Attack, Attack, Attack: Is That What We Want for American Politics?

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By

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My dearest mother and father: you are my reason to smile. I love you forever.

In loving memory of my grandmother, my thesis is for you. I know you are watching and blessing me from above.
Abstract

Political advertising on television is becoming a main channel for people to obtain information about the salient characteristics of political candidates, their fitness for office, and their opinions on issues. Even for people who are not particularly interested in political campaigns, political advertisements can have a profound affect on them. Negative advertising plays a significant role in informing voters, but personal character attack ads stir the public’s hatred towards politics and lower people’s confidence in politicians and government. In order to avoid these happenings, regulating negative advertising can be an approach in building a moral environment for political campaigns. However, the First Amendment in the United States protects freedom of speech which also applies to speech in political advertising.

How should negative advertising be defined and how the amount of negativity in political advertising should be determined in order to keep the objectivity and fairness of political campaigns? This thesis argues that although the First Amendment poses substantial obstacles to direct regulation of negative advertising, there are incentives and accountability remedies that could get candidates to take more responsibility for negative political advertising.
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Chapter 1 Introduction

Political advertising has become the most effective tool for political campaigns in the United States since the early 1960s when the vast majority of American homes first acquired television sets. It is indicated that Americans read fewer newspapers and obtain most of their news from television (Kern, 1989). Political advertising on television is becoming a main channel for people to obtain information about the salient characteristics of political candidates, their fitness for office, and their opinions on issues. Even for people who are not particularly interested in political campaigns, political advertisements can have a profound affect on them (Berger, 2004). Political advertising plays a more and more important role in providing citizens with information and encouraging electoral participation.

According to Ronald Lee, voters usually have two methods of judgment on political candidates through political ads. First, they distinguish candidates based on their issue opinions and proposed policies. Second, they examine candidates’ reputation, demeanor, and personal stories (Denton, 2000). Regarding the content and impact, these ads can be divided into two categories: positive advertising and negative advertising.

Positive ads, as the calling reflects, are designed to deliver messages of candidates’ favorable characteristics and their righteousness on issues and opinions to voters through positive language and images. Negative advertising does the opposite. They often emphasize legitimate contrasts between the candidates on the issues, partisanship, or ideology in a highly critical fashion (Schultz, 2004). For example, a political candidate can criticize the other candidate’s wrong direction or opinions on
certain political issues such as healthcare, social security, education, military, etc. to argue that the other candidate is not qualified for the office.

In terms of content and strategies, negative ads can be divided into two categories: political issue attack ads and personal character attack ads. Political issue attack ads use justifiable tactics to establish candidates’ contrasts on issues; while personal attack ads focus on personality and character flaws using illegitimate means. That is to say, negative ads can be informative for voters to understand the candidates’ contrasts on issues, but at the same time they can be dishonest, false and misleading.

Previous research indicated that negative advertising has become a feature in political campaigns since the 1980s. Take the televised ads as an example, the percentage of negative advertising has ranged from a low of 10% in the 1960 campaign to a high of 65% in the 1996 race (Kaid & Johnson, 2001). Lynda Lee Kaid and Anne Johnston’s research suggested that more than three-fourth (78%) of the television ads from 1952 to 1996 is negative. Besides the increasing number of negative ads over the past years, the accountability, fairness, and objectivity of them are under question as well. Among these negative ads, 475 of them are identified as distorted and misleading attack ads (Kaid & Johnson, 2001).

With the growing number of attack ads in political advertising, the debate on negative advertising is increasing, too. Defenders of negative advertising argue that “voters need to know the whole story, and solely positive arguments do not provide it” (Kamber, 1997). They believe that negative information is essential for voters to make an informed decision. Besides, the tone of negative ads is usually more aggressive than
positive ads; therefore, they are commonly regarded as an effective way in affecting voters.

Opponents of negative advertising are against attack ads for two main reasons. First, previous research showed that candidates who use attack ads can create backlash on their own candidacy (Ansolabehere & Iyengar, 1995). The tone of negative ads is so hostile that there is a risk for candidates to damage their own public image and reputation while attacking their opponents. An exit poll by Los Angeles Times was conducted during the 1993 Los Angeles mayoral race. The poll showed that “the most common complaint against the candidate not chosen was his negative advertisements” (Ansolabehere & Iyengar, 1995). Bearing the backlash of using negative ads, political candidates need to think about the risk twice before adopting any negative ads in their political campaigns.

Second, the American public is not satisfied with the current attack politics. During a presidential debate in 1992, a woman scolded President Bush, Clinton, and Perot for the negative tone of their advertisements and asked them not to repeat the hostilities of previous encounters (Ansolabehere & Iyengar, 1995). Attack ads are blurring the moral line, grabbing attention and receiving criticism on its intervention in the electoral process (Schultz, 2004). During the mid-term election of 2006, an ad attacking the character of Harold Ford, a Democratic candidate for Senate, is criticized by media as a vicious ad in the U.S. electoral process because it attacks both public issues and candidate’s private life.¹ Surveys that were conducted by the University of Virginia

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Project on Campaign Conduct indicated that an overwhelming majority of respondents (96%) supported the idea of candidates adopting a code of ethics on campaign conduct.\(^2\)

Negative advertising still plays a significant role in informing voters, but personal character attack ads may stir the public’s hatred towards politics and lower people’s confidence in politicians and government. In order to avoid these happenings, regulating negative advertising can be an approach in building a moral environment for political campaigns. However, the First Amendment in the United States protects freedom of speech which also applies to speech in political advertising. For example, the Communications Act of 1934 states that broadcasting stations, cable systems, and Direct Broadcast Satellite (DBS) services have no power of censorship over the content of any candidate’s bona fide newscast, bona fide news interview, bona fide news documentary, and on the spot coverage of bona fide news events. Although “Bona fide” here means “objective and trustworthy,” how to make sure the content is true and accountable is not explained in the Communications Act of 1934.

Furthermore, according to current laws of the Federal Communications Commission (FCC) and the Federal Election Commission (FEC), any contents of political advertising should not be banned or regulated. Besides the reason of keeping consistency with the First Amendment, they believe that the voters have the right to know about candidates from both positive and negative arguments. Negative advertising should not be banned because they are an essential part of political arguments (Kamber, 1997). Many researchers also argue that negative advertising is an indispensable approach for voters to obtain candidates’ information from a negative perspective. According to Kahn

and Kenney, attacks in negative advertising can stimulate learning by voters (Kahn & Kenney, 2000). Another researcher Dolan also argued that even vicious attack ads compose an essential part of a healthy electoral system. He suggested that politics would be boring, bland, and unattractive without negative ads on TV. However, he admitted at the same time that there should be a clear line between launching attacks and lying in political advertising (Schultz, 2004).

Without effective regulations on negative advertising, more and more negative ads can be produced resulting in damaging candidates’ morality and media’s accountability. Therefore, this thesis aims to answer the following question: How should negative advertising be defined and how the amount of negativity in political advertising should be determined in order to keep the objectivity and fairness of political campaigns? Based on this research question, one hypothesis is raised throughout this thesis: Although the First Amendment poses substantial obstacles to direct regulation of negative advertising, there are incentives and accountability remedies that could get candidates to take more responsibility for negative political advertising.

To test this hypothesis, this thesis will proceed as follows. Chapter 2 will provide a history of televised negative ads and a theoretical framework of previous research on them. The history of televised negative ads gives an overview of its early age and development in five different historical stages of political campaigns: 1952-1960, 1964, 1968-1984, 1988-1996, and 1996-2007. According to the study by Johnson-Cartee and Copeland, Estes Kefauver used the first attack television ad against Eisenhower (Johnson-Cartee & Copeland, 1991). According to Kaid and Johnston, in the 1952 campaign, presidential candidates adopted different approaches in televised ads, but two
thirds of them were negative. Attack ads were commonly used by candidates in the 1956 campaign. More attack ads could be seen in the year 1964. After the 1964 race, the percentage of negative ads dropped with a growth of positive ads from 1968 to 1984. Negative ads became dominant again from 1988 to 1996 (Kaid & Johnston, 2001). Critics on the inaccuracy and ethics of personal character attack ads became hectic from 1996 to 2007.

Chapter 3 will review regulations on commercial advertising and political advertising in current laws that are forced by current government authorities such as the Federal Communications Commission, the Federal Election Commission, and the Federal Trade Commission. The review suggests that none of these agencies directly embraces the role of overseeing the content of political advertising. Three models emerge from the examination of current laws: equal time doctrine, no censorship, sponsorship and disclosure requirement. Throughout the review of three models in current laws, this Chapter demonstrates how the models shape and influence the development of negative political advertising.

Chapter 4 will examine contents of eight attack ads as case studies from 1996 to 2007. The time period of 1996-2007 is chosen for two reasons. First, the most recent attack ads adopt new communication strategies that the attack ads in the early years of political negative advertising did not have. These communication strategies usually strengthen the persuasiveness of their arguments by providing “facts” with statistics, creating comparative images between two candidates, speaking with an assertive tone while making strong judgments, making statements repetitive, creating distorted messages through combining words and images or taking words out of certain contexts,
carefully choosing words to show speaker’s identification in the ad content, and so on.

