

# **PRESS RELEASE**

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## **FEDERAL COURT RULES AGAINST FEDERAL ELECTION COMMISSION IN PRESIDENTIAL DEBATES CASE**

### **RULING CASTS “DARK CLOUD” OVER THE LEGALITY OF COMMISSION ON PRESIDENTIAL DEBATES**

*Third-Party Candidates and Parties Charged that Corporate-Funded CPD  
Illegally Aids Democratic and Republican Parties*

Washington, DC – A federal judge ruled yesterday against the Federal Election Commission in a third-party challenge to the Commission on Presidential Debates’ (CPD) sponsorship of the 2004 presidential and vice presidential debates scheduled to start on September 30, 2004. The U.S. District Court for the District of Columbia, Judge Henry H. Kennedy, Jr., found that the evidence in the case showed that the FEC acted “contrary to law” in dismissing the complaint brought by third-party candidates and parties claiming that the CPD is a partisan organization and, therefore, ineligible under federal election law to sponsor the presidential debates.

Federal election law also prohibits partisan organizations from raising corporate funds to finance such debates. In the past several presidential election cycles, the Commission on Presidential Debates has received millions of dollars from major U.S. corporations to finance the debates. The federal ruling yesterday now calls into question the legality of those corporate contributions. A copy of the decision can be found at <http://www.dcd.uscourts.gov/04-731.pdf>

The seven plaintiffs include the Green Party, the Constitution Party, and Ralph Nader, each of which is a candidate or is running candidates in the 2004 presidential and vice-presidential elections. Former presidential candidate Pat Buchanan is also a plaintiff in the lawsuit.

The case was brought on behalf of the plaintiffs by attorney Jason Adkins, of Adkins, Kelston & Zavez, P.C., along with the National Voting Rights Institute in Boston.

“This is a major victory for democracy,” says Jason Adkins, co-lead counsel for the plaintiffs. “This ruling casts a dark cloud over the Commission on Presidential Debates. It is clear from the evidence cited by the court that the Commission is a partisan organization – that is, that it is not only run by prominent Republicans and Democrats, but that it makes partisan decisions,” Adkins said. (In this matter, the plaintiffs had presented the sworn testimony of the CPD’s leadership showing that they had decided to exclude ALL third-parties from the 2000 debates as audience members, in addition to the CPD’s partisan leadership.) “The Court agreed that

this evidence showed the CPD was partisan and ordered the FEC to further investigate,” Adkins said.

“It is time for the CPD to step aside – now that its partisan nature has been judicially exposed – to allow a truly non-partisan organization to sponsor the all-important national presidential debates in accordance with federal law,” Adkins added.

In February 2004, a group of third party candidates and their parties from across the political spectrum sued the Federal Election Commission in federal court in Washington, D.C., for failing to act on their complaint seeking to decertify the Commission on Presidential Debates (CPD) as the sponsor of the presidential debates in 2004. The plaintiffs alleged that the CPD must be decertified because it is a partisan group that is controlled by the two major parties and acts to benefit them exclusively. The third party candidates and parties had filed their administrative complaint before the FEC in June 2003.

In their federal complaint, plaintiffs provided evidence showing that in the 2000 debates, the CPD distributed a “face-book” to its staff picturing the major third party candidates, and identifying their parties, so the third party candidates could be excluded from even attending the first presidential debate for 2000, held in Boston. They also provided sworn testimony by the CPD’s top officials from another lawsuit that confirmed that the CPD decided to exclude non-Democratic and non-Republican presidential candidates from the three other debate sites as well. Plaintiffs have alleged that CPD’s partisanship is further evidenced by the CPD’s board and senior staff, which are made up entirely of prominent Democratic and Republican leaders.

“The presidential debates play a critical role in the overall election process,” says Brenda Wright, managing attorney at the National Voting Rights Institute and co-lead counsel for the plaintiffs. “Those debates should not be funded by illegal corporate contributions. It is time for the FEC to uphold the law and require non-partisan sponsorship of our nation’s presidential debates.”

In addition to the Green Party, the Constitution Party, Nader, and Buchanan, the other plaintiffs include: former presidential candidates John Hagelin and Howard Phillips, and former vice-presidential candidate Winona LaDuke.

The plaintiffs’ legal team also includes Lynne Bernabei and Alan Kabat, of Bernabei & Katz, PLLC, in Washington, DC.

NOTE: For a copy of the complaint and exhibits, including the face book, please go to [www.nvri.org](http://www.nvri.org). For a copy of the Court’s decision go to <http://www.dcd.uscourts.gov/04-731.pdf>