the world. And that certainly is the case for me. But you know I was lucky. My parents I'm sure they weren't excited that I was going to go off to Europe. I did not go to college right away right. Smiling right. I didn't go to college right away I went here and played chess and I bet you my parents wanted their kids to follow their dreams. Even it wasn't their dream necessarily right. And it worked out. I mean I had fantastic experience in Europe. And and it's really molded me in the way I think about the world. I think it helped with the travel ban I think it helped with the work we do in the office. Chess really trains the mind in a certain way that I think is really been very beneficial for me.

[00:26:54] It's all right. Sit down please. Alex we're not going to. Alex we're not going to put up with this. You need to leave. Good night. Have a good day. Goodbye

[00:27:11] Goodbye. We're sorry for that. But I guess we needed a break and at the half hour period. So. But we'll move on here. So we we apologize for that outburst and that was unnecessary and uncalled for. But let's move on.

[00:27:33] All right. As you do this work I guess what. What is it that you know you look at as far as the types of cases you're going to take. And and how why you think you need to take that case yeah.

[00:27:52] It's the analysis is pretty consistent case to case. I asked the same questions almost every single time and in saying on the travel ban litigation when I talked to Noah Purcell my sister general I can tell you what the conversation was are Washingtonians being harmed. Well that was easy easing the travel ban cases example. There were graduate students for example at University Washington and Washington state who could not return back to the state of Washington. Right. They being turned away. Other Washingtonians were as well. So that was easy. Do we have good legal arguments. A key part of it. I think our track record of success shows we pick good cases. But I need to have good

legal arguments or hey I can't bring it. And third can I bring the lawsuit as attorney general. There are lots of things where I think something wrong has happened. Someone could bring a lawsuit but only an individual can not the attorney general on behalf of the people it's called standing. Do we have standing to bring it for the Taliban that is the big issue.

[00:28:45] If the answer to those questions is yes yes and yes well then I'm interested. Right. And that analysis doesn't change.

[00:28:53] You know we try to do well administration around issues at Hanford. It's the same questions. Workers are being harmed. We think the administration is lying the law. We think I can bring the lawsuit. We're gonna bring it. And so it's much less about who the target is whether it's the president or a company or any of that. It's just more on Hey Washingtonians are being harmed. We have good arguments and I can bring the lawsuit.

[00:29:12] That's when we go forward. What are your thoughts regarding voter suppression issues. What actions are you taking or are you taking any voter suppression issues particularly at the national level is hugely significant.

[00:29:25] Right. And I have deep concerns with the leadership at the attorney general's office nationally at the Department of Justice on these issues. And we're seeing it going on now with requests for information coming from this commission put together by the president seeking information on voters which I think it's quite clear they're going to use for purposes are not politically healthy. Right. And for voter suppression purposes now I need be thoughtful about my role. Right. The secretary of state is my client. Wyman. We're her lawyers right. She needs to make some important decisions on that. Right. Or her lawyers we give her legal advice so I always need be careful about what Lane I'm in. Right. I need be respectful of the rules my clients. But there are times when I have my own independent authority to do things and you know I can't get to what we're looking at potentially on that. But it is a conversation I talk about our weekly meeting about what's going at the federal level.

[00:30:16] This is a topic that we discuss what action can the attorney general take to preserve the ACA and Medicare.

[00:30:24] Well we have a lawsuit around that around the ACA. The defense of the ACA there is litigation brought by Republican members of Congress challenging the Affordable Care Act Obamacare. We have concerns that the Trump administration the Department Justice under the Trump administration will not put up a vigorous defense of the ACA. And so a number of AGs have intervened in that case to defend the Affordable Care Act from the legal challenge being brought by Republican members of Congress. So that's an instance where I feel we have a specific legal role we can play to uphold the Affordable Care Act. Now I want to be clear all sorts things happen at the national level with this administration. I have deep concerns about it could be a budget issue for example but there has to be a legal problem for me to use the resources of my office and that is important right. And that is important I can't tell you how many times folks have brought something to

me and I say well it's not a legal problem. It's a policy issue. Right. That's for the Senate or the Congress. It's not my role. And so we tried to stay intensely focused on that part of our job.

[00:31:25] What what's happening here in the state that you see as a major issue we if you're separating those things from the National things that could be impacting the state just in general you have to say right.

