



**Justice at Stake**  
c a m p a i g n

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**2004 STATE SUPREME COURT ELECTIONS DRIVEN BY RECORD  
TV AD SPENDING, BIG MONEY AND SPECIAL INTEREST PRESSURE,  
SAYS NEW REPORT FROM JUSTICE AT STAKE CAMPAIGN**

*Interest Group Pressure on the Courts Reaches a "Tipping Point"*

WASHINGTON - A perfect storm of hardball TV ads, millions in campaign contributions and bare-knuckled special interest politics is descending on a rapidly growing number of Supreme Court campaigns, according to a major new report from the Justice at Stake Campaign and its partners, the Brennan Center for Justice at NYU School of Law and the Institute for Money in State Politics. The report comes on the third anniversary of a U.S. Supreme Court decision that gave interest groups more tools to pressure judicial candidates to rule on their behalf. Thirty-eight states elect their high courts, and more than 86 percent of state judges must stand for election.

Amid growing speculation over a near-term vacancy on the U.S. Supreme Court, and with interest groups posturing for a confirmation battle involving millions of dollars in television advertising and grassroots battles, this new report shows that many Americans are already seeing high-stakes court battles in their own backyards.

"After the 2000 elections, we sounded the alarm: no state that elects its judges is safe from the corrosive effects of big money, nasty TV ads, and special interest arm-twisting," said Bert Brandenburg, executive director of the Justice at Stake Campaign. "If 2000 was a turning point, then 2004 was the tipping point, when the threat spread across the country. The fairness and impartiality of the courts that protect our rights is in jeopardy."

Among the key findings of the report:

- An estimated \$24.4 million was spent on TV ads in state high court races, obliterating the previous record of \$10.6 million set in 2000, and TV ads in high court campaigns ran in 4 out of 5 states in 2004, up from 1 in 5 in 2000;
- Of the 22 states that use head-to-head elections to choose members of their Supreme Court, nine states broke combined candidate fundraising records. Two candidates in one record-setting race in Illinois combined to raise over \$9.3 million, more than candidates in 18 of last year's U.S. Senate races;

- State Supreme Court elections attracted record sums from business interests, a reflection of the importance of state courts in setting corporate damage payments. For the first time since these records have been tracked, business contributions outpaced those from the legal community;
- Interest groups are bringing the culture wars into state court elections by demanding “positions” on hot-button social issues from state court candidates.

The report is being released three years to the day after the U.S. Supreme Court ruled in *Republican Party of Minnesota v. White* that certain speech limitations on judicial candidates were unconstitutional. At the time, many observers predicted this would make state court races even more political and put interest groups in the driver’s seat, at the expense of fair and impartial courts. The data released today underscores how quickly interest groups have moved to politicize judicial elections across America.

Television advertising has become a major weapon for groups doing battle over state high courts. In 2004, 17 interest groups in six states spent roughly \$7.4 million on television ads, accounting for about 30 percent of all spending on TV in these races.

“More money is being spent on TV advertising, in more states, and ads are appearing earlier in the election cycle,” said Deborah Goldberg, the Brennan Center’s Democracy Program Director and co-author of the report. “Even winning candidates are asking how the public can have faith in the system, when judicial elections are so heavily influenced by wealthy special interests.”

Money plays a major role in determining who wins Supreme Court races in the states. Winning candidates who raised money averaged \$651,586, a whopping 45 percent increase in the average cost of winning since 2002.

“The rising average cost of winning a seat on a state Supreme Court empowers partisans and interest groups,” said Edwin Bender, executive director of the Institute of Money in State Politics and another of the report’s co-authors.

The report also offers good news. In a number of states, far-sighted citizens, judges, legislators and bar leaders are banding together as never before to address the threat and reform their judicial selection systems. In 2004, a new public financing system debuted in North Carolina; judicial candidates there had an alternative to raising money from interested parties who appear before them in court. In several states, nonpartisan voter guides offered a tool to dilute the power of special interests.

The complete report is available online at [www.justiceatstake.org](http://www.justiceatstake.org) or by calling 202-588-9454.