



SPECIAL REPORT

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On May 16, 2008, Judicial Watch held an educational panel, "Election 2008: What the Media Isn't Telling You." Judicial Watch's goal was to discuss the many critical issues ignored by the so-called mainstream media in its coverage of the 2008 presidential election.

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Judicial Watch

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Election 2008: What the Media Isn't Telling You

A Judicial Watch Special Report

INTRODUCTION TOM FITTON PRESIDENT, JUDICIAL WATCH

As a conservative, nonpartisan educational foundation dedicated to integrity and accountability in

Isn't Telling You." Our goal, as such, was not to bash the press but rather to highlight and examine lapses in coverage that would likely have an impact on public perception of candidates. Hillary Clinton's past



The White House, Washington, D.C.

government politics and the law, Judicial Watch advocates high standards of ethics and morality in our nation's public life. Such concerns extend not only to the conduct and relationships of individual candidates, but importantly, to reporting by the press on relevant issues that advance the public debate beyond poll numbers, delegate count and Electoral College math.

The topic for our forum on campaign issues, held on May 15, 2008, was **"Election 2008: What the Media**

ethics record, for instance, was virtually ignored despite her escaping indictment by a grand jury on perjury and obstruction of justice by the skin of her teeth. Barack Obama is being given a pass on corruption issues as well, most notably with his past relationship with Tony Rezko, a close supporter and contributor with whom Obama is known to have had real estate dealings. At the time of our forum, Rezko was awaiting a jury verdict on corruption and has since been convicted on federal charges of wire and mail fraud and money

laundering. Additional charges are pending.

The fact that the Federal Election Commission (FEC) was for a long time unable to police our campaign finance system because Republicans and Democrats could not agree on who to appoint to run it, has also been overlooked by the media, as is the unwillingness of Senate liberals to consider judicial nominations in up-or-down votes, thereby causing a crisis in our judicial system. It is especially egregious during this election year where 17 judicial emergencies created by vacancies in various courts are allowed to fester.

Our panelists, who are well versed on the subject of media coverage of candidates and campaigns, addressed the lack of reporting on these and other issues.

PANELISTS:



Cliff Kincaid

Cliff Kincaid serves as President of America Survival, Inc., a watchdog group, and is editor of the Accuracy in Media's (AIM) Report. A veteran journalist and media critic, Cliff graduated from the University of Toledo and came to Washington through a national

journalism program headed by conservative author and journalist, M. Stanton Evans. Cliff served on the staff of *Human Events* for several years and was an editorial writer and a newsletter editor for former National Security Council staffer Ollie North at his Freedom Alliance Educational Foundation. He has written and co-authored nine books on media and cultural affairs and foreign policy issues.

James Bopp, Jr. is an attorney with the law firm of Bopp, Coleson & Bostrom in Terre Haute, Indiana. He also serves as general counsel for the James



James Bopp, Jr.

Madison Center for Free Speech. A noted pro-life legal advocate, Jim is one of the leading attorneys in the country on campaign finance and election law. His extensive Supreme Court practice includes successfully arguing landmark United States Supreme Court cases which resulted in rulings

that struck down: a) restrictions on the speech of candidates for elective judicial office on First Amendment grounds, and b) Vermont's mandatory candidate expenditure and candidate contribution limits. Jim was also successful in obtaining a ruling that McCain-Feingold's electioneering communication prohibition is unconstitutional, as applied to grassroots groups' lobbying ads. His federal election law litigation includes striking down six sets of Federal Election Commission regulations.



Curt Levey

Curt Levey is Executive Director of the Committee for Justice, the premier organization devoted to putting constitutionalist judges on the Supreme Court and the lower federal courts. After graduating from Harvard Law with honors and clerking for the United States Court of Appeals for the Sixth

Circuit, Curt served as Director of Legal and Public Affairs at the Center for Individual Rights, a public interest law firm in Washington, D.C. There, he worked on landmark Supreme Court cases, including the University of Michigan affirmative action cases. He also served for a time with the U.S. Department of

Education Office for Civil Rights. He has an M.S. and B.A. in computer science from Brown University

and holds a patent on a new type of artificial intelligence (AI) technology.

