



Dishonest Fact Checkers: How fact-checkers trivialize lies by politicians and undermine truth seeking

Barbara Joanna Lucas

March 10, 2017

Summary: *Both of the nation's most prominent fact-checking organizations—FactCheck.org and PolitiFact—tilt to the political left, which makes them representative of the majority of journalists who also lean to port. Both of these groups go far beyond what they say they do, claiming to fact-check subjective things like political rhetoric that are not susceptible to fact-checking.*

Shortly before Election Day 2016, many persons in the media were feeling self-satisfied. They thought they had painted Republican Donald Trump as a liar and demonstrated that Democratic standard-bearer Hillary Clinton was truthful.

Brooks Jackson, the director emeritus of FactCheck.org, claimed responsibility for leading the media charge to keep the candidates honest. “It’s really remarkable to see how big news operations have come around to challenging false and deceitful claims directly,” he said. “It’s about time.” The chief competitor to FactCheck.org engaged in some gloating as well. “Is this the post-truth election as people have claimed? No,” said PolitiFact founder Bill Adair, “It’s actually the thank-goodness-there-are-fact-checkers election.”

Neither Jackson nor Adair got the facts right as it turned out. The public trusts the fact-checkers about as much as they trust politicians. A Rasmussen poll before Election Day found that 29 percent of likely voters believe the media’s fact-checking of political candidates, while 62 percent think the media just “skew the facts to help candidates they support.”

One only has to look at the fact-checking statistics over this past election year to understand why voters have this view. PolitiFact gave its “Pants on Fire” label, the most severe rank for a lie, to Donald Trump 57 times. Hillary Clinton earned that distinction just seven times.

A Media Research Center analysis in June found that Trump received the “False”/“Mostly False”/ “Pants on Fire” label from PolitiFact’s Truth-O-Meter 77 percent of the time. Clinton received just “False”/“Mostly False” for 26 percent of her statements (*Investors Business Daily*, June 30, 2016).

From September through Election Day, Republicans overall received a “Pants on Fire” ranking 28 times, and half of those went to Trump. Democrats only received four such ratings, one of which went to Clinton. Even Adair admitted the rankings are subjective. “Yeah, we’re human. We’re making subjective decisions. Lord knows the decision about a Truth-O-Meter rating is entirely subjective,” he said. “As Angie Holan, the editor of PolitiFact, often says, the Truth-O-Meter is not a scientific instrument” (Townhall, Nov. 9, 2016).

Catching politicians in lies is no doubt a worthy endeavor. Fact-checking isn’t the problem. The problem is the subjective nature of selecting what gets fact-checked and by what means; that explains how opinions are masked as fact-checking.

While truth is definite on most fronts, there are matters that can’t truly be fact-checked—often in the realm of strongly held political opinions. Such disputes are what political debates are about. In some cases, it’s what lawsuits are about. Not everything is settled—at least not yet. Even something as highly regarded as the Congressional Budget Office’s 10-year revenue and spending projections can’t be fact-checked per se, because of unforeseen wars or natural disasters that might occur, or plain old irresponsible spending.

What liberal journalist Ben Smith wrote five years ago of fact checkers is even more true today: “At their worst, they’re doing opinion journalism under pseudo-scientific banners, something that’s really corrosive to actual journalism, which if it’s any good is about reported fact in the first place” (*Politico*, Aug. 17, 2011).

ORIGINS

The two pioneering fact-checking organizations are affiliated with nonprofit groups. Based at the University of Pennsylvania, FactCheck.org was established by the nonprofit Annenberg Public Policy Center. Although it now accepts donations from the public, the private Annenberg Foundation has been its main benefactor, giving the project \$87,502,844 since 2004.

Its competitor PolitiFact is a project of the *Tampa Bay Times*, which is owned by the Poynter Institute for Media Studies Inc., a 501(c)(3) nonprofit. According to its IRS filings, in 2014 Poynter had 51 employees, \$4.7 million in revenue, a budget of \$6.9 million, and \$38.2 million in assets. Poynter’s president is Timothy A. Franklin, who joined the organization in 2014 after serving as managing editor of Bloomberg News in Washington, D.C.

