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**SPECIAL INTERESTS AND BIG MONEY INCREASINGLY DOMINATE  
COURT ELECTIONS, SAYS REPORT ON JUDICIAL RACES**

*New Poll: Public Fears Judicial Candidates May Be Hostages of Special Interests*

WASHINGTON, D.C. - A new report shows how the threat to fair and impartial courts spread to more states in the 2002 Supreme Court elections. According to the report - THE NEW POLITICS OF JUDICIAL ELECTIONS 2002 - the number of interest groups that ran TV ads in state judicial elections doubled since the 2000 campaigns, and ten high court candidates raised more than \$1 million for their campaigns. And a new nationwide poll conducted by Zogby International and commissioned by Justice at Stake shows that Americans are alarmed by the increasing power of money and special interest politics in judicial elections—and that they want reforms.

“Today’s report shows that across America, special interest money is knocking at the courthouse door,” said Bert Brandenburg, acting executive director of Justice at Stake. “Americans are disturbed by what they see, and they strongly want fundamental improvements in the way their judges are elected.”

At a Capitol Hill news conference unveiling both the report and the poll, Senator John McCain decried the increasing influence of special interests over the judicial election process.

“The extreme amount of big money in this year’s judicial elections will only reduce public trust in the judicial system.” Senator McCain said. “Survey after survey shows that Americans from all walks of life want a fair and impartial judicial system free from the corrupting influences of special interests.”

The report was authored by Deborah Goldberg of the *Brennan Center for Justice at NYU School of Law* and Samantha Sanchez of the *Institute of Money in State Politics*, both Justice at Stake partners. It was issued by the Justice at Stake Campaign, a partnership of over 40 judicial, legal and citizen groups from across the country that works for fair and impartial courts.

More than ever, the report finds, judicial campaigns are taking to the airwaves. In 2002, candidates and special interests ran Supreme Court election ads in nine states. Only four states saw ads in 2000.

“Special interest groups from both sides of the political spectrum saturated the public airwaves with corrosive messages,” observed Deborah Goldberg, a co-author of the report. “In most cases the public’s right to know who financed these messages was hindered by weak or non-existent disclosure laws.” Goldberg noted that some states are moving to clamp down on anonymous attack advertising now that the U.S. Supreme Court has upheld a clear definition for what constitutes an “electioneering” ad.

Money continues to play a major role in separating winners from losers in Supreme Court races. Over the last three campaign cycles, winners have out-raised losers \$59 million to \$35 million.

“The average cost of winning a seat on a state Supreme Court continued to rise in the 2002 elections, and the candidate who raised the most money prevailed in 20 out of 25 contested races,” said Samantha Sanchez, the report’s co-author.

"Judges across America are trapped in a system that forces them to raise money like regular politicians," said Judge James Wynn of the North Carolina Court of Appeals, who joined Senator McCain and the report’s authors at today’s Capitol Hill news conference. "But average citizens who do not personally know their judges have a very hard time believing that monetary contributions do not influence judicial decisions. This perception undermines the public’s confidence in the integrity of the judicial process, and causes grievous harm to the public’s faith in the judicial branch of government."

The fallout from the US Supreme Court’s 2002 decision in *Republican Party of Minnesota v. White*, which gives judicial candidates greater latitude to signal their stands on controversial issues, is already apparent, says the report. Two interest groups on opposing side of the abortion debate were among the first to issue questionnaires to judicial candidates, with one even threatening that candidates who did not return their surveys “will be identified as ‘Refused to Respond’ on our voter education materials.” A new report from the Brennan Center, *After White: Defending and Amending Judicial Codes of Ethics*, sternly warns that “there is every reason to expect attacks on the [judicial] canons [of ethics] to proliferate.”

This sort of intimidation is not sitting well with American voters. A poll commissioned by Justice at Stake reveals that more than 4 in 5 Americans (82 percent) are concerned that special interests will pressure judicial candidates to take positions on issues in advance, in exchange for support in their election campaigns.

The poll of 1,204 adults of voting age – conducted by Zogby International from March 17-19, 2004 – underscores that Americans are skeptical about what they perceive as an election system for judges overflowing with conflicts of interest. Nearly 72% of those

surveyed concluded that campaign contributions influence the decisions judges make in the courtroom.

Support for reforms to the judicial election process is very strong. More than four of five (82 percent) would like to see their states match the standard adopted in the Bipartisan Campaign Reform Act (BCRA) that requires the disclosure of those that bankroll TV advertising campaigns mentioning candidates around election season. And two out of three voters (67 percent) said that receiving a nonpartisan voter guide on judicial candidates would make them somewhat or much more likely to vote in judicial elections.

Justice at Stake and its campaign partners support a variety of measures to protect America's courts, including: campaign oversight and citizen monitoring committees to blow the whistle on inappropriate campaign conduct; providing more and better information so voters can make an informed choice when they vote for judge; and campaign finance reform.

A downloadable copy of THE NEW POLITICS OF JUDICIAL ELECTIONS 2002, along with complete poll results, is available at [www.justiceatstake.org](http://www.justiceatstake.org).