

[Alarming campaign to create 'politicians in robes'](#)

By Melissa Price Kromm and Bert Brandenburg

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On Tuesday, North Carolina voters defied an unprecedented deluge of partisan and special interest spending in their state's Supreme Court primary. But the big money will likely reappear this fall – raising new questions of whether justice is for sale in North Carolina.

Tuesday's over the top contest, featuring more than \$1.3 million in spending and ads designed to make voters' skin crawl, saw a costly partisan and special interest effort to topple incumbent Justice Robin Hudson, a registered Democrat opposed in a formally nonpartisan race by two registered Republicans, Superior Court Judge Eric Levinson and attorney Jeanette Doran.

In this three-way contest, voters saw through – and rejected – behind-the-scenes efforts to keep Hudson off the November ballot. The primary unfolded more like a David-and-Goliath political money intrigue than a deliberative process for selecting judges to be held accountable to the law and the Constitution.

Justice Hudson's primary challengers gained momentum after the Washington-based Republican State Leadership Committee channeled a staggering \$900,000 to a separate organization, Justice for All North Carolina, which in turn aired a grisly TV ad slamming Hudson as “not tough on child molesters.”

Only a week before the primary, the Republican State Leadership Committee had unveiled its national “Judicial Fairness Initiative” to elect state judges who meet their ideological needs. For North Carolinians seeking a fair day in court, their faith in impartial justice is tested when partisans spend big money to tilt the scales of justice their way.

The Republican State Leadership Committee was not alone. A political action committee of the North Carolina Chamber spent almost \$250,000 on TV ads commending the two challengers, and its donors included in-state industry sources as well as \$50,000 in out-of-state funding from Koch Industries. Of total TV ad spending greater than \$1.3 million, almost 90 percent supported electing someone other than Hudson, according to public records available shortly before the primary.

After years of avoiding the explosion in judicial election spending nationwide, North Carolina is quickly earning an unwelcome reputation. In the 2011-2012 judicial election cycle, more than \$3.5 million was spent for just one state Supreme Court seat; more than \$2.8 million of that came from outside groups.

The soaring independent spending in North Carolina is in keeping with national trends since the U.S. Supreme Court's Citizens United ruling that unleashed unlimited independent spending on elections

These trends pose a disturbing threat to our courts – that justice might be for sale. Polling shows that almost nine in 10 Americans believe campaign cash is affecting courtroom decisions. Voters aren't alone in this view; chillingly, nearly half of state judges agree with the same statement.

In North Carolina, the problem is compounded because the state last year eliminated a clean-elections program that furnished public financing for judicial elections. It helped insulate judges from the influence of moneyed special interests, so that judges could talk to voters instead of raising money from parties that appear before them in court.

Judges used the program regularly, it had broad citizen support and it enhanced diversity on North Carolina's benches. It didn't fix every problem with judicial elections, yet it was worth repairing, rather than demolishing with a legislative sledgehammer.

Too many judges are being locked into a politically charged arena, forced to solicit campaign cash from parties who might appear before them in court. When deep-pocketed outside groups write big checks to air TV ads, judges lose any control over the ads' tenor or their accusations.

Given the flood of spending in this week's primary over only one seat, a tsunami is likely when four Supreme Court seats are up for grabs in the general election. We hope that is not the case, because if voters start thinking of judges as politicians in robes, then our state and our democracy are in trouble.

Melissa Price Kromm is director of North Carolina Voters for Clean Elections. Bert Brandenburg is executive director of Justice at Stake in Washington, D.C.