



April 1, 2005

Brooks Jackson
Director, Annenberg Political Fact Check
Annenberg Public Policy Center
320 National Press Building
Washington DC 20045

Dear Mr. Jackson:

Your critique of People For the American Way Foundation's television ad urging preservation of the filibuster is deeply flawed, criticizing an ad it isn't rather than the ad it is. A few points:

The bulk of your article is devoted to recounting unsavory uses of the filibuster by opponents of civil rights legislation. While historically true, this is irrelevant to the content or accuracy of our ad, which is about threats to eliminate the filibuster. You seem to suggest that for the ad to be fair, it would have to mention the same few particular examples you selected out of the 200-year history of the Senate, a ridiculous standard.

Moreover, the examples you cite don't in any way undermine our ad. Of course the filibuster has sometimes been used to delay or block legislation and nominees we would consider worthwhile. It has been used by both parties, as our speaker says. But even in situations in which senators used the filibuster to defend reprehensible policies, the extended debate served a purpose – it focused public attention on the issue and helped forge a national consensus. You call it ironic that civil rights groups support the filibuster today. In fact, it reflects the wisdom of the founding fathers' commitment to checks and balances. Given shifts in political power, the filibuster that once delayed advances in civil rights now protects them. Protecting the rights of whoever is in the minority to influence legislation and nominations is a long-range view that has prevailed for two centuries, and is now threatened by Senate leaders who are impatient with the notion of effective opposition.

Your more direct assertion that our ad "misstates the issue" is simply wrong and ignores part of the ad that contradicts it. You take exception to the speaker's reference to the filibuster ensuring that both parties are heard. As mentioned before, this is clearly one benefit of the filibuster. You say the real issue is about the power of the minority to block action in the Senate. Here's what our speaker says: "The filibuster's been around 200 years and God knows our party used it whenever we needed it. But we're a two party system - and America works best when no one party has absolute power." Denying



absolute power to a narrow majority is exactly what the filibuster does. Our ad quite directly addresses the point you say we left out.

You seem concerned by our use of a clip from the 1939 movie classic, “Mr. Smith Goes to Washington,” and our use of “fiction.” That movie is the nation’s most enduring cultural portrayal of the filibuster. We used the clip because it crystallizes the bottom-line truth about the filibuster: it allows a minority – in that case a minority of one – to prevent abuse of power by the majority. It’s true that “real-life filibusters don’t necessarily look like the fictional one.” However, viewers seeing a black-and-white clip of a famous actor in an iconic film (with a credit to the movie studio visible on the screen) will certainly have no difficulty distinguishing fiction from real life.

Two final points. First, your article says “Frustrated Republicans are considering calling for a vote to change Senate rules to eliminate the filibuster, which has been around in one form or another since 1806.” What is being contemplated is much more than a rule change, which itself would require, under Senate rules, a two-thirds majority to cut-off debate. Senate Republican leaders are threatening to break this rule and evade this requirement by a bogus parliamentary trick – to abuse their current majority power to wreak havoc on centuries of Senate rule and tradition. That takes us back to the ad’s statement about one party having absolute power.

Second, we’re sorry the factcheck staffer who came to our press conference simply picked up the ad and left. In fact, many of these issues were discussed at the event by PFAWF President Ralph G. Neas, Norman Lear, and Ted Nonini, who appears in the ad.

Sincerely,

Ralph G. Neas, President
People For the American Way Foundation