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## Media war over nominee still just a rumble

By Mark Memmott, USA TODAY

The bruising, expensive battle that interest groups were expecting to fight over John Roberts' nomination to the U.S. Supreme Court might not be so bruising and expensive after all.



Roberts made the rounds to gain support on Capitol Hill Wednesday, here meeting with Sen. Olympia Snowe, R-Maine.

By Gerald Herbert, AP

On Wednesday, the conservative group Progress for America finished a one-week, \$1 million TV, radio and Internet ad campaign touting Roberts as a "brilliant" choice by President Bush. The group — which has pledged to spend up to \$18 million in support of Roberts' nomination — has not bought more airtime.

Progress will advertise again, says its president, Brian McCabe. But it's not clear when, and "we may not need to spend all our resources," he says.

Last week, the conservative group Committee for Justice said it was ready to begin running pro-Roberts radio ads in six states that were carried by President Bush in the 2004 election but that are home to Democratic senators. Now, it has postponed plans to broadcast the ads. They won't be on the air until next week at the earliest in Arkansas, Florida, Louisiana, Nebraska, North Dakota and South Dakota.

On the liberal side, advocacy groups such as NARAL Pro-Choice America and MoveOn.org Political Action have been holding anti-Roberts rallies. They also say they've signed up tens of thousands of new members who have pledged to work against his confirmation. They have not broadcast TV ads.

Meanwhile, two of the most prominent liberal groups involved in the issue — People for the American Way and the Alliance for Justice — have said they likely won't support the nominee but have not announced whether they will formally oppose him. They have not disclosed any plans for ads.

The interest groups' muted approach to Roberts' nomination contrasts with the public relations free-for-all that seemed likely on July 1, when Justice Sandra Day O'Connor announced she was retiring. She is a moderate at the court's ideological center, and liberal groups were worried Bush would choose a conservative who could move the court to the right on issues such as abortion.

Those concerns remain. But Bush's choice of Roberts, a conservative federal appeals court judge with friends in both

political parties and not much of a paper trail on key issues, has so far taken much of the air out of the expected public relations fight. (**Related story:** [Papers give peek into Roberts' views](#))

It's not clear yet whether Roberts' path to confirmation by the Senate will be a breeze, untroubled by a frenzy of ads, protests, petition drives and e-mail alerts from interest groups. The action should intensify when confirmation hearings begin in September. (**Related story:** [Senators haggle over nominee](#))

"I had been thinking that \$30 million in TV advertising by the interest groups would be the 'floor' of a hot nomination. Now I'm thinking \$30 million may be the ceiling," says Evan Tracey, chief operating officer at TNS Media Intelligence/Campaign Media Analysis Group. His firm tracks political ads.

Bush has put his critics "on the defensive by ... making it appear unfair and undignified" to voice strong opposition, says C. Michael Comiskey, professor of political science at Penn State Fayette and author of *Seeking Justices: The Judging of Supreme Court Nominees*. "I don't think the interest groups will be as important as we thought."

Spokesmen for conservative groups say many of their liberal rivals have no choice but to be less confrontational than might have been expected.

"They have nothing they can sink their teeth into" because Roberts has solid legal credentials, says Jay Sekulow, chief counsel at the American Center for Law & Justice.

Liberal groups dispute any suggestion that they're not aggressively challenging Robert's nomination or have changed tactics. "We have said we're not eager for a fight and that we'd base our decision (on whether to formally oppose Roberts) on the nominee's record," says Nan Aron, president of the group Alliance for Justice. "We can't rush to judgment."

She says leading liberal groups will continue to push their members to contact senators and urge them to probe Roberts' views on abortion and other social issues. "And we're still thinking about some (TV) ads."

MoveOn and NARAL have not been shy about expressing opposition to Roberts. Nancy Keenan, NARAL's president, says she's not disturbed by the positions taken so far by others on the left. They're moving ahead "methodically and thoughtfully," she says.


One risk that critics of Bush's choice run by not hitting the airwaves now, Tracey says, is losing any chance to frame the debate over Roberts' nomination on their terms. With its "brilliant" ad and an earlier spot that warned liberals would attack any nominee, "Progress for America has been able to put this nomination on second base, with no outs," he says.

The power of getting a message out early was shown last January, when AARP began a \$5.5 million TV ad campaign against Bush's Social Security proposals. The retiree group's ads, Tracey says, are one reason the president's plans have stalled on Capitol Hill.

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