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## Why ACORN Fell: The *Times*, Lies, and Videotape

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The *New York Times* hit ACORN with a one-two punch last weekend, making sure that the community organizing group -- flattened by attacks from the right and withdrawal of funding from liberal foundations -- stays knocked out. Both articles -- Ian Urbana's Saturday story, "Acorn on Brink of Bankruptcy, Officials Say" and public editor Clark Hoyt's Sunday column, "The Acorn Sting Revisited" -- reflect the paper's obsession with being so even-handed that the truth gets lost.

Both pieces reported conservative allegations against ACORN as if they were true, without seeking to verify them. Yet since 2008 the paper has consistently ignored ACORN's community organizing successes while focusing on its enemies' accusations, belying its reputation as a "liberal" newspaper

This reflects the *Times*' more general failure to cover grassroots organizing, except when groups engage in protest or otherwise disrupt business-as-usual.

Moreover, when the *Times* botched the ACORN story, as Hoyt now concedes, it acted as an unwitting co-conspirator with Fox News, Glenn Beck and the rest of the right wing echo chamber in scapegoating an organization that helps the working poor facing hard times to stay in their homes, make a living wage, and vote.

Because of its pivotal role in bringing down ACORN, until recently the nation's largest and most effective anti-poverty community organizing group, the *Times* owes the group an apology and the public a commitment to assign an experienced journalist to cover the complex world of community organizing, whose diverse practitioners mobilize poor and middle class people to win a voice in local, state, and national politics.

As the *Times*' public editor, Hoyt is supposed to be a kind of in-house inspector general, evaluating complaints from readers about the *Times*' news coverage to make sure it meets the standards of first-rate journalism. The crux of Hoyt's Sunday column is the following paragraph about the controversy over ACORN:

"It remains a fascinating story. To conservatives, Acorn is virtually a criminal organization that was guilty of extensive voter registration fraud in 2008. To its supporters, Acorn is a community service organization that has helped millions of disadvantaged Americans by organizing to confront powerful institutions like banks and developers." Hoyt seems to be saying: Take your pick. Or, according to journalistic convention: the truth lies somewhere in between. In doing so, he fails the test of his job description, which is to examine whether the *Times*' was accurate in its reporting. It is true, as Hoyt wrote, that conservatives have accused ACORN of being a "criminal organization" and "guilty of extensive voter registration fraud in 2008." But neither of these accusations against ACORN is correct, which Hoyt doesn't bother to explain.

The *Times* has never informed readers that the Republican Party's ongoing war against ACORN began in 2004 and accelerated during the 2008 presidential campaign. Karl Rove (President Bush's top political adviser) and conservative Republicans orchestrated an attack on Acorn for alleged "voter fraud," as part of a campaign to suppress the voting of minorities and the poor. As part of this effort, a U.S. Attorney was asked to investigate ACORN. The investigation came up empty-handed, but the GOP operatives persisted. The allegations of "voter fraud" hit a peak in October 2008, aided by Arizona Sen. John McCain's charge in a presidential debate with Barack Obama that Acorn "is now on the verge of maybe perpetrating one of the greatest frauds in voter history in this country, maybe destroying the fabric of democracy." He demanded that Mr. Obama disclose his ties to ACORN. McCain frequently repeated those accusations on the campaign trail.

Urbana repeats the misleading canard that, "Some chapters were also found to have submitted voter application forms with incorrect information on them during the lead-up to the 2008 presidential election, leading to blistering charges from conservative organizations linking Acorn's errors to the Obama campaign."

In fact, ACORN never engaged in voter fraud. When ACORN ramped up for its massive voter registration campaigns, it hired thousands of part-time staff, a few of whom tried to beat the system and get paid while handing in phony registrations. ACORN's quality-control procedures -- phone-verifying every card, flagging problematic cards, and identifying offending workers for local officials -- caught people trying to register under false names or multiple times. After ACORN reported these problem, politicians, mostly Republicans, used them against ACORN in the media and in the legal process.

