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Senate candidate wants in on debate

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Alicia Robinson

U.S. Senate Libertarian candidate and Orange County Superior Court

Judge Jim Gray is trying to use the courts to do what his showing in

the polls can't: get him into a high-profile debate.

Gray, who lives in Newport Beach, applied Monday for a temporary restraining order to block the League of Women Voters of California from holding an Aug. 10 debate between incumbent Democratic Sen. Barbara Boxer and her Republican challenger Bill Jones. Gray charges the league is violating federal election laws by excluding him from the debate.

"They are a tax-exempt, public interest, nonpartisan outfit under federal law, and that means they're required to act in the public interest," Gray said.

A league representative said the criteria to be included in its debate are clear and objective, and Gray simply didn't meet them. Gray disagrees. The league said he could join the debate if a poll showed he was likely to draw at least 10% of the vote in November, Gray said. He commissioned a poll that reported between 8% and 18% of

respondents to questions on political issues were likely to vote for him, and 68% of respondents said Gray should be involved in debates with the major party candidates, he said.

When he presented the league with his poll, Gray was told it wouldn't qualify him because it wasn't neutral, he said.

"That's true, but the polls that are not paid for by the candidates ... they don't list my name, so that's an impossible condition," Gray said.

He said he doesn't want to cancel the debate; he just wants to be allowed to participate.

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"Our criteria is 10% in an independent poll of likely voters by organizations such as the L.A. Times or the Field Poll ... and the courts have held that as long as you have clear, objective criteria, that's how debates are structured," said Xandra Kayden, a consultant to the League of Women Voters of California and a senior fellow at the School of Public Policy and Social Research at UCLA. "You have to set some limits and our responsibility is to voters to hear candidates who are likely to be elected."

A spokesman for Jones' campaign said that the election essentially involves just two candidates.

"We plan on attending," said Sean Walsh, a spokesman for Jones' campaign. "We also believe that the standard the league used was a fair standard. At this juncture there are two candidates that will really have a viable chance of being elected. One is Bill Jones. The other is Barbara Boxer."

Gray does meet the league's other criteria, which are being a legally qualified candidate, making a public announcement of candidacy and demonstrating that a formal campaign is being waged.

Gray's filing of a court challenge is more of an attempt to get media coverage than a legitimate legal complaint, Kayden said.

"I'm sympathetic to the judge, but that doesn't mean we're going to change our criteria," she said, adding that the league offers all candidates exposure on its website, <http://www.smartvoter.org>.

Something Gray and Kayden agree on is the importance of debates in political races today. The Aug. 10 debate is set to be televised live on NBC.

"This is the most critical part of the campaign because it will lend credibility to a candidate that appears and marginalize candidates that do not," Gray said.

Also excluded from the debate are American Independent Party candidate Don J. Grundmann and Peace and Freedom Party candidate Marsha Feinland.

Gray's application was scheduled to be heard this morning in Los Angeles Superior Court.

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