[00:31:35] Oh man. I mean it'd be a few things. One thing that I see is the influence of dark money in our politics. I mean as a law I'm just gonna pick that as one the influence of dark money in our politics is a huge issue. And after Citizens United of course the decision by the Supreme Court Citizens United that allows for the free flow of that money. One thing that got lost in that conversation though was states have their own campaign finance laws on the books Washington State has won the most robust laws adopted by the people through the initiative process decades ago that says you've got to disclose the money you get. I've disclosed money I receive. And as one example there was an outside group the Grocery Manufacturers Association their members are Pepsi Coca-Cola and Nabisco and they put in about 12 or 13 million dollars to defeat an initiative that was on the ballot a couple of years. It was the food labeling initiative you might recall that was on the ballot. It lost a squeaker. Right. Well we notice there's about twelve or thirteen million dollars coming from the Grocery Manufacturers Association to defeat that initiative. Now there's no limit to how much you can donate to an initiative pro or con you've got the right to do that but you have to disclose where the money is coming from and the checks were always from the GMA. But we became suspicious the money was really from their members. Pepsi Coke Nestlé right. We didn't delegation. We found out we were correct. We brought a lawsuit and we received a penalty from a judge in Thurston County. It's the highest penalty ever awarded for campaign finance lawsuit anywhere in the country ever.

[00:32:56] So whether whether state whether state local or national It was an 18 million dollar penalty and these guys did it intentionally.

[00:33:05] We have internal memos. I mean I'll go on just for another minute that's OK. Saying they had a memo from their executive director to their members saying we're going to set up this special fund over here. You're all going to donate into this fund and then we'll cut the check from the GMA. So no one knows it's really coming from all of you. And we're going to do this this is a quote in their memo we're going to do this to better shield you Pepsi Coke Nestle Nabisco to better shield you from public scrutiny in Washington state. So why they did it so why we brought the lawsuit that's why we won what was so good.

[00:33:37] So the question was what about do over on the election which is a great question whenever he asks a quote. Raise your hand just like look. Thanks. So it's a good question. In these state law.

[00:33:46] So I can seek penalties which we did and we've got a big one. The state law does allow which is a little known that one can seek a change in the act or a do over on the election I should say. Right. The cry I wish I could hear the exact language from the statute but the statute some that the

outcome of the election I think the language is would have been different had it not been for that language like that. It's a fairly high burden. The reason I didn't ask for that was because we brought our litigation before the election occurred and as a result because we filed the GMA then did disclose who the donors were three weeks before the election it was all on the front page of the newspapers. It got a lot of attention. So I felt it be difficult to say the outcome would be different because there was so much attention. We had a press conference it was front pages on the news so much attention on who the donors were. It would've been very difficult to make the case that people didn't know or didn't have the option to know who the donors were. Now had the outcome had we not known who the donors were until after the election I would have asked for a do over on the election.

[00:34:43] Good question there. What's your response to Tim Eyman's new initiative another car tax initiative that is to defund Sound Transit. And by the way you have some legal action against him right now anyway I mean Tim Eyman And so it's. It's

[00:35:01] It's it's it's.

[00:35:04] So a couple of thoughts so one is before I ran for public office I worked for a law firm here in town Preston Gates Ellis now Carnell Gates great law firm and a big part of my work was actually representing municipalities local governments in legal challenges against him initiatives of which we were often successful sale as part of a big legal team that was a big part of my day job as a lawyer somewhat ironically perhaps to Tim Eyman an end to myself as attorney general my job is to defend initiatives adopted by the people. So if there is initiative adopted by the people that's done by Tim Eyman and we defend it and we do the best work we can do it that's our job. Does matter what I happen to think about it. That's our job one thing I've tried to do because my job is to defend initiatives that I do not take a public position on initiatives for the simple reason that I say hey I'm opposed vanished over there and then it passes. So it might rightly say well hey Ferguson are you really doing your best work. Give your best people defending that initiative. It's the power of the people to adopt. Even if I think it's a terrible idea or a good idea so I try to steer away from public positions. Also we write the ballot titles for the initiatives as well. So I think it's really important that I don't take a public position because those are contested. We go to. People take us to court all the time saying hey Ferguson the way you drafted that ballot title language which is really important is biased one way or the other. So I just I steer clear of weighing in on issues until they're approved.

[00:36:23] What's the status of the Trump administration wanting to financially penalize sanctuary cities and where. Where is your office in defending these types of things.

[00:36:33] So this is significant litigation. The city of Seattle has been engaging this cities in California have as well.

[00:36:39] There've been lawsuits so to answer questions I guess I've got a note here saying the bickering is involved in this as well.