The statutes in the states where ACORN registered prospective voters required ACORN to submit all registration forms they received, even when ACORN believed they were faulty. In nine of the eleven states where ACORN's registration efforts were questioned, the law or voter-registration practice required ACORN to submit every voter-registration form, regardless of doubts about its authenticity. For any questionable form, ACORN's quality-control staff had attached a "problematic card report coversheet." As reported by McClatchy News Service and CNN, the law gave ACORN no choice but to flag the form and turn it in or face a thousand-dollar fine. ACORN neither had a policy nor an intention to engage in voter fraud. For all the publicity about some ACORN canvasser registering somebody in Florida who called himself "Mickey Mouse," Mickey Mouse didn't vote and couldn't vote. According to Barnard College professor Lorraine Minnite, voter registration and voter fraud are very rare.

Republican candidates and officials accused ACORN of voter fraud, and even filed lawsuits claiming it, but ACORN has never been found guilty of voter fraud. Last December, a report by the nonpartisan Congressional Research Service (CRS) noted that as of last October, ACORN had been subjected to at least forty-six federal, state, and local investigations, with only eleven still outstanding. In addition, the U. S. Attorney's office in Louisiana notified ACORN that it has closed its investigation. Only one state, Nevada, brought charges against ACORN, under an ambiguous law that prohibited paying staff to register voters.

The stories planted during and after the election season yielded a bountiful crop of misinformation. The mainstream news media was unwittingly complicit in the conservative campaign to frame ACORN. For example, a study of media coverage of ACORN found that over half (55%) of the all stories about ACORN during 2007 and 2008 focused on "voter fraud," while few stories reported on its grassroots organizing work. Moreover, 80 percent of the print and broadcast stories about ACORN's alleged voter fraud (and 63 percent of the *Times'* stories) failed to mention that ACORN itself was reporting voter-registration irregularities to authorities, as required by law. The *Times'* coverage of ACORN was almost entirely negative; 56 percent of its stories focused on voter fraud and embezzlement.

Similarly, attacks against ACORN as a "criminal" organization have been a consistent mantra of the right and its business allies, who despise ACORN for its success at challenging the anti-consumer practices of banks and low-wage employers as well as its effective efforts to expand voting among the poor. But the fact that Rep. Darrel Issa and other ACORN opponents persistently claim that ACORN is criminal doesn't make it so -- a distinction that gets lost in the *Times'* reporting. This attack line gained prominence when two conservative activists, Hanah Giles (claiming she was a prostitute) and James O'Keefe (claiming he was her friend), visited 10 ACORN offices with a hidden video camera and tried to trap the group's housing counseling staff into giving them advice about buying a home to use for their prostitution ring.

Midway through his piece, Hoyt concedes the *Times'* erred when it reported that O'Keefe entered the ACORN offices dressed as a pimp "in the outlandish costume -- fur coat, goggle-like sunglasses, walking stick and broad-brimmed hat..." Hoyt excuses the error saying, "It is easy to see why The *Times'* and other news organizations got a different impression. At one point, as the videos were being released, O'Keefe wore the get-up on Fox News, and a host said he was "dressed exactly in the same outfit he wore to these Acorn offices." He did not. O'Keefe spliced into the videos scenes of him in the pimp outfit, which Giles later admitted. Hoyt acknowledges that the *Times'* was wrong to write that O'Keefe was dressed as a pimp. But, he says, "just because O'Keefe lied about his wardrobe doesn't mean that his videos don't reveal problems with the behavior of ACORN staffers again."

Hoyt says, "But I am satisfied that The *Times'* was wrong on this point, and I have been wrong in defending the paper's phrasing." Had the *Times'* interviewed ACORN's staff and done some on the ground reporting it could have avoided that mistake.

Hoyt explains why he thinks the *Times'* got the story wrong. "At least 14 reporters, reporting to different sets of editors, have touched it [the video controversy] since last fall. Nobody owns it. Bill Keller, the executive editor, said that, "sensing the story would not go away and would be part of a larger narrative," the paper should have assigned one reporter to be responsible for it." You'd think that, given its own internal disarray, the most powerful newspaper in the world would understand the management problems of an anti-poverty group -- one that runs on a shoe-string budget and whose staff earns relatively low salaries.