Overview of Campaign Issues

Opening remarks by panelists Kincaid, Bopp, and Levy...



The media has ignored Barack Obama's alleged corrupt ties.

Concerns about Barack Obama

Cliff Kincaid

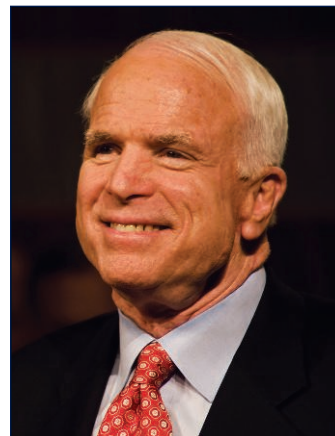
In response to a question I asked of G. Gordon Liddy, who was an FBI agent and has a depth of experience in government, he offered the opinion that Barack Obama would never be able to get a U. S.

security clearance, given his past relationships, such as those with controversial Pastor Jeremiah Wright and Weather Underground terrorists. Yet, if he wins the presidency, all of our state secrets will be revealed to him. For this reason, as with Hillary Clinton and John McCain, the media needs to focus on such issues as character, loyalty and associations.

We actually know very little about him, other than he's a first term United States Senator. At America's Survival, we are preparing to release two reports on him, one going into communist networks Obama was involved in while in prep school in Hawaii and the other dealing with communist and socialist networks in Chicago, where he started his career. The author of one of the reports is Herb Romerstein, a former investigator for the House Committee on Un-American Activities and a professional staff member for the House Intelligence Committee.

The Hawaii report discusses the influence of Frank

Marshall Davis on Obama. Davis, who had been selected as a black role model for young Obama by his grandfather, was a hardcore Soviet communist who Obama refers to in his 1995 book, *Dreams from My Father*, as a black poet who spent time with him and gave him advice. While Obama mentions him only as "Frank," we've been able to confirm that this is Frank Marshall Davis. Why did Obama not want readers to know his full name? And why does the media seem to be afraid of touching this issue?



John McCain supports an international court that could strip American citizens of their constitutional rights.

Controversies Involving John McCain

Cliff Kincaid

In terms of John McCain, a subject lacking scrutiny by the media is international affairs... specifically, international courts. I recently attended a conference sponsored by the McArthur Foundation --

McArthur Foundation -- on the subject of the International Criminal Court. What I found interesting was that the head of the McArthur Foundation, Jonathan Fanton, and the head of the Human Rights Institute at DePaul University in Chicago, a cosponsor, both said they thought that of the three candidates (Barack Obama, Hillary Clinton and John McCain), the United States would be more likely to ratify the International Criminal Court Treaty under McCain.

John McCain is on the record in support of the International Criminal Court, while Obama and

Clinton have been somewhat ambiguous and conflicting in their statements. In other words, he's on record in favor of ratifying a treaty to establish a court that would be able to put Americans in foreign jails in cases heard by foreign judges, thus stripping them of their constitutional rights. There would be no right to a trial by jury in front of the International Criminal Court which, of course, is a right guaranteed to us by the U. S. Constitution. Given the significance of such support by McCain and the ambiguous statements by Obama and Clinton, the positions of each of the candidates should be carefully examined and challenged by the media.

Also worthy of note is the fact that the McCain campaign has identified Ruth Wedgwood as his spokesperson on international legal issues. She represented him, in fact, at a recent conference sponsored by the American Society of International Law. This is a curious appointment, since she is considered to be a liberal and has reportedly contributed to the Democratic Party, in particular, Al Gore for president. She was once on the board of the "progressive" World Policy Institute (WPI), which publishes the *World Policy Journal*.



Did House Speaker Nancy Pelosi receive an illegal campaign contribution funneled through an organization run by former Vice President Al Gore?

Finally, there's the Law of the Sea Treaty, which John McCain was in favor of in 2004 (as are Obama and Clinton today). Apparently, he changed his mind when he began running for president and then changed it again. His actual position today is unclear. This may seem to be a minor issue, but it involves the sovereignty of the United States and access to oil, gas and minerals we could end up losing to the United

Nations (UN). Despite generally favoring the treaty, the media is paying little attention to what the candidates are saying about it.

