



For Immediate Release

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Candidates for Alabama's Supreme Court Raise More Money, Invest in TV Ads at Greater Rates Than in 2004

WASHINGTON - Alabama continues to be one of the nation's most expensive judicial battlegrounds, and candidates who raise enough money to advertise on network television hold a distinct electoral advantage, according to a new analysis of the June 6 primary by a trio of national public interest groups. The analysis also showed a sharp increase in both television advertising and campaign fundraising over the 2004 Alabama high court campaigns. Alabama's June 6 primary featured five contested elections for the state Supreme Court, all on the Republican ticket. Six candidates advertised on broadcast television; none of the five candidates without ads on network television went on to win a primary.

Estimates of network television advertising expenditures obtained by the Brennan Center for Justice at NYU School of Law show that six candidates and one interest group combined to spend almost \$2.7 million on television advertising in the five Supreme Court primaries. That figure reflects an increase of 59 percent over the 2004 Alabama Supreme Court primaries, in which seven candidates and two interest groups spent over \$1.7 million on network television advertising.

The biggest spender on advertising among candidates was Chief Justice Drayton Nabers, who alone aired 2,300 commercials in the state's major television markets, costing his campaign an estimated \$655,397. Nabers defeated a primary challenge from Justice Tom Parker, who spent \$98,280 on television advertising.

"The Nabers-Parker race reflects two disturbing national trends: the continuing increase in the importance of television advertising in judicial elections, and the threat to the fairness of the state courts when candidates stake out clear positions on matters likely to arise before the courts," said Deborah Goldberg, director of the Democracy Program at the Brennan Center for Justice.

Although Nabers outspent Parker on television advertising by a ratio of almost 7:1, the more startling story may be the content of the ads run by the candidates' respective campaigns. For example, Parker's ads explicitly criticized Nabers for following U.S. Supreme Court precedent in a juvenile death penalty case. Meanwhile, the ads run by Nabers were equally noteworthy for their unabashed views on disputed legal and political matters such as gay marriage and abortion.

In one ad, Parker says: "Convicted of rape and murder, Ronaldo Adams was sentenced to death, but now Adams is off death row thanks to Chief Justice Drayton Nabers and the Alabama Supreme Court." In another, Nabers appears on camera and says: "I'm pro-life. Abortion on demand is a travesty."

"The Constitution demands that courts be fair and impartial," said Bert Brandenburg, executive director of Justice at Stake, a Washington-based nonpartisan group that tracks judicial politics. "When judicial election campaigns degenerate into politics as usual, then campaign cash and special interest pressure threaten the rule of law."

The biggest spender on television advertising overall was the American Taxpayers Alliance, an interest group that refuses to disclose its donors. The ATA spent \$993,080 on ads supporting and opposing particular candidates. That figure includes \$288,607 in expenditures on advertising to support Nabers – and \$492,629 to attack Parker.

With the next round of campaign finance reports not due until mid-September, a final analysis of campaign fundraising in the Supreme Court primaries remains months away. However, pre-primary reports indicate that Alabama Supreme Court candidates combined to raise well over \$4 million. If trends from the pre-primary reports hold true, all five winners raised more money than their opponents. Since 1993, candidates for the Alabama Supreme Court have raised more than \$45 million, exceeding high court campaigns in any other state, including Texas and Ohio, two of the nation's most notorious judicial battlegrounds.

"The increasing role money plays in state judicial races can potentially create the appearance of impropriety," said Edwin Bender, executive director of the Institute on Money in State Politics.

The Brennan Center, the Institute on Money in State Politics and the Justice at Stake Campaigns are regular collaborators in tracking the influence of money, television advertising and special interest groups in America's state judicial election campaigns. This news release is the second in a series of periodic updates the groups plan to issue throughout the 2006 election campaign.