



Extra, Extra--Read All About ACORN

posted by **KATRINA VANDEN HEUVEL** on 01/05/2010 @ 4:32pm

On Christmas Eve, buried on page A24 of my edition of the *New York Times*, was **this story**: "The controversial community organizing group **Acorn** has not broken any laws in the last five years, according to a Congressional Research Service **report** released Tuesday evening."

Indeed, the CRS report--requested in September by House Judiciary Committee Chairman John Conyers and House Financial Services Committee Chairman Barney Frank--finds no instances in which ACORN "violated the terms of federal funding in the last five years," and no instances of individuals allegedly registered to vote improperly by ACORN "attempting to vote at the polls."

Good to see that the *New York Times* ran the story. But the placement and the timing--after 18 months of screaming headlines and attacks vilifying the anti-poverty group--is reminiscent of the McCarthy era when individuals and organizations were ruined by allegations that ran as front page news, while later evidence that vindicated them was relegated to the back pages. There was little accountability for the false accusations, little redemption for those whose lives had been shattered.

A "new **McCarthyism**" is seen in the manner in which guilt by association has been pursued by the likes of Glenn Beck and "mainstream" GOP leadership (if there is such a thing). A report by People for the American Way describes, for example, how "attacks on widely respected judicial nominee David Hamilton treated his one-month job as a canvasser for ACORN thirty years ago when he was 22 years old as if it had constituted a major portion of his career."

In the case of ACORN, not only does the CRS Report refute recent charges of financial impropriety and voter fraud against it, but so does a **report** by Scott Harshbarger, former Attorney General of Massachusetts and former president of Common Cause, whom ACORN quickly turned to for an independent audit when the damaging video tapes surfaced.

Harshbarger writes of the videotape content, "While some of the advice and counsel given by ACORN employees and volunteers was clearly inappropriate and unprofessional, we did not find a pattern of intentional, illegal conduct by ACORN staff; in fact, there is no evidence that action, illegal or otherwise, was taken by any ACORN employee on behalf of the videographers." (The videographers might be facing their own legal troubles. The CRS report finds that taping face-to-face conversations without consent appears to violate California and Maryland state laws.)

But facts be damned, CRS notes that as of October 2009, ACORN had been subjected to at least 46 federal, state, and local investigations. And too many good Democrats were swept up in the witch hunt hysteria, moving quickly to defund ACORN based on the rants of Beck, Bachmann, and Boehner.

One who rose above the fray was New York Congressman Jerrold Nadler who courageously spoke out against House legislation as unconstitutional for singling out ACORN for punishment--known as a "bill of attainder." Last month, the federal courts agreed with Nadler's opinion.

The court made the right decision in this case," Nadler wrote me in an e-mail. "I am gratified that my analysis of the punitive and blatantly unconstitutional bill of attainder has been vindicated by the judiciary."

But ACORN CEO and Chief Organizer Bertha Lewis told me that the ruling didn't correct the injustice. "The judge declared it unconstitutional. Well, it didn't seem to make a difference--did not make one whit of a difference. The new Appropriations bill had defund ACORN language in it. The damage has been done. The omnibus bill was signed. So they completely ignored the judge's order, so now we have to go back in the court along with the **Center for Constitutional Rights**--thank God for them. And we will continue to fight this legally because we know we are right."

According to Lewis, damage to ACORN's work on the ground includes "10,000 people minimum" who will not obtain free tax preparation services from ACORN. In the past, ACORN has helped them file for the Earned Income Tax Credit and thereby "put billions of dollars back into low-income neighborhoods."

"We've had to suspend that. That's a direct affect on poor people, and you know we were commended by the IRS prior to the right-wing attacks," said Lewis.

Lewis also said ACORN must curtail its fight against foreclosures. "About 200,000 people that we won't be able to help directly," she said, noting that this comes at a moment when the Obama Administration has admitted its own anti-foreclosure plan has fallen short because bailed-out banks **aren't cooperating**.

Finally, Lewis said loss of funding has impacted ACORN's fight to address wage and hour disparities--workers who aren't paid the minimum wage, cheated out of overtime, unfairly dismissed or discriminated against--"people just totally taking advantage of low-wage workers in this economy."

"It's not so much the amount of government grants," said Lewis. "But what was so insidious is--once your name has been attached to a bill in Congress and you have been singled out as suspect, whether you get the federal funds or not, now you have driven away private **foundation funding**. That is the true harm because we have been singled out for infamy."

Indeed in these times, when a rabid right-wing has access to megaphones of hate, it's critical that there be a check against this kind of smear campaign--and part of that check is fact-checking.

Edwin Bayley, founding dean of the Graduate School of Journalism at the University of California, Berkeley, writes in *Joe McCarthy and the Press*, "It was not enough to say... simply that McCarthy was lying; it was necessary to demonstrate the lie."

Demonstrating the lie is something progressives and truth-tellers will need to do aggressively in the year ahead--and too many liberal Democratic allies in Congress clearly need to do their own fact-checking as well.

"To have liberals, moderates--a lot of Democrats--just be willing to throw us under the bus and wipe away 40 years of working for poor people in this country without due process..." said Lewis. "This story is bigger than ACORN. And that's what we're going to try to get folks to continue to focus on."

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