Campaign Finance Reform

James Bopp, Jr.

Campaign Finance Reform, particularly since the passage of McCain-Feingold, has had a huge effect on our elections, and I think that effect is scandalous. It's a good example of the old Washington game: fat cats passing major legislation to feather their own nest and incumbents trying to protect themselves in their own re-election by manipulating the law and government agencies. Politicians using McCain-Feingold to seek partisan political advantage is a good



example of the law of unintended consequences that always applies, i.e. action by the government tends to create more of the same problem instead of a cure.

McCain-Feingold was a \$140 million plan hatched by the Pew Charitable Trust. It

was written by Sean Treglia, who worked for the Pew Foundation and those funding it included the Joyce Foundation, George Soros' Open Society Institute, Jerome Kohlberg's Foundation and a number of others. Those given the responsibility for creating a false impression of public support for McCain-Feingold included the Reform Institute, the Campaign Finance Center, Democracy 21 and the Brennan Center, while such experts as Norm Ornstein, Thomas Mann, and Anthony Corrado as well as others, were hired to provide the drum beat and provide the justification of the proposed bill. News media paid to write stories about supporting campaign finance

reform included the *American Prospect* magazine, National Public Radio and the Radio and Television News Directors Association.

If this story were about General Motors (GM) hatching a plan to relax auto-emission legislation, it would be a major scandal. You would hear all about it with Katie Couric leading off on CBS News. “60 Minutes” would be doing an exposé; and *The New York Times* and *The Washington Post* would be writing editorials condemning the secrecy of the plan and the effort to manipulate Congress into passing legislation. There would be calls for congressional

The campaign provides an illegal multimillion dollar corporate contribution to the congresswoman’s reelection campaign, because it’s what is called a “coordinated expenditure.” What this means is if an ad is run within 90 days of an election and if the name of the candidate is mentioned in the ad or if a candidate appears in the ad and gives his or her own name the ad is considered “coordinated” with the candidate’s campaign. As such, a corporation cannot legally pay for the ad; and if this group is not a corporation, no more than \$2,300 can be spent on the ad. Yet, this is a seven, eight, nine-figure illegal campaign contribution to this person’s campaign.

"[Campaign Finance reform is] a good example of the old Washington game: fat cats passing major legislation to feather their own nest and incumbents trying to protect themselves in their own re-election by manipulating the law and government agencies."

-- James Bopp, Jr.

investigations and the appointment of special prosecutors, and GM would be condemned in the media for what at least had the appearance of an illegal scheme. McCain-Feingold was passed in 2002 and upheld by the Supreme Court in 2003.

Now, in 2008, we see a similar plot under the guise of “reform.” A shadowy group has been set up, through which money is to be funneled to fund the effort. Donations to the group are not being disclosed. A \$200 million ad campaign promoting reform is being run nationwide. Certain politicians are featured including a prominent United States congresswoman identified by her party affiliation.

The bottom line is that the ads are illegal under McCain-Feingold and under the Federal Election Commission (FEC) regulations implementing that law.

Despite the newsworthiness of an illegal contribution by corporate America, little has appeared in the media since *The New York Sun* broke the story on May 9th. Why? Because the story is about Al Gore and about climate change and the name of the organization is Alliance for Climate Protection. The politician is current Speaker of the House Nancy Pelosi, who appears in an ad with Newt Gingrich, and the date of her primary in California is June 3rd, well within the 90-day window in which such coordinated expenditures are illegal.

Thus, two people who fought hard for the passage of McCain-Feingold when they were in Congress, Pelosi and Gore are now principle violators of that law.

The biggest manipulation of our elections, however, is yet to come, and it has to do with two aspects of the

nomination and election process that relate to campaign finance laws: the electioneering blackout periods and public funding. Both aspects are manipulated by both the Republican and Democratic parties to optimize broadcast ads and mention of the candidates' names under the law. Essential to a campaign is the need to ensure sufficient public funding during both the primaries and during the general election.

