

# Ohio SEP candidate David Lawrence appeals for support in fight for ballot status

**David Lawrence**  
**20 August 2004**

*David Lawrence, the candidate of the Socialist Equality Party for the US House of Representatives from Ohio's 1st Congressional District, issued the following statement in response to a federal court ruling August 18 rejecting his legal challenge to the state's discriminatory filing deadline for independent congressional candidates.*

I call on all working people and all those who defend democratic rights to support the effort of myself and the Socialist Equality Party to overturn the US District Court ruling upholding the refusal of Ohio election authorities to place my name on the November ballot as an independent candidate for Congress from the 1st Congressional District.

The denial of my motion for preliminary and permanent injunction to gain ballot access is a blatant violation of the right of voters to voice their opposition to the two parties of war and social reaction. The vast sums of corporate money and unlimited access to the media provided to the Democrats and Republicans, combined with restrictive ballot guidelines for third-party and independent candidates, are means for silencing those who wish to take a principled stand in the interests of working people.

When all of these anti-democratic methods do not suffice, the ruling elite turns to another of its mechanisms to suppress serious political debate—the courts.

I and my party will appeal the ruling by US District Court Judge Susan Dlott to the US Fourth Circuit Court of Appeals. At the heart of our appeal is not only my democratic right, and that of the SEP, to participate in the November election, but, more broadly, the right of the American people to have a genuine variety of views represented on the ballot and the opportunity to vote for a socialist alternative to the two parties of big business.

This will require a considerable expenditure of time, effort and money. I urge readers of the *World Socialist Web Site* and all those who oppose the anti-democratic monopoly exercised by the two big business parties, to make a generous financial contribution to help defray our legal costs. [To donate to the SEP election campaign, please click [here](#)—donate online].

I also call on supporters to send messages of protest against the court ruling and in support of my ballot status to the WSWs. Emails can be sent to: [editor@wsws.org](mailto:editor@wsws.org).

Ohio's March 1 deadline for independent congressional candidates to file nominating petitions is one of the earliest in the country. It is a full eight months before the November election, and precedes the major party primaries, held March 2, that determine the congressional candidates of the Democratic and Republican parties.

As a result, independent candidates are placed at a serious disadvantage: they are required to collect hundreds of signatures well before the national election campaign has engaged the vast majority of voters, and before the candidates of the two major parties have even been selected.

The clear intent of the March 1 filing deadline is demonstrated by the political results in the three presidential election years since Ohio established the early cut-off for independent congressional candidates. In 1996, no independent congressional candidates qualified for ballot status in the state; only three qualified in 2000; and this year only one has been placed on the ballot.

I decided to run for Congress in March, following the March 13-14 conference of the SEP in Michigan that launched the party's election campaign nationwide and ratified the program on which our presidential and vice presidential candidates, Bill Van Auken and Jim Lawrence, are running. I decided to run in order to provide an alternative for working people in the Cincinnati area to the policies of war and austerity of both major parties.

I knew that the deadline had passed for filing nominating petitions, but recognized that challenging that arbitrary and anti-democratic rule was part and parcel of the fight to defend the democratic rights and social conditions of the working class, which cannot be upheld within the framework of the existing two-party system.

I and my supporters circulated nominating petitions in April, May and June. We received a powerful response. The petitioning campaign revealed enormous anger over the colonial invasion and occupation of Iraq. A great deal of our petitioning took place downtown and directly across from the University of Cincinnati. Workers and students expressed outrage at the exorbitant costs of college, low wages, lack of access to health care, and lack of affordable housing. The petitioning in downtown Cincinnati provided a glimpse of the

desperate poverty facing millions of working families. Many of those we spoke to expressed anger and disillusionment with both of the major parties, and keen interest in a socialist alternative.

We collected 2,632 signatures of voters wishing to place my name on the ballot, far more than the 1,695-signature requirement for independent congressional candidates in Ohio.

I attempted to file my nominating petitions on June 4, but the election authorities refused to accept them. On June 14, I filed suit for an injunction against the decision of the election authorities to keep me off the ballot, on the grounds that the March 1 deadline was a violation of First Amendment rights of free speech and political association, and Fourteenth Amendment guarantees of due process.

My counsel argued my case on the basis of fundamental democratic principles and firm legal precedent. A filing deadline falling eight months before the election cannot be justified on administrative or logistical grounds. In any event, the right of the people to participate in elections and have an opportunity to vote for candidates who reflect views outside of the two-party consensus should be given far greater weight than matters of organizational or logistical expediency.

We cited the 1983 US Supreme Court ruling in *Anderson v. Celebrezze*, which overruled the Ohio deadline for independent presidential candidates on the grounds that its early date placed an undemocratic burden on non-major-party candidates. The state government was compelled to extend that deadline to August, but has refused to follow suit with independent congressional candidates.

We also cited a New Jersey federal court ruling that rejected the argument that a filing deadline for independents which coincides with that for major party candidates guarantees “equal treatment.” Noting the vast financial and personnel resources at the disposal of the Democratic and Republican parties, that court declared “the two types of candidates are unequal in a way which makes imposition upon them of equal burdens no equality of treatment.”

In her ruling, Judge Dlott gave short shrift to the essential democratic and constitutional issues. Instead, she upheld the unfair deadline and denied my suit largely on two grounds. First, she argued that *Anderson v. Celebrezze* did not apply because it dealt with a presidential, rather than congressional, election, and congressional campaigns are basically local matters. This ignores the fact that Congress is a national body. Moreover, it skirts over the obvious relevance for congressional campaigns, and the electoral process in general, of the democratic and constitutional issues raised by the Supreme Court in regard to presidential campaigns.

Second, Judge Dlott suggested that the near coincidence of the filing deadline for independent congressional candidates in Ohio and the major party primaries constitutes equal treatment, even going so far as to claim that extending the deadline for independent candidates would unfairly put the Democrats and

Republicans at a disadvantage. This sophistic argument—which ignores the New Jersey ruling—fails to take into account the fact that major party congressional candidates in Ohio are required to collect only 50 signatures, as compared to nearly 1,700 for independent candidates.

The judge gave the political essence of her ruling when she cited the US Supreme Court’s declared support for the “stability of the political system.” This means, in practice, the maintenance of the two-party monopoly that has long served the interests of the US ruling elite.

Rarely if ever before in modern US history has the anti-democratic character of this monopoly been more clear than in the 2004 election. The American people are confronted with two parties and two presidential candidates who support the invasion and occupation of Iraq, the broader militarist agenda signified by the so-called “war on terrorism,” the allocation of ever more massive sums for the military at the expense of the social needs of the population, and an unprecedented attack on democratic rights in the form of the Patriot Act, the Homeland Security Department, and related Big Brother encroachments on privacy, freedom of thought and expression, and political dissent.

Tens of millions of people who are opposed to the war, the destruction of democratic rights, corporate downsizing, and the staggering disparities of wealth are effectively disenfranchised and excluded from the political system.

This makes my fight for ballot status all the more urgent and important, not only for the voters of Ohio, but for the great majority of the American people and working people of all countries. Once again, I urge you to come forward and support my legal appeal both politically and financially. Such support will strengthen the SEP’s 2004 election campaign as a whole, and contribute to the development of a new, independent political movement of the working class, based on the fight for a genuinely democratic and egalitarian—that is, socialist—society.



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