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Kevin Siers | Blogs/Columnists

February 18, 2014

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OUR VIEW

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The buying of the N.C. Supreme Court

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Posted: Saturday, Feb. 15, 2014

So you know about U.S. Sen. Kay Hagan's race. And you may have heard that Republicans who rule the legislature will be fighting off Democrats trying to chip away at their dominance.

But as this election year gears up – hundreds of candidates are invading elections offices to file their papers this month – allow your eyes to skim down to the bottom of the ballot. Nowhere else do so many voters know so little about races that could affect them so much.

We're talking about North Carolina's Supreme Court – the seven individuals who have as much or more power than the governor and the 170 legislators. They are the ones who decide what happens with issues important to business and many public policies of consequence, from education to criminal justice to voting.

Four of the seven seats are on the ballot this year. And because of changes to election law, voters can expect millions of anonymous special interest dollars to shape the outcomes. Voters can counter those special interests, but only with this defense: knowing a bit about who's running.

North Carolinians got their first glimpse of big-money Supreme Court races in 2012. Outside groups funneled about \$2.3 million into the state to help incumbent Paul Newby, the conservative in the nonpartisan race. That money swamped the \$300,000 or so in outside money aimed at helping opponent Sam Ervin IV.

That was the most outside money of any race in the state other than governor. Newby, buoyed by corny banjo-playing TV actors, won 52 percent to 48 percent. That let conservatives maintain a 4-3 majority on the bench.

Special interests could have even more influence this year thanks to at least three changes in the law:

- The end of public financing;
- An increase in the maximum allowed contribution;
- The end of disclosure laws, allowing donors to remain secret.

Republican legislators last year eliminated the public financing program, which had helped judicial candidates rely less heavily on raising money from special interests and even from lawyers who could be arguing cases before them.

A report issued last week found private contributions to Supreme Court races dropped almost in half between 2004 and 2012 with the program in place. Without it, the race for cash is on.

At the same time, legislators lifted the cap on individual contributions from \$1,000 to \$5,000,

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giving well-heeled contributors more influence.

Perhaps most threatening: Lawmakers now allow outside special interest groups to spend unlimited amounts for or against a candidate until September without revealing where the money came from. Even in the final weeks of the race, direct mail ads don't have to reveal the top donors paying for them.

The possibility of corruption is obvious. Consider West Virginia, where a coal company CEO spent \$3 million to elect a justice who then sided with him in a 3-2 vote overturning a \$50 million verdict against his company.

North Carolina doesn't need that kind of stain on its justice system. But the conditions are ripe for it.

The best way to avoid it? Voters informing themselves well enough to elect the finest and most independent judicial minds to the bench. And what are the chances of that?

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