The blackout period mandated under McCain-Feingold is 60 days before the general election and 30 days before a primary or a nominating convention, during which time no corporation or labor union can run an ad that mentions the name of a candidate. Thus, careful planning by the parties in setting the date of their convention is necessary both to minimize the impact of the blackout period and the numbers of days over which the \$84 million in public funding will be spent.

Crisis in Appointment of Judges



Senate Majority Leader Harry Reid has helped prevent up-or-down votes on many of President Bush's judicial nominees.

Curt Levey

The issue of judges has to do with the battle over specific nominees to the Supreme Court and to the lower federal courts. The obstruction of Bush's judicial nominees is just one example of Democratic obstruction. Also relevant and ongoing is the debate about the proper role of judges.

My organization, the Committee for Justice, believes that the proper judicial philosophy is strict and objective construction of the Constitution and statutes rather than the creative obstruction that we see in judicial activism guided by to quote Obama's recent

words "the judges' moral bearings." In my view, whether a judge thinks the law is fair or unfair, he is supposed to enforce the law.

Note, by the way, that when I use the term "conservative judges," it's my shorthand for strict constructionist, and I am referring to conservative and judicial philosophy.

Judges will be a big issue in this election cycle, primarily because of the looming Supreme Court vacancies; but also because at a time when the Republican coalition is fractured, the Republicans will surely emphasize the issue, as it is one of the few that unites the conservative base in fact, the whole broader GOP coalition including business.

Historically, the judge appointment issue has been a factor in Republican wins. Karl Rove, for instance, in speaking about the 2002 elections said, "There's no doubt in my mind that we won races all throughout the country on the judges issue. We won the Senate race in South Carolina – judges; won the North Carolina race – judges; won the Georgia race – judges." In 2004, Republicans again made judges a central element of winning campaigns, both presidential and at the Senate level. The most famous example is how John Thune used the issue to beat Tom Daschle.

In 2006, on the other hand, Republicans did not make it an issue, which is too bad. A few Senate seats might have been saved.

As for the presidential race, I think the fact that the Republican contenders for president went out of their way to address the judges issue and the Democratic contenders were mum on it, pretty much tells you all you need to know about which way this issue cuts for which party. While McCain gave a good speech last week on judges and reassured a lot of conservatives, there are still some who wonder if he's sincere when he says he would appoint Supreme Court justices in the mold of Roberts and Alito.

I think they're worried for a few reasons. One is his maverick reputation. More specifically, though, some conservatives are angry at the role McCain played in the "Gang of 14" deal that resulted in Republicans pulling back in 2005 from using the nuclear option to end Democrats' ability to filibuster judicial nominations.

I've never really been critical of McCain on that for a few reasons. First, we got a number of good judges confirmed as part of the deal, six Circuit Court judges, which is a lot, including great judges like Bill Pryor and Janice Rogers Brown. Also, it's not at all clear that we had the 50 votes on that issue. It would have been really bad, if we tried to use the so-called nuclear option and failed.

Another concern is that because of McCain-Feingold, McCain might shy away from appointing conservative judges who would be more likely to strike down McCain-Feingold. Not to worry there either. McCain has a long record of being against any sort of litmus test for judges and perhaps even more importantly, he voted for confirming Alito and Roberts, even though he knew they were likely to vote against McCain-Feingold.

In any case, he has indicated the type of judges he would appoint and I think he's likely to feel obligated to keep his promise, if only because it's his best way to satisfy social conservatives. Also, a conservative should take heart from the fact that McCain has Ted Olson, a conservative hero, heading his judicial advisory committee. Ted would clearly play a large role in picking judges in the administration.

There is one more thing I think he could do to help reassure conservatives and that is to get involved in helping to end the current obstruction of President Bush's appeals court nominees. McCain has a big advantage here, really for two reasons: one, he has a bully pulpit to bring visibility to the issue; and two, as

one of the main organizers of the Gang of 14, he can go back to the moderate Democrats in the gang and remind them of their promise to block nominees only for extraordinarily circumstances. That was the language in the "Gang of 14" deal.

