

Ethics in Political Communication

Prior to Activity

Have students visit and peruse the factcheck.org (<http://factcheck.org/>) site.

Class Discussion/Activity

Following your typical discussion of ethics and ethical communication, ask students these questions:

Now that we have an understanding of ethical communication, let's apply these concepts to political communication and the reading you completed for today. First, why is important that you turn a critical eye toward political communication?

It is a critical component of becoming an effective participant in our democracy (developing an informed electorate).

NOTE: This is another opportunity to reinforce the goals of the PEP project!

What role do ethics play in political communication generally, and in political advertisements specifically?

Based on the political campaigns you have seen, are most politicians goals ethically sound (ask students to provide specific examples)?

Based on your experiences, do most politicians typically avoid name-calling and other forms of abusive language?

Transition: Now we are going to apply this material to a few recent political advertisements. As you will see, these tactics are utilized by both major political parties.

Video Clips

Safer America, RNC

**RNC Wed Ad:
"Safer"**

(On Screen: Democrats say they want to talk about National Security and the war on terror. While terrorists are watching.)

Dean: We need a real tough fight on terror, but we need to be tough and smart; not just talk tough.

(On Screen: What are Democrats going to talk about? Their Record?)

Reid: We killed the Patriot Act.

(On Screen: Against The Patriot Act)

Biden: This administration's biggest problem in my view is

took its eye off the ball because it focused on national missile defense.

(On Screen: Against Missile Defense)

Lamont: I look at the illegal wiretaps. I thought that was a time that Democrats should have stood up and held the president accountable. I think we should have said that was wrong. I think we should have had hearings.

(On Screen: Against Terrorist Surveillance)

Durbin: If I read this to you and didn't tell you it was an FBI agent describing what Americans had done to prisoners in their control.

(On Screen: Against Terrorist Interrogation)

Kerry: I actually did vote for the \$87 billion before I voted against it.

(On Screen: Against Funding for our Troops)

Murtha: We need to redeploy and let the Iraqis handle this themselves.

(On Screen: The Facts?

The Republicans record since 9/11

Passed the Patriot Act

Created the Homeland Security Department

Strengthened and Reformed America's Intelligence

Agencies

Increased Homeland Security Funding by More than 300 Percent Over the Clinton Administration

Doubling the Size of America's Border Patrol and

Increased Border Security Funding by 66 Percent Over the Clinton Administration

Fighting Terrorists Where They Recruit, Train and Plot ...

So We Don't have to Fight them here

No Attacks on American Soil

Democrats can talk about the war on terror, but the facts speak for themselves

A stronger America, A safer America)

Analysis of the "Safer America" Clip

The Republican National Committee's latest Internet ad says "the facts speak for themselves," but it twists a few of them.

It rewrites history when it claims Republicans "created the Department of Homeland Security," which the White House actually resisted for nearly nine months before giving in to bipartisan pressure. It gives Republicans credit for a law reorganizing intelligence agencies, which actually passed the House with more Democratic votes than Republican.

The video twists the words of prominent Democrats when it says they are "against terrorist surveillance" and "against terrorist interrogation," when what they are actually saying in the ad is that they are against illegal eavesdropping and against abusing prisoners.

It says Democrats are "against the Patriot Act," and many are, but the fact is most Democratic senators voted for reauthorizing it earlier this year after demanding and getting some civil-rights protections.

Secure, DSCC

(NOTE: Video quality is poor, so you might want to show the text of the ad as well)

DSCC Ad: "Secure"

(On Screen: A montage featuring pictures of President Bush and Sens. Allen, Talent, Santorum, DeWine, Burns, Chafee, and Kyl.)

Text: *Security under Bush and GOP?
Not Enough Troops...
Body Armor...or armed Humvees in Iraq.
Four times as many terror attacks in 2005.
Two billion cut from law enforcement.
Iran developing nuclear weapons. Just 6% of
containers inspected.
Millions more illegal immigrants.
North Korea has quadrupled its nuclear arsenal.
Feel Safer?
Vote for change.
www.dsc.org*

Analysis of the "Secure" Clip

A Democratic Senatorial Campaign Committee ad that appeared on the Internet this week attacks the record of "Bush and the GOP" on homeland security, but makes some factual stumbles.

It claims terror attacks have increased four-fold under Bush, which isn't true. The official count jumped due to a much broader definition of what constitutes a terrorist attack.

The ad says "law enforcement" spending has been cut \$2 billion, but that refers only to cuts in aid to states and localities and ignores a big increase in spending on federal anti-terrorism activities.

It says that only 6 percent of cargo containers are being inspected. That's about right, but its also a big improvement from three years earlier when the figure was only 2 percent. Also spending has increased seven-fold.

