
ALABAMA JUDICIAL CAMPAIGN ADVERTISEMENTS

Funded by special interest groups, judicial campaigns in Alabama have become bruising battles that rely on attack ads and other smear tactics to advance one candidate over another. Before 1994, no Republican had been elected to the Alabama Supreme Court in the 20th Century. Today the Court is made up entirely of Republicans. However, there are still bitter contests in the Republican primary and during the general election.

The election of Roy Moore and his Ten Commandments monument has added a new dimension to the electoral dynamics surrounding judicial selection in Alabama. While the 5280-pound granite monument has been removed from the Alabama Judicial Building by a federal court order, the politics surrounding the monument continue to burn furiously.

In the 2004 campaign, many candidates competed for the mantle of most committed to endorsing religious values and

At all levels, candidates routinely cite their experience as prosecutors, especially in capital cases.

Judges can be and are accused of being “soft on crime” or “letting criminals off” when they have in fact merely signed off on a plea bargain between the defendant and the prosecutors.

norms as a sitting judge. Incumbent Justice Jean Brown was attacked for voting with all other Supreme Court justices to comply with the federal order to remove the religious monument installed by Justice Moore.

“Jean Brown’s been endorsed by every liberal newspaper in Alabama...She removed the Ten Commandments and insulted us with her politically correct ACLU-approved display.”

- Tom Parker Campaign Commercial, 2004.

In her ads, however, Brown stated that it was “a sad day” when the Commandments were removed, which is why she “led the effort to bring them back.” Tom Parker emerged victorious and now sits on the Alabama Supreme Court.

While business groups donate more money, conservative Christian groups such as the League of Christian Voters and the Christian Coalition of Alabama have very effective grassroots organizations and are able to reach large numbers of dependable voters with their voter guides. The

Christian Coalition distributes questionnaires asking candidates’ views on issues such as gambling, abortion, same-sex marriage, and prayer in schools. In 2004, in all four statewide judicial races, the Republican candidate ‘toed the line’ on all issues, while the Democratic candidate declined to answer.

The Judicial Inquiry Commission (JIC) originally instructed judges not to answer the Christian Coalition questionnaire in a 2000

“Justice See knows drug dealers are dangerous criminals who threaten our children...[he] has the tough-on-crime record to be Chief Justice.”

- Harold See
C a m p a i g n
C o m m e r c i a l, 2000.

advisory opinion. However, in the wake of the United States Supreme Court’s holding in *Republican Party of Minnesota v. White*, 536 U.S. 765 (2002), expanding the free speech rights of judicial candidates to “announce” their views on political

questions, the JIC withdrew its opinion.

The clear effect of electoral politics is to produce both the appearance and the reality of a judiciary that is insufficiently independent to provide a fair and impartial

hearing on controversial issues or enforce the rights of politically unpopular minorities. The combination of partisan elections and special interest funding has seriously threatened the integrity of the Alabama judiciary.

“Adding new rights to criminal defendants is not the court’s job. It makes it harder for the prosecution to obtain a conviction.”

- Alabama Court of Criminal Appeals
Candidate Ralph Long,
1996.

	Alabama Supreme Court		
	Place 2		
	ISSUES		
Patti Smith (R)			Roger Monroe (D)
Agree	Unborn Child is a Fellow Human Being		No Response
Agree	Oppose Gambling		No Response
Disagree	Support Same Sex Marriage		No Response
Agree	State Can Acknowledge God		No Response
Agree	Judicial Activism is Never Appropriate		No Response
Disagree	Judicial Branch Can Impose Taxes		No Response

The irony of such questionnaires is that supporters of U.S. Supreme Court candidate John Roberts urge that in his hearings he should not have to answer questions about how he would rule in a particular case should such a case come before the Court. However, in Alabama, as noted above, the clearer the candidate’s position is on social issues, the better the candidate’s chances are of winning.

The rhetoric and campaign posturing of many judicial candidates not only compromises the independence and fairness of the judiciary but it also breeds an atmosphere of contempt for the constitutional rights of the criminally accused. Courts cannot be a forum where people who are disfavored and disadvantaged can be protected by the law if judicial candidates are making commitments to disfavor and disadvantage those accused of crimes.

“Without blinking an eye, Judge Kenneth Ingram sentenced the killer to die.”

- Ingram Campaign Commercial, 1996.