In terms of Supreme Court vacancies, I think it's unlikely we'll have one in the remaining seven months of the Bush presidency. Clearly, if one came about most likely at the end of the term, in June, when judges tend to announce retirements a resulting fight over who to appoint would dominate the election...



Hillary Clinton would be a logical choice for Barack Obama to serve on the U.S. Supreme Court.

By the way, I wouldn't be surprised if Hillary Clinton's price for dropping out and enthusiastically supporting Obama is a nomination to the Supreme Court. That would be as prestigious as the job her husband had... and she would likely be confirmed, not only because the Democrats will

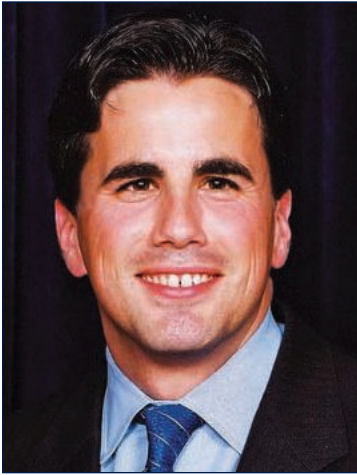
continue to control the Senate, but also because senators find it hard to vote against a fellow senator.

Finally, let me mention the current obstruction by the Democrats in filling vacancies. Their blocking of so many judges for ideological reasons is unprecedented. Not that judges haven't been blocked before, but these days, it's always for petty political reasons. And look what's happening with the appeals court nominees. There has only been seven confirmations in the 110th Congress, only one this year. That's far behind the historical average of 17 for the last two years of a presidency with the opposition party controlling the Senate. We won't get near the 17. We won't even get near the 15 that Clinton had in his last

two years with the Republicans in control... I know I am focusing on the obstruction by Democrats, but they are really fairly predictable. They will block

whomever far-Left groups, like People for the American Way and the Alliance for Justice, want them to block.

Questions From Tom Fitton



Tom Fitton, Judicial Watch President

“Curt, in McCain’s speech last week, he said he thought it was the obligation of senators to vote for qualified nominees, no matter who the nominee or the president is. And he cited his votes for Justices Breyer and Ginsburg. What should conservatives

expect in a Democratic administration of senators who share their values? Did McCain make a mistake in promoting his votes for two justices who authored or supported some terrible decisions in recent years?”

Curt Levey: I think our position has always been not that the Senate has an obligation to confirm any judge, but assuming there’s no ethical problems or someone grossly unqualified to get them out of committee on the floor with no recommendation or a negative recommendation, if they want, and give them an up or down vote. I would think that even Obama’s nominees, no matter how liberal, deserve an up or down vote. My organization may make a case for why they should be voted down, but they shouldn’t be obstructed.

Do you think the number of votes should increase from three to maybe 40, next time around, or when similar nominees are put forward by a liberal president?

Curt Levey: I don’t know if they should or not. I think the more interesting question is will they? Have the Republicans had enough that they will now use the same tactics Democrats have used? My guess is “no.” I think it’s just the difference between Republicans and Democrats, and again, a lot of this is orchestrated by the groups on the Left. They look at the process as “good versus evil” and feel there is nothing they do that is overboard. I just don’t think Republicans look at it the same way.

Jim, what’s the situation for John McCain? He’s in a legal tangle with the FEC over his primary funding, and the DNC [Democratic National Convention] has filed a complaint against him in that regard. Then there is the issue that he may not be able to get general funding. What does the candidate do in such circumstances, and how do you think it’s going to play out, assuming that there’s no deal made to fully commission the FEC, so to speak?

James Bopp, Jr.: Every politician, I think, and every campaign used to have options. And they need to. Even if the McCain campaign feels that general election funding would be the preferable option, I think they must have a “Plan B,” and of course, that plan could involve who is the vice presidential nominee.

A good argument could be made for Senator McCain right now to select Mitt Romney and turn him loose to fund-raise for the next five months, even before we get to the convention. I think that would serve to transition the McCain campaign from where it was

when he became the presumptive nominee to the convention and would also provide a realistic chance of the campaign raising sufficient funds... not only because of Romney's own personal wealth but also because of his noted fundraising ability.

