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"The vitality of civil and political institutions in our society depends on free discussion. As Chief Justice Hughes wrote ... it is only through free debate and free exchange of ideas that government remains responsive to the will of the people and peaceful change is effected. The right to speak freely and to promote diversity of ideas and programs is therefore one of the chief distinctions that sets us apart from totalitarian regimes."[1]

September 22, 2010

The Honorable Robert Hurt
10 North Main St., P.O. Box 2
Chatham, VA 24531

Re: Candidates' Debates

Dear Senator Hurt:

It is unacceptable for a candidate seeking public office to not only refuse to facilitate informed decision-making by Virginia's voters but to actually *impede* the democratic process. Such are the consequences of your continued refusal to participate in any candidate debates in which independent candidate Jeffrey Clark is a participant, which stands in sharp contrast to Mr. Perriello, who has repeatedly expressed his willingness to engage both you and Mr. Clark in debate.

Your repeated dismissal of Mr. Clark's campaign as lacking viability is presumptuous and short-sighted.[2] Virginia voters do not need your campaign to determine the viability of other candidacies. Rather, what they need is an opportunity to decide for themselves. Indeed, in a nation founded upon "uninhibited, robust, wide open

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[1] *Terminello v. Chicago*, 337 U.S. 1, 4 (1949)(internal citations omitted).
[2] As quoted in *The Daily Progress* (Aug. 13, 2010), you have posited that a "[candidate's] debate should be between Tom Perriello's vision for this country and our vision for this country."

debate" and the principle of the marketplace of ideas, the choice of solutions for our country's pressing issues should *not* be limited to one of two packages.

By consistently undermining a critical component of the political process—the opportunity for voters to educate themselves on the various candidates seeking election—you are doing a great disservice to the Commonwealth. As the United States Supreme Court has made clear:

> "[C]andidate debates are of exceptional significance in the electoral process. ... Deliberation on the positions and qualifications of candidates is integral to our system of government, and electoral speech may have its most profound and widespread impact when it is disseminated through televised debates."[3]

Furthermore, as a current elected official in the Commonwealth of Virginia and a candidate to represent Virginians in the United States House of Representatives, you have a duty to ensure that neither personal ambitions nor political snobbery prevail over the people's interests. Certain principles—namely, a commitment to such transcendent values as respect for freedom of speech and the marketplace of ideas, openness and transparency in government, and the subordination of personal interests to the public need—must take precedence over the quest to win an election.

That said, if elected to serve as the United States Representative for the Fifth District, you will swear an oath to uphold the United States Constitution. Unfortunately, your tactics in relation to Mr. Clark and the candidates' debates either reflect a dismal understanding of the First Amendment's values of "uninhibited, robust" debate[4] and the free marketplace of ideas, or a lack of commitment to upholding the document that Abraham Lincoln referred to as the "only safeguard of our liberties."

If the problem is the former, I urge you to embark upon an immediate study of the Constitution and will happily provide copies of our Pocket Constitution to aid you and your staff in this endeavor. If the latter, given that you will be obliged to uphold the Constitution as a public servant, you may want to reconsider your call to serve in this capacity. Either way, it is in your best interests and, more importantly, the best interests of the people you seek to represent that you renounce your boycott of any debates involving Mr. Clark and communicate to the local media and participating organizations your willingness to engage in an open dialogue with him and Mr. Perriello.

Whatever the cost to your own individual candidacy, we urge you to bear that cost in furtherance of transcendent First Amendment values and in faith that where all ideas are allowed to compete, the best ones will be adopted on the strength of their own merits.

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[3] *Arkansas Educational Television Commission v. Forbes.* 523 U.S. 666, 675-6 (1998).
[4] *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964).

After all, the problems facing our state and our nation are grave and growing more complex by the day. The last thing the people of this Commonwealth need is another politician subjugating our freedoms for his or her own personal gain.

Should you have any questions about the aforementioned or need any assistance in better understanding how to respect the spirit and law of the First Amendment, The Rutherford Institute is at your service.

Sincerely yours,

John W. Whitehead
President

Enclosure

cc: Mr. Bob Gibson, Executive Director
Sorensen Institute for Political Leadership

Ms. Loren Intolubbe-Chmil, President
League of Women Voters of Charlottesville/Albemarle

Mr. Rex Hammond, President
Lynchburg Regional Chamber of Commerce

Ms. Amanda Witt, President
Martinsville-Henry Co. Chamber of Commerce

Mr. Brad Ramsey, General Manager
Charlottesville Newsplex

Mr. Randall Smith, General Manager
WSET-TV (ABC13)

Mr. Harold Wright, General Manager
WVIR-TV NBC29

Mr. Warren Fiihr, General Manager
WSLS-TV

Mr. Steve Kaylor, Publisher
Danville Bee & Register