The ad's biggest stumble was political, not factual. It correctly noted that millions of illegal aliens have entered the US in recent years. But the ad's images of bazooka-toting terrorists and Osama bin Laden, associated with men furtively crossing the border, drew objections from Hispanics and the DSCC quickly took the ad off their website.

Tie Hands, John Spencer

John Spencer ad:

"Tie Hands"

Announcer: Islamic Fascists still hate us. They still want to attack us. But the recent terrorist attack to destroy American airliners headed for New York was detected and defeated. National Security Agency wiretaps of terrorist suspects were vital to stopping this attack. But Senator Hillary Clinton opposes the Patriot Act and the NSA program that helped stopped another 9/11. She'd leave us vulnerable.

Spencer: That's wrong. I'm John Spencer and I approve this message because I won't play politics with our security.

Analysis of the "Tie Hands" Clip

Republican John Spencer says Hillary Clinton "opposes the Patriot Act" when in fact she voted for the law in 2001 and again in 2006 when it was renewed.

Additionally, Spencer claims "National Security Agency wiretaps of terrorist suspects were vital to stopping this attack" on US-bound airliners. Actually, US law enforcement played a relatively small role. British officials uncovered the alleged plot and quietly followed its development for months before alerting US officials just days before the arrests.

W, Progressive Patriots Fund (Russ Feingold)

Progressive Patriots Ad: "W"

Advisor: So Mr. President, how's our commander in chief feeling these days?

President (off-screen): Yeah, I'm fine, fine.

Advisor: Oh, you're a lot better than fine. The war's over like you said. Missions accomplished Georgie baby.

President (off screen): Huh?

Advisor: I'm sorry, that probably doesn't seem appropriate for the king of the United States. Yes I said "King." Think about it. You don't have to settle for just being President GW. The war still got everyone running scared. They'll go along with whatever you say. Forget the rules and quit treating the Constitution like it's set in stone. For starters, we should be eavesdropping on anybody who has the nerve to disagree with you - court order or not.

President (off screen): What?

Advisor: It's not domestic spying George. It's terrorist surveillance.

President (revealed as George Washington): Break the law? Ignore the Constitution? What you propose goes against the very things we stand for. As President of these United States, I would never condone that.

Feingold (voiceover): Our country hasn't stood for this kind of abuse of power for over two hundred years. Let's not stand for it now. Support the Progressive Patriots. We can fight the terrorists without breaking the law or sacrificing our freedoms. Authorized and paid for by the Progressive Patriots Fund.

Analysis of “W” Clip

Sen. Russ Feingold's leadership PAC sponsored an Internet video making an unfounded suggestion that President Bush is being urged to eavesdrop "on anybody who has the nerve to disagree with [him] - court order or not."

A Feingold spokesman says the ad is a parody. Funny or not, it makes an accusation for which there's no evidence.

Feingold himself says in the video that "our country hasn't stood for this kind of abuse of power in 200 years." We think he's forgetting such things as FDR's forced internment of 120,000 Japanese-Americans in World War II, and Lincoln's summary jailings of Confederate sympathizers.

Debriefing the Activity

Which of the ads did you perceive to be positive/negative?

Which ads were most effective? Which ads were least effective? Why?

Which ads, if any, were most ethical? Why?

Links to Additional Ads

<http://www.factcheck.org/article420.html#>

New RNC Web Ad Blurs History

Another video on homeland security twists Democrats' words and exaggerates "the Republican record."

August 22, 2006

Modified: August 22, 2006

Summary

The Republican National Committee's latest Internet ad says "the facts speak for themselves," but it twists a few of them.

It rewrites history when it claims Republicans "created the Department of Homeland Security," which the White House actually resisted for nearly nine months before giving in to bipartisan pressure. It gives Republicans credit for a law reorganizing intelligence agencies, which actually passed the House with more Democratic votes than Republican.

The video twists the words of prominent Democrats when it says they are "against terrorist surveillance" and "against terrorist interrogation," when what they are actually saying in the ad is that they are against illegal eavesdropping and against abusing prisoners.

It says Democrats are "against the Patriot Act," and many are, but the fact is most Democratic senators voted for reauthorizing it earlier this year after demanding and getting some civil-rights protections.

Analysis

This ad first appeared on the RNC home page Aug. 18. It uses lines of attack we expect to see repeated frequently between now and election day. It says "terrorists are watching" what Democrats say, then contrasts that with the "Republican record since 9/11."

RNC Web Ad: "Safer"

(On Screen: Democrats say they want to talk about National Security and the war on terror. While terrorists are watching.)

Dean: We need a real tough fight on terror, but we need to be tough and smart; not just talk tough.

