

Bait & Switch Fact-Checking at PolitiFact Pennsylvania

Dear International Fact-Checking Network,

PolitiFact Pennsylvania produced a fact check in 2017 that effectively baited readers with one story focus but switched to another story focus for purposes of justifying its conclusion.

The original fact check stands as a failure of PolitiFact's commitment to "evaluate distinct claims exclusively on the basis of their accuracy." PolitiFact's subsequent decision not to clarify and correct the fact check runs contrary to the commitment to an open and honest corrections policy.

Was Bob Casey's claim accurate?

Sen. Bob Casey (D-Penn.) made a number of assertions about President Trump's pick for Secretary of Education, Betsy DeVos. Casey said DeVos had made \$25,000 in contributions to an organization that takes a position "contrary to ... the current law" on justice proceedings for campus rape and abuse cases. Instead of adopting its typical practice of dividing the claim into two parts and grading in "on balance," PolitiFact issued a ruling based entirely, if we are to believe the summary section, on whether DeVos donated to the organization.

The fact check failed to support any of Casey's complaints about the Foundation for Individual Rights (FIRE), but allowed to stand Casey's implication that FIRE takes a controversial stance on campus rape. Note the PolitiFact Pennsylvania title and deck:



"[The Foundation for Individual Rights] is the recipient of donations from [DeVos] totaling about 25,000 bucks over four years."

— Bob Casey on Tuesday, January 17th, 2017 in a Senate confirmation hearing for Betsy DeVos.



Trump's education pick donated to Philly group with controversial campus rape stance

PolitiFact sends the unmistakable message that its fact check found it substantially true that FIRE advocates a controversial stance on campus rape. That supposedly controversial stance came across in what Casey had to say about the group, yet PolitiFact Pennsylvania offered no concrete support for any of Casey's charges. PolitiFact's lone concrete finding about FIRE noted its opposition to Obama administration guidance coercing campuses ([background](#) via the Washington Post) toward the lowest standard of proof (preponderance of evidence):

For the most part, Democrats and women's advocacy groups have lobbied in favor of asking colleges and universities to use the preponderance of the evidence standard during disciplinary proceedings and Title IX investigations. Other groups, including the Foundation for Individual Rights in Education, say that standard strips away a student's right to due process. The group is sponsoring a lawsuit that challenges the legality of the "Dear Colleague" guidance.

Even if it could be said that the above represents a controversial stance on campus rape, it hardly matches the claims Casey made about FIRE.

PolitiFact:

Specifically, Casey said the Philadelphia-based Foundation for Individual Rights in Education supports a bill that "would change the standard of evidence." He said the group is in favor of ditching the "preponderance of the evidence" standard most commonly used in Title IX investigations on college campuses and instead using the "beyond a reasonable doubt" standard used in criminal cases.

But Casey went further, saying just before he ran out of time: "The organization that has that position which is contrary to the law, the current law, and contrary to the spirit of what we're trying to do in that piece of legislation, is the recipient of donations from you totaling about \$25,000 bucks over four years... I hope that's not a conflict of interest."

The Obama administration “Dear Colleague” letter served as the instrument changing the standard of evidence, not FIRE’s response. FIRE took a position opposing the means that the “Dear Colleague” letter used to bind the colleges and universities to compliance with its recommendations.

Find more useful background information [here](#) and [here](#).

To repeat: PolitiFact Pennsylvania offered no concrete evidence supporting Casey’s assertions about FIRE’s stance on campus rape. PolitiFact gave readers the impression that the whole of Casey’s statement was “Mostly True” but used its summary material only in support of its finding DeVos donated \$25,000 to FIRE:

Our Ruling

U.S. Sen. Bob Casey of Pennsylvania, during a confirmation hearing for Secretary of Education pick Betsy DeVos, said “[The Foundation for Individual Rights] is the recipient of donations from you (DeVos) totaling about 25,000 bucks over four years.”

IRS filings show those numbers check out. While the checks weren’t written by DeVos herself, they were dispensed by a foundation in which she and her husband were the sole donors during the years in question. However, DeVos and her husband were not the only board members. We rate the claim Mostly True.

In an email to truthometer@politifact.com, I urged PolitiFact to revise the fact check to consistently focus on the \$25k donation, Casey’s charges about FIRE or both. Rating just the first part while producing the appearance it is rating the second part misleads readers.

Thanks for reading.

Sincerely,
Bryan W. White
Editor, Zebra Fact Check