Major philanthropies funding Poynter include the John S. and James L. Knight Foundation (\$7,535,000 since 2003); Ford Foundation (\$2,415,000 since 2000); Robert R. McCormick Tribune Foundation (\$2,190,000 since 2009); Peter and Carmen Lucia Buck Foundation Inc. (\$300,000 since 2013); Tides Foundation and Tides Center (\$275,053 since 2008); Omidyar Network Fund Inc. (\$150,000 since 2013); Carnegie Corp. of New York (\$150,000 since 2009); and Annie E. Casey Foundation (\$140,000 since 2006). Though FactCheck.org is the

granddaddy of such websites, it has been eclipsed recently by PolitiFact in attention from mainstream media outlets, which use the two sites to supplement their reporting.

Both FactCheck and PolitiFact are routinely criticized for leaning left, particularly PolitiFact. That said, both organizations have called out Democrats—including former President Barack Obama—for flat-out lies.

FACTS DOWN THE TOILET

One of the best examples of the subjectivity of fact-checkers came during the 2016 Republican presidential primaries. In April, PolitiFact weighed in on the controversy regarding the public restrooms law in North Carolina. The law required people in the state to use the public restroom that corresponds to their sex at birth.

PolitiFact ruled it objectively false to describe a person by his or her birth sex if that person identifies with another sex. The ruling came in response to an attack ad launched by then-Republican presidential candidate Ted Cruz against frontrunner Trump, who said he opposed the North Carolina law. On the famed “Truth-O-Meter,” PolitiFact determined that Cruz’s ad was “mostly false.” But not because it falsely accused Trump of anything. Rather, PolitiFact adopted a radical position in vogue in academia and declared, “it’s not accurate to say that transgender women are men.”

A firestorm erupted. Writing in Mediaite, Alex Griswold said PolitiFact was being irresponsible. “What’s not fair is erasing a serious, highly contested debate out of existence because you want to nail a Republican presidential candidate as ‘wrong’ on an issue,” Griswold wrote.

The website that enjoys framing itself as the final arbiter of what is and is not factually true ended up having to add an editor’s note:

“After we published this item, we heard from readers and others who said our description of a transgender woman made it sound as if there is no public debate over transgender issues or how gender is defined. We did not mean to suggest that, and we have edited our report to more fully reflect that ongoing debate. Our rating still stands, however, because the ad distorts Trump’s views on access to public bathrooms.”

The fact-checking website doubled down on its conclusion after it was backed into a corner. In the amended post, the phrase “it’s not accurate to say that transgender women are men,” became, “it’s not entirely accurate for Cruz to define a transgender woman as ‘a grown man pretending to be a woman.’”

ANNENBERG, AYERS, AND OBAMA

The older of the two main sites, FactCheck.org describes itself as a “nonprofit ‘consumer advocate’ for voters that aims to reduce the level of deception and confusion in U.S. politics.” The site monitors TV ads, debates, speeches, interviews, and news releases.

Its parent organization, the Annenberg Public Policy Center, was established by Walter H. Annenberg, the former publisher of *TV Guide* and the *Philadelphia Inquirer*, President Richard

Nixon's ambassador to Great Britain, and a Republican. But over time the organization moved to the left.

An affiliated organization, the Annenberg Foundation, was also established by Ambassador Annenberg. The Annenberg Foundation gained notoriety in the 2008 presidential race for its commentary related to Barack Obama's professional ties to domestic terrorist Bill Ayers, with whom Obama ran the Chicago Annenberg Challenge from 1995 through 2001.

During that period, Obama was an Illinois state senator who wasn't widely known. But the Chicago Annenberg Challenge most certainly knew who it was aligning itself with in Ayers, a notorious former leader of the Weather Underground group that took credit for bombing the U.S. Capitol and the Pentagon in the 1970s.

The Annenberg education program turned out to be a colossal failure in Chicago. The goal of the Chicago Annenberg Challenge was to distribute millions of dollars to the Windy City's government-run schools in partnership with other nonprofit groups. Similar Annenberg Challenge programs were established in other cities. The Chicago Challenge doled out \$49.2 million over five years as a means of leveraging matching grants from public and private sources. Seventeen other school districts across the country received Annenberg Foundation funding as well, for a grand total of \$500 million over five years.