(On Screen: What are Democrats going to talk about? Their Record?)

Reid: We killed the Patriot Act.

(On Screen: Against The Patriot Act)

Biden: This administration's biggest problem in my view is took its eye off the ball because it focused on national missile defense.

(On Screen: Against Missile Defense)

Lamont: I look at the illegal wiretaps. I thought that was a time that Democrats should have stood up and held the president accountable. I think we should have said that was wrong. I think we should have had hearings.

(On Screen: Against Terrorist Surveillance)

Durbin: If I read this to you and didn't tell you it was an FBI agent describing what Americans had done to prisoners in their control.

(On Screen: Against Terrorist Interrogation)

Kerry: I actually did vote for the \$87 billion before I voted against it.

(On Screen: Against Funding for our Troops)

Murtha: We need to redeploy and let the Iraqis handle this themselves.

(On Screen: The Facts?)

*The Republicans record since 9/11
Passed the Patriot Act
Created the Homeland Security Department
Strengthened and Reformed America's Intelligence Agencies
Increased Homeland Security Funding by More than 300 Percent Over the Clinton Administration
Doubling the Size of America's Border Patrol and Increased Border Security Funding by 66 Percent Over the Clinton Administration*

*Fighting Terrorists Where They Recruit, Train and Plot ...
So We Don't have to Fight them here
No Attacks on American Soil
Democrats can talk about the war on terror, but the facts speak for themselves
A stronger America, A safer America)*

Rewriting History I: Department of Homeland Security

The ad claims Republicans "created the Department of Homeland Security." In fact, as we [noted](#) before, the Bush administration spent nearly nine months in 2001 and 2002 rejecting calls for the cabinet-level department.

The President [created](#) a White House Office of Homeland Security in October 2001, headed by an assistant to the President but with no direct management authority over security agencies. Soon after, a Democrat, Sen. Joseph Lieberman of Connecticut, introduced one of the first bills calling for a full, cabinet-level department. White House press secretary Ari Fleischer [said](#) on March 20, 2002 that a Cabinet-level agency was not needed.

Ari Fleischer: So creating a Cabinet office doesn't solve the problem. You still will have agencies within the federal government that have to be

coordinated. So the answer is, **creating a Cabinet post doesn't solve anything**. The White House needs a coordinator to work with the agencies, wherever they are.

Rewriting History II: Intelligence Re-organization

The ad also claims that Republicans "Strengthened and Reformed America's Intelligence Agencies," referring to legislation that actually came through a broadly bipartisan effort.

The National Intelligence Reform Act of 2004 [passed](#) the Senate 89 to 2, with one Democrat and one Republican voting against. It [passed](#) the House by a vote of 336 to 75, and most of those who voted for it were Democrats while most of those opposing it were Republicans. President Bush acknowledged the bipartisan nature of the bill when he [signed](#) it Dec. 17, 2004 by including both Sen. Lieberman and Democratic Rep. Jane Harman of California among those he credited, as well as Democratic former congressman Lee Hamilton of Indiana, the vice chairman of the 9/11 Commission. That commission, also bipartisan, and also initially resisted by the White House, had urged the reorganization.

Twisting Words I: "Against Terrorist Surveillance"

The ad shows Democratic Senate candidate Ned Lamont saying "I look at the illegal wiretaps. . . . I think we should have said that was wrong." Then it superimposes the words "Against Terrorist Surveillance."

That mischaracterizes what Lamont actually said. The words are from Lamont's July 7 debate with Sen. Lieberman. Even in the clip shown in the RNC ad Lamont didn't say he was against surveillance, only against the way President Bush ordered National Security Agency eavesdropping without judicial orders. That's made clearer in the full [transcript](#), which shows that Lamont prefaced the snippet we see here by saying "We have a President who is acting as if he is above the law right now."

Whether Bush's NSA program is legal, as the White House says, or not, as US District Judge Anna Diggs Taylor [ruled](#) last week, is a matter still being litigated. But the fact is that it was illegality to which Lamont objected, not surveillance.

Twisting Words II: "Against Terrorist Interrogation"

The ad shows Democratic Sen. Richard Durbin of Illinois denouncing alleged mistreatment of prisoners at the Guantanamo Bay Naval Station, and then superimposes the words "Against Terrorist Interrogation." But Durbin wasn't objecting to interrogation. Durbin actually was objecting to such things as keeping prisoners chained up in their own excrement, as described by an appalled FBI official who had reported witnessing that and other abuses.

Durbin is shown on the Senate floor August 2, 2004, holding a recently released email from a FBI official (whose name had been redacted) summarizing what the official witnessed:

FBI E-mail: On a couple of occasions, I entered interview rooms to find a detainee chained hand and foot in a fetal position on the floor, with no chair, food, or water. Most times they had urinated or defecated on themselves, and had been there for 18 to 24 hours or more.