Yes, a handful of ACORN staffers exercise bad judgment in dealing with O'Keefe and Giles. ACORN CEO Bertha Lewis quickly dismissed the offending employees, launched an independent internal review and audit of the service programs, and instituted a complete review of ACORN's management operations to fix its weaknesses. Hoyt failed to emphasize that an investigation by the former Massachusetts Attorney General Scott Harshbarger found that to correct its management troubles ACORN's board fired its founder in May 2008. ACORN, he found "has made reforms in finances and governance a priority, including developing detailed bylaws, whistle-blower and document retention policies, and implementing independent auditing, codes of conduct and ethics, uniform and basic human resources and employment policies, and intensive board education and selection criteria."

Further, while ACORN has had oversight and management difficulties, they have been blown way out of proportion. For example, the *Times'* failed to report that in only 3 or 4 of the 10 offices visited by the fake pimp and prostitute did ACORN's intake staff give patently outrageous advice and the videos covered only 10 of ACORN's 103 offices. In none of the offices visited by the video-tapers did ACORN employees create client files or bills, file tax returns, sign or submit loan documents, or arrange bank loans.

Hoyt also failed to report that O'Keefe and Giles targeted ACORN not because they wanted to expose problems with its housing or tax counseling programs, but because ACORN was a thorn in the side of Republicans and conservatives for its large-scale voter-registration drives among poor African Americans and Latinos who tend to cast ballots for Democrats. "Politicians are getting elected single-handedly due to this organization," O'Keefe told the press.

The *Times'* played a critical role in damaging ACORN's reputation among both its reluctant and stalwart allies and gave aid and comfort to its enemies. A few days after Fox News and CNN played several of O'Keefe's misleading and doctored tapes over and over, the *Times'* inaccurately reported that the fake pimp was "dressed so outlandishly that he might have been playing in a risqué high school play," thus giving its imprimatur to the video-tapers' lies. This image became implanted in the public mind, reinforcing the conservative view that ACORN was not only mismanaged but also that its African-American intake workers were buffoons and/or corrupt.

Two days later, the U.S. House of Representatives (including many Democrats) voted to de-fund the organization. In reality, less than 10 percent of ACORN's budget came from federal grants. But the symbolism of Congress' action was more important than the money itself. Congress' action provided ACORN's cautious foundation funders with an excuse to abandon their support. By the time other reports exonerated ACORN of wrongdoing, it was too late. Likewise, by the time a federal district court judge in New York found Congress' action to be an unconstitutional bill of attainder on March 10, ACORN could no longer use the money, since it was in the process of closing its offices. (The judge found no evidence that ACORN committed any crimes or violated federal contracts.)

Over the years, the *Times* has written about ACORN's battles with banks over redlining and payday lending, its campaigns for local living wage laws, and its efforts to protect affordable housing. In most stories ACORN was identified as the "community" or "consumer" voice in a story about a controversy. But since the 2008 presidential election campaign, *Times* stories about ACORN have typically been about the controversy swirling around the group itself.

Urbana's story is typical. He recounts how ACORN is close to bankruptcy because most of its major foundation supporters have withdrawn their grants. But because he doesn't really understand community organizing and the role of foundations, he never explains how difficult it is for a group that protests the policies of the rich and powerful on behalf of the poor to get cautious foundations to support them. Only a tiny proportion of all foundations provide grants to activist groups. Some of the funders who supported ACORN -- such as the Ford Foundation, the Mott Foundation, and the Campaign for Human Development (an arm of the National Conference of Catholic Bishops) -- had long been under attack by conservatives for their grants to ACORN. Some abandoned ACORN after a series of *Times* reports about ACORN's founder's brother embezzling almost \$1 million from the organization's coffers in 2000 and internal fighting that ensued. Others cut off ACORN after the O'Keefe videos surfaced on Fox News and then elsewhere. Other funds abandoned ACORN after Congress voted to de-fund the organization.

Urbana fails to quote any foundation staff to understand why they withdrew their support or whether their perceptions of ACORN were accurate or based on false accusations that, repeated often enough, become what people believe.

ACORN could have survived the controversy over its founder's misdeeds and management problems. At that point, a handful of funders withdrew, but others simply asked ACORN to improve its management oversight and its new leader, Bertha Lewis, had already begun the process. It was the steady drumbeat of attacks on ACORN, repeated by the right-wing echo chamber and reported by the mainstream media that ultimately destroyed ACORN.

