

AFP launches ads against Montana Supreme Court candidate Wheat



14 HOURS AGO • [MIKE DENNISON MIKE.DENNISON@LEE.NET](mailto:MIKE.DENNISON@LEE.NET)

HELENA – A conservative political group launched TV and radio ads attacking Supreme Court Justice Mike Wheat on Thursday, becoming the fourth outside group spending to influence the outcome of the campaign between Wheat and his challenger, former state solicitor Lawrence VanDyke.

Americans for Prosperity-Montana, the state branch of the national AFP, placed ads on TV in Kalispell and Billings, and radio in Kalispell, Billings and Missoula, said AFP-Montana state director Zach Lahn.

The ads say Wheat, a justice on Montana's high court since 2010, "has a history of supporting extreme, partisan measures," citing his votes as a state senator for a 2003

sales tax package and for an increase in hunting and fishing license fees in 2005, and his 2012 dissent in a Supreme Court ruling upholding natural gas well permits.

"Our (intent) is to educate voters on the positions that Mike Wheat has taken in the past and hold him accountable for those positions," Lahn said.

Wheat, in an interview, called the ad "garbage" and said it has little or nothing to do with the type of a justice he's been or will be.

The ad sponsor "is just one of the Super-PACs funded by the Koch Brothers, who want you to believe it's only for 'educational' purposes," Wheat said. "It's not education at all; it's pure politics."

Wheat is running for re-election to the seven-member Montana Supreme Court.

Wheat, a Bozeman attorney and Democratic state senator from 2003 to 2007, was appointed to the high court in 2009 by Gov. Brian Schweitzer, took office in 2010 and ran unopposed in 2010 to fill out a term that expires this year.

This year, he is opposed by VanDyke, who served as state solicitor under Republican Attorney General Tim Fox from January 2013 until May of this year, when he resigned.

In addition to \$275,000 combined that Wheat and VanDyke have reported raising for their campaigns, the race has seen

spending now by four outside groups, including AFP-Montana.

Two other groups are supporting VanDyke, including the Republican State Leadership Committee, which reported Thursday it's spent \$330,000 on TV ads and mailers, and one group is supporting Wheat.

Lahn said AFP-Montana initially is spending \$85,000 for its ads criticizing Wheat.

Americans for Prosperity, a conservative, pro-free enterprise group founded 10 years ago, was bankrolled initially by Charles and David Koch of Koch Industries, a multinational corporation involved in oil, timber, cattle, chemicals and various manufacturing. The Kochs have financed numerous conservative political causes the past three decades.

Lahn said the group is a "grass-roots organization focused on educating voters on issues of economic freedom, (government) spending restraint, healthcare reform and energy development."

The AFP ad says Montanans "deserve a fair and impartial Supreme Court" and urge voters to call Wheat "and tell him to keep his extreme politics out of the Montana Supreme Court."

Among other things, the ad refers to Wheat's 2003 vote as a senator for a sales tax package that also reduced property and income taxes, and his 2005 vote for a bill increasing hunting and fishing license fees.

The sales tax measure passed the Senate with bipartisan support but died in the House; the hunting and fishing license bill passed with bipartisan support.

Wheat said Thursday his votes as a legislator have nothing to do with his job as a Supreme Court justice.

"I was in the partisan arena then (as a legislator)," he said. "I was there to make policy decisions. That's not what I do on the court. They're two different worlds. To point to that and say that's what I'm doing on the court is just pure hogwash."