The official also described seeing a prisoner nearly lying unconscious in a cell in which air conditioning had been turned off and the temperature was well over 100 degrees, next to a pile of the prisoner's own hair, adding, "He had apparently been literally pulling his own hair out throughout the night."

Unless the RNC means to endorse such treatment of prisoners as essential to "interrogation" it is mischaracterizing what Durbin said.

A Half-Truth: Against the Patriot Act

The ad says in print that Democrats are "Against the Patriot Act," which is only partly true. Most Democrats in the House did indeed oppose the Patriot Act in its present form, but not the large majority of those in the Senate. It is true that 156 House Democrats [opposed](#) renewing the Patriot Act in the form it went through the House on July 21, 2005. And it is also true that nearly 2/3rds of House Democrats also [voted](#) against the addition of some civil-rights measures on March 7, 2006 that were part of a compromise allowing passage in the Senate. Mostly the Democrats said the measures didn't go far enough, so based on the latter vote we judge it is fair to say that at least 124 House Democrats are against the act in its present form, and that 66 support it.

But it's a different story in the Senate, where only 9 Democrats and Independent Sen. James Jeffords of Vermont [voted](#) against final passage of the Patriot Act renewal, while 34 Democrats voted in favor.

For the record, the measures that were added included one allowing recipients of a law-enforcement request for business records to challenge a gag order preventing them from talking about it. Another removed a requirement that recipients of national security letters, which are like subpoenas but do not require court approval, disclose the name of any attorney they consult or intend to consult. Another ensures that libraries operating in traditional roles and not as Internet service providers are not subject to national security letters

Reid's Misleading Boast

Incidentally, one of those voting for Patriot Act renewal was Senate Democratic Leader Harry Reid of Nevada, who is shown in the ad boasting, "We killed the Patriot Act." Reid did say that but, obviously, he chose his words poorly. In fact, Democrats hadn't killed the act; they had only blocked it with a filibuster while demanding some additional civil-rights protections, some of which Republicans later agreed to add. Reid's words are grossly misleading, but that's Reid's fault and not the RNC's. This clip has become a staple of Republican advertising and we suspect we haven't seen the last of it.

-by Brooks Jackson, with Justin Bank, James Ficaro and Emi Kolawole

Sources

"Press Briefing by Ari Fleischer," [Transcript](#). 19 Mar. 2002.

"President Bush signs Homeland Security Act," [Transcript](#). 25 Nov. 2002.

"President Establishes Office of Homeland Security," [The White House](#). 8 Oct. 2002.

Sandler, Michael. "Deal Clears Way for Anti-Terrorism Law," [CQ Weekly](#). 10 Mar 2006.

U.S. Senate, 108th Congress, 2nd Session. Senate Vote No. [216](#).

U.S. House, 108th Congress, 2nd Session. House Vote No. [544](#).

"Lieberman, Lamont Spar in Conn. Primary Debate," [Transcript](#). 7 July 2006.

"President Signs Intelligence Reform and Terrorism Prevention Act," [Transcript](#). 17 Dec. 2004.

<http://www.factcheck.org/article417.html#>

Democrats Ask, Do You Feel Safer?

But a party web video strains some facts about homeland security.

August 18, 2006

Modified: August 18, 2006

Summary

A Democratic Senatorial Campaign Committee ad that appeared on the Internet this week attacks the record of "Bush and the GOP" on homeland security, but makes some factual stumbles.

It claims terror attacks have increased four-fold under Bush, which isn't true. The official count jumped due to a much broader definition of what constitutes a terrorist attack.

The ad says "law enforcement" spending has been cut \$2 billion, but that refers only to cuts in aid to states and localities and ignores a big increase in spending on federal anti-terrorism activities.

It says that only 6 percent of cargo containers are being inspected. That's about right, but it's also a big improvement from three years earlier when the figure was only 2 percent. Also spending has increased seven-fold.

The ad's biggest stumble was political, not factual. It correctly noted that millions of illegal aliens have entered the US in recent years. But the ad's images of bazooka-toting terrorists and Osama bin Laden, associated with men furtively crossing the border, drew objections from Hispanics and the DSCC quickly took the ad off their website.

Analysis

This Internet ad first appeared on the DSCC home page Aug. 14, and ran for several days before being taken down. It lays out a partisan line of attack that we expect to see Democrats imitating in Senate and House campaigns in coming months.

DSCC Ad: "Secure"

(On Screen: A montage featuring pictures of President Bush and Sens. Allen, Talent, Santorum, DeWine, Burns, Chafee, and Kyl.)