In Chicago, the program assumed a decidedly ideological slant, which shouldn't be shocking considering the involvement of Obama and Ayers. Millions of dollars were lavished on the Peace School, which taught K-12 pupils about peace organizations; the Global Village school, which promoted "global citizenship" and the United Nations; the Al Raby School with a "focus on community and the environment"; the Cesar E. Chavez Multicultural High School, named for the farm workers' leader; and Grassroots School Improvement, which was operated by the now-bankrupt Association of Community Organizations for Reform Now (ACORN).

FOUNDING OF FACTCHECK.ORG

It's tough to imagine 1988 Democratic presidential nominee Michael Dukakis inspiring much of anything. Yet FactCheck.org co-founder Brooks Jackson said the genesis of media fact-checking can be traced to the frustration journalists experienced over the supposedly unfair coverage of Dukakis during his failed presidential bid (*Weekly Standard*, Dec. 9, 2011).

Jackson was a journalist with the Associated Press, the *Wall Street Journal*, and CNN. He has covered national politics since 1970 and was the "Ad Police" for CNN during the 1992 presidential campaign. A decade later, in 2003, the Annenberg Public Policy Center's director, Kathleen Hall Jamieson, recruited him to found FactCheck.org—which was online by the end of the year, in time for the 2004 presidential campaign. Jackson and Jamieson co-authored *UnSpun* in 2007 to explain how to see through lies and spin. Jamieson has also served on the board of the Center for Public Integrity, a left-leaning investigative journalism nonprofit that receives funding from left-wing hedge fund manager George Soros.

FactCheck.org features "Ask FactCheck," where users ask questions based on ads or speeches; "Viral Spin," which targets online myths and rumors; "Party Lines," which focuses on talking

points repeated by multiple members of either party; and “Mailbag,” which is basically a letters to the editor section.

In the Dec. 5, 2003 column that launched FactCheck.org, Jackson to his credit went after both parties’ candidates for president. “Our goal here can’t be to find truth—that’s a job for philosophers and theologians. What we can do here is sort through the factual claims being made between now and election day, using the best techniques of journalism and scholarship,” Jackson wrote.

In 2013 Jackson handed over the reins to Eugene Keily, formerly of the *Philadelphia Inquirer* and *USA Today*. Jackson remained as director emeritus.

FactCheck.org made news in the 2004 presidential campaign when Vice President Dick Cheney incorrectly cited it during the debate with Democratic vice presidential candidate John Edwards. Cheney said “FactCheck.com”—rather than “.org”—had defended his actions while he was CEO of Halliburton. The website leaped in to say Edwards was “mostly right” in his criticism of the Vice President. Pouncing on the “.com” slip from the vice president, the firm Name Administration, Inc. used the domain FactCheck.com to direct people to a George Soros-funded, anti-George W. Bush website (*Washington Post*, Oct. 7, 2004).

During the election cycle eight years later, FactCheck.org angered Democrats. In June 2012, the Obama campaign charged that while Republican presidential candidate Mitt Romney worked for Bain Capital the company was heavily involved in outsourcing jobs to other countries. The Obama ad called Romney the “outsourcer-in-chief.” Yet FactCheck.org “found no evidence to support the claim that Romney—while he was still running Bain Capital— shipped American jobs overseas.” That’s because Romney wasn’t working at Bain when the outsourcing occurred; he was off running the 2002 Salt Lake City Winter Olympics. Unaccustomed to being challenged by mainstream media gatekeepers, the miffed Obama re-election campaign wrote a six-page letter denouncing the website. “The statement that Gov. Romney ‘left’ Bain in February 1999—a statement central to your fact-check—is not accurate,” Obama campaign spokeswoman Stephanie Cutter wrote. “Romney took an informal leave of absence but remained in full legal control of Bain and continued to be paid by Bain as such” (ABC News, July 2, 2012).

Both sides stuck to their guns in this case. Writing about the “10 Worst Fact Checks of the 2012 Election,” *Forbes* opinion editor Avik Roy only cited one from FactCheck.org. That check regarded former GOP presidential candidate Newt Gingrich’s assertion that food stamp usage has gone up under Obama. Roy said a proper calculation shows Gingrich was correct, even though FactCheck.org claimed it was false.

