



After Anti-Gore Ruling, Reporters Challenge U.S. Supreme Court's Stature, Judgment and Objectivity

ABC: "The Loser Might Be the Rule of Law"

Hours after the U.S. Supreme Court reversed Friday's Florida court decision for more recounts, effectively killing Al Gore's presidential campaign, the network morning shows signaled their disagreement by trumpeting the dissenters' views and questioning whether last night's opinion would forever damage and divide the nation.

By a vote of 7 to 2, the justices agreed that the Florida Supreme Court's ad hoc counting scheme was in opposition to the U.S. Constitution, but the "disagreement as to how a recount would be carried out was split at a politically dangerous 5 to 4," CBS's Diana Olick warned. Dangerous to whom?

Justice John Paul Stevens's dissent was the hit of all three morning newscasts. Complaining that the majority had unfairly maligned the Florida court, Stevens wrote the loser in all of this "is the nation's confidence in the judge as an impartial guardian of the rule of law." ABC's Charles Gibson sloppily paraphrased: "the loser in all of this might be the rule of law," implying that Stevens had accused his brethren of undermining America's justice system.

Gibson, ignoring that the weekend counts had been rejected as unconstitutional, accused the Court of unfairly blocking Gore: "They say in this decision, 'Look, you can't on any constitutional grounds come up with a fair recount that can be done by December 12th.' Who was it who stopped the recount? They were going to get it done before December 12th. It was the Supreme Court itself that said, 'Stop.'"

Perhaps the most amazing take on the Court came from ABC's Karla Davis, who implied that the only way for the Court to redeem itself would be for it to take a hard left

turn towards the sort of judicial activism that it pioneered in the 1950s and 1960s.

"In the past, even when this country was most deeply divided, somehow, some way, members of its highest court found common ground," Davis waxed. She then praised three "common ground" decisions, all pro-liberal:

desegregating the public schools (1954), allowing the secret Pentagon papers to be published by newspapers (1971) and forcing President Nixon to yield the Watergate tapes (1974).

But "the process of selection got very ugly," Davis claimed, when Ronald Reagan tapped "arch-conservative Robert Bork" for a spot on the Court, then "the bitter, sexually-graphic fight over Clarence Thomas ended with him on the bench, firmly seated in the conservative bloc with Justices Rehnquist and Scalia. But this Court has

also had its more transcendent moments, like in June this year, a more liberal ruling, a 7-2 vote upheld a person's right to a Miranda warning before being interrogated by police," Davis gushed, apparently viewing yesterday's 7 to 2 decision as something less than "transcendent."

In 1994, ABC anchor Peter Jennings claimed the election that put Republicans in control of Congress was merely a "temper tantrum" from angry voters. The myth that some at ABC were crafting today was that Republicans won the White House after a partisan tantrum from five angry Justices. — *Tim Graham and Rich Noyes*

Honorable Al vs. Wounding Court

"In a way, this ruling almost opens up more wounds rather than closing them, and for Gore to fight on, almost in defiance of what was certainly the strong suggestion of the *per curiam* holding of the Supreme Court that this is over, might just exacerbate those wounds and that is something that aides say Gore is sensitive to....Aides say Al Gore has always done his duty: going to Vietnam, falling on his sword for President Clinton during the impeachment, and they expect him, if he makes the decision to get out, to get out, as they say, honorably." — ABC's Terry Moran, *Good Morning America*, December 13.

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