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Debating Legislation for Nationally Televised U.S. Presidential Debates

**Introduction**

Although still early in 2025, it might be difficult to imagine back to a time before the most recent presidential inauguration when competitive poll numbers gave the perception that the U.S. presidency could swing in favor of either party’s candidate. On September 10, 2024, the American people anticipated the first, and only, U.S. presidential debate between now-President Donald Trump and former Vice President Kamala Harris. More than 67 million people across 17 television stations tuned in to watch the debate (Hubbard, 2024). Donald Trump sought to achieve what only President Grover Cleveland had accomplished before: serving two non-consecutive presidential terms, and Kamala Harris wanted to follow in the footsteps of the only four sitting vice presidents to have been elected from their current position directly to the Oval Office (in addition to, of course, becoming the first female president) (Library of Congress, 2025). Trump and Harris would only debate once as Harris had just received the Democratic party nomination one month prior and did not participate in the first debate, and Trump declined a third debate (Kim, 2024; Reuters, 2024). Despite the unique nature of the historical debate this past September, the event’s high viewership numbers follow precedented trends of presidential debates drawing a large audience. Supporting this fact, the Pew Research Center finds that “although viewership of the debates as a share of the total TV audience has broadly fallen over the decades, they can still attract more people than just about any other televised event besides the Super Bowl” (DeSilver, 2024). As popular as the presidential debates may be and as institutionalized as they may appear, no federal law exists to protect the procedure of U.S. presidential debates during general elections. Regarding the U.S. presidential elections, Congress should enact a law requiring nationally televised debates for party nominees for the reasons including to respond to public interest, to encourage third-party participation, and to limit candidate control of debate proceedings.

**History and Evolution of U.S. Presidential Debates**

Presently, presidential debates capture millions of viewers during the program’s 90-minute airtime; however, the current style of televised presidential debates that most Americans today are familiar with is a relatively recent practice only developed since the 1960 presidential election, although the origins of American political debate can be traced back a century earlier.

History of Debate in America

Formal debate itself emerged on the U.S. political scene with the Lincoln-Douglas Debates of 1858. The seed for the debate was planted when then-Republican senator nominee Abraham Lincoln invited the incumbent Democratic senator Stephen A. Douglas to debate. Although not presidential debates, the Lincoln-Douglas debates stand out as the first debates argued between two candidates in front of a public audience (Kraus, 2000). Famous subsequent U.S. political debates occurred between presidential primary candidates Thomas Dewey and Harold Stassen in 1948 and between Adlai Stevenson and Estes Kefauver in 1956, yet presidential debate between the two major party nominees would not be fully realized until four years later in 1960 (Jamieson & Birdsell, 1990). In fact, presidential debates would cease after the Kennedy-Nixon debates and not resume until 1976 when then-Governor Jimmy Carter would debate the incumbent President Gerald Ford (Kraus, 2000).

Predating televised debates, broadcast debate first developed with radio debates transmitted over the airways in the 1920s. While he served as the Secretary of Commerce to Calvin Coolidge, Herbert Hoover advocated for the Federal Radio Act of 1927, as he believed that radio was “revolutionizing the political debates that underlie political action under our principles of government” (Jamieson & Birdsell, 1990; Chester, 1969, p. 28). Radio-broadcasted presidential debates reached much broader audiences within the American public. Congress passed the Communications Act of 1934, of which its Section 315, the “equal time law,” required broadcasters to allow all candidates—including those from minor parties—an equal speaking time (Communications Act of 1934). In 1960, however, Section 315 was suspended (the law would not be revised until 1975), giving way for the first nationally broadcasted presidential debates between the two major party candidates: John F. Kennedy and Richard Nixon (Minow & LaMay, 2008).

The Kennedy-Nixon Debates and the Dawn of U.S. Presidential Debates

Televised debates for candidates running for the office of the president of the United States first began in 1960 and famously featured four debates between the incumbent vice-president, Richard Nixon, and then Senator John F. Kennedy. In his memoir, Newton Minow, former chairman of the Federal Communications Commission and co-vice chair of the Commission on Presidential Debates, recalls, “President John F. Kennedy told me more than once that without the televised debates he would not have been elected president in 1960” (Minow & LaMay, 2008). The first Kennedy-Nixon debate goes down in the annals of history for showcasing the stark contrast between the two candidates’ appearances. The then-president of the CBS network Frank Stanton described the phenomenon in the following words, “Kennedy was bronzed beautifully…Nixon looked like death” (Druckman, 2003, p. 563). Despite Kennedy’s obvious edge over Nixon on screen, Nixon came across as the victor to those who simply listened to the debate on the radio (Druckman, 2003).