[00:36:45] Is that what you're trying to get. So we have not formally filed a lawsuit yet. Local jurisdictions have so far those challenges have been upheld. The challenges to the Trump administration saying they would withhold federal funds to entities that adopted sanctuary cities. We think that's correct on the law. We have not brought litigation ourselves. When Mayor Ed Murray was obviously had a big announcement around that not too long ago he and I were in regular contact leading up to that. So knowing that the city of Seattle was bringing it that's we think that's helpful. We don't have to address every single legal challenge and on the resources for that. But the mayor and I are in regular contact leading up to his announcement as well.

[00:37:23] Is the A.G. office monitoring treatment of detainees at the Northwest Immigrant Detention Center so this is tricky.

[00:37:32] I usually start my comments by saying a week. So this is not answered your question. In general if we have an investigation going on to any target of any kind. We did not make those public. We just keep it to ourselves until we file some action. So that's just our policy. What I can say is I'm very much aware of issues at the detention facility.

[00:37:54] By the way if you don't know the detention facility is a private run. Yes facility by an organization called Geo. So there's always been questions here about the quality of care the food and so on. More than questions I'm having serious serious allegations I mean it's it's a

[00:38:08] It's it's no small thing. The allegations are very serious. So I think what I can say is that I create a civil rights unit in my office. We do not have a civil rights unit before. We have 600 attorneys. But if you called our office four years ago before I was attorney general with a civil rights complaint we referred you somewhere else. We do every kind of law you can imagine and some you can't imagine. But we did not do civil rights work on behalf of the people made no sense to me. So we've create a civil rights unit and we have a team a legal team that does this work. I think what I can say is Thanks. Yeah.

[00:38:42] And that and that team was the core of who took on the travel ban for example working with my sister general those folks were the core of that of that team who was working around the clock. I think what I can say is that my civil rights team knows I care about what's going on at that facility and they know I have an interest in that. And unfortunately I say a whole lot more at this point and I would go back on the night that. There was all the activity

[00:39:10] My still I'm still one two. There you go. Was my mouth. I don't know.

[00:39:20] But on that night that day there was big protests. There was a lot of behind the scenes going on people trying to make sure that people weren't going to be you know basically taken out of the country.

[00:39:36] Where were you so the executive order was signed on a Friday evening and Saturday was when the protests occurred at the airports. So I actually I was at a conference with other Democratic

attorneys general on Friday. Saturday morning I flew home after executive order was signed so I ironically landed at SeaTac Airport around noon and my phone had lit up of course as you can imagine. And the messages I had were ones from Mike Webb my chief of staff was here was saying hey there's me a big press conference with the governor and members of Congress at the airport in a couple hours. Do you want to stick around for. And I want to be there for that press conference. But I also talked to Noah my sister general in the team was already at work on a legal challenge. They knew I wanted to my point earlier had them look at it immediately if an executive order was signed. So I thought the right place for me was get back home see my wife and kids and get on the phone with Noah. And so the decision was made that day to file the lawsuit so Noah and I spoke a lot that day. But it was that afternoon where we had a conversation.

[00:40:33] I think it was by phone and you know you folks should know that.

[00:40:40] I mean folks work and we made decisions Saturday and I remember talking to know about how quickly do we think we can file this lawsuit. And time was of the essence. The executive order went into effect immediately. People are being turned away in real time right. It was happening right then. And so I said hey do we think we can file this on Monday just put this in some perspective to file a complaint of this magnitude complexity. The supporting documents the legal analysis the multiple concessional claims and statutory claims would simply take weeks months. I mean really right. I was asking say can you do it on Monday because we knew we had to move so quickly and to their right credit. I mean those folks worked around the clock and they filed it Monday afternoon just for the doors closed at the federal courthouse by Friday.

[00:41:23] Yep. Applause and by to give you an idea of how intense that week was Enrique.

[00:41:30] The next day was Tuesday and our judge said he would have the hearing on Friday exactly one week after the executive order was signed. So on Tuesday the judge laid out when motions can be filed and it was crazy as hell as you can imagine the office my God. Right. And I remember sitting now with Noah my sister General we're going through a list of all the stuff that's going on and you can imagine it's a long long list. And we got to I had on my list who's gonna do the oral argument before the judge. So he might it's only gonna be the biggest oral argument of somebodies career right. I mean it's a big one right. It's a big one. And so I said to Noah I knew the options were basically Noah or me or the head of my civil rights team calling Melody be one of the three of us. So I said no no. What do you think about the oral argument on Friday. Well what do you think. Who should do it. And I'll never forget it Bob. That's Thursday's problem. Thursday's problem the biggest oral arguments somebodies life is going to be decided the day before it happens. Right. I mean that's how insanely busy it was it just wasn't the ability to even get to that. There was so much. At which point I knew would not be me.