Still, Roy gave the site the benefit of the doubt for a faulty calculation, a more generous analysis than he gave other fact checkers, and added, “FactCheck.org only makes one appearance on this list, and I generally consider them the best of the bunch in terms of the fewest obvious errors” (*Forbes*, Nov. 5, 2012).

POLITIFACT ‘ACADEMICALLY DEFENSIBLE’?

Generally speaking, FactCheck.org has not been brazenly partisan, despite being very much a creature of the mainstream media. It has taken Democrats to task on a number of fronts. But the

intellectual honesty of its chief rival has come under much more intense scrutiny. FactCheck.org's Jackson has even said he's not comfortable with PolitiFact's Truth-O-Meter that rates some political claims as "Pants on Fire." "I've never been able to see an academically defensible way to hand out those kinds of ratings," Jackson said (Human Events, Aug. 30, 2012).

Nevertheless, PolitiFact was awarded a Pulitzer Prize in 2009 for its enterprising coverage of the 2008 election, forever giving it credibility. Part of that body of work in 2008 included rating as "true" the promise by candidate Obama that "if you've got a health care plan that you like, you can keep it" under his health care proposal. This rating came in an Oct. 9, 2008 article, about a month before the election. PolitiFact went on to say:

"It remains to be seen whether Obama's plan will actually be able to achieve the cost savings it promises for the health care system. But people who want to keep their current insurance should be able to do that under Obama's plan. His description of his plan is accurate, and we rate his statement True" (Forbes, Dec. 27, 2013).

As we now know, Obama's statement was a bald-faced lie.

LIES OF THE YEAR

In 2009, PolitiFact began its popular feature, "Lie of the Year." This garnered a lot of media attention.

Perhaps it should have been no surprise that the first dubious distinction was bestowed on one of the media's favorite punching bags, Sarah Palin, the GOP's 2008 vice presidential candidate. Palin used the phrase "death panels" in describing Obamacare. Putting aside that she was speaking rhetorically, PolitiFact called it a lie because the law did not literally create panels that sentenced patients to death. Palin was referring in part to an actual government panel, the Independent Medicare Advisory Council, or IMAC, that would advise the government on cutting costs by determining what treatments were most effective and efficient.

PolitiFact's ruling was absurd, argued *Wall Street Journal* columnist James Taranto, because the law absolutely gave the federal government greater power over life and death decisions and could ultimately lead to rationing of care (Feb. 2, 2011). Taranto wrote:

"Obamacare necessarily expands the power of federal bureaucrats to make such decisions, and it creates enormous fiscal pressures to err on the side of death. Whether it establishes literal panels for that purpose is a hair-splitting quibble. By naming this 'lie of the year,' PolitiFact showed itself to be less seeker of truth than servant of power."

The website seemed to be mounting a full-court defense of Obamacare when in 2010 it gave the "Lie of the Year" dishonor to everyone who referred to the Affordable Care Act as a "government takeover of health care." PolitiFact argued that since it maintained a private insurance industry rather than a single-payer government owned system, it was not a government takeover.

Interestingly, in 2011, the Pulitzer board gave the highest honor for commentary to Joseph Rago of the *Wall Street Journal* for his scathing assessment of Obamacare, including his shots at

PolitiFact for insisting the law was not a government takeover of health care. Rago wrote in the *Journal* on Dec. 23, 2010:

“The regulations that PolitiFact waves off are designed to convert insurers into government contractors in the business of fulfilling political demands, with enormous implications for the future of U.S. medicine. All citizens will be required to pay into this system, regardless of their individual needs or preferences. Sounds like a government takeover to us.”

Cato Institute health analyst Michael Cannon, who had previously agreed to do interviews with PolitiFact, stopped talking to its resident fact-checkers over the so-called lies from 2009 and 2010. It’s “not so much that each of those statements is actually factually true; it is rather that they are true for reasons that PolitiFact failed to consider,” he said.

Cannon continued:

“PolitiFact’s ‘death panels’ fact-check never considered whether President Obama’s contemporaneous ‘IMAC’ proposal would, under standard principles of administrative law, enable the federal government to ration care as Palin claimed. ... PolitiFact’s ‘government takeover’ fact-check hung its conclusion on the distinction between ‘public’ vs. ‘private’ health care, without considering whether that distinction might be illusory” (Human Events, Aug. 30, 2012).