Trends of U.S. Presidential Debate Ratings

Since the inaugural televised Kennedy-Nixon debates, household TV ratings for the presidential debates have risen and fallen over the years. The four Kennedy-Nixon debates in the 1960s received high ratings of approximately 60.0, equating to roughly six in ten households watching the debates, accounting for an audience of an average of 63 million people. Ratings fell in the late 1990s and early 2000s, with a Bush-Gore debate in 2000 receiving a low 25.9 rating. Since then, especially since Trump entered the debates, ratings have increased to roughly a 40.2 rating, bringing total viewership back up to numbers of at least 60 million people (DeSilver, 2024).

Debate Sponsors

The first sponsor of the presidential debates was the League of Women Voters, who sponsored the debates in 1976, 1980, and 1984. With the organization’s unmatched experience in debate sponsorship experience in both primary and general elections, it seemed inevitable that the League would be the sponsor of the presidential debates as they became institutionalized (Jamieson & Birdsell, 1990). The League’s sponsorship, however, ended 1988 when the League withdrew its sponsorship following contention between the League and both the Democratic and Republican parties. Sponsorship officially transitioned to the two major political parties through the formation of the Commission on Presidential Debates (CPD), an effort of Newton Minow. This switch from nonpartisan sponsorship to the CPD strengthened the two-party system and further curbed third-party participation (Kraus, 2000). Since 1988 and until the most recent 2024 general election, presidential debates have been sponsored by the CPD. In 2022, the Republican National Convention (RNC) withdrew from the CPD, and in 2024, both the Democratic and Republican parties chose not to participate in the CPD debates as they, instead, debated in programs produced by CNN and ABC News (CNN Communications Press Releases, 2024; Kinnard, 2024). Circumventing the CPD and relying entirely on television networks to produce the debates risks commercializing the debate process, which could lead to future debates being directed towards conflict to create political reality TV (Tait, 2024).

**Public Interest and Desire for U.S. Presidential Debates**

In his book *Televised Presidential Debates and Public Policy* (2000), Sidney Kraus argues, “the most persuasive reason to include televised debates in presidential elections is that voters want them…a growing number have recommended or supported legislation that would require presidential candidates’ participation in televised debates,” underscoring the point that perhaps what presidential debates have the most going for them is their undeniable popularity (p. 241). Blatantly, people like the debates. As the political climate becomes increasingly contentious and partisan divisions deepen the divide, it is rare to find something that people like in politics. In elections, campaigns have largely become candidate-centered (campaigns directed by the candidate and his or her staff as opposed to by the party or its leaders), and much of a campaign’s messaging targets attacks against the opponent (Brewer & Maisel, 2021). Candidates from both sides take to rally stages to caution their audiences not to vote for the other guy. Some voters may heed these warnings, but many others might feel fatigued as they listen to each candidate badmouth the opponent. In a different context, debates provide a valuable opportunity for voters to observe both parties’ candidates come together and address each other directly. In support of a bill advocating for a mandate for presidential debates, Senator Edward Markey of Massachusetts testified in a House hearing: “the Presidential debates provide voters with the substance they want in their elections. After months of wondering, ‘where’s the beef?’, the debates are like a 16-ounce filet mignon. They also provide us with an element of the old mass media era that is perhaps worth preserving, the national event” (National Presidential Debates Act, 1993, June 12). More mass media may not be a necessary goal in today’s media-obsessed age, but the public’s craving for substance in politics yearns to be satiated now more than ever before.

Although the debates may deter a growing majority of folks who claim to be apolitical and ratings undoubtedly have dropped compared to the days of the Kennedy-Nixon debates, viewership data still strongly supports the sentiment that, overall, people want debates. In 2020, ratings reveal that only 40 percent of surveyed households in 2020 watched the debate compared to 1960 when 61 percent of households did; however, ratings have steadily increased since the 1996 election. Additionally, the first presidential debate in 2016 between Hillary Clinton and Donald Trump was the most-watched debate in American history with 84 million viewers (DeSilver, 2024).

Many viewers today likely have already committed to who they are going to vote for before they even turn on their TV, and they are unlikely to change that decision based on the outcome of the debate. To this point, in 2016, only 10 percent of voters said they had definitively made up their minds following the presidential debates. Although maybe not a determinative tool in people’s voting decision-making, the debates better serve as an agent to facilitate political discourse, promote civic engagement, and educate the public. Scholar of communication and politics, Kathleen Hall Jamieson, summarizes the value of presidential debates:

“There is no question that debates have a unique capacity to generate interest in the campaign, help voters understand their choices in the upcoming election, forecast governance, and increase the likelihood that voters will cast a vote for the preferred candidate rather than primarily because of opposition to the opponent.” Because those statements remain true today, abandoning the tradition of general election presidential debates would be a loss for the nation and its citizenry. (Jamieson, 2024, p. 300)

