

Supreme Court upholds exclusion of third-party candidates

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In a decision which demonstrates the extremely attenuated character of democracy in America, the US Supreme Court ruled May 18 that public television stations may exclude independent or third-party candidates from debates or forums.

The 6-3 decision overturned an appeals court decision that Arkansas Educational Television, a state-run public TV network, was obligated to include an extreme-right independent candidate, Ralph Forbes, in a debate which it had sponsored during the 1992 congressional elections. Forbes had met the state's legal requirements for candidacy and was on the ballot against Democratic and Republican opponents.

AET claimed that it had not barred Forbes, a Christian fundamentalist and white supremacist who formerly belonged to the American Nazi Party, because of his political views, but because he was unlikely to win, having neither a campaign headquarters nor significant financial backing.

The Eighth Circuit Court of Appeals in St. Louis, reputed to be the most conservative appeals court in the country, ruled that a state-run television network had greater obligations to provide access to all candidates than privately owned and managed TV stations. It declared that any candidate on the ballot for public office should be presumed entitled to participate in a debate sponsored by a public television station.

AET appealed this decision, with the legal and editorial backing of hundreds of public television stations throughout the country. While they hypocritically claimed to be defending 'freedom of the press,' these stations were in reality opposed to the broad democratic implications of the appeals court ruling, which would open up debates and forums from which nearly all third-party candidates, and especially socialist and working class candidates, are routinely

excluded.

The appeal was supported by the Federal Communications Commission and the Justice Department, as the federal government moved to give official state sanction to the political monopoly of the Democratic and Republican parties.

All nine justices agreed that the appeals court decision was in error and that third-party candidates who qualified for ballot status had no presumptive right to participate in debates. The 6-3 division came over a secondary issue, whether the criteria used by the Arkansas network had been established in advance of the Forbes decision or were merely invoked ad hoc to bar his participation.

The decision not only upholds the current practice of barring most third-party candidates from debates, it implicitly sanctions political discrimination in other state-supported political forums, such as web sites and other electronic media.

Justice Anthony Kennedy wrote in his 16-page opinion, 'There is no serious argument that AETC did not act in good faith in this case. AETC excluded Forbes because the voters lacked interest in his candidacy.'

This claim that television stations should be permitted to discriminate against candidates based on their presumed electability involves a specious and circular argument. In an age of mass media, electability depends to a considerable extent on access to the media. Candidates excluded from the media are by that very fact virtually unelectable.

The 'electability' standard is simply a cynical cover for maintenance of the existing two-party system. This is proven by the fact that no Democrat or Republican has ever been excluded from a television debate or forum because they were not 'electable,' even though

there are many state legislative and congressional districts where one party is so entrenched that the other has no serious chance of victory.

The criterion of electability also reveals an extremely constricted and ultimately false conception of democracy. It assumes that the only purpose of elections is to choose office holders, not to air political issues and educate the public through open debate.

This conception of democracy reflects the outlook of a definite social group: the ruling class of bankers and corporate bosses which controls the American political system, selecting the candidates of the Democratic and Republican parties and then manipulating the 'choice' of the voters on election day. For the bourgeoisie, democracy is simply a mechanism for selecting its political agents while giving the mass of working people the illusion that they have a say. The Supreme Court decision underscores the basically fraudulent character of this pretense of democracy.



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