Cliff, we put Barack Obama on our list of the "10 Most Corrupt Politicians," and people were surprised initially. I guess they're not as surprised now, given some of the revelations recently about Tony Rezko and others. Do you think the media's more amenable now to investigating his background and do you think there's any traction there to be had? It was ABC who first started talking about Jeremiah Wright, but that isn't necessarily a corruption issue.

In terms of his personal ethics, his dealings with Rezko, the recent news that he sought a state grant for an employer of his, while he was there in the State Senate... reports pop up here and again in the Chicago Tribune or the Los Angeles Times, but they're not gaining traction. Do you think that's going to change and is your work at Accuracy in Media going to have any salutary effects?

Cliff Kincaid: This may sound Clintonesque, but it depends on how you define the word "corruption." I think corruption can encompass ideological dimensions. When you associate with terrorists and communists, not to mention these business crooks and all those quilty of financial shenanigans, to me, that's potential corruption.

One issue Accuracy in Media (AIM) has been looking at involves the media. *The Chicago Tribune* has been lax, in my opinion, in covering the paper's home State Senator. Perhaps you know that Obama's campaign strategist, David Axelrod, worked for the *Tribune* for eight years.

Over the years, the paper has published a number of tough pieces about the communist, terrorist friends of

Obama, namely, Bill Ayers and Bernadine Dohrn. A couple of weeks ago, however, the *Tribune* published a story about Ayers, consisting of questions and answers. The paper was attempting to enlighten the readers with the "real story" about Bill Ayers. In the article, the claim was made that except for three members of the Weather Underground communist terrorist group who blew themselves up when a bomb exploded in their bomb factory, the Weather Underground terrorists had never killed anybody.

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- Cliff Kincaid

We found out about a case involving the terrorist group in San Francisco, back in 1970 I think it was February 14th, when there was a bombing of a police station that killed a police officer and a sergeant and injured seven or eight others. It was a massive blast, with a lot of shrapnel. The police officer who died was in the hospital for a couple of years.

An informer in the Weather Underground, named Larry Grathwohl, wrote a book about his experiences in the organization and gave official congressional testimony on the bombing. He reported that Bill Ayers had told him that Bernadine Dohrn carried out

that bombing personally, as she had placed the bomb on the ledge of the police station. Ayers had even displayed diagrams of bombs. We took Grathwohl's testimony to *The Chicago Tribune*, first to one of the reporters on that story, then to the so-called public editor, the so-called consumer advocate and then to Ann Marie Lipinski, editor of the *Tribune*, asking her to correct the record. This she refused to do. We've

since discovered that Bill Ayers' recently deceased father, who was very wealthy and very liberal, once sat on the board of the Tribune Company.

There's all kinds of connections like this that make me wonder if the media will ever even scratch the surface of who Obama really is.

"There's all kinds of connections...that make me wonder if the media will ever even scratch the surface of who Obama really is."

-- Cliff Kincaid

Would someone comment on Mike Huckabee and his political background?

Tom Fitton: We criticize Mike Huckabee because he was involved in all sorts of ethics allegations and investigations down in Arkansas. He claims they were politically inspired attacks, but he's not going to have Republicans calling him out in Arkansas. He's going to have Democrats calling him out. He was in nasty drag-out fights with the ethics commission there and I don't think he's adequately explained all the issues away. I've been watching the situation carefully, as he could end up being the vice-presidential nominee for the Republican Party, so his background could be a concern.

Would it be better to scrap all these laws about campaign reform and have the government give a certain amount of money to each one individually, equally, with nobody contributing anything else?

James Bopp, Jr.: Of course, you would need to repeal our First Amendment in order to have that, because the First Amendment is the world's premiere and most radical campaign finance reform ever. It

placed our country alone in the proposition that the citizens were going to control our elections, not the government, and that the rights of citizens to participate in our elections the four indispensable democratic freedoms of speech, association, press and assembly were going to be guaranteed against the government.

Public funding, which you are describing, has been the consistent desire of governments throughout history, in order to limit the involvement of citizens in government, particularly in criticizing the government. If you repeal the First Amendment, you place the government in charge, and if you place the government in charge, you place incumbents in charge. They will then do two things: make sure that the rules are written, so that they will be reelected; and do it in a way to force the citizens out and shut them up.

