

Special Interests Hijacking Supreme Court Elections Again

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With a hot presidential election in full swing, this year's elections of three new Alabama Supreme Court judges are not likely to make headlines. But Alabamians should take a closer look, because special interest groups are again using their money in an attempt to dominate our Supreme Court. Money is a very powerful tool, but it should not rule the day in judicial elections.

In Alabama, both trial and appellate judges are elected. Nationwide, nearly 87 percent of America's state judges are chosen directly by voters at the ballot box. But even when judges are elected like other politicians, they have a different job: not to keep promises or follow a party line, but to protect our rights and rule fairly and impartially.

Again in Alabama, our judicial elections for three open Supreme Court seats are looking like overheated races for Governor or the state legislature. For the June 1, 2004 primary races, the candidates raised and spent an alarming \$3 million. According to the disclosure reports filed by the remaining candidates in mid-September, 2004, that total rose another \$400,000. That total will substantially increase in the next month. A recent report from Justice at Stake, a national judicial elections monitoring group, found that in 2002, 10 candidates for state Supreme Court seats (including two from Alabama) spent over \$1 million each on their campaigns. Five of the current six candidates for the Alabama Supreme Court are each well on their way to reaching that figure.

The "big money" comes from the usual suspects of special interest groups: business, trial lawyers, the political parties, and labor groups, all hoping that the elected candidates will rule in their interest, not the public's interest. The current disclosure reports also showed another alarming development - contributions from a national automobile maker and a major drug company.

And the politicking which highlights the "special interests" of the special interest groups is about to get worse. A recent U.S. Supreme Court decision, *Republican Party of Minnesota v. White*, gives judicial candidates more room to announce political positions on the campaign trail. That may sound innocuous, but remember that it is not a judge's job to make promises and keep them. It is their job to decide cases, based only on the facts and the law.

The real winners of the *White* case are special interests, who have a new weapon to pressure judicial candidates. Now they can pressure judges to take their side, in advance, on hot-button social issues. They are sending out questionnaires, and demanding the "right" answers. This past spring, an interest group here in Alabama wanted judicial candidates to answer 10 questions dealing with faith, family values, and other conservative code words. Then, right before the election, one candidate, in a 30-second radio ad, announced his position on at least five controversial issues. Without question, judges are increasingly being pressured to step closer to

the line of making promises.

Surveys show that the judiciary remains the most respected of the three branches of government. But if judges are forced to make what appear to be promises, and continue to take millions of dollars from special interest groups, the faith of the American people in this most revered branch of our government will gradually falter. The good news is that ordinary citizens have their own powerful weapons: their minds, their hearts, and above all their votes. Those weapons should be deployed to counter increased special interest pressure on our courts.

I urge all Alabama voters to learn about the six candidates running for the Supreme Court. Look for newspaper articles, voter guides and objective information about the candidates. Think critically when you see an ad from a special interest group, or hear a candidate announce a position on a specific issue. You can bet the kitchen sink that there is money behind each. Above all, go vote on November 2. After all, special interests are counting on most Alabamians to stay home on Election Day. No matter whom you support, send the special interest groups a message: Alabama's courts belong to all Alabamian's- they're not for sale.

- John Pickens, Executive Director