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The Politics of Justice

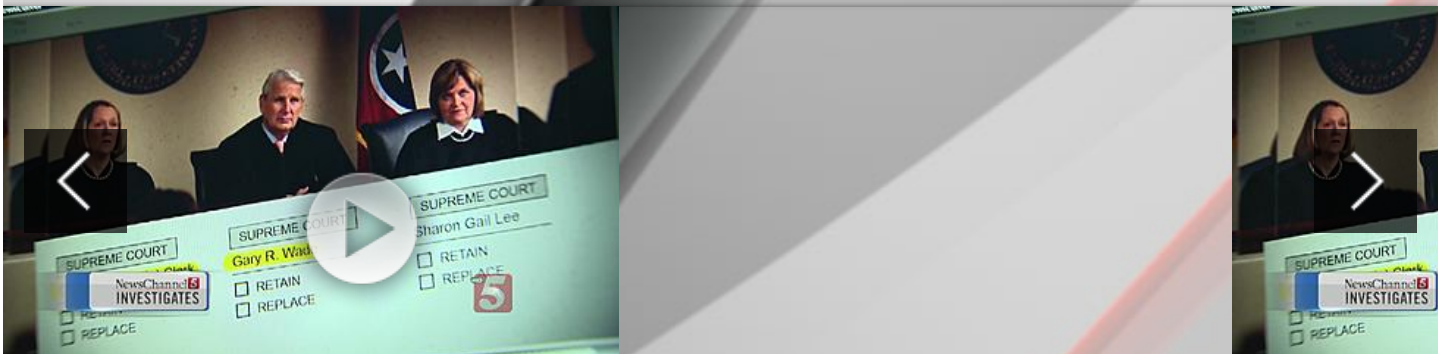
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Who's Really Behind Supreme Court Ad War?

Phil Williams



Video by newschannel5.com

Who's Really Behind Supreme Court Ad War?

By Phil Williams. CREATED Jul 21, 2014

NASHVILLE, Tenn. - The Tennessee Supreme Court campaign has now become the top judicial race in the country to watch, according to the head of a watchdog group.

The collision between politics and justice hit a fever pitch over the weekend as Republicans try to take

control of the state's high court.

That watchdog group, Justice At Stake, said Monday that both sides combined have already spent well over \$300,000 just on TV ads -- and that number is expected to dramatically increase.

Yet, most voters have no idea who's behind the messages.

"We've seen, over the last decade, a lot of different states pop up at various times in terms of big-money spending coming in -- and this year seems to be Tennessee's term," said Bert Brandenburg, executive director of Justice At Stake.

Tennesseans will have to decide in August whether three justices -- all appointed by former Governor Phil Bredesen -- should be retained.

On Saturday, opponents began airing a new attack ad that calls the three justices "liberal Democrats."

"They're liberal on crime. They advanced Obamacare in Tennessee," it declares.

In fact, the justices have never ruled on Obamacare.

And in the case cited as proof they're "liberal on crime," the justices actually rejected the appeal of convicted killer Prince Adams.

Monday, the justices responded with a new ad of their own, featuring retired Chief Justice Mickey Barker, prominently noting his Republican credentials.

"Now out-of-state special interests are trying to take over our Supreme Court," Barker said.

Brandenburg expressed concern about the new developments.

"We ask our judges to apply cases one at a time based on the law and the constitution -- and not on political pressure and not on fund-raising," he said.

"So the big risk is that a judicial election could turn into an auction to the point where you have the public fearing that justice is for sale."

In the case of the attack ad, it was put out by a group that calls itself the Tennessee Forum.

"We're two women. We started out as stay-at-home moms," Tennessee Forum head Susan Kaestner said in a recent interview on NewsChannel 5's "Inside Politics."

Kaestner has insisted in recent statements that she and another woman in the group "are not tied to special interests."

But they haven't had to disclose who's actually paying for the current ad campaign.

The group's most recent public filing showed that they had about \$19,000 in the bank.

Justice At Stake estimates that Tennessee Forum has spent at least \$119,055 for its recent TV ad buy.

And NewsChannel 5 Investigates discovered that a Tennessee Forum mailer -- urging voters to "drop the hammer" on the justices -- was actually sent to Lt. Gov. Ron Ramsey's chief of staff, Lance Frizzell, for approval.

The company producing it referred to it, in an email to Frizzell, as "your mail plan."

It was copied to two political consultants who work for the National Republican Senatorial Committee out of Washington.

We asked Brandenburg, "How's the public supposed to know who's telling the truth?"

That, he admitted, is difficult.

"The fact of the matter is that these kinds of ads are filling the airwaves with the equivalent of empty calories and a voter really needs nutrition. All they really hear is a slogan," he added.

As for the justices, they've had to finance their campaign to repel the attack through a series of fundraisers put on by lawyers across the state.

"Now you have judges who are trapped in a bad system that they did not sign up for, having to go out and raise money from parties that appear before them," Brandenburg added.

So replace or retain?

For many, it may come down to which slogan you believe.

Our NewsChannel 5 investigation had called out the campaign for the justices for claiming in their first TV ad that they had protected Second Amendment rights.

The truth is, they've not taken on any Second Amendment cases.

That claim has now disappeared from the justices' most recent ad.

But there's no suggestion that the opposition is going to back away from any of its questionable claims.

In fact, over the weekend, the campaign for the justices held a news conference to denounce the truthfulness of the new attack ad.

A NewsChannel 5 story about the news conference read: "Justices' Campaign Calls New Ad 'Absolutely False.'"

But when Supreme Court opponents posted that same story on their Facebook page, they used social media tools to make it appear that our headline said something else.

The fake headline: "Liberal Supreme Court Justices Can't Handle the Truth."

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