Second, different from the first attack ads in the 1950s which are simple and unsophisticated in formats and tactics, attack ads become more attractive and persuasive to audience due to the use of technology. The involvement of the Internet in negative ads is one of the apparent indications. With skills of using video editing software and the Internet connection, everyone can make and upload negative ads in the way they prefer to. Since many these online ads are made personally without a political party sponsorship, they unavoidably carry personal preference. Additionally, when moving attack ads to the cyberspace, it makes privacy unprotected.

The chosen attack ads are classified into three themes in this Chapter: transmitting deceptive messages to the audience, using distorted language and images, and releasing candidates’ private information in the ad content. Choosing the three themes is because they are representative in negative advertising and build the foundations for the common and effective communication strategies that are used in personal character attack ads during this period.

In order to further analyze the chosen attack ads, this chapter applies Bok’s study on lying, Galasinki’s study on deception and distortion, and Grice’s theory on conversational cooperative maxims, to the analysis. Based on their theories, the chapter will analyze the communication strategies in practice of creating negative ads. Based on the analysis, the chapter will be able to provides a picture of the characteristics of the attack ads during this time period and evidence for possible remedies of regulating negative advertising.
Chapter 5 endeavors to investigate current laws on political campaigns, explores problems facing the regulation of negative ads, and provides remedies for current policies and enforcement of proposed remedies. Although conflicts between public interest and political interest, between the First Amendment and the responsibility of broadcasters still exist, there are incentives and accountability remedies that could get candidates to take more responsibility for negative advertising. Proposed remedies include establishing and enforcing standards for political advertising, encouraging more positive speech in political advertising, developing inspection on negative advertising from consulting organizations and media groups, and erecting legislations for candidates who are unfairly attacked. The enforcement of proposed regulations requires cooperation among the government, political candidates, and third party groups. In addition, with the development of the Internet, the chapter suggests that online regulation of negative ads is becoming another challenging task in future political campaign.
Chapter 2 An Overview of the Development of Negative Advertising

According to Kaid and Johnston’s study of televised advertisements during the American presidential campaigns, the percentage of negative ads varies in each presidential year. In Kaid and Johnston’s study of negative ads in each presidential year, the development of negative advertising is divided into five historical stages: 1952–1960, 1964, 1968–1984, and 1988–1996. Based on their methodology, this chapter also looked at the development of negative advertising in these five time periods with an addition of one time period from 1996 to 2007. A progressive analysis of the six historical stages illustrates the development of negative advertising since 1952 and the characteristics of negative advertising in different time periods.

The Early Development of Televised Political Advertising: 1952 – 1960

As Edwin Diamond and Stephen Bates wrote, the year of 1952 “transformed the way Americans elected their presidents – a change directly related to the twin development of television and the TV spot” (Diamond & Bates, 1988). Robert Spero also regarded the year as a beginning of televised political manipulation era (Spero, 1980). Televised political advertising has taken upon two responsibilities since 1952. On the one side, televised political advertising is responsible for television audience because it is an important information channel for American citizens to track politics. On the other side, it plays an important role for political candidates in serving their campaigns. It has become a manipulative tool for political candidates to control political discourses and influence voters.

As a feature of televised political ads, negative advertising seeks to build up negative images of political candidates through attacking them. Television gifts attack
ads power by triggering appealing emotions of fear, hatred, greed, and prejudice in order to persuade voters (Kamber, 1997). Candidates create attack ads to attack their opponents’ policy proposals on certain issues such as economy, education, military, health care, homeland security, foreign policy, and so on. They also create attack ads that directly attack their opponents’ personal characters such as integrity, loyalty, motives, associates, and actions.

The first presidential campaign ads were aired on television in 1952. The first attack ad was the one among “Eisenhower Answers America” series of political advertising that broadcasted in 1952 (Dixit, 2004). In this attack ad, Eisenhower told the voters that the Democrats had not adequately prepared for war, claiming “Today we haven’t enough tanks for the fighting in Korea. It is time for a change.” The first attack ad was focused on political issue attack because it scolded the Democrats on their foreign policy with Korea and the use of military.

Attack ads had been used by both political parties since 1952. Both the Republican candidate Dwight Eisenhower and the Democrat candidate Adlai Stevenson used more negative ads than positive ones to attack opponents. According to Kaid and Johnson’s research, 66% of Eisenhower’s ads and 67% of Stevenson’s ads were negative in 1952 (Kaid & Johnston, 2001).

Most of Eisenhower’s ads were more focused on issue attack than character attack. In his “Eisenhower Answers America” series, Eisenhower adopted a Q&A speech style answering American citizens’ questions on issues while attacking the Democrats on the issues. The representative ads from the series include the Man from Abilene, High Prices, Sturdy Lifeboat, Never Had It So Good, and so on. These ads attacked the Democrats
with repeated focus on three issues of concern: the Korean War, corruption in
government, and the high cost of living. In the 20-second ad *Never Had It So Good*, a
black worker asked Eisenhower a question, “General, the Democrats are telling me I’ve
never had it so good.” Eisenhower answered, “Can that be true? When Americans are in
millions of debt, prices are doubled, when taxes break our back, we are still fighting in
Korea? It’s a tragedy and it’s time for a change.” Just as this ad which chose a black
worker as a representative of the African Americans to ask the question, Eisenhower’s
attack ads picked a diversity of American citizens to ask him all kinds of questions. By
answering these questions, Eisenhower attacked mistakes that his opponent had made in
political issues. Although Eisenhower did not provide his own policy proposals for
changes, he spoke the true situation that the country was facing, stated the reality and
facts of the political issues, and impressively denied his opponent’s abilities in leading
the nation.

Some attack ads that appeared in 1952 attacked candidates’ characters but had
nothing to do with political issues. One of the well-known attack ads titled *Ike and Bob*
was used by presidential candidate Stevenson attacking characters of the presidential
candidates Eisenhower (Ike) and vice president candidate Bob Taft (Bob). The ad did not
mention any political issues; instead, it adopted a cartoon picture to question the
characters of presidential candidate and vice presidential candidate. The visual was crude
in that it only had one cartoon picture of two hearts pierced with an arrow. Two names,
Ike and Bob, were written on each heart implying that they are lovers. Two hearts start
speaking with each other, “Ike…Bob…Ike…Bob… I am so glad we’re friends again,
Bob. Yes, Ike, we agree on everything. Let’s never separate again, Bob. Never again, Ike.
Bob…Ike…Bob…Ike.” Then comes the announcer’s voice, “Will Ike Bob really live happily ever after? Is the White House big enough for both of them? Stay tuned for a musical interlude.” A singing jingle immediately followed, “Reuben, Reuben, I’ve been thinking. Bob and Ike now think alike. With the General in the White House, who’d give the orders, Bob or Ike? Let’s vote for Adlai and John!” This 50-second attack did not mention any issues at all but only attack characters of two opponent candidates.

Compared to the year of 1952, the percentages of negative ads decreased greatly in both 1956 and 1960, with 24% and 10% respectively (Kaid & Johnston, 2001). The presidential election year of 1960 has the fewest negative ads in the history of political advertising. Negative ads of this time period were mainly focused on attacking issues rather than attacking candidates’ characters.

Besides the Q&A speech style and cartoons, negative ads during this time period adopted communication strategies such as direct speeches and unsophisticated visuals. For example, one of the character attack ads titled *Nervous about Nixon* and was created by Democratic candidate Stevenson only used a headshot photo of Nixon. The speech of announcer in this ad was short and direct, which said, “Nervous about Nixon? President Nixon? Vote for Democratic, the Party for you, not just the few.” This ad adopted one headshot image and very simple language to attack the character of Nixon neither touched any political issues nor provided any evidence. Therefore, the effect of this type of attack ad is questionable compared to attack ads on political issues and those with abundance of evidence to back up their arguments.
A Negative Campaign Year: 1964

Every American household had at least one television set by the early 1960s. The advertising industry was prospering along with the development of the economy. However, the nation was disquieted around the year of 1964. President John F. Kennedy was assassinated in November 1963. The Vietnam War was escalating. Congress debated suspending the FCC’s equal-time provisions, but the administration stopped the effort (Diamond & Bates, 1988). As a result, negative advertising reached a new peak in the presidential election year after 1952. During the 1964 presidential campaign, 47% of political ads were negative on television (Kaid & Johnston, 2001).

Both the Democrat candidate Lyndon Johnson and the Republican candidate Barry Goldwater adopted attack ads in their presidential campaigns, including both political issue attack ads and candidate’s personal character attack ads. On the side of issue attack ads, commercials like Peace Little Girl, Merely another Weapon, and Ice Cream attacked Goldwater on the issue of using nuclear weapons. Goldwater’s ad Raymond Massey and Dowager attacked Johnson’s policy on the Vietnam War and corruption of the government. The ad Social Security attacked Goldwater’s political proposals on the issue of social security; the other ad Boy on Bicycle attacked Johnson on the same issue. Regarding the character attack ads, Johnson’s ads such as Raymond Republican Convention and Confessions of a Republican attacked Goldwater’s character referring him as an unqualified presidential candidate.