[00:42:29] That was what I was so so no Noah did it and no did a fantastic job. Yeah. He's kind of your Yoda.

[00:42:36] Not often. You know Noah who by the way should just say Noah's a

[00:42:42] Local here went to Franklin High School went to university Washington Merrick married his high school sweetheart who works in the area and went to Harvard for law school he was to enter the law review at Harvard he clicked on the U.S. Supreme Court he was making a lot of money at a private law firm and he was 31 or 32 years old and I asked me my solicitor general he became the youngest solicitor general in the country when I hired him. He'd never argued a case before the U.S. Supreme Court or state supreme court which is kind of the job. This was a general. But Noah is a uniquely gifted individual. He really is and he's the most brilliant lawyer I've ever worked with. And that's just full stop and he's I've worked with some fantastic lawyers but he's he's unique he's unique guy.

[00:43:19] I take it he did well in that oral argument he did very well but I think it also went to the decision I mean I just have a lot of confidence in Noah and Colleen. I mean I have a lot of confidence. We've worked together for a long time and you know wasn't our first rodeo.

[00:43:32] The stakes were big but you know we've had other big cases but you know we really felt we had strong arguments and keep mine at that time. If you turned on Anderson Cooper on CNN and listen to Jeffrey Toobin right or Professor Dershowitz from Harvard they said no chance. They said no chance. That first weekend this isn't this will never work. The A.G. doesn't have standing. The present has a lot of authority. But Noah and I and Colleen felt we had good arguments. So really we're going against the conventional wisdom which I think is one more reason why we were the first to go forwards at the heart of why you thought it would really work.

[00:44:04] I mean it.

[00:44:06] Well I think a couple of things Number one is we'd had time to think about it this executive order to my point earlier we weren't caught flat footed. We'd been kicking it around. Number two was does the president have broad discretion to issue an executive order on immigration. You bet. You bet. But is that authority unlimited. No. Barack Obama experienced that. He adopted an executive order on immigration reform a couple of years ago. The Republican attorney general in Texas went to a court a federal court in Texas and challenged it and one federal judge in Texas said nope unconstitutional. Barack Obama does not have that authority. And that was upheld by the court of appeals. All the folks who criticize a one federal judge in Seattle striking down a presence action. How soon they forget right when the shoe is on the other foot they embraced it right. That is our system. But we had done the analysis and I think the key thing was we had an open mind about it. And look we have very good lawyers calling Melody the head of my civil rights unit.

[00:45:03] She's worked for the Department Justice. She went to you at law school she graduated personal class at the UDUB law school. I mean these we have a very very very good legal team. No one better in the country to do this kind of a case in and the book. But it's not just that but you've got to have the open mind I do tell my team all the time. And Noah and Colleen embraces is happy willing to take chances with your litigation. You can't just play it safe. You can't do that in chess. You can't do in life. You just can't. If I played it safe I wouldn't be attorney general like I do believe in calculated

risk. That's a long story. We do have time for. But I'm a firm believer in calculated risks. You have to know when you're not being a cowboy about it but a calculated risk. So were we certain we'd win. Well no of course not. Was there a lot of risk involved. You bet. But but we we were confident we were confident.

[00:45:50] I'm curious. This is me question about the executive order on immigration crackdown. It's only going to be bad O'Mara's it's turned in to be far more than that. And it seems to be growing more expansively. How do you see this. I mean it seems because again under the Obama administration it was aimed more. At those who were hardened criminals. But this is we're in a different time. Oh it's we have our chief justice of our state supreme court writing letters to our government saying hey we're concerned about about federal officials ICE agents ICE agents walking around courthouses

[00:46:36] Greyhound bus stations. This is happening right. I think Danny West Nathan The Seattle Times wrote an article recently about a woman in Tukwila will I hope I got that right who got picked up by ICE officials at a tukwila a Starbucks where she goes every morning after dropping off her kids at school on her way to work. Right. She was here legally but they tried to pick her up there. So no it's I mean look it's it's serious I guess it's a it's one reason I'm glad I'm attorney general. Right. Is that there is an ability to make sure that they have broad discretion when it comes to issues like immigration. But it is not unlimited. And I think that's where there's a role for ages on these and many other issues.