**Legislating for U.S. Presidential Debates**

Attempts to Legislate

 The U.S. presidential debates have become well institutionalized in American politics since their inception in 1960, and members of Congress have even attempted to legislate for both the mandate and reform of presidential debates. In 1992, Senator Edward Markey of Massachusetts introduced the bill H.R. 2003, the National Presidential Debates Act of 1993, with the hopes of mandating candidate participation in presidential debates (Kraus, 2000). The exact wording of stated that the bill was “to amend the Internal Revenue Code of 1986 to require any major or minor party general election candidate who receives amounts from the Presidential Election Campaign Fund to participate in debates with other such candidates” (National Presidential Debates Act, 1993). In the same year, Representative Tim Penny of Minnesota sponsored his bill H.R. 1753 Democracy in Presidential Debates Act of 1993, which further stipulated reforms for debates. These reforms aimed for the inclusion of third-party candidate participation and, with that, the elimination of major party sponsorship. Unfortunately, these bills failed to make it out of their committees; however, citizens still need to pressure Congress to legislate according to public interest and to pass the kind of laws that would preserve presidential debates for perpetuity and shape them into instruments for civic education and political participation (Kraus, 2000).

Reform

*Fact-Checking is a Must*

Building upon the mandate and third-party inclusion requirements, legislation requiring nationally televised debates for party nominees should also include mandatory fact-checking. In the age of AI hallucinations and oversaturated media channels flooded with deepfakes, misinformation, and disinformation, fact-checking in presidential debates should be indisputable and non-negotiable. The rapid development of technology and in media creation raises valid concerns but also brings valuable resources, like advancements in fact-checking. Fact-checking is helpful in various disciplines and for many enterprises but especially for safeguarding the integrity of political debates and keeping candidates honest. According to a study conducted by political scientists Amanda Wintersieck and Kim Fridkin, almost 17 percent of fact-checks produced from 2003 to 2012 were of statements made by candidates during debates (Wintersieck & Fridkin, 2016). Fact-checking remains important in debates as the tool not only ensures candidates maintain professional honesty but also impacts candidates’ campaigns and can influence voters’ evaluations of candidates and their ultimate voting decisions (Wintersieck, 2017). If creating a well-informed public remains the aim of presidential debates, thoughtful legislation must be devised to not only protect the continuation of presidential debates in future elections but also to protect the integrity of the debates themselves.

*The Role of Moderators*

The assumption and perception might be that the debates have always been moderated the same way that they are observed today, however, presidential debates once closely resembled the likeness of a joint press conference as the debates since the first 1960 match through the one in 1988 featured a panel format. The moderators explain the rules of debate and serve as enforcers of the rules to keep proceedings moving. Following the departure of the League of Women Voters as sponsors, the CPD tried out various styles of debate moderation before finally adopting a single-moderator and town hall format, which had been exclusively utilized, except for one 2016 debate, until the 2024 debates. Most of the moderators selected have been experienced broadcast journalists, a majority of whom have been with PBS (DeSilver, 2024).

In Alan Schroeder’s article “Do We Really Need Debate Moderators?” published by Politico back in 2016 prior to Trump’s first-ever presidential debate, the sub headline reads: “Trump has called for a moderator-less debate. Little does he know that the current debate format gives candidates virtual free reign over the debate’s direction.” Trump has been quoted telling CNBC that he thinks, “Maybe we should just have no moderator” (Schroeder, 2016). Having no moderator to guide debate is a real possibility enabled by candidate-controlled debate negotiations, which should be regulated in legislation regarding presidential debates. Schroeder’s observation of the presidential debate format points to the nearly omnipotent, or at least, the decisive, power candidates wield over debates. Harmful consequences of continuing with the current organization of candidate-controlled debates include the possibilities that candidates may refuse to participate, refuse to debate without moderators, and manipulate the moderator selection process (Kraus, 2000). This unchecked power in controlling presidential debates reveals not the need to limit or do away with the debates but the potential for reform in the debate process. The role of the moderators requires legal protection to maintain functioning debates.

**Conclusion**

Enacting a law to protect U.S. presidential debates should be a foregone conclusion as broadcasted presidential debates between the two major party nominees have become expected and customary traditions in U.S. elections that many Americans anticipate every four years. It seems unimaginable that there was ever a time in the country’s history when candidates running for the highest office in the land did not participate in this ritual of American democracy. Despite the essential role that debates play in presidential elections and the history of U.S. presidential debates firmly establishing them within the legacy of American politics, the current political infrastructure only maintains the deferment to private parties and candidate debate negotiations to protect and sustain debates in the presidential election process. Presently, no laws exist to ensure that presidential debates remain a function of American democracy. As presidential elections have become even more contested and publicized in recent years, safety valves to democracy that can easily be taken for granted, like presidential debates, require safeguarding by the law to create an educated electorate and enshrine democratic values in the U.S. political system.

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