Perhaps seeking redemption, PolitiFact turned on Democrats for 2011, naming as “Lie of the Year” the Democratic Congressional Campaign Committee’s claim that Rep. Paul Ryan’s fiscal plan meant that “Republicans voted to end Medicare.” They argued the plan would not eliminate Medicare, only reform it.

Conservative writer Ramesh Ponnuru said the Democratic claim misled seniors but wasn’t a lie. He explained the Ryan plan would make significant changes to Medicare. Thus, he said Democrats didn’t flat out lie, but were using charged rhetoric (Bloomberg News, Dec. 26, 2011). Ponnuru explained that this kind of incident exhibits a core problem with fact-checking sites:

“The reason we have politics at all is that we disagree, sometimes deeply, about how to promote the common good, and we need a peaceful and productive way to resolve or at least manage these disagreements. We disagree about how to improve U.S. health care, and we disagree about how each other’s proposals to change it should be characterized. The pretense of PolitiFact, and other media “fact checkers,” is that many of our political disputes have obvious correct answers on which all reasonable people looking fairly at the evidence can agree—and any other answer is ‘simply not true.’ This pretense really is false, and like dishonesty, it is corrosive.”

After the election in 2012, PolitiFact, not surprisingly, called Mitt Romney the year’s biggest liar after his campaign said Obama “sold Chrysler to Italians who are going to build Jeeps in China.” It rated the claim “Pants on Fire” and quoted a Chrysler spokesman denying that Jeep manufacturing was being moved to China. But later, PolitiFact admitted that what its gumshoes called the “Lie of the Year” was the “literal truth.”

The *Weekly Standard* pointed out that “Romney’s ad never said Jeep was ‘outsourcing’ existing jobs. Again, a fair reading of the ad would be that it implied that Jeep was choosing to create

new jobs overseas rather than in the U.S.” Further, Reuters reported after the election, Fiat’s unit Chrysler would produce 100,000 Jeeps in China (Media Research Center, Jan. 18, 2013).

PolitiFact sought to rebut the *Weekly Standard*, but only succeeded in harming itself, saying that the “Romney campaign was crafty with its word choice, so campaign aides could claim to be speaking the literal truth, but the ad left a false impression that all Jeep production was being moved to China” (*Weekly Standard*, Jan. 18, 2013).

Anytime you identify something as a “Pants on Fire” lie, then concede it’s the “literal truth, but ...” there is a problem. After playing defense for Obamacare, PolitiFact stepped up to the plate and asserted that the president’s oft-repeated claim, “If you like your health care plan you can keep it” was the 2013 “Lie of the Year.” This came amid the four million cancellations sent to U.S. insurance consumers. Given the overwhelming problems that year, it would have been beyond laughable to name any other statement as the top lie. PolitiFact essentially had no choice but to stop defending the law.

But again, don’t forget that when candidate Obama was running for president in 2008, the website went out on a limb to falsely certify this very claim as true.

“in its article detailing why the President’s promise was a lie, PolitiFact neglected to mention an essential detail. In 2008, at a critical point in the presidential campaign, PolitiFact rated the ‘keep your plan’ promise as ‘True,’” Avik Roy wrote. “The whole episode, and PolitiFact’s misleading behavior throughout, tells us a lot about the troubled state of ‘fact-checking’ journalism” (Forbes, Dec. 27, 2013).

In 2014, the “Lie of the Year” ended up being less controversial: “Exaggeration about Ebola.” Perhaps the worst one could say about the conclusion is that “exaggeration” is by definition something short of a lie.

By 2015, the dishonor went to Donald Trump, the eventual Republican presidential nominee. The website singled him out and claimed 75 percent of his statements were “Mostly False,” “False,” or “Pants on Fire” on its Truth-O-Meter.

Then, in 2016, the winner of the dubious honor was “Fake News,” now referring to Internet lies and gossip presented as news stories, which often went viral on Facebook. PolitiFact said, “In 2016, the prevalence of political fact abuse—promulgated by the words of two polarizing presidential candidates and their passionate supporters—gave rise to a spreading of fake news with unprecedented impunity.”

For a time, Democrats sought to blame fake news for Hillary Clinton’s loss before President Donald Trump snatched the term to describe questionable reporting by the liberal mainstream media.