[00:47:09] Is your office looking at this.

[00:47:11] Well we pay close attention to all of these right. And track these very closely. I can't say we're not there's a legal action we can take on that. What I can say is that elections have consequences. A president does have broad discretion when it comes to immigration. Right now it's not unlimited. We saw that the travel ban with a travel ban litigation. It's not unlimited. But yes that is something we track very closely.

[00:47:33] This is a note from someone that's written this and said thank you very much for all of your efforts to ensure that refugees and immigrants are here safely admitted to the United States safely. My 74 year old mother in Japan who does not speak English does know who you are.

[00:47:57] And she thanks you very much. That's nice. Well give her my regards.

[00:48:08] I can't say that we we have received our office literally thousands of letters not e-mails. Right. I mean actual letters and so thousands came from Washington state residents and at some point really I just had someone hand wrote me a letter I would handwrite a note back. I thought there'd be 40 or 50 of them two or three thousand later became a bigger job. But but the best one by far was many came from children from Iraq Iran one the affected countries. And so the best one was a girl who was eight or nine. I think her family from Iran if I remember correctly and she wrote she wrote this really funny picture me which is the best part of the kids when they write letters. They find these these goofy pictures. But she wrote she talked about it her family's from Iran. And she said she

wrote because you stood up. I can be here. And that was really the best. Yeah. That was the best letter.

[00:48:55] Yeah. That's a keeper.

[00:48:59] So what do you tell ordinarily ordinary citizens about what they can do to help preserve and reinforce our system of checks and balances.

[00:49:09] That's an important question. Everybody has a different platform right. I have mine right which I'm thankful to have. But as a citizen everybody has it right whether you march in a March whether you write a letter whether you do a protest right whether you testify before a committee at the state or national every who's got a platform. I think what I say is wherever you are in the political spectrum wherever you are on it I think it's a time to be engaged. Right this is not a time to be on the sidelines wherever you are on all these issues which are let's think what the travel ban I think in part why it got such a response was it's so fundamental to who we are as a people right.

[00:49:44] It impacts people in such deeply personal ways right the ability reunify with your family what it speaks to us as a country right as a nation of immigrants the strength of our country from diversity and immigration. And so I guess my view overall is is to be involved in whatever way one can it's different for everybody. But I just feel it's it's it's a time to be involved in some fashion.

[00:50:06] How do actions like rallies marches protests inform or affect the work that you end up doing in the work that I do I mean it's I mean look we do cases that are unpopular. Cases are popular pieces in between and cases that nobody knows about one or the other. So it's I guess just Kimberly it doesn't really affect our work right.

[00:50:34] I mean it can't. Right. Our work has be based on the law.

[00:50:38] And I can tell you I remember maybe a week after the travel ban litigation we only won at the district court and I think maybe one appeal to the 9th Circuit. And so the travel ban had been stopped and people were coming back into the country. And again it was a very very intense time at the office and people were literally working around the clock. And I remember talking to my sister. So she called called me up one morning and we're talking on the phone I remember her saying hey have you seen which 20 the scenes at the airports people being reunited with their family members. And she said well I hadn't seen them. And I got huge TV in my office had not turned it on. I remember saying turn on your TV turn on your TV right. And so I remembered it on and see I mean right what people what everybody saw right all around the country these scenes of reunification of family members and I think that's why people felt so strongly about it they could see in real time the power of the law. You have an executive order that I think is immoral yes also unconstitutional you can file a lawsuit a week later it has stopped something that could not happen before people coming to the country can now happen and people could see it in real time right. They could see what was going on that immediate impact and we can all relate to family right those reunification scenes so that had a

powerful impact on me I have to say I just had no idea how intense it was. Right. So I want to talk about the rallies to have some knowledge and rallies were going on of course right.