The California Supreme Court is expected to make a decision today on the gay marriage issue. Can you comment on that in terms of judicial activism?

Tom Fitton: I attended the hearing in which the

arguments were presented, and I didn't see a majority for upholding traditional marriage in the California Supreme Court. Other steps will presumably be taken, if the court rules against it, to push for a constitutional amendment, which I think is on the ballot in November. What is happening there shows you the importance of appointing judges who have a narrow view of their role or a "humble view of their role," to quote Chief Justice Roberts.



On May 16, 2008, the California Supreme Court overturned California's gay marriage ban. Curt Levey: "I think [it is] a classic example of judicial activism."

Curt Levey: I think it's a classic example of judicial activism. Whether we're talking about the state constitution, on which it's been based, or the arguments people have unsuccessfully made under federal law, the right to gay marriage is "invented out of whole cloth." Part of me says, "let the courts do it." It'll just make judges more of an issue...in the election.

I'm old enough to remember the 1960 election, and it seems to me when looking over this long period of time, that the role of journalism was to ferret out

and present facts, so the public could make a decision. What we've seen over the last 45 years is a deterioration of that. If you look at individual biases presented through the written media, as well as the TV media, you don't get facts presented objectively. What you get is a personal opinion or a biased opinion. My question is, if you look at Kennedy, for example, when he was described as being inexperienced by Nixon in the 1960 election, he didn't say, "That's not fair" or "I'm offended by that." Today, people are offended, if you say something about somebody's background. To what extent is this due to the proliferation of TV channels, where you get a lot of different points of view, and has this been beneficial?

Curt Levey: Let me add an example to that. Five months ago, the idea that super-delegates could do no more than ratify what the pledged delegates' vote totals came to was non-existent. The Obama campaign invented the idea and it's been picked up. I think part of the reason everyone has gone along with it is because there's this notion that you can't deny a black candidate the nomination, if he has the most pledged delegates. I think the Obama campaign has successfully planted the idea without quite saying it.

Cliff Kincaid: Clearly, the media have changed. I don't complain about the fact there's more channels. I wish there were even more channels and more options and choices for people. To some extent, the news is shaped by the individual's own background. Take, for example, the McCain speech on judges that Curt thought was pretty good. I read the speech, and in it, McCain defended his vote for Ruth Bader Ginsburg saying, "Well, she was experienced or qualified." What does that mean? Why isn't there any comment on that from the more conservative-oriented media? Here was a woman who before she was nominated was involved with the ACLU and was known nationally as a feminist lawyer.

Yes, it's true there were only three votes against her,

but one of those votes was Senator Jesse Helms. I wish we had more Senator Helms and fewer John McCains.

James Bopp, Jr.: Cliff, surely you would agree, though, that McCain is more likely to nominate conservative judges as the president than either Senator Clinton or Barack Obama.

Cliff Kincaid: I don't understand McCain. I'm not a legal analyst or expert, but speaking as a layman, I don't understand McCain's judicial philosophy. If he is sound in his philosophy and we can trust him in the way you suggest, why is he so off-the-reservation when it comes to supporting the ratification with some conditions of the International Criminal Court, which could put Americans in foreign jails and strip away our Bill of Rights protections?

James Bopp, Jr.: I certainly disagree with Senator McCain on some issues, but politics is the art of the

possible, and in politics, you get realistic choices. We now have our choices. We're either are going to get Senator McCain, Hillary Clinton, or Barack Obama. I consider my job as a conservative to look at the choices and say there's no question but that Senator McCain, on probably six important conservative issues is a strong conservative. I don't know a single issue that Hillary Clinton or Barack Obama are conservative on.

Curt Levey: I also have problems with some of McCain's views and I don't know that he'll be perfect in appointing judges, but then again, he might ultimately be more successful than Bush. Bush had the right instincts, but it was very easy to categorize his picks as "right-wing." It's going to be much harder to do that for McCain; and again, McCain has more leverage as a former senator. So I think he will be fine on judges and that's what you've got to think about, because that's what lasts for decades.

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