One communication strategy that adopted in attack ads was appeal to fear which generates fear among people through images and languages. Also known as scare tactics, appeal to force, or ad baculum, appeal to fear aims to prove its claim through creating
fear in people.\textsuperscript{3} One of the well-known negative ad in the year was Johnson’s daisy girl commercial attacking the threat of the abuse of nuclear weapons. The original title of this ad was \textit{Peace Little Girl}, but it has been remembered as \textit{Daisy Girl}. This negative ad tugged at audience’s attention at the innocence of a little girl contrasting the evil of nuclear weapons. It aimed to warn the American people that the Republican candidate Goldwater would start a nuclear war if he were elected as President.

\textit{Video}
Camera on little girl in field, picking petals off a daisy.

\textit{Audio}
LITTLE GIRL: “One, two, three, four, five, seven, six, six, eight, nine, nine –”

\textit{Video}
Man’s loud voice: “Ten, nine, eight, seven, six, five, four, three, two, one…”
An atom bomb exploded and a mushroom cloud filled the air.

\textit{Audio}
Johnson: “These are the stakes – to make a world in which all God’s children can live, or go into the dark. We must love each other, or we must die.”

\textit{Video}
White letters on black background: “Vote for President Johnson on November 3.”

\textit{Audio}
Announcer: “Vote for President Johnson on November 3. The stakes are too high for you to stay at home.”

The ad did attack on the issue of nuclear weapon but instead of giving proposals for solving the nuclear problem, it exaggerated the issue of the potential of nuclear war, triggered fear among people, reproached candidate Goldwater’s policy on the issue, and furthermore damaged the candidate’s public image. It seems that it attacked the issue of nuclear bomb, but it warned people that there would be a dangerous circumstance that candidate Goldwater might bring to the country and the people. Therefore, this attack ad

\textsuperscript{3} http://www.nizkor.org/features/fallacies/appeal-to-fear.html
was powerful in delivering the warning message and attacking the qualification of the candidate.

The ad immediately received thousands of protests from the Republicans and the Democrats after it was broadcasted on NBC. The Republicans criticized Johnson for putting his “efforts over national television to win the election by scaring the wits out of the children in order to pressure their parents.” Even Johnson’s vice presidential running mate regarded the ad was unfortunate (Spero, 1980). The strong reactions to this ad implicated that negative advertising can change to a backlash on candidates when used inappropriately.

**Dominant Positive Advertising: 1968 – 1984**

The number of negative ads dropped sharply after 1964. Positive ads dominated the market of political advertising from 1968 to 1984. In the 1968 presidential campaign, the Democrat candidate Hubert Humphrey used more negative ads (33%) than the Republican candidate Richard Nixon (15%), yet lost in the election (Kaid & Johnston, 2001). Political candidates gradually realized the risk of using negative ads. That is, attack ads might backfire. Political advertising researchers pointed out that using negative ads improperly can possibly damage candidates’ reputation. Stewart in his research in 1975 found that candidates who used attack ads were perceived by voters as “untrustworthy, dishonest, incompetent, unqualified, unlikeable, not self-confident, and immature” (Stewart, 1975). In the 1972 presidential campaign, the number of negative ads used by George McGovern (40%) doubled that of Nixon (20%), but finally McGovern lost to Nixon in the election (Kaid & Johnston, 2001). Most of Ronald Reagan’s ads in the presidential year of 1984 were positive with colorful and optimistic
images of the American people and with no negative information. Walter Mondale used more negative ads than Regan, but lost in the election. Using more negative ads does not mean more chances the candidate will win.

Although positive advertising was dominant in this time period, attack ads had never disappeared from political campaigns and had many characteristics in attacking strategies. First of all, attack ads attacked candidates’ characters without solid and accountable evidence during this time period. One of the well-known attack ads used by Humphrey in 1968 was titled *Laughter*. Just as the title suggested, laughter was the only subject in this ad. Nobody showed up and a television set was the only image that could be seen in the ad. No single word was spoken except a man’s loud laughter with a sarcastic tone, laughing at his opponent’s running mate Spiro Agnew. The laughter started from the beginning to the end with a line of words showing on the TV screen – *Agnew for Vice President?* Then the concluding words showed up – *This would be funny if it weren’t so serious.*

The 20-second laughter was absolutely offensive and memorable. It was offensive because it did not provide any evidence to prove that “Agnew for Vice President” is “funny.” The judgment was not objective since it did not offer any facts or background information about candidate Agnew. Without showing any evidence, the ad aggressively attacked the candidate’s character by doubting his qualification for being a vice president candidate. Being composed by a long laughter and being unique from other negative ads, it was memorable for voters.

Secondly, attack ads tended to attack a candidate’s policy positions and then draw a conclusion about his or her character. In one of Nixon’s few negative ads *McGovern*
"Turnaround" in 1972, he attacked the character of candidate McGovern with only one headshot image. The image on the TV screen was so simple that it only had a headshot picture of McGovern, turning to the left or the right once a time. It aimed to question McGovern’s integrity on different political issues.

*Audio*
In 1967, Senator George McGovern said he was not an advocate of unilateral withdrawal of our troops from Vietnam.

*Video*
McGovern’s face on his headshot picture turned to the left.

*Audio*
Now, of course, he is.

*Video*
The face turned to the right.

*Audio*
Last year the Senator suggested regulating marijuana on the same lines as alcohol.

*Video*
The face turned to the left.

*Audio*
Now he says he against legalizing it and says he always has been.

*Video*
The face turned to the right.

*Audio*
Last January Senator McGovern suggested a welfare plan that would give a thousand dollar bill to every man, woman, and child in the country.

*Video*
The face turned to the left.

*Audio*
Now he says the thousand dollar figure isn’t right.

*Video*
The face turned to the right.

*Audio*
In Florida he was pro busing.

*Video*
The face turned to the left.

*Audio*
In Oregon he said he would support the anti-busing bill in Congress.
The ad attacked the flip-flop character of candidate McGovern through his inconsistent standpoints on political issues. Inconsistency can be evidence of confusion or outright deceit which is not desirable in a President (Benoit, 2003). Although this ad also attacked candidate’s “turnaround” character, it was based on much accountable evidence to prove the case. This is the main difference from the attack ad *Laughter*. In other words, attack ads that attack a candidate’s character but fail to deliver sufficient information are not accountable and trustworthy. If the goal of campaigns is to make an informed electorate process, nothing should be further from true and sufficient information.

The ending of this ad is also worth noting because it adopted an impressive communication strategy to strengthen its persuasive argument. The words “Democrats for Nixon” were showed at the end of the ad. Since Nixon is a Republican candidate, putting “Democrats for Nixon” in the ad was to tell the audience and voters that even Democrats would vote for Nixon as the President. Although it was only three words at the end of the ad, the strategy could be effective in persuading voters to vote for the candidate Nixon.

**Dominant Negative Advertising: 1988 – 1996**

Started from 1988, the number of negative ads increased again in political campaigns and attack ads became dominant again from 1988 to 1996. Almost half of all televised political ads in the 1988 campaign were negative, but it was only a warm up for negativity of the 1992 and the 1996 campaigns. The percentage of negative ads in 1992
and 1996 political advertising reached highly 68% and 65% respectively (Kaid & Johnston, 2001). In terms of topics, attack ads during this time period also focused on both political issues and candidates’ characters. Take the 1992 presidential campaign as an example, the Democrat candidate Bill Clinton’s criticized the Republican candidate George H. Bush’s policies on issues of tax increase, unemployment, and health care budget cut. He questioned Bush’s integrity as well. Bush also attacked Clinton in negative ads such as Arkansas, Guess, Federal Taxes, Health Care, Gray Dot, Cincinnati Barney, and so on. Similarly, these attack ads also focused on issues of tax and health care and Clinton’s integrity and qualification.

A candidate’s inconsistency was still one of the main themes in attack ads during this time period. However, different from simple images as a headshot photo, creative ways were used to make the attack ads more memorable. Take one of Bush’s negative ads attacking Clinton in 1992 for example, in the ad Gray Dot, the television screen was split in the middle with two candidates speaking with grey dots over their faces.

*Announcer:* The presidential candidate on the left stood for military action in the Persian Gulf, while the candidate on the right agreed with those who opposed it.

*Image on the left screen:* He says he wouldn’t rule out term limits.

*Image on the right screen:* While he says he’s personally opposed to term limits.

*Image on the left screen:* This candidate was called up for military services.

*Image on the right screen:* While this one claims he wasn’t.

*Announcer:* One of these candidates is Bill Clinton.

(The gray dot was removed from the left image which revealed Clinton’s face)

*Announcer:* Unfortunately, so is the other.

(The gray dot was removed from the right image which also revealed Clinton’s face)

*Clinton:* There is a simple explanation for why this happened.
The ad is creative in the way of expression because it abandoned the old method of only showing a headshot of a candidate which appeared in the last time period. Putting gray dots on the candidate’s head and then revealing them strengthens the visual effect. The ad planted the strong image together with the candidate’s character of inconsistency into voters’ mind. The adoption of creative way of expression made the ad more memorable for audience. The last sentence was an original recording from Clinton’s speech. Such a real ending made the whole ad more accountable for voters.

