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Rebuttal to Factcheck.org Analysis of MoveOn.org Political Action's "Caught Red Handed" Spot

Factcheck.org's "Caught Red Handed?" article is substantially off the mark in several important respects. Our ads were well documented, fair and accurate criticisms of the Members of Congress mentioned in them.

Factcheck.org wrongly claims that our ad accuses the Members of Congress of committing a crime because we used the term "caught red-handed." Our ads never say that the four Members of Congress did anything illegal, only that they did something wrong by accepting money from energy companies and voting "against bills that would have penalized those companies for price gouging." Factcheck.org falsely claims that because the Oxford English Dictionary defines the term 'red-handed' as being caught 'in the very act of crime,' the use of the term is incorrect. But the Merriam-Webster Dictionary defines red-handed as "in the Act of Committing a Crime or Misdeed." And the same dictionary defines "Misdeed" as: "Wrong Deed."

A respected Republican Member of the House implicitly criticized members of his own party in the House for supporting a sham bill that Republican House leadership introduced as an alternative to three more effective measures proposed by Democrats. In a "Dear Colleague letter" referring to HR 3893 Republican Representative Boehlert wrote that HR 3893 "will increase the deficit, harm the environment, undermine the states, and give charity to the oil companies while doing virtually nothing to help consumers."

By voting yes on HR 3893, the four members performed "wrong deeds."

Factcheck states that the Democratic legislation that the Republicans in our ad voted against might not have been effective. Factcheck suggests we should have used the term "might have." This is nitpicking at best. Our legitimate point is that the Democratic measures were a good faith effort to penalize price gouging. All were much stronger than the Republican bill criticized by Boehlert, which is probably why the Republican leadership, which is notoriously close to the energy companies, introduced it.

Factcheck implies that our mention of the campaign contributions received by the four Members was somehow inappropriate because Democrats also took money from energy and natural resources PACs. Our point was that the Republicans took the money and then



voted, as Rep. Boehlert describes above, for a toothless Republican measure that “give charity to the oil companies while doing virtually nothing to help consumers.”

In an email Mr. Jackson of Factcheck said “please note that the refinery legislation has nothing to do with the price-gouging legislation the ad refers to, so it really isn't relevant to whether this ad was accurate or fair.” But Mr. Jackson misses the point entirely. The Refinery Legislation HR 3893 *is* the price gouging legislation. HR 3893, Vote 517 and HR 3893, Vote 518 are the two Democratic amendments that would have gone farther to penalize price gouging, and all four representatives voted against those measures. The final passage of the bill HR 3893, which is Vote 519, is the bill that all four members voted for and it does not go as far as the Democratic amendments. This is the same bill that Nancy Johnson cites when she says "I voted to penalize price gouging."

Sincerely,

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Executive Director