Text: *Security under Bush and GOP?*

Not Enough Troops...

Body Armor...or armed Humvees in Iraq.

Four times as many terror attacks in 2005.

Two billion cut from law enforcement.

Iran developing nuclear weapons. Just 6% of containers inspected.

Millions more illegal immigrants.

North Korea has quadrupled its nuclear arsenal.

Feel Safer?

Vote for change.

www.dsc.org

More Terror Attacks?

The ad says that there were "four times as many terror attacks in 2005." However, that's not true.

The *Washington Post* did report on April 29 that "the number of terrorist attacks worldwide increased nearly fourfold in 2005 to 11,111." But a look at the underlying statistics shows that's an apples-to-oranges comparison reflecting a much broader legal definition of "terrorism."

The article draws its figures [from](#) the State Department's 2005 Country Report's on Terrorism. However, the National Counter Terrorism Center (NCTC) which compiled the statistics for the report [explained](#) in a release that those figures could be misleading because of a change in terminology:

NCTC: The **previously used statutory definition** of "international terrorism" ("involving citizens or territory of more than one country") **resulted in hundreds of incidents** per year; the **currently used statutory definition** of "terrorism" ("premeditated, politically motivated violence perpetrated against noncombatant targets") **results in many thousands of incidents** per year.

The report goes on to note that this discrepancy "limits our ability to do 2004/2005 comparisons." The *Post* noted this vital caveat (toward the end of its story) but the DNC ad did not.

\$2 billion cut from law enforcement?

According to the ad, \$2 billion has been cut from "law enforcement" funding. We find the claim to be true regarding federal aid to state and local law enforcement, but not true of law enforcement spending generally or counter-terrorism spending in particular. The funds that have been cut have gone towards such things as cannabis eradication, prescription drug monitoring and pet Congressional projects such as the [Chattanooga Endeavors](#) program and [Ridge House](#) in Reno, NV.

President Bush proposed eliminating the state-local aid entirely in fiscal 2006 and fiscal 2007, which would have amounted to a cut of \$2.8 billion from fiscal 2001. Congress restored some of that funding, however.

There has not been a reduction in domestic counter-terrorism spending, which has gone from \$2.5 billion in fiscal 2003 to \$4.5 billion in fiscal 2006. And the White House has requested \$4.7 billion in spending for 2007 that, if approved by Congress, would represent an increase of more than \$2 billion since 2003.

Six per cent of containers inspected?

The ad says "just 6% of containers inspected," in regard to U.S. ports. The *Washington Post* did report on May 5 that the Department of Homeland Security currently inspects 6 percent of the 11 million cargo containers that enter U.S. seaports annually. That may actually be high: the US Customs and Border Protection Agency (CBP) has not officially endorsed any particular percentage, but the Rand Corporation has put the number at 5 percent. Either way, it represents a big improvement since 2003. A hearing by the House Subcommittee on the Coast Guard and Maritime Transportation in 2003 found that only 2 percent of containers were physically inspected.

These numbers include cargo containers examined by x-ray, gamma or other radiation machines, and in some cases actually physically opened for visual inspection. The CBP says it "screens" 100 per cent of all cargo, but that refers to looking at database information to select "high-risk" shipments for possible physical inspection.

Also, the CBP cautions that the low inspection numbers can be misleading because inspection is targeted because of increased inspection at points of origin. The issue has certainly received more congressional attention as funding has increased 700 per cent in the last five years.

Millions More Illegal Immigrants?

The DSCC ad claims "millions more illegal immigrants" have entered the country. This is true. According to the best estimates we can find, millions of illegal immigrants have indeed entered the United States since 2001. According to the federal Immigration and Naturalization Service, there were an estimated 7 million illegal immigrants living in the United States in Jan 2000. Two years later the Urban Institute estimated the illegal immigrant population to be 9.3 million. Most recently, Jeffrey S. Passel, a Senior Research Associate with Pew Hispanic Center and a contributor to the Urban Institute's 2002 study, conducted a study which estimated the illegal immigrant population to be between 11.5 and 12 million people. That implies a minimum 4.4 million increase from the INS's Jan 2000 estimate.

Bazookas, bin Laden & illegal immigrants

The ad's immigration claim made news, but not because of any factual mistake. It showed images of bazooka-toting terrorists and Osama Bin Laden in association with two men illegally crossing the border. The comparison came as an unwelcome surprise for some members of the Hispanic community. *The Associated Press* quoted Lisa Navarrete of The National Council of La Raza saying: "This is the same kind of fear mongering we condemn in the extreme media and now we are seeing it at the DSCC...It's appalling." *The AP* also reported that Carol Alvarado, a Houston City councilwoman, sent the DSCC's chair, Sen. Charles Schumer of New York, a letter requesting the ad be pulled for fear it would alienate Latino voters. The website that once led you to the ad now displays a new ad featuring quotes from key Republicans and asking voters if they want a "new course" in Iraq. The new ad makes no reference to immigration whatsoever.