**A New Era of Negative Advertising: 1996 – 2007**

Negative advertising has entered a new era from 1996. During the time period from 1996 to 2007, negative ads possess new features that previous ads do not have. First of all, the number of negative ads is increasing with the development of the Internet. The Internet has begun to play a significant role along with tradition media of newspapers, radio, and television. More and more candidates set up their campaign websites with their profile information, proposed policies, argument on issues, and political ads. Negative ads that have been broadcasted on television can be disseminated on the Internet with a faster speed. Negative ads can also be created on the Internet. The Internet not only transmits information, but also produces more negative ads by both candidates and voters.

Second, political candidates tend to spend more money on political advertising which creates an advantageous environment for the production of negative ads. They spend so much money on political ads that the political campaigns are becoming more and more costly. Clinton and Dole spent a total of $200 million on television advertising during presidential year of 1996 (Devlin, 1997). In addition, since the Communications Act
requires broadcast stations to provide equal opportunities for candidates to purchase broadcasting time, it propels the political advertising race among candidates.

Third, some negative ads began to reach candidates’ private life while attacking their characters. One example is a negative ad used by Republican National Committee during the mid-term election in 2006, attacking the character of Harold Ford, a Democratic candidate for Senate of Tennessee. In this 30-second commercial, all eight interviewees spoke with a sarcastic tone accusing Ford’s qualification as a candidate. The ad accused Ford on issues of tax, regulation of guns, homeland security, and online protection of children, but that was not the main point. The ad also implicated that Ford has a habit of going to playboy parties and has a close relationship with one female interviewee who claimed that they met each other in a playboy party. More ads from this time period will be analyzed in chapter 4.
Chapter 3 Political Advertising in Current Laws

Three federal government agencies play roles related to the political advertising arena: the Federal Communications Commission (FCC), and the Federal Election Commission (FEC), and the Federal Trade Commission (FTC). Established by the Communications Act of 1934, the FCC is responsible for the Congress and in charge of regulating interstate and international communications including radio, television, wire, satellite and cable. The Communications Act of 1934, as amended, has made up specific rules on political programming. Established by the Congress in 1975, the FEC has been authorized to conduct an oversight of political campaign finance under the FTC Act with specific regulations on disclosing campaign finance information, overseeing the public funding of Presidential elections, and enforcing the provisions of the law. Somewhat differently from the FCC and the FEC, the FTC has been focused more on regulating commercial advertising and protecting consumers. With an authority of adopting trade regulation rules that define unfair or deceptive acts in particular industries, the FTC is responsible for administering a wide variety of consumer protection laws.

A review of the regulations and the scope of authority of each of these agencies reveals that none of these agencies directly embraces the role of overseeing the content of political advertising. On the one hand, this is not surprising because it is consistent with the law and spirit of the First Amendment, which eschew government regulation of political speech. On the other hand, it is ironic that agencies like the FEC entrusts with the specific responsibility of overseeing the financing of elections, which has a big impact on advertising, but has no role with respect to regulating the content of advertising.

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4 About the FCC: [http://www.fcc.gov/aboutus.html](http://www.fcc.gov/aboutus.html)
5 About the FEC: [http://www.fec.gov/about.shtml](http://www.fec.gov/about.shtml)
The review of the laws that are enforced by these federal agencies keeps raising the question on the content of political advertising. That is, under the current laws on advertising, how the amount of negativity in negative advertising should be determined in order to keep the objectivity and fairness of political campaigns?

Current regulatory rules in the Communications Act of 1934, the Federal Election Commission Act, and the Federal Trade Commission Act contain four important models that relate to political advertising: equal time doctrine, no censorship, sponsorship, and disclosure. Although none of these models touch the truthfulness of the content of political advertising, they suggest that gaps in the regulatory fabric exists and there is room for more regulatory involvement to support truthfulness and fairness in negative advertising.

**Model One: Equal Time Doctrine**

In the United States, broadcasters are obligated to serve “the public interest, convenience, and necessity.”\(^7\) To fulfill the responsibility, the Congress and the FCC have imposed a number of statutes and rules for broadcasters to follow in terms of political programming. The Communications Act of 1934, as amended, is one of the significant statues on political programming regulation.

Section 315(a) of the Communications Act of 1934, as amended, sets forth the equal time doctrine to govern candidates’ use of broadcast programming for their political campaign. The equal time doctrine requires broadcasting stations to provide equal opportunities to any legally qualified candidate for public office with free air time or charged advertising time.\(^8\) A range of appearances by a legally qualified candidate are

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\(^7\) The Communications Act of 1934 §309.

\(^8\) The Communications Act of 1934, as amended, [47 USC §315(a)].
exempted from this equal time doctrine, including appearances on any bona fide newscast, any bona fide news interview, any bona fide news documentary, and on-the-spot coverage of bona fide news events.\(^9\) Candidates’ debates are also exempted from the equal time doctrine because they are regarded as on-the-spot coverage of news. In 1983 the FCC sought to enhance the role of public debates in promoting political discussion by extending the exemption to include any rebroadcast of a debate.\(^10\)

Although there is an exemption of candidates’ appearances on the news coverage and political debates, the exemption does not apply to the political advertising. Candidates can increase their exposures to voters through political ads. According to the equal time doctrine, any legally qualified candidate has the equal right and equal time to expose their appearances in positive ads and their opponents’ appearances in negative ads. That is to say, political advertising has an advantage in exposing candidates’ appearances that news coverage programs do not have. This probably is one of the important reasons for most candidates to adopt the televised political ads in political programming.

With equal opportunities to access political advertising, candidates are able to make their policy standpoints informational and their appearances available to the general public and potential voters. The doctrine also guarantees that political advertising is a fair game for all qualified candidates to play. If one candidate was attacked in a negative ad, he or she could request equal advertising time to respond the attack.

\(^9\) The Communications Act of 1934, as amended, [47 USC §315(a)].
Model Two: No Censorship

The prohibition of censorship is required in the political programming and advertising. The Communications Act of 1934, as amended, states that broadcasting stations, cable systems, and Direct Broadcast Satellite (DBS) services have no power of censorship over the content of any candidate’s bona fide newscast, bona fide news interview, bona fide news documentary, and on the spot coverage of bona fide news events. Candidates have a right to use any form of expression in their political programming. As one form of political programming, political advertising is also protected under this “no censorship rule.” The no censorship model is consistent with the First Amendment in terms of protecting the freedom of speech and prevents almost any form of content-based censorship by the government and broadcasters. It does not touch the truthfulness of political advertising, not to mention the specific regulations on negative ads. The model gives political candidate and advertising agencies great space to develop the content of negative political advertising.

The model reveals the main difference between commercial advertising and political advertising. Truthfulness is not mentioned in the no-censorship model and not required by the political advertising, but is regarded as a key requirement for the commercial advertising. According to the Federal Trade Commission Act, commercial advertising must tell the truth and not mislead consumers.

Enacted in 1914, the Federal Trade Commission Act has functioned as a regulatory law on advertising with a primary purpose of protecting competitors rather than consumers (Gold, 1987). The section 45 of the Act defines unfair or deceptive acts

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11 The Communications Act of 1934, as amended, [47 USC §315(a)].
or practices in commerce as unlawful.\textsuperscript{12} Advertising, clearly, is one of the important acts or practices in commerce. Since politics is different from general commodities, political advertising, as one type of advertising, yet is not mentioned in this Act.

The Federal Trade Commission Act also regulates the dissemination of false advertisements. The section 52 of the FTC Act claims that “it shall be unlawful for any person, partnership, or corporation to disseminate, or cause to be disseminated, any false advertisement.”\textsuperscript{13} The Act asserts that the “false advertisement” is misleading in a material respect. If violated, certain penalties can be positioned on any person, partnership, or corporation that disseminates any false advertisement.\textsuperscript{14} Meanwhile, the section declares that advertising media and agencies are not liable under this section by reason of the causing by it of the dissemination of any false advertisement.\textsuperscript{15} That is to say, advertising media and agencies are not necessarily responsible for disseminating false advertisements.

The FTC Act prohibits unfair and deceptive advertising in any medium including the Internet. In the “Advertising Marketing on the Internet,” the FTC has made up rules for online advertising regulation. It states that advertising agencies or website designers have the responsibility of reviewing the information to substantiate ad claims online. It also states the importance of consumers’ online privacy and the necessity of protecting it.

The requirement of truthfulness, the penalty of disseminating false advertisements, and the forbiddance of unfair and deceptive advertising on the Internet, make up the great difference between commercial advertising and political advertising. The no-censorship

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\item \textsuperscript{12} The FTC Act Section 45 (a).
\item \textsuperscript{13} The FTC Act Section 52 (a).
\item \textsuperscript{14} The FTC Act Section 54 (a).
\item \textsuperscript{15} The FTC Act Section 54 (b).
\end{itemize}
\end{footnotesize}
model is so powerful for political advertising that it overlooks the implications of the rules above that can possibly be applied to the arena of political advertising. There is no doubt that the no-censorship model is consistent with the First Amendment, but when attention is paid to the content of political advertising especially the negative advertising, how to run a fair political campaign through informational and accurate political advertising is questioned.