SUSPENSION OF ALL RATIONAL SKEPTICISM

PolitiFact emerged out of a project between the *St. Petersburg Times* (now *Tampa Bay Times*) and *Congressional Quarterly* in August 2007; both publications are owned by the nonprofit

Poynter Institute. Bill Adair, the *Times*' Washington bureau chief, was named as the first PolitiFact editor. In 2013, he was succeeded by Angie Drobnic Holan.

PolitiFact expanded into 11 other states through partnerships with major metropolitan newspapers such as the *Austin American-Statesman*, the *Atlanta Journal-Constitution*, and the *Miami Herald*. After staffing cuts, the *Knoxville News Sentinel* and the Cleveland-based *Plain Dealer* dropped their partnerships.

After Poynter sold Congressional Quarterly to the *Economist*, PolitiFact became affiliated exclusively with the *Times*. Critics say that's when the leftward tilt began. The University of Minnesota's Humphrey School of Public Affairs studied 500 PolitiFact rulings from January 2010 through January 2011. Out of a total of 98 statements, Republicans were associated with 74 of the "False" or "Pants on Fire" ratings on the Truth-O-Meter. That's 76 percent. Just 22 percent of those liar ratings were given to Democrats (*Weekly Standard*, Dec. 19, 2011).

A study two years later from George Mason University's Center for Media and Public Affairs similarly ruled: "PolitiFact.com has rated Republican claims as false three times as often as Democratic claims during President Obama's second term, despite controversies over Obama administration statements on Benghazi, the IRS and the AP" (*U.S. News and World Report*, May 28, 2013).

None of this is to suggest that Republican politicians don't lie. They're politicians. The bigger problem stems from what PolitiFact decides to evaluate and what standards it applies. You'd have to suspend all rational skepticism to think one of the nation's two parties is almost entirely dishonest while the other is almost entirely honest. Yet, that's what the PolitiFact stats would have the public believe.

SECOND THOUGHTS

New York University journalism professor Jay Rosen, who thought it was time for political coverage to move beyond "he-said, she-said" stories, was an early supporter of factchecking journalism. Once it caught fire, however, Rosen realized there can be too much of a well-intended thing (*Human Events*, Aug. 30, 2012). Rosen wrote:

"Disputes can be so impenetrable, accounts so fragmentary, issues so complicated that it's hard to locate where truth is. In situations like that—which I agree are common—what should journalists committed to truth-telling do? Is it incumbent on them to decide who's right, even though it's hard to decide who's right? I would say no. It's incumbent on them to level with the users. If that means backing up to say, 'Actually, it's hard to tell what happened here,' or, 'I'll share with you what I know, but I don't know who's right.' This may be unsatisfying to some, but it may also be the best an honest reporter can do."

During the 2016 election cycle, President Obama told a Hillary Clinton rally in North Carolina that "the fate of the republic is in your hands." Clinton herself routinely said Trump presented a danger to America. As a Democratic presidential primary contender, Sen. Bernie Sanders regularly said, "the business model of Wall Street is fraud." Consider that in 2012 the Democratic campaign theme was an imagined Republican "war on women."

If the obviously rhetorical “death panel” phrase was taken literally for a fact-check and called the “Lie of the Year,” wouldn’t consistency demand the same for these instances of inflammatory Democratic rhetoric? Should the fact that the U.S. didn’t instantly turn into a dictatorship after Trump’s election earn a “Pants on Fire?” Does the fact all of Wall Street hasn’t been convicted of fraud make Sanders a liar? Should the absence of a formal GOP declaration of war against women in 2012 qualify as a lie?

No. No. No.

A reasonable person understands Democrats were using hyperbole to make a point. The fact-checkers understood this, too. But these same fact checkers have a blind spot when it comes to Republicans, with whom they take each assertion literally and poke around for holes.

Fact-checking should be a normal part of journalism, not moved away and compartmentalized. Rhetoric and hyperbole can cross the line to become lies, and when they do, a politician should be taken to task. Still, websites devoted only to fact-checking will inevitably start fact-checking statements that can’t or really shouldn’t be fact-checked, just to feed the daily content beast. When checking what politicians say becomes trivial and the biases of the fact-checkers is ignored, politicians will feel more secure in their lies and emboldened to tell even bigger whoppers.

The liberal fact checkers were big losers in the 2016 election.