Nuclear threats

The ad is on more solid ground when it says that Iran is "developing nuclear weapons," and that "North Korea has quadrupled its nuclear arsenal." These are both fair statements based on the best public knowledge of each country's capabilities.

Iran is openly developing the ability to enrich uranium into material that could be suitable for weapons. They claim to be doing so for peaceful purposes and have denied any intention otherwise. However, the U.S. has claimed to have evidence to the contrary and the U.N recently set an Aug. 31 deadline for Iran to stop enriching uranium.

As for the North Koreans, according to a congressional report the CIA [believed](#) that they had enough plutonium for one or two nuclear warheads prior to 2002. In 2004, the former Director of Los Alamos National Laboratory testified in front of the Senate Committee on Foreign Relations after a visit to North Korea. Based on his observations and expertise he [concluded](#) the North Koreans had enough plutonium for four to six nuclear weapons. Assuming that the material has actually been made into bombs (which isn't clear) those two vague estimates imply that the "arsenal" has at least doubled and may have increased six-fold.

-by Justin Bank and Emi Kolawole

Sources

U.S. Senate. Roll Call Vote 157. 109th Congress

"Analytical Perspectives," Budget of the United States Government: Fiscal 2007. Office of Management and Budget.

"Analytical Perspectives," Budget of the United States Government: Fiscal 2006. Office of Management and Budget.

"Analytical Perspectives," Budget of the United States Government: Fiscal 2005. Office of Management and Budget.

Gamboa, Suzanne. "Democratic Web Ad Angers Some Hispanics," The Associated Press. 17 Aug 2006.

Gamboa, Suzanne. "Republican Hispanics blast Democrats' ad," The Associated Press. 15 Aug 2006.

Squassoni, Sharon, "[CRS Report RS21391: North Korea's Nuclear Weapons: How Soon an Arsenal?](#)" *Congressional Research Service*. 1 Aug 2005.

Senate Report 107-42. S 1215. 107th Congress.

Senate Report 109-280. HR 5672. 109th Congress.

<http://www.factcheck.org/article416.html#>

Hillary Clinton's Voting Record Distorted

Republican challenger John Spencer falsely claims she opposes the Patriot Act, which she voted for twice.

August 16, 2006

Modified: August 16, 2006

Summary

Republican John Spencer says Hillary Clinton "opposes the Patriot Act" when in fact she voted for the law in 2001 and again in 2006 when it was renewed.

Additionally, Spencer claims "National Security Agency wiretaps of terrorist suspects were vital to stopping this attack" on US-bound airliners. Actually, US law enforcement played a relatively small role. British officials uncovered the alleged plot and quietly followed its development for months before alerting US officials just days before the arrests.

Analysis

The Spencer ad displays a headshot of Clinton beside one of Osama Bin Laden as the announcer states that "Hillary Clinton opposes the Patriot Act and the NSA Program that helped stop another 9/11." However, Clinton [voted](#) for passage of the original Patriot Act in 2001, as well as the reauthorization in 2006.

John Spencer ad:

"Tie Hands"

Announcer: Islamic Fascists still hate us. They still want to attack us. But the recent terrorist attack to destroy American airliners headed for New York was detected and defeated. National Security Agency wiretaps of terrorist suspects were vital to stopping this attack. But Senator Hillary Clinton opposes the Patriot Act and the NSA program that helped stopped another 9/11. She'd leave us vulnerable.

Spencer: That's wrong. I'm John Spencer and I approve this message because I won't play politics with our security.

Distorting Patriot Act Support

On his [blog](#), Spencer supports his assertion that Clinton opposes the Patriot Act by citing a [vote](#) against cloture during the debate over renewal of the Patriot Act in late 2005. Clinton did join 46 other senators in that vote, including 5 Republicans. Those who wanted debate to continue didn't necessarily oppose the law itself, however, but were pushing to give federal judges greater control over some of the expanded surveillance powers the law gives to law-enforcement officials.

At the time, Clinton released a statement [explaining](#) her vote. In the statement, Clinton listed concerns about lack of a risk-based system to allocate homeland security funds and a need to balance civil liberty protections along with the security measure:

Clinton: I believe the conference report falls short of this goal, and I am

hopeful that with more time, those negotiating these provisions will find the proper balance.

Debate on the reauthorization of the Patriot Act continued when Congress came back from its winter recess. After some changes, Clinton [voted](#) for the bill when it came up for final passage on March 2, 2006.