**Model Three: Sponsorship and Disclosure Requirement**

Sponsorship is one of the important elements in negative political advertising especially in televised ads due to the power of images in creating the illusion of closeness (Johnson-Cartee & Copeland, 1991). Radio and television broadcasters are obligated to announce sponsorship in political programming because people have a right to know who are trying to persuade them to vote. Section 76.1615 of the Communications Act, as amended, states that an announcement of the sponsor’s corporate or trade name, or the name of the sponsor’s product, which constitutes sponsorship identification, is required in any advertising commercial products or services.\(^\text{16}\) The sponsor must be clearly identified in a conspicuous place telling who paid for the ad and whether it is authorized by the candidate. The model of no censorship makes the content of political advertising untouchable, but the model of sponsorship requirement forces all political ads identify their sponsorships in their contents. It is an important supplement for the model of no censorship because it is a regulation on the content of political advertising specifically.

The Congress and the FCC have treated sponsorship identification seriously in the past few years. The Truth in Broadcasting Act of 2005 was passed and implemented as a complement to the existing sponsorship rules. The Act explicitly and unambiguously

\(^\text{16}\) Section 76.1615 [47 CFR §76.1615] Sponsorship identification.
prohibits the removal of sponsorship announcement in any political programming to ensure that listeners and viewers understand the nature and source of the information being presented. Therefore, all ads including the negative ads have to include their sponsorship identifications as an indispensable part in the ad content. Under the model of sponsorship requirement, voters can be better informed by noticing sponsorships and make a better personal judgment through watching televised political ads.

Similar to sponsorship requirement, the Federal Election Committee Act requires disclosure of federal campaign funds, disclosure of electioneering communications, civil liability of disclosure of information, disclosure of names of persons on relief, disclosure of expenditures and contributions, and disclosure of and prohibition on certain donations. Although disclosure rules are the most widespread regulation of the campaign finance system, they are the sole regulation in the several electoral arenas including the arena of political advertising (Garrett, 2004). Since there is no clear statement on how to apply these disclosure rules to different contexts, political consultants often obfuscate the sponsor disclosure requirement in all kinds of ways. For example, most disclosure tags in political ads are visually displayed at the end in small letters which are nearly unreadable (Johnson-Cartee & Copeland, 1991).

In addition, there is no obligation towards the truthfulness of sponsorship and disclosure. Under the current model of sponsorship and disclosure requirement, letting the audience see the sponsorship and disclosure is the key. As long as there is sponsorship identification and disclosure, the ad is a lawful ad and can be broadcast. Without requirement of the truthfulness in law, this model opens a door for false and

distorted sponsorship and disclosure which aim to mislead the audience and potential voters.

The three models of regulation in current laws are shaping and influencing the development of negative political advertising. The analysis of negative ads from 1996 to 2007 in chapter 4 addresses this connection and scrutinizes the characteristics of negative political ads that have been created under the current models of regulation.
Chapter 4 Case Studies of Negative Ads from 1996 to 2006

“In the hands of a media master, a political commercial can become a work of art – impressive, effective, enthralling, and, in afterthought, disturbing.”

Larry Sabato

The Rise of Political Consultants

As mentioned in both Chapter 1 and Chapter 2, there are two types of attack ads in negative advertising: political issue attack ad and personal character attack ad. A political campaign, after all, involves personal candidate contact with electorate (Gold, 1987). Attacking candidate’s personal character is the direct way to win votes. Dating back to 1952, when the first negative ads were broadcast, attack ads were mainly focused on political issue attack. Nowadays, more personal character attack ads are frequently showed on television. Since the only goal of these personal character attack ads is to win votes by jeopardizing opponent’s qualification or reputation, they often adopt diverse communication strategies to convey misleading and distorted messages to potential voters.

Methodology

In this chapter, the methodology employed is to use a set of attack ads from 1996 to 2007. The methodology isolates personal character attack ads from all negative ads during this time period, and chose eight of them as representative cases to study regarding their use of communication strategies. The aim of doing the case studies is to illustrate how communication strategies in personal character attack ads work and the necessity of keeping the objectivity of political campaigns with certain amount of negativity in political advertising.
Three main themes of negative personal character attack ads emerge from a review of the attack ads from 1996 to 2007: transmitting deceptive messages to audience, using distorted language and images, and releasing private information in the ad content. The same goal that all three themes carry is to persuade the audience to believe the content of ads. Both transmitting deceptive messages and using distorted language and images aim to mislead the audience; however, the difference between the two is that the deceptive messages use false information, but distorted messages and images are based on truth. Releasing private information is to attack candidates by giving out information of their personal lives to the public. It is probably effective in attacking candidates’ qualification for the office or jeopardizing candidates’ reputation, but it also faces the challenge of violating individuals’ right of privacy. Choosing the three themes is because they are representative in negative advertising and build the foundations for the common and effective communication strategies that are used in personal character attack ads during this period.

The first two cases are analyzed in terms of their deceptive messages; the analysis suggests that such messages in negative ads do not provide voters with the true information and mislead voters in making their judgments. Under the theme of distortion, the analysis of two cases indicates that although the goal of using distorted language and images is to mislead voters, they are at least based on real facts. Therefore, such messages are informative to the electorate. Another two cases that disclose the private information of political candidates raises the significance of privacy in negative advertising. The last case implies the significance of modern technology in producing
negative ads and how it can threaten other three main themes with the development of the Internet.

To study what comprises the negativity in personal character attack ads, the Chapter tends to analyze the ad content and advertising strategies of the eight cases. Specifically speaking, the analysis of the eight cases focuses on the use of spoken language, written words, image, and humor. The analysis of the ad content and communication strategies are based on the three themes and assist with the understanding them in negative advertising.

**Deception in Negative Ads**

“A lie can travel half way around the world while the truth is putting on his shoes.”

*Mark Twain*

Deception is one type of linguistic manipulation because the announcer or narrator transmits deceptive messages to the audience with an intention of creating or fostering a false belief (Galasinski, 2000). An ad that contains and transmits false information with a purpose of using it to deceive the audience is a deceptive ad. Here, the intention is the key in deception. When the announcer deceives others intentionally, the speaker conveys false messages in order to mislead the audience. In many attack ads, political candidates transmit deceptive messages by providing inaccurate information and images on purpose. Bearing inaccurate information and images in mind, voters may not be able to make the right judgment after watching these ads.

The chapter 2 identified one of the attributes of personal attack ads as an attack on the candidate’s policy positions, suggesting that the viewer then draw a conclusion about
the candidate’s character. The following two cases tend to do so. The candidate in each ad attacks his opponent’s personal character by asserting contradictory “facts” about the opponent’s policy proposals and views. Logically speaking, one of the two contending statements of what the candidate’s position is – either the candidate’s or the opponent’s – must be false in its argument.

**Case 1 Signed (1996)**

The attack ad titled *Signed* is a political issue ad broadcasted in the 1996 presidential election cycle. In this ad, the presidential incumbent Bill Clinton attacked his opponent candidate Bob Dole on the issue of illegal immigration regulation:

*Announcer:* Dole, desperate and wrong.  
*Image:* Bob Dole’s face.

*Announcer:* President Clinton doubled border agents, added 1,000 more for California, and signed a tough illegal immigration law protecting U.S. workers. 160,000 illegal immigrants and criminals were deported.  
*Image:* Clinton is giving a speech; U.S. workers are working; illegal immigrants are arrested at borders.

*Announcer:* A record. Bob Dole voted against reimbursing California for jailing illegal immigrants. Time Magazine said his risky tactic could cut 2,000 border agents and cut 4,000 FBI.  
*Image:* Bob Dole’s face.  
Words “The Dole Plan: Where the Ax Might Fall” are showed.

*Announcer:* Bob Dole, wrong in the past, wrong for our future.  
*Image:* Bob Dole’s face.

The ad provides two points of argument and information. First, it conveys that Clinton has done a lot of work to curb illegal immigration including doubling border agents, signing an immigration law, and deporting illegal immigrants and criminals. Second, it provides an exposition of Dole’s record which argues that he has not done a good job on the illegal immigration issue by voting against reimbursement of California for jailing illegal immigrants and voting for cutting border agents. By making a

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comparison between Clinton and Dole on the same issue, it invites a conclusion that Dole is wrong in the past and wrong for the future. In other words, two points are made in this ad aiming to create a negative image on the candidate Bob Dole and to lead voters to vote for the candidate Clinton.

The ad is negative and persuasive due to its communications strategies, such as providing “facts” with statistics, creating comparative images between two candidates, and speaking with an assertive tone while making strong judgments. First, specific numbers are given when supporting Clinton’s work on illegal immigration regulation and opposing Dole’s plan on the same issue. It leads the audience to understand the difference between two candidates’ standpoints on the illegal immigration regulation issue. Second, the images of Clinton are given in a positive way including giving public speeches, showing busy U.S. workers, and arresting illegal immigrants at borders. These images are mainly in bright colors which usually signify an American life with a promising future. In contrast, the images of Dole have no bright colors at all. His face fully occupied the space of all his images. The comparison of the images between two candidates leads audience to favor one series of images of one candidate and disfavor the other. Third, the ad is persuasive because it does adopt an assertive tone while making a strong judgment on the candidate. Both the first sentence and the last sentence are concise but are assertive and strong. The first sentence says “Dole, desperate and wrong.” The last sentence says “Bob Dole, wrong in the past, wrong for our future.” A concise statement with an assertive tone makes the judgment powerful in persuasion. In addition, repetition of words – “wrong in the past, wrong for our future” is also used at the end of the ad to make the argument stronger.
**Case 2 Pants on Fire (1996)**

This attack ad is a response ad to the ad in Case 1. In this attack ad, the presidential candidate Dole charges that the information in Clinton’s *Signed* ad is false. He corrects the record on his stand of illegal immigration regulation, trying to prove that he is wrongly attacked in the ad in Case 1. The ad *Pants on Fire* reveals that the information that Clinton has provided is false and the attack on Dole is not erected.