[00:51:56] But. We just weren't even turned on the TV set. I mean honestly it's just that it's that focused on the on the work. And that probably brings it home to the kid and that's when I decided hey I want to get down to SeaTac Airport to meet some folks. So I went down with the governor to meet the first person who'd been turned away. A gentleman who has come back to be reunited with his wife while I was there what a great ceremony while I was there there just was a guy over at the carousel who someone said I want to meet me. He was from Iran and he was being reunited with his wife and daughter if I recall correctly. But just to see a scene like that right it's the laws non abstraction. I tell my team this all the time there are real lives are impacted by the law and that's why I went to law school right was to make a difference in lives of people and the law is right. Pete Seeger wrote about if I had a hammer right. I've got a hammer on the attorney general it's the hammer that I'm true it's true. Right. It's the hammer of the law it's the hammer of the law. Right. Sam rape justice in the song right. I believe that that's why I went to law school is why I'm not working at a private law firm I like using that hammer for what I think are positive ends. And I think this case somehow it's become clear to me it's really resonated way that no one I could not have imagined we first had that conversation those months ago.

[00:53:04] So your parents were Republicans. How did you become.

[00:53:10] How did you become a Democrat. Yeah.

[00:53:11] My late father whenever someone would say I was a Democrat you say no no he's an independent. He tried to hold on to that thread throughout his life.

[00:53:21] And well I think you know to my point earlier that you know our parents wanted one of their kids to explore what they want to explore their seven kids will have different careers. No one has the same career I got into chess my parents did not play chess but they saw I was interested and they they encourage it. So for my parents like the main thing was they encourage involvement in the community or in politics. My parents hosted many political events at our home. One of Dan Evans's first campaign coffees when he ran for governor back in 1964 was that my mom and dad's house if not as first as second like very very early and as a kid growing up I was too young to understand it but I I knew my parents cared about the political system. I knew my neighbors the parents of my friends at school cared about it and that had a big influence on me so they didn't. It was I mean it's hard to that the family was a free flowing place. You know you could you could think would you want to think you could get free range to roam the neighborhood you know it just was a different time right. And so that many kids were probably glad you're out. That's. I think that's that's exactly right. But I think the main thing was both parents were interested and encourage involvement in the system and that was a real gift for for all of us.

[00:54:31] What are your thoughts on where we are today. We are so divided. I mean even in this state I grew up in central Washington. All I gotta do is drive across the mountains and you can see

the divisions that are there maybe even just in the suburbs here as well but it's not just here it's everywhere. What do we do to try to find some common ground.

[00:54:53] Because I know about you but all this stuff is kind of exhausting.

[00:54:59] I mean it does. I'm not sure I have any better answer than you or anyone here. I think it's true that it's not just at the federal level but you see it more and more even here. I think that that is true. I seen the letters that I received from people around the travel ban right about.

[00:55:14] I see a night experience that so I can't dispute. That's the case I guess I do believe that it's up to everyone despite that to I guess just to conduct oneself in a civil manner right. I mean that's the key. Right. I think one benefit of being a large household is trust me the whole political spectrum is represented. It's a fact. Right. So I just know for my own family I have a disagreement somewhat politically but we get along. Right that's the nature of a large family either you do that or you can have a very dysfunctional family right things are gonna go south in a hurry. So. Here's I just try to do is it's I just try to be equal opportunity in what I do in my job when I sue the Obama administration over worker safety issues at Hanford I can tell you I got phone calls from prominent Democrats saying why are you suing the administration.

[00:56:01] We're on the same team here why are you doing this. So I'm sorry. I've got a job to do. It's not personal. I respect and Barack Obama it's not about that. It's about the workers in our state who are being harmed by the papers at Hanford.

[00:56:13] Well I'm glad to do the right thing then right because now if someone says What's political you're suing Trump. Well no no one said is political when I sued Barack Obama twice. Right. Not one person. Raise their hands. That's political. So I guess what I say is try to be civil right. Try do what you think is the right thing. Try to listen the other side. That can be hard sometimes. I think if you do that I think the country can right itself and will write itself. Are we more. Factionalized. Yes. I think that's true. But I'm not too pessimistic I am I'm an optimist at heart Well I want to thank you for your time and also I want to thank for the fact that we have a place here where even though people might not always agree with what's going on and are they able to voice that their first amendment right

[00:56:57] And thanks for taking the time to answer all of these excellent questions by the way he's going to stick around just a little bit longer if you want to talk and we've had I think a real good conversation. Thank you all for taking the time on. Thank you. This summer day.

[00:57:16] Bob Ferguson. Thanks. Thank you very much. Thank you.

[00:57:26] So he's here in the state all week and tomorrow what another three years to go.

[00:57:32] All right. Oh

[00:57:38] Hey so we provided a little bit of everything today. Thank you all for being here. We appreciate it.

[00:57:52] This podcast was presented by the Seattle Public Library and Foundation and made possible by your contributions to the Seattle Public Library Foundation. Thanks for listening.