By October 2008, a national Rasmussen poll found that 60% of likely voters had a slightly unfavorable or very unfavorable opinion of ACORN. The same poll reported that 45% believed that ACORN was consciously trying to register people to vote multiple times in violation of election laws. By November 2009, another survey found that 26% of Americans -- and 52% of Republicans -- believed that ACORN had stolen the election for Obama. Overall 11% of Americans viewed ACORN favorably while 53% had a negative opinion of the group. ACORN has become well known, but what most Americans know about it is wrong, based on controversies manufactured by the group's long-time enemies.

Likewise, Urbana reports that "Darrell Issa of California, the ranking Republican on the House Committee on Oversight and Government Reform, described Acorn at a December hearing as a 'criminal organization' working hand-in-glove with the Obama administration. In February, committee Republicans released a report saying that Acorn 'exploits the poor and vulnerable' for political gain." It is definitely true that Issa said this and that the report by the Republican members of the committee (led by Issa, which Urbana doesn't mention) said that. But are they true? Do newspapers have to report any controversial statement by politicians, even if they are known to be false or misleading?

Many journalism schools teach students about the media's mistakes in covering Sen. Joseph McCarthy. In the early 1950s, at the height of the Cold War, newspapers routinely reported McCarthy's accusations that he had an exact count, and the names, of Communists working in the federal government. The numbers kept changing, and he never released the lists, but the media kept reporting his accusations. Haven't today's journalists learned any lessons from that experience?

Urbana apparently has not. His story acknowledges that ACORN did a great deal of good during its 40 years as a grassroots anti-poverty group. But he engages in the typical "he said/she said" journalistic balancing act that journalism watchdogs have long recognized distorts the reality. For example, Urbana quotes two low-income ACORN members who were helped by the organization's efforts. Then, Urbana writes: "But other supporters have grown disenchanted," quoting Rick Tingling-Clemmons, 66, a teacher in Washington, who was "an enthusiastic dues-paying member, but soured on the organization over the reports of embezzlement and dropped his affiliation last year." Based on Urbana's calculations, for every two ACORN members who continue to support the organization, one has quit in disenchantment." There is absolutely no evidence that more than a handful of ACORN members were prepared to leave the organization over the controversies.

Urbana reports that, "Republicans and conservatives attacked the group, in part because the group's registration efforts typically signed up voters who were believed to support Democrats." Yet he fails to inform readers that the voter fraud accusations were bogus.

Will the the *Times* learn any lessons from its mistakes in its coverage of ACORN over the years?

The *Times* has no reporter whose beat covers community organizing or, more generally, liberal and progressive activism, but it overwhelms readers with stories about the Tea Party, whose numbers pale in comparison to membership in grassroots community organizing in cities across the country. Community organizing has changed dramatically since the days of Saul Alinsky -- whose books, *Reveille for Radicals* (1946) and *Rules for Radicals* (1971) became bibles for activists in the 1960s and 1970s. There are now thousands of grassroots community organizing groups around the country. There are also national networks and federations of community organizations that have significantly expanded and scale and scope of issue battles. These include National People's Action, the Center for Community Change, PICO, Gamaliel, DART, and the Industrial Areas Foundation (the latter founded by Alinsky in the 1940s). On myriad issues, these groups -- often working in partnership with immigrant rights groups, environmentalists, labor unions, tenants organizations, and others -- have waged effective campaigns for reform.

After Sarah Palin attacked Obama's community organizing experience in her acceptance speech at the GOP convention in St. Paul in 2008, there was a short increase -- for about a week -- of articles describing the work of community organizers. But since that peak, the mainstream media, including the *Times*, returned to its previous ignorance of this vital aspect of American democracy.

The *Times* does not have a community organizing "beat." Instead, they cover community organizing groups sporadically, typically in stories about controversial issues in which community groups are involved. But like the environment, health care, banking, real estate, City Hall, or the Pentagon, reporters need to develop sources and expertise to understand a subject. No *Times* reporter has developed expertise in covering community organizing groups, or developed the kind of sources necessary to understand what they do on a day-to-day basis and how they wage organizing campaigns that target some of the most powerful corporations and politicians in the country.

The *Times* is not alone in this serious failure, but as the nation's "paper of record" its failure is particularly glaring.

Indeed, the role of community organizing in American politics typically gets little attention in the mainstream media and is thus not well understood by the general public. Reporters know how to cover rallies, demonstrations, and riots, where protesters disrupt business-as-usual and get into the media's line of vision. But effective grassroots organizing is rarely so dramatic. It typically involves lots of one-on-one meetings, strategy discussions, phone calls, and training sessions that lead people to join together to channel their frustrations and anger into organizations that win improvements in workplaces, neighborhoods and schools. The *Times*, like other media outlets, is generally more interested in political theater and confrontation -- when workers strike, when community activists protest, or when hopeless people resort to rioting. As a result, with a few exceptions, much of the best organizing work is unreported in the mainstream media

This was particularly evident over the past year in the *Times*' coverage of the bottom-up campaign for health care reform. The paper covered the political dance among politicians and inside-the-Beltway industry lobby groups, and the attacks on Obama and other Democrats by Tea Party activists, but it virtually ignored the work of activist reform groups, such as Health Care for America Now!, even when they participated in protest and civil disobedience at insurance company offices, homes of insurance CEOs, and town meetings. On March 9, for example, at least 5,000 protesters picketed outside the Ritz-Carlton hotel in Washington, D.C., where America's Health Insurance Plans (AHIP), the powerful industry trade association, was holding its annual lobbying conference. About 50 public figures -- including writer Barbara Ehrenreich, SEIU secretary-treasurer Anna Burger, AFL-CIO head Richard Trumka, the Center for Community Change's Deepak Bhargava, and former Congressman Bob Edgar -- participated in civil disobedience. The following day, 24 insurance-industry victims -- people who lost family members, are suffering because they were denied care, or went bankrupt due to premium costs -- confronted reform opponents on Capitol Hill, including House Minority Whip Eric Cantor. Many major broadcast and newspaper outlets covered the protests, but not the *Times*.

This was not an isolated example. Throughout the health care debate, the *Times* published moving stories of families hurt by insurance industry malpractices, but overlooked the grassroots organizing among reformers that kept the issue alive when, several times, it appeared to be dead. Over the past year and half, it was HCAN and other grassroots activist groups that kept the pressure on the White House and on the Democrats in Congress, rallied the base, and kept public attention on the insurance industry.

ACORN was a key part of the HCAN coalition when it began in June 2008. As part of HCAN's strategy, ACORN planned to mobilize its members in states with key moderate Democrats, like Arkansas Sen. Blanche Lincoln, to push for a strong health reform package, including a public option. But by early 2009, ACORN was reeling from the attacks by conservative echo chamber and the Republicans, and had too few resources to adequately defend itself, exacerbated by the one-sided mainstream media coverage. As result, ACORN played a marginal role in the health reform battles.

Acorn, which once had offices in 37 states will close all affiliated and field offices by April 1st. One of ACORN's legacies is the thousands of its former staff people who over many years learned organizing, research, and lobbying skills from ACORN and went on to work in many other public interest and grassroots activist and advocacy groups -- unions, immigrant rights and environmental groups, health reform groups, consumer groups, and even as staffers to progressive legislators. Although no other community organizing group has reached the scale that ACORN had achieved at its peak two years ago, there are other local, state, and national groups that will continue to mobilize the poor for social change. Many of these groups will benefit by hiring some of ACORN's laid-off staffers. And the state branches of ACORN that recently broke off to form independent anti-poverty groups will no doubt emerge as serious advocates for the disadvantaged. But the loss of ACORN leaves a huge void in the nation's political landscape, one that won't be filled quickly.

The mainstream media, including the *New York Times*, played a pivotal role in ACORN's demise, but it has refused to acknowledge its role, as the two stories in the *Times* last weekend reveal. Hoyt, who rebuked the *Times*' editors last year for missing the right-wing attack on ACORN, now needs to urge the daily to assign a reporter to cover the important work of progressives community organizing groups.

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