Therefore, the ad argues that Clinton is an “unusually good liar”:

*Image:* Three words “Read His Lips” are showed on a black background.
*Announcer:* He promises us one thing.
*Clinton:* I would tell you this. I will not raise taxes on the mid-class.
*Image:* Clinton is giving a speech.

*Announcer:* He does another.
*Image:* Words on the Newspaper show “Clinton Asks Middle Class to Pay High Tax.”
*Announcer:* “Bill Clinton is an unusually good liar,” says Bob Kerrey, a Democrat U.S. Senator.

*Announcer:* Clinton said he doubled border agents. The INS says it didn’t happen.
*Image:* Big red word “FALSE” is showed on the background of Clinton’s photo.

*Announcer:* He said Bob Dole voted against reimbursement for illegal immigration, but Bob Dole sponsored the law of reimbursement.
*Image:* Bob Dole is working in the office.

*Announcer:* How much more? Bill Clinton, unusually good.\(^{19}\)

The ad not only points out Clinton’s inconsistency in promises and actions on the issue of raising tax on the mid-class, but also mentions the illegal immigration regulation that the ad *Signed* does. The ad denies the “fact” that Clinton has doubled border agents and says it is “FALSE.” The ad also denies the “fact” that Dole once voted against reimbursement for illegal immigration. Both “facts” are stated as truth in the ad *Signed*,

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but both of them are pointed as falsity in the ad *Pants on Fire*. Since *Pants on Fire* directly points out that information in *Signed* is false, it is more powerful in persuasion.

Both attack ads are powerful and persuasive in making its argument through using a strong tone in its judgment, but the tone of *Pants on Fire* sounds more sarcastic. “Dole, desperate and wrong” in *Signed* is an affirmative judgment, but the judgment “Bill Clinton is unusually good” is *Pants on Fire* uses the word “good” rather than directly saying he is “wrong” or “bad,” and uses the word in an ironic way.

The contradictions raised in two cases are clear. If all the information in the ad *Signed* is true, the information provided in the ad *Pants on Fire* must be false, or vice versa. Only one ad between the two can be true and the other must be deceptive. The tragedy for voters is that they cannot judge which one is true by just watching both attack ads. Political ads are supposed to play an informative role to voters, but there is no sufficient information except deceptive messages in the ads.

There are always a number of words and images in attack ads that are intentionally used to mislead voters, although truth is a basic requirement for political advertising and a right for the public to know. According to Grice’s conversational maxims theory, an effective conversation requires contributions to conversations to be truthful, relevant, relatively complete, and so on (Lakoff, 2004). Among all the listed requirements in the theory, “to be truthful” ranks the first. Telling the truth is the most basic requirement for a conversation, especially for a political discourse. If a political ad does not provide true information in its content, it will lose its meanings as an ad, not to mention to win the heart of voters.
Current personal attack ads have showed that political candidates are growing insensitive to fairness and to truth. The moral question of truth is not whether the speaker is lying or not, but whether the speaker intends to deceive and mislead in the statement (Bok, 1999). Political candidates understand that deceptive and misleading messages will be transmitted through the words, the images, and the tone to reach voters. They produce attack ads intentionally to serve their to-be-elected purpose rather than an informative purpose only. Putting their political interest ahead of the public interest, attack ads with false, misleading, and distorted information are challenging the morality of political campaigns and democracy.

**Distortion in Negative Ads**

One common strategy used in many attack ads is distortion. Different from deception, distortion exaggerates, overstates, or minimalizes messages in speeches (Galasinski, 2000). Distortion is commonly used in many attack ads because it is not about whether the narrative is conveying the truth or not, but choosing a distorted way to tell it to result in a misrepresentation of reality. In other words, information transmitted from distorted language and images in attack ads is true in content but distorted in expression. Therefore, the major difference between deception and distortion is that the latter one is based on real facts. The following two cases fall into the category of distortion because both of them exaggerate existing, verifiable facts of the political candidates.

**Case 3 Really MD (2000)**

*Really MD* is created by President Bush to attack presidential candidate Al Gore’s personal character. The only one object that appears in this attack ad is a television set on
a kitchen table. All images and messages are transmitted from that television set.

Although there is nobody appearing in the ad, a mid-aged female American speaks all the time which gives audience an impression that this woman is in her kitchen watching TV. The ad is distorted because it has collected and edited actual images of the candidate Gore and takes partial words from his speech to make one point through exaggeration: Al Gore is not a trustful person.

*Image on the Television:* Al Gore is giving a public speech.
*The Woman’s Voice:* Oh, there is Al Gore, reinvented him on television again, like I am not gonna notice? Who is he gonna be today?

*Image on the Television:* Al Gore is closely interacting with some Buddhists.
*The Woman’s Voice:* Al Gore raises his campaign money in a Buddhist temple?

*Image on the Television:* Al Gore is giving a public speech speaking “I will fight for you.”
*The Woman’s Voice:* The other one now promises campaign financial reform.

*The Woman’s Voice:* Really?

*The Woman’s Voice:* Al Gore claimed credit for things he didn’t even do.
*Image on the Television:* Gore is speaking in an interview.
*Gore’s Voice on the Television:* I took the initiative and created the Internet.

*The Woman’s Voice:* Yeah, and I invented the remote control, too. I am out of this. I will sell my television.20

Spoken words and images play a key role in the negativity of this attack ad. First of all, showing the images from the television rather than showing them directly on the ad gives credibility to the ad. Taking the images from the television tends to establish that these are objective facts that have already existed. In the ad, the television set is personal property which belongs to a mid-aged American woman at home which is not supposed

to be partisan. Therefore, the images and words that the ad transmits to audience seem accountable.

However, it is worth noticing that the combination of images and words transmitted from that television is distorted. There are three ways to make the distortion effective in the ad. First, the words spoken by the woman amplify and explain the image on the television. The image only shows that Gore is interacting with Buddhists. It does not show that he is doing fund-raising in a Buddhist temple, but the words from woman’s mouth remind the audience of this episode, which was very embarrassing to the Vice President.

Second, the words spoken by the woman are not consistent with the image and words from the television. The woman says that Gore “now promises campaign financial reform,” but the image on the television is that Gore is giving a public speech saying “I will fight for you.” There is no logical relationship between two sentences; thus, her supplied explanation provides a distortion of the historically factual image of Gore making that speech and uttering those words.

Third, the candidate’s words are taken out of the context and therefore, partial messages are transmitted to audience. During the interview with Gore that shows on the television, Gore says something before and after “I took the initiative and created the Internet.” It assumes that audience has knowledge of Gore’s allegedly claimed invention of the Internet and goes on to deny, in the narrator’s supplied explanation, the candidate’s work in building the Internet. The ad takes this sentence out of the whole interview, eliminates related information from the interview, and imposes a judgment based on distortion that the candidate claims credit for things he did not even do.
In addition, the language used in the ad is a daily life spoken language which is informal compared to language and style used by announcers in many other attack ads. The informal language makes audience feel comfortable while listening to it and makes it feel natural to identify with the speaker. Therefore, it draws a closer relationship with audience and invites a trust in the judgments suggested by the ad.

**Case 4 Untitled (2000)**

This ad was created for the candidate Senator McCain to attack the President Bush’s integrity. It points out three contradictions between what Bush says and what he does or did. Based on these contradictions, it suggests a conclusion that Bush is not trustworthy and should not be trusted by the American people:

- **Announcer:** This is George Bush’s ad promising America he’d run a positive campaign.  
  **Image:** Bush is giving a public speech; Bush and Laura are standing shoulder by shoulder.

- **Announcer:** This is George Bush shaking hands with John McCain promising not to run a negative campaign”  
  **Image:** George Bush and McCain are shaking hands with each other.

- **Announcer:** This is George Bush’s new negative ad attacking John McCain and distorting his position.”  
  **Image:** a newspaper clip with a title “John McCain’s ad About Governor Bush’s Tax Plan Isn’t True”

- **Announcer:** Do we really want another American politician in the White House America can’t trust?”

The ad also provides an example of the use of distortion because one of the images has nothing to do with the words spoken by the announcer. When the announcer is claiming that “this is George Bush’s ad promising America he’d run a positive campaign,” the image shows that Bush is standing with his wife. There is no obvious

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21 2000 Presidential Campaign TV ads, Devlin Archive, University of Rhode Island
connection between the words and the image, but the ad still puts them together to generate a misleading effect on audience.

As mentioned earlier in the first two cases, Grice formulated conversational maxims that require contributions to conversations to be truthful, relevant, relatively complete, and so on (Lakoff, 2004). As one of the most important requirements in a conversation, relevancy and relative completeness rank next to truthfulness. Combining irrelevant words and images together is a way of distortion. Taking words out of certain contexts is reducing the degree of relative completeness and creating a distorted expression.