NSA Wiretapping as a Vital Tool?

The Spencer ad also criticizes Clinton for questioning the NSA wiretapping program, and makes a highly dubious claim that NSA wiretaps were "vital" to stopping the alleged plot to blow up US-bound airliners taking off from Britain.

It's true that Clinton has sharply attacked Bush for the NSA program, saying the President lacked legal authority to order wiretaps without judicial warrants, and has "stonewalled" Congress by refusing to supply details of how the program works. She hasn't opposed eavesdropping on suspected terrorists, however, and in fact has [said](#) she would allow warrantless wiretaps in certain cases during "the immediate aftermath of war," and that "in cases of true emergencies" she would allow law enforcement officials to eavesdrop first and get a warrant later.

The Spencer ad asserts that "National Security Agency wiretaps of terrorist suspects were vital to stopping" the recent British terror plot. As evidence, Spencer [cites](#) an Aug. 10 interview of White House terrorism advisor Fran Townsend on the CNBC's *Kudlow and Company* :

Townsend: The tools we have today, without them, I don't think we would have been as successful in working with our British colleagues as we were to thwart this plot.

However, Townsend never specified the NSA program as one of these "tools" and did not characterize it as "vital." In fact, she [revealed](#) the following day, on MSNBC's *Hardball with Chris Matthews* :

Townsend: We put every tool at our disposal into use to help our British colleagues. **But this really was a British investigation for the longest time.** We didn't see an American threat. **It was only recently we developed the American angle working with our British colleagues** , but this was really a British threat.

Furthermore, White House Press Secretary Tony Snow [said](#) the President was first given a "detailed briefing" of the plot by the British on Aug. 4, less than a week before British officials made arrests on Aug. 10. And the President himself makes no claim that NSA wiretaps had any role in uncovering the alleged plot. In fact, in remarks in Green Bay, Wisconsin on Aug. 10 Bush [gave](#) British authorities the credit for that:

Bush Aug. 10: I want to thank the government of Tony Blair and officials in the United Kingdom for their good work in busting this plot.

We judge Spencer's ad to be misleading to the extent that it claims the NSA wiretaps were "vital" to stopping an alleged plot that was in fact uncovered by the British. **And there is no evidence in the public record that NSA wiretaps were a vital part of that process.**

by Justin Bank

Sources

["Statement of Hillary Clinton on the USA Patriot Act Reauthorization Conference Report](#) ," Clinton Website.

["Remarks of Senator Hillary Rodham Clinton on Privacy to the American Constitutional Society](#) ," Clinton Website.

["President Bush Discusses Terror Plot Upon Arrival in Wisconsin,"](#) White House. 10 Aug. 2006.

[White House Press Briefing](#) , Tony Snow. 11 Aug. 2006

U.S. Senate, 107th Congress, 1st Session. Senate Vote No. 313

U.S. Senate, 109th Congress, 1st Session. Senate Vote No. 358

U.S. Senate, 109th Congress, 2nd Session. Senate Vote No. 29

<http://www.factcheck.org/article388.html#>

Is This A Joke?

Sen. Russ Feingold's Leadership PAC suggests the White House wants to wiretap political opponents.

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Summary

Sen. Russ Feingold's leadership PAC sponsored an Internet video making an unfounded suggestion that President Bush is being urged to eavesdrop "on anybody who has the nerve to disagree with [him] - court order or not."

A Feingold spokesman says the ad is a parody. Funny or not, it makes an accusation for which there's no evidence.

Feingold himself says in the video that "our country hasn't stood for this kind of abuse of power in 200 years." We think he's forgetting such things as FDR's forced internment of 120,000 Japanese-Americans in World War II, and Lincoln's summary jailings of Confederate sympathizers.

Analysis

The Progressive Patriots Fund founded by Democratic Sen. Russ Feingold of Wisconsin posted a video titled "W" on their website last week. On Friday, the group's website [posted](#) an announcement that Feingold had shown the ad at a Texas fundraiser. They say they are considering airing a shorter version of the video as a TV ad in the future.

Progressive Patriots Ad: "W"

Advisor: So Mr. President, how's our commander in chief feeling these days?

President (off-screen): Yeah, I'm fine, fine.

Advisor: Oh, you're a lot better than fine. The war's over like you said. Missions accomplished Georgie baby.

President (off screen): Huh?

Advisor: I'm sorry, that probably doesn't seem appropriate for the king of the United States. Yes I said "King." Think about it. You don't have to settle for just being President GW. The war still got everyone running scared. They'll go along with whatever you say. Forget the rules and quit treating the Constitution like it's set in stone. For starters, we should be eavesdropping on anybody who has the nerve to disagree with you - court order or not.

President (off screen): What?

Advisor: It's not domestic spying George. It's terrorist surveillance.

President (revealed as George Washington): Break the law? Ignore the Constitution? What you propose goes against the very things we stand for. As President of these United States, I would never condone that.

Feingold (voiceover): Our country hasn't stood for this kind of abuse of power for over two hundred years. Let's not stand for it now. Support the Progressive Patriots. We can fight the terrorists without breaking the law or sacrificing our freedoms. Authorized and paid for by the Progressive Patriots Fund.

Eavesdropping on everybody?

The video shows a presidential advisor who bears a strong resemblance to Karl Rove addressing someone as "Georgie baby" and "GW," who appears only in shadows. The Rove character says, "The war still got everyone running scared. They'll go along with whatever you say. Forget the rules and quit treating the Constitution like it's set in stone. For starters, we should be eavesdropping on anybody who has the nerve to disagree with you - court order or not. . . . It's not domestic spying. It's terrorist surveillance." At that point "GW" is revealed, dressed as George Washington. He says "I would never condone that."

A Feingold spokesman insists the ad is "just a parody." We're not sure everybody will get the joke. It's based on an accusation for which no proof exists – that the Bush administration is using, or wants to use, a secret National Security Agency surveillance program to spy on political opponents, something Bush says is untrue.

The NSA eavesdropping program is carried out without court warrants of any sort, but so far as is known it is used exclusively to eavesdrop on conversations that include at least one person thought to be connected to al Qaeda, and at least one person who is outside the US. Much about the program remains secret, but so far no evidence has come to light suggesting that the administration is targeting political opponents.

Feingold, a possible future candidate for his party's presidential nomination, has [sponsored](#) a Senate resolution which would censure Bush for what the senator calls "unlawful authorization of wiretaps of Americans within the United States without obtaining the

court orders required," and for "failure to inform the full congressional intelligence committees" and "his efforts to mislead the American people" about the legalities of the program .

What the administration says

The most thorough public discussion of the secret program comes from a Senate Judiciary Committee hearing with Attorney General Alberto Gonzales from February 6, 2006. During the hearing, Sen. Chuck Grassley (R-IA) asked Gonzales about a remark made by DNC Chairman Howard Dean, comparing the program to President Nixon's infamous eavesdropping. Gonzales responded:

Gonzales: This is not domestic surveillance, this is not going after our political enemies. This is about international communications, this is about going after al Qaeda.

Feingold and other critics say the program violates the Fourth Amendment of the US Constitution which protects citizens against unreasonable searches and seizures. The critics also say the program violates the 1978 Foreign Intelligence Surveillance Act (FISA) and the Privacy Act of 1974. Gonzales has argued that the administration has expanded authority under the Authorization to Use Military Force (AUMF) which Congress passed in response to the 9/11 attacks. He also has argued that Article II of the Constitution gives the president "inherent powers" as Commander in Chief.

Because the program remains classified it isn't possible to confirm independently the administration's statement that there have been no abuses. Even some Republicans are seeking legislation to require review of the wiretaps by the FISA court. But no abuses have come to light so far, and so the ad's suggestion that the administration wishes to target political critics is unsupported.

Not in 200 years?

The ad concludes with Feingold's voice saying, "Our country hasn't stood for this kind of abuse of power in over 200 years. Let's not stand for it now."

Feingold may be forgetting his history. President Lincoln threw people in jail without charges during the Civil War, including members of the Maryland legislature and at least one former member of Congress from Ohio. Franklin Roosevelt [moved](#) 112,000 Japanese Americans out of their homes and held them in internment camps during World War II. They had support at the time but would be considered "abuses" by most today. In 1988 Congress [declared](#) that the WWII internments constituted "fundamental violations of the basic civil liberties and constitutional rights" of citizens. The wartime measures of Lincoln and FDR were far more serious than warrantless eavesdropping on overseas conversations.

Also, it's not clear to us what Feingold means by "this kind of abuse." If he means warrantless wiretapping of [political opponents](#), as his ad seems to imply, then we'd like to see some evidence. If his ad is really a parody as his spokesman says, then we wonder why Feingold isn't laughing. Perhaps he doesn't get his own joke.

by Brooks Jackson and Justin Bank

Sources

James Risen and Eric Lichtblau, "Bush Let's U.S. Spy on Callers Without Courts," [NY Times](#). 16 Dec 2005.

[Press Briefing](#) by Attorney General Alberto Gonzalez and General Michael Hayden. 12 Dec 2005.

[Transcript](#) of Attorney General Alberto Gonzalez Testimony to the United States Senate Judiciary Committee. 6 Feb 2006.

[Transcript](#) of President Bush Press Conference at the White House. 26 Jan 2006.