



Courts, cash and democracy

Published: Thursday, August 19, 2010, 5:32 AM



Mike Hollis, The Huntsville Times

Something is badly out of kilter when Alabama makes it to the top of a list of spending on judicial campaigns yet remains not far from the bottom economically.

How in the world can candidates for the Supreme Court in Alabama spend more than candidates in any other state from 2000 to 2009? And twice as much as candidates in Pennsylvania, the No. 2 state?

Unfortunately, that's the case, according to a new report by authors from the judicial campaign watchdogs Justice at Stake, The Brennan Center for Justice, the National Institute for Money in State Politics and Hofstra Law School.

In a story Monday, Eric Velasco of *The Birmingham News* reported that Alabama had three of the top 10 "super spenders" in appellate court campaigns nationally. Ranking second nationally among the big spenders was the Alabama Democratic Party, which contributed \$5.9 million over the decade.

On the Republican side, Progress PAC, the political action committee of the Business Council of Alabama, spent \$4.6 million on state high court races over the decade. It ranked third among the big spenders. Coming in at seventh was the Alabama Civil Justice Reform Committee PAC, which spent \$2.7 million.

One campaign illustrates part of the issue.

In 2006, then-Chief Justice Drayton Nabers received nearly half of his campaign money from just three PACs, including Progress PAC. He was defeated by Sue Bell Cobb, who received

nearly one out of three campaign dollars from just two PACs, one of them run by the state Democratic Party.

Should a Supreme Court justice or chief justice step aside in a case involving a contributor? Polls show most people think so. And the report says 76 percent of Americans believe campaign contributions have at least some effect on a judge's courtroom decisions.

But Alabama's campaign finance law allows contributors to conceal their identities. So a judge might have no concern about having received campaign money from a plaintiff or a defendant, and no one would know the difference.

Supreme Court candidate Deborah Bell Paseur got 62 percent of her donations from the state Democratic Party in 2008. A closer look showed that more than one-third of that, \$606,000, came from the plaintiff trial lawyer firm Beasley Allen Crow Methvin Portis and Miles. The firm and its lawyers funneled money through 30 PACs en route to the state Democratic Party and Paseur, the report said, but the law firm's name never appeared on her campaign records.

Some people may think spending on these races isn't an issue, but others with lots of money apparently believe they will be better off if they open their wallets. That must be why Alabama's three "super spenders" poured more than \$13 million into Supreme Court races in a decade. Yet that wasn't quite a third of the \$40.9 million court candidates raised during those years. And more than half of that, \$22 million, came from just 20 groups.

Alabama was one of 22 states that had competitive elections for supreme court seats over the decade. Other states use different methods, including nonpartisan races and appointments. Three states have turned to public financing. Realistically, Alabama has barely enough money to run state government, and voters are unlikely to agree to give up having a say in the selection of judges.

Retired U.S. Supreme Court Justice Sandra O'Connor is promoting a system used in her home state. In Arizona, she says, a bipartisan committee recommends a pool of qualified candidates to the governor, who appoints judges. Voters can hold judges accountable in retention elections.

The beliefs that our courts are fair and impartial, and that everyone is equal before the law, are critical to our faith in democracy.

By Mike Hollis, for the editorial board. E-mail: mike.hollis@htimes.com

© 2010 al.com. All rights reserved.