The only goal of attack ads is to persuade audience to dislike the political candidates who are portrayed as negative and vote for the ones who are portrayed as positive. The aim of distorted messages in attack ads is to misrepresent the existing facts and make voters believe them through the distorted portraits. Just as Galasinski said, “targets of persuasion are made to believe that something is good or bad, rather than true or false” (Galasinski, 2000). It is not possible for every voter to go over with each political candidate’s political records and personal records to make a judgment. If distorted messages in attack ads are informative for electorate and the information provided in distorted messages is true, it can be an efficient approach for both voters and political candidates.

**Privacy in Negative Ads**

Louis Brandeis and Samuel Warren once defined privacy as the “right to be let alone.” Brandeis’s and Warren’s ideal of the privacy right is the right of every individual to determine “to what extent his thoughts, sentiments, and emotions shall be
communicated” (Rosen, 2000). In his book *Privacy and Freedom*, Alan Westin also provided a definition for privacy. He stated that the core of the “right of individual privacy” was “the right of the individual to decide for himself, with only extraordinary exceptions in the interest of society, when and on what terms his acts should be revealed to the general public” (Westin, 1967). Both definitions emphasized privacy as an individual’s basic right as same as the right of free speech.

Political candidates hold themselves out as public figures, and as such, naturally sacrifice more privacy than ordinary people. But at the same time, they continue to be individuals who also have their privacy right to be protected under the law, though in more limited ways than non-public figures. Unfortunately, many attack ads do not respect the boundaries of individual privacy right. The following cases show that personal character attack ads release candidates’ private information to the public including medical information and personal social life situations.

**Case 5 Untitled (1996)**

The ad was broadcasted during the Senate campaign in 1996 which released the medical information about the candidate Senator Strom Thurmond. The ad provides sufficient evidence with citations from other candidates showing that the candidate Strom suffers serious health problems. At the end the ad brings up candidate Elliot Close to draw a comparison between two candidates.

*Announcer:* Sometimes the truth is hard to face, but our future is on the line. *Image:* The Candidate Strom Thurmond is walking very slowly.

*Announcer:* Is Strom still up to the job? The Newsweek says ‘the Senate is Strom Thurmond’s nursing home.’ Our own State newspaper says ‘he is slowing down mentally,’ that he won’t debate with his opponent, unable to hold his own. *Image:* The Candidate Strom is holding two other men’s arms while walking.
Announcer: Elliot Close can do better. He is medicating the pay rolls and creating jobs. Not a politician. Elliot will drive lobbyists crazy, and he will fight for our schools. Image: Elliot is talking to blue-collar workers and children; Elliot is sitting with his wife and two kids happily. 32

According to the definition of privacy, an individual has the right to decide whether to release his or her medical information to the public or not, and the right to decide how much information can be released. However, the candidate Thurmond’s privacy right has been taken away in the ad. The ad aims to attack his terrible physical and mental status and presents him as an incompetent leader. Releasing his medical information just serves the goal. Although the ad cites information from the Newsweek and the State Newspaper, it is still responsible for spreading the candidate’s private medical information.

Regarding the communication strategies, spoken words and images are also important in this ad. The ad plays the “truth” card by saying “sometimes the truth is hard to face” at the very beginning. When cite the candidate’s medical information, it always starts with “Newsweek says” and “the State Newspaper says” rather than saying “according to Newsweek or the State Newspaper.” Giving the precise news sources and using a direct tone to speak the citation makes the ad accountable.

Images used in the ad are memorable. All images keep consistent with words spoken by the announcer. When the announcer says that the candidate is unable to hold his own, the image immediately shows that he is holding two other men’s arms while walking. When the announcer says that Elliot Close can do better, the image changes to bright colors as the background colors and shows happiness on the face of each worker and family member.

22 1996 Presidential Campaign TV ads, Devlin Archive, University of Rhode Island
The ad also follows a persuasive logic. It makes its strong argument by asking a question and later providing an answer to it. One question asked in the ad is that “is Strom still up to the job?” The implication of the question is that Strom is not up to the job anymore. Then the ad provides reasons for this implication, namely, his terrible physical and medical status. Finally it suggests a solution – the candidate Elliot Close can do a better job. The logic provided in the ad is acceptable for audience with persuasive medical information.

**Case 6 Untitled (2006)**

This ad attacked the character of Harold Ford, a Democratic candidate for Senate, during the mid-term election of 2006. This 30 second commercial is based on interviews with eight people, including four female interviewees and four male interviewees. Each of the interviewee speaks one short sentence to attack the candidate. They all speak with a sarcastic tone attacking both candidate’s stand on issues and his character. After the eight interviewees’ speech, the ad draws a conclusion: “Harold Ford. He is just not right.”

*Interviewee 1:* “Harold Ford looks nice, is that enough?”
*Interviewee 2:* “Terrorists need their privacy.”
*Interviewee 3:* “When I die, Harold Ford would like me to pay the tax again.”
*Interviewee 4:* “Ford’s right, I do have too many guns.”
*Interviewee 5:* “I met Harold in the playboy party.”
*Interviewee 6:* “I love to pay higher taxes.”
*Interviewee 7:* “Canada can take care of North Korea. They are not busy.”
*Interviewee 8:* “So he took money from porn producers. I mean, who hasn’t?”
*Interviewee 5:* “Harold, call me.”

Manipulation is a discourse that manipulators use with an aim to influence the knowledge, beliefs, ideologies, opinions and actions of the recipients (Van Dijk, 2006). On the one side, this attack ad conveys information of the candidate’s stands on issues like privacy (interviewee 2), tax (interviewee 3 and 6), regulation of guns (interviewee 4),
homeland security (interviewee 7), and online protection of children (interviewee 8). On the other side, it implicates the candidate’s negative personal character by attacking the individual’s out looking (interviewee 1) and his social life (interviewee 5).

Social life, as part of an individual’s private life, is also a political candidate’s privacy. The candidate himself or herself should have the right to decide to make his or her social life public or not. If attacking on the candidate’s standpoints on issues is essential for voters to make an informed decision, attacking on the candidate’s out looking and social life is not a moral act. According to Van Dijk, “manipulation is illegitimate because it violates the human or social rights of those who are manipulated.”

Surveys that were conducted by the University of Virginia Project on Campaign Conduct indicated that an overwhelming majority of respondents (96%) supported the idea of candidates adopting a code of ethics on campaign conduct.23

The differentiation between what is said and what is meant is a feature of political discourse (Fetzer, 2002). For instance, the 6th interviewee said, “I love to pay higher taxes.” The meaning of the words is that the current tax is high. The 1st interviewee said, “Harold Ford looks nice, is that enough?” It did say the fact that Harold looks nice, but it means that Harold ONLY looks nice. Take the 5th interviewee as another example. Literally, “I met Harold in the playboy party” states where she met Harold. The implication of the words is that the candidate has a habit of going to playboy parties. “Harold, call me” furthermore emphasizes the special relationship between the candidate and the girl whom he met in a playboy party.

This attack ad is effective in transferring negative messages of the candidate for four main reasons. First, people vote for who they identify with (Lakeoff, 2004). The

interviewees in the ad include both female and male Americans, both young people and
the old. In other words, the chosen interviewees can be representatives of all American
voters. Speakers expect that their anticipated hearers share some common ground with
respect to the claims and conceptualizations (Chilton, 2004).

Second, all interviewees use concise words to convey clear meanings and
negative messages. Their speech strictly follows Orwell’s rules of using language. They
use short words rather than long ones, use the active voice rather than the passive one,
and use everyday English language rather than foreign and scientific languages (Orwell,
1933).

Third, the use of first-person singular forms reflects intrinsic attitudes of the
speaker (Wilson, 1990). Half of all interviewees speak the word “I” in their statements. It
is worth noting that the word “I” does not only stand for the speakers’ views, but refers
to the hearers’ opinions. For instance, “I love to pay higher taxes” implicates “we”
including the speaker and the hearer, are paying high taxes.

Fourth, non-verbal strategies in political discourse including gestures, facework,
text layout, pictures, sounds, and music can affect recipients as well (Van Dijk, 2006).
The interviewees in the ad know how to use gestures and play the faces while speaking.
While saying “Harold, call me,” the female speaker uses a gesture of making a phone
call with her hand and winks as a flirt in front of the screen. Her gestures and facework
are absolutely effective.

**Use of Technology in Negative Ads**

Different from the first attack ads in the 1950s which are simple and
unsophisticated in formats and tactics, attack ads become more attractive and persuasive
to audience due to the use of technology. One of the main characteristic of the negative advertising with the adoption of video software and the Internet is the interactivity between ads and audience. These ads have more interaction with audience than televised ads do. Some attack ads are created as video games for audience to participate. Audience can get much information about the candidate throughout playing the game. Using software such as Photoshop, Flash, Final Cut Pro, and so on, some ads are usually created with imagination, creativity, and humor. They are not only informative, but entertaining.

The use of technology in attack ads make deception and distortion uncomplicated to implement. The development of technology makes producing political ads easy and accessible for everyone. With skills of using video editing software and the Internet connection, everyone can make and upload negative ads in the way they prefer to. Since many these online ads are made personally without a political party sponsorship, they unavoidably carry with personal preference. Additionally, when moving attack ads to the cyberspace, it makes privacy unprotected.

