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Bait & Switch Incoherence at PolitiFact Pennsylvania (2017)

1 message

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 To: truthorometer@politifact.com

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Dear Truth-O-Meter,

PolitiFact Pennsylvania's January 19, 2017 fact check of Democrat Sen. Bob Casey purports to check one or two things and ends up apparently checking only one thing. The fact check as-is represents a confusing mess.

Thing1

The fact check purports to check whether Trump's choice for Secretary of Education, Betsy DeVos, donated \$25,000 to an organization called the Foundation for Individual Rights (FIRE). That emphasis of the fact check dominates the PolitiFact's "Truth-O-Meter" graphic:



"[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.*



The emphasis on Thing1 also dominates the fact check's summary paragraphs (reproduced here in full):

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.

Please duly note that the summary material focuses very narrowly on the question of whether DeVos donated to FIRE, with the "Mostly True" rating occurring because the giving occurred through a foundation DeVos helps run and not directly from DeVos.

Given the emphasis at the start and end up the fact check, what occurs in between counts as a digression of sorts: Thing2.

Thing2

PolitiFact introduces Thing2 with the headline following its "Truth-O-Meter" graphic:

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

PolitiFact Pennsylvania later affirms in the text that verifying Thing2 provided impetus for executing the fact check:

| But we were curious: Did DeVos donate to a group that wants to dismantle current campus sexual assault practices as he described? So we decided to check.

I would suggest it is clear that the supposed "controversial campus rape stance" represents the meat of the story's appeal. It is the bait dangled before readers to capture their interest. If FIRE does not promote a "controversial campus

"rape stance" then we have no grounds to question the \$25,000 donation and we should wonder why Casey brought it up in the hearing.

PolitiFact offers Casey's statement on FIRE's supposedly controversial stance (find a C-SPAN clip of the exchange [here](#)):

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."

PolitiFact Pennsylvania lists no substantial evidence backing Casey's string of claims regarding FIRE.

1. Opposing Obama administration guidance that would itself tend to change the standard of evidence is not an effort to change the standard of evidence. FIRE's position more resembles the status quo than the Obama administration guidance.
2. [Before running a correction](#), PolitiFact had presented Casey as saying FIRE recommended using the "clear and convincing" evidence standard used in criminal cases. After legal experts pointed out that standard does not apply in criminal cases, PolitiFact simply changed it to "beyond a reasonable doubt." In fact, Casey used neither term in questioning DeVos. Nor did he mention "criminal cases." PolitiFact confusingly mixed a quotation of Casey with quotation marks used to identify a phrase.
3. Does FIRE promote the "beyond a reasonable doubt" standard for campus rape cases? PolitiFact offers no evidence to support the proposition.
4. Is the FIRE position contrary to the law? Again, PolitiFact offers no evidence. Is Obama administration guidance "the law"?

If FIRE recommends any of the positions Casey mentioned, PolitiFact Pennsylvania offered no evidence to convince readers Casey was right. And after failing to offer evidence for Thing2, PolitiFact summarizes its fact check solely in terms of Thing1.

PolitiFact Pennsylvania's fact check suggests to headline readers it is "Mostly True" DeVos gave \$25,000 to an organization with a "controversial campus rape stance." The accompanying story fails to deliver evidence in support. The evidence in the fact check supports Thing1, not Thing2.

Based on the evidence in the fact check, Casey made a string of false or questionable statements about FIRE and used those statements to make the ("Mostly True") fact that DeVos gave to FIRE discredit DeVos. PolitiFact Pennsylvania aids and abets a deception with this fact check.

Please, Truth-O-Meter, make up PolitiFact Pennsylvania's mind. The fact check should consistently address either Thing1, Thing2 or both. Claiming to fact check one thing and fact-checking something else instead does a disservice to readers.

Disclaimer: The original problem with the PolitiFact Pennsylvania fact check was brought to my attention by Hans Bader. I take no credit for the work of others in discovering that problem.

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Sincerely,

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editor

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