

# NBC excludes Kucinich from debate: a gross violation of democratic rights

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**17 January 2008**

Welcome to democracy, General Electric-style.

The exclusion of Ohio Congressman Dennis Kucinich from the Democratic Party presidential candidates' debate in Las Vegas Tuesday night casts a bright light on the reality of American political life: NBC, a privately owned company and a subsidiary of giant conglomerate General Electric, had the final word as to who would participate and who would not.

On January 9 NBC invited Kucinich to participate in the Las Vegas debate to be broadcast on cable network MSNBC (jointly operated by NBC and Microsoft). The Kucinich camp received an email from an NBC official that congratulated the congressman "on another hard-fought contest," and continued, "This letter serves as an official invitation for your candidate to participate in the Nevada Presidential Debate at Cashman Theatre in downtown Las Vegas. You have met the criteria set by NBC and the Debate."

Less than two days later, NBC Political Director Chuck Todd notified the Kucinich campaign that the network was "redoing" its participation criteria and that only the three leading candidates—Hillary Clinton, Barack Obama and John Edwards—would be invited.

Political motives determined the change in policy. NBC had issued its invitation to the Ohio congressman when former New Mexico Gov. Bill Richardson was still in the race. The network wanted to include Richardson, whom the media deemed to be an acceptable figure, but since Kucinich was running ahead of the former governor in several polls, they couldn't very well bar Kucinich. Once Richardson dropped out, NBC felt free to exclude Kucinich.

The Kucinich camp sued NBC over the 'dis-invitation' and initially won a victory in a Nevada court. Clark County District Judge Charles Thompson ruled that the congressman had to be allowed to debate

along with the other Democratic candidates. Thompson explained, "I don't think that just deciding that just three is good enough for the state of Nevada is a legitimate basis [for excluding Kucinich]."

He went on: "Had it been established at the beginning that they'll only take the top three for the debates, I wouldn't have any problem enforcing it. I'm somewhat offended that a legitimate candidate was invited to a debate and then uninvited under circumstances that appear to be that they just decided to exclude him."

NBC promptly appealed the decision to the Nevada Supreme Court.

In an affidavit, NBC's Todd claimed that the changes in policy were "in no way designed to exclude any particular candidate based on his or her views." Instead, it represented "a good faith editorial choice of a privately-owned cable network to limit debate participants based on the status of their campaigns."

Kucinich's legal complaint argued that without the inclusion of all "credible candidates," the broadcast would be "effectively an endorsement of the candidates selected by NBC," instead of a debate. The complaint cited the public interest provisions of the Federal Communications Act of 1934.

NBC claimed that state district courts lacked the jurisdiction to decide complaints brought under that act "because exclusive jurisdiction resides with the Federal Communications Commission [FCC]."

Donald Campbell, a Las Vegas lawyer representing NBC Universal, besides contending that Kucinich was attempting an end-run around the FCC, argued that forcing MSNBC to add the congressman amounted to prior restraint and would be a "clear and unequivocal" violation of First Amendment press freedom. "Mr. Kucinich's claim ... undermines the wide journalistic

freedoms enjoyed by news organizations under the First Amendment,” Campbell said in his appeal.

Because MSNBC is privately owned by General Electric, the network should be permitted to “proceed with tonight’s debate under the format chosen as part of its journalistic discretion.”

When necessary, the American television and media giants posture as “public servants,” dedicated to the general welfare of the community. When an issue arises that they perceive to be threatening to their economic or political position, the networks reveal themselves for what they are: private firms that manage public opinion in the interests of the profit system.

Just an hour before the debate was to begin, the state Supreme Court unanimously ruled in NBC’s favor, overturning the lower court order including Kucinich. The court ruled that blocking the debate unless the congressman participated would be “an unconstitutional prior restraint” on the network’s First Amendment rights.

Dennis Kucinich is no threat to American corporate power. His campaign is largely an attempt to convince opponents of the Iraq war and others that the Democratic Party, deeply discredited in the eyes of wide layers of the population, is large enough to encompass their views. Nonetheless, here we have the case of a giant transnational corporation directly intervening to exclude a candidate from an event advertised as an exchange on critical political issues.

General Electric, NBC’s parent company, is one of the largest corporations in the world (11th in the Fortune Global 500 on the basis of \$168 billion in revenues in 2006), and a major defense contractor, with extensive business dealings in both Iraq and Afghanistan.

Its ‘First Amendment rights’ in the Kucinich case easily trumped the right of the public to hear a critic of US foreign policy.



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