

## **PRESS RELEASE**

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### **Buchanan, Nader and Others Sue FEC To Decertify the Commission on Presidential Debates for 2004 Election**

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

Washington, DC -- A group of third party candidates and their parties from across the political spectrum filed suit today charging the Federal Election Commission with failing to act on their complaint seeking to decertify the Commission on Presidential Debates (CPD) as sponsor of the presidential debates in 2004. The plaintiffs allege 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.

Federal law requires debate sponsors to be nonpartisan in order to put on the debates and fund them with corporate monies. The lawsuit, filed in federal district court in Washington, DC, asks the court to declare that the FEC's failure to act on the complaint is improper and to order the election oversight agency to act.

The plaintiffs include three third parties – the Natural Law, Constitution and Green parties – each of which intends to field or support a third party candidate in the 2004 elections, but is harmed by the exclusionary practices of the CPD. The plaintiffs also include candidates excluded from the 2000 debates and not running in 2004 because of the CPD.

Plaintiff Pat Buchanan alleges he is not running now for the significant reason that he “cannot compete fairly with the two major parties due to their bi-partisan control of the CPD, and the resulting exclusionary conduct of the CPD over the national debates.”

Plaintiffs John Hagelin, Howard Phillips, Winona LaDuke all ran for office in 2000 and decided not to run in 2004 for similar reasons. Plaintiff Ralph Nader is considering a run for president in 2004, but his competitiveness is similarly harmed by the CPD's control of the debates.

In their federal complaint filed today, 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.

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To date, the FEC has failed to resolve the administrative complaint (containing the same evidence), which was filed in June 2003, even though the evidence submitted therein demonstrates that the Democratic and Republican parties control the CPD and deliberately sought to exclude third party candidates from the debate sites as only a partisan group would do. Plaintiffs have alleged that its partisanship is further evidenced by the CPD's board and senior staff, which are made up entirely of prominent Democratic and Republican leaders.

"Federal election law clearly forbids partisan organizations from sponsoring the presidential debates, and the CPD must be stopped from putting on the four national debates now scheduled to start on September 30, 2004 in Miami," said Ralph Nader, a plaintiff who is considering running for president in 2004 and who was excluded from the debates in 2000.

"The partisan conduct of the CPD is also reflected in its criteria for which candidates are allowed to participate in the debates, said Ben Manski, co-chair of the Green Party of the United States, which is a plaintiff. "Requiring 15 % support in major polls is tailored to exclude all but the establishment party candidates. The majority of voters want more than the two establishment parties in the debates, so the relevant question is who *undecided* voters, not decided voters, want to hear from," Manski said.

The plaintiffs also seek the return of millions of dollars in corporate contributions that were made through the CPD to the two major parties in 2000, and soon to be in the 2004 elections. Plaintiffs allege that the federal ban on corporate campaign contributions applies to the CPD since it is partisan, and thus not exempt.

"We are filing suit today because the debates are scheduled to start on September 30<sup>th</sup>, and yet the FEC has failed to act on the plaintiffs evidence for over seven months," said Jason B. Adkins, an attorney for the plaintiffs with Adkins, Kelston & Zavez, PC. "Time is of the essence to stop the CPD's undemocratic control of the crucial debates which federal law requires must be sponsored by a truly non-partisan group that will act neutrally and use fair criteria that allows other viable candidates to debate," Adkins said.

Stated co-counsel Bonita Tenneriello of the National Voting Rights Institute, "Congress gave FEC complainants a right to go to court rather than wait indefinitely for the agency to act, and that is what we are doing. The court has the power to rule the delay unlawful and order the FEC to act." The Boston-based NVRI is a non-profit law office litigating nationally on campaign finance reform.

Lynne Bernabei and Alan Kabat, of Bernabei & Katz, PLLC, in Washington, DC, are also representing the plaintiffs in this case.

NOTE: For a copy of the complaint and exhibits, including the face book, please go to [www.nvri.org](http://www.nvri.org).