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Two New Groups Join Supreme Court Battle

Phil Williams



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Two New Groups Join Supreme Court Battle

By **Phil Williams**. CREATED Jul 22, 2014

NASHVILLE, Tenn. -- NewsChannel 5 first reported Monday how special interests were pouring big money into the battle for control of the Tennessee Supreme Court.

On Tuesday, two new names were added to that list - and one them is a big one.

Americans for Prosperity, which is well-known in conservative circles, hit local radio with a new ad.

"Hard-working Tennessee families lost their coverage and are being hurt. In Tennessee, we could have joined other states and sued Obamacare, but we didn't," says AFP-Tennessee State Director Andrew Ogles in the 30-second commercial.

Americans for Prosperity -- funded, in large part, by the billionaire Koch Brothers -- has [pledged to spend \\$125 million dollars this year on political campaigns](#).

In particular, the radio ad faults the three incumbent justices for appointing Bob Cooper as Attorney General back in 2006.

When Obamacare became an issue, Cooper refused to join 28 other states is suing to stop the President's health plan.

"These judges have robbed us of a strong advocate for health care freedom and saddled Tennesseans with a liberal agenda that's wrong for the state," Ogles said in a statement posted on the group's website.

There's also a new TV ad being aired by a political action committee, Tennesseans for Fair Courts. It takes aim at the "extremists attacking our Supreme Court justices," pointing to several questionable claims made by the justices' opponents.

"For truth and justice, retain Justices Wade, Clark and Lee," it concludes.

That PAC is headed by Hendersonville trial lawyer Clint Kelly.

In a statement, Kelly pointed to one ad's claim that the justices had "advanced Obamacare."

"That is the lie of all lies to say they had anything to do with Obamacare," said Kelly. "They have not made any rulings on Obamacare, nor are they likely to because that's a federal issue and this is a state court."

Still, the issue of the attorney general's refusal to sue over Obamacare has become a recurring theme through several Republican attack ads.

So NewsChannel 5 asked Cooper's office Tuesday why he did not file lawsuits just like those 28 other states.

"This office determined that Tennessee's participation in the lawsuit would not have been an appropriate use of limited state resources because participation would have cost money during difficult economic times while providing no additional benefit to the state," Cooper said in a statement released through a spokesperson.

"Accordingly, the office took a conservative approach to the expenditure of taxpayer dollars and declined to join other states in either challenging or supporting

the law.”

It's not clear how having 29 states suing, instead of 28, would not have made that much difference.

Efforts to reach Ogles were not successful.

A recent financial disclosure by Tennesseans for Fair Courts showed that the PAC had received three contributions: \$25,000 from the Tennessee chapter of American Board of Trial Advocates, a group that includes plaintiff and defense lawyers; \$5,000 from the Memphis law firm Morgan & Morgan; and \$1,000 from a West Palm Beach law firm, Searcy Denney Scarola Barnhart & Shipley.

It had spent \$21,862.50 on polling.

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Phil Williams



Phil Williams is chief investigative reporter for NewsChannel 5's nationally award-winning investigative team.

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Jennifer Kraus is NewsChannel 5's Weekend Morning Anchor and a member of NewsChannel 5's award-winning Investigative Team.



Ben Hall is a veteran reporter at NewsChannel 5. He has covered the state legislature, presidential campaigns and is presently part of NewsChannel 5's award-winning investigative unit.