**Case 7 Kerry’s Flip Flop Olympics (2004)**

The ad is a Flash video with no images of real people. It creates four cartoon characters including three Olympics committee members and John Kerry. It requires the participation of audience through choosing the right one from a series of answers for each question about John Kerry. The first image shows that John Kerry is standing with a gymnastic pose in front of three committee members who are sitting behind the judge table with score signs in their hands. On the left bottom of the image, the definition of the word for-a-gainst is given. It says as the following:

*For-a-gainst* (adverb):
1. to be both for and against something at the same time: e.g. I actually did vote for the $87 billion before I voted against it.24

The button at the right bottom of this image is a “Play Game” button. Audience needs to click on it to start. Then it shows a page of “Instructions for Trying to Remember Kerry’s Flip-Flops” explaining how to remember Kerry’s standpoints on issues including the education improvement, tax relief, and liberating Iraq. Every statement is given at the left bottom. The cartoon character of John Kerry is holding a “For” sign on his left hand and a “Against” sign on his right hand. What audience needs to do is to read the statement, judge if Kerry has voted for or against it, and then click one of the signs to respond. After each click, three judges will put up the score sign in their hands grading on the response. The ad carries a great amount of information to audience. People who want to watch this ad have to click and play it step by step. The participation enhances people’s understanding of the candidate’s character and reinforces the negative image of the candidate in people’s mind.

**Case 8 1984 (2007)**

In early March 2007, the ad titled 1984 was uploaded by unknown individuals to YouTube, an online video website owned by Google, a business corporation based in the United States. The ad adopted the same background and the same people in the Apple’s 1984 ad, a commercial for the iPod product. This ad replaced the male speaker on the big movie screen with the female presidential candidate Hillary Clinton as a speaker. The aim of the ad is to attack candidate Clinton without mentioning any political issues. The observable attack is that the runner who was listening to an iPod threw the hammer in her hand to the big screen and destroyed it while the candidate was speaking.

The written words at the end of Apple 1984 ad is as following:

On January 24th  
Apple Computer will introduce  
Macintosh.  
And you will see why 1984  
won’t be like “1984”.

The written words at the end of the new 1984 ad shows as following:

On January 14th,  
the Democratic primary  
will begin.  
And you will see why 2008  
won’t be like “1984”.

Humor is used as an advertising strategy contributing to the negativity of this ad. It does not say anything about political issues or anything negative about the candidate; instead, it makes an analogy between the male dictator in the Apple 1984 ad and the female candidate in the new 1984 ad. Throwing the hammer to and destroying the movie screen implicates the demolishment of the governance. Editing the last words is also a creative strategy and implies the unexpected result of 2008 election. It is the humor that connects the old commercial with a new political ad and makes the ad 1984 impressive.

The 1984 ad has reached more than fifty thousands clicks within one week after its uploading. It adequately shows the power of online ads. The online ads have been developed in a fast speed in the past a couple of years. Democratic consultant Steve Jarding said that online video advertising will be the political phenomena of 2008. The new concept of “user generated politics” has also been brought up recently demonstrating the accessibility for the Internet users to produce online negative ads. The development

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of technology directly influences the way the negative advertising will appear and the way voters learn from attack ads in the future.

**Summary**

This chapter explores three main themes in negative advertising by examining eight personal attack ads as case studies. The study of the ad content and communication strategies suggests that each theme has its significance in negative advertising. Both deception and distortion can mislead voters in making electorate decisions, but the latter one is based on telling the truth. The right of privacy is gifted to every individual and can be protected in negative ads under individuals’ request. The use of technology makes the current negative ads more impressive and more accessible for every technology user. The three themes in negative advertising directly influence the way of developing and regulating negative ads.
Chapter 5 Proposed Remedies on Political Negative Advertising

Both Chapter 2 and Chapter 4 suggest that political negative advertising can be effective through adopting all kinds of communication strategies. The eight case studies in Chapter 4 show how personal attack ads deceive and distort messages, step on individual privacy, and use technology to intensify deception and distortion. However, as Chapter 3 suggests, current laws maintain consistency with the First Amendment and therefore cannot provide responsible regulations on negative advertising. Therefore, the conflicts between the First Amendment and the regulation of political advertising, and between fulfilling political interest and serving the public interest still exist.

Taking the gap between current laws and the content of personal attack ads into consideration, this chapter aims to propose new regulations on political negative advertising. Proposed remedies include establishing and enforcing principles for political advertising, encouraging more positive communication strategies in political advertising, enacting legislation to provide recourse for candidates who are unfairly attacked, and developing inspection of negative advertising by consulting organizations and media groups.

Establishing and Enforcing Principles of Political Advertising

The proposed standards for political advertising, especially for negative advertising, are the principles of veracity, accountability and transparency. These principles are based on the analysis of eight case studies in Chapter 4 and each of them provides a solution to the problems that have been addressed in the case studies.

The goal of establishing the principle of veracity is to force negative ads to abandon deception in their contents and therefore eliminate false ads. The principle of
accountability aims to shape a trustworthy advertising environment for all political ads and build the confidence of voters towards political programming, political campaigns, and most of all, political candidates. The principle of transparency arises from the problem of disrupting individuals’ privacy rights. It seeks to ensure that the information provided in political advertising should be as transparent as possible in terms of channels of obtaining private information and permission of releasing private information to the public.

**Principle of Veracity.** The principle of veracity requires that truthfulness should always be the priority in political advertising, no matter what. The review of current laws suggests that there is a lack of standards in political advertising arena. The first and foremost standard for political advertising especially for negative advertising is the standard of telling truth. Bok identified the “principle of veracity” based on her study of lying. According to Bok, the “principle of veracity” is “an expression of initial imbalance in weighing of truthfulness and lying” (Bok, 1999). She explained that the truthful alternatives should be first sought whenever a lie is a possible choice. Even when telling a lie is a last resort, one should consider whether telling the lie is morally justified or not (Bok, 1999). In other words, if speaking truth can generate same consequences as telling lies can do, speaking the truth is preferred and encouraged without breaking moral rules in society. Putting truthfulness as the top priority in political advertising, the principle of veracity will be able to discipline the content of negative ads and avoid purposely transmitting deceptive messages to the audience and the potential voters.

Generally speaking, negative advertising is more likely to offend the principle of veracity than positive advertising. Among all negative ads, personal character attack ads
are more apt to break the principle of veracity than political issue attack ads. The first two cases of deception discussed in chapter 4 are representative cases of breaking the principle of veracity. Without the application of the principle of veracity, the two cases provided totally contrasting information to the audience and failed to tell true story to voters. Therefore, negative ads can become an obstacle in the electoral process if the principle of veracity cannot be accepted and applied.

Few scholars argue that it is difficult and unrealistic to apply truth standards fairly because both political candidates and advertising agencies are partisan (Ansolabehere & Iyengar, 1995). However, as both Chapter 2 and Chapter 4 indicate, using deception in negative ads always fails to provide objective and true information for voters to make the judgment. The ads might be effective, but candidates need to take risks that could demolish their reputation. As long as political candidates and advertising agencies realize the importance of telling truth in their political campaigns and are willing to seek truthfulness through political advertising, it is possible to apply the principle of veracity and eliminate the communication strategy of deception in personal attack ads completely from negative advertising.

**Principle of Accountability.** Based on the principle of veracity, the principle of accountability suggests that political advertising use less distorted communication strategies (distorted verbal and visual messages) to make its content accountable. The prerequisite for the principle of accountability is the principle of veracity. False political ads carry less accountability than true ones. Chapter 4 indicates that creating distorted messages is based on the truthfulness of information and one of the effective
communication strategies. Since distorted messages do not belong to false information, they do not break up the principle of veracity.

The principle of accountability is not only consistent with the principle of veracity, but also a supplement for the principle of veracity. As Chapter 4 indicates, although the content of distorted advertisements is based on truth, it still serves the goal of misleading voters in making electorate decisions. The principle of veracity can only guarantee the truthfulness of negative ads, but not the fairness of negative ads. The key argument of the principle of accountability is that voters have their right to receive the most accountable, accurate, and objective information through watching political advertising. Distorted messages can be effective in negative ads, but as a communication strategy, distortion is not encouraged to adopt.

**Principle of Transparency.** The principle of transparency suggests that any private information in political advertising especially in personal attack ads should be obtained through transparent channels and should acquire permission before releasing it to the public.

Any private information in political advertising should be obtained through transparent channels. There are two facets of the transparent channels. On one facet, the information channels should be accountable to make sure that the information obtained from the channels is accurate. Private information obtained from unauthorized channels such as individual’s words, personal opinions, partisan organizations, or any other biased people and places, should be examined carefully before being added into the content of political ads. On the other facet, the information channels should be identified to the public at the same time of the information is given through the ads. For example, an
Any private information in political advertising should acquire permission from candidates before releasing it to the public. Political candidates should be able to choose to keep or give up their right of privacy. Information about public figures’ private lives including their marriages, their children, their personal plans, and their motives of personal decisions should be kept private as long as they wish to do so (Bok, 1989).

**Encouraging Positive Speech in Political Advertising**

If forbidding negative speech in attack ads is in opposition to the First Amendment, encouraging more positive speech is the best way to keep the consistency with the spirit of the First Amendment and current laws. Encouraging positive speech can not only reduce the number of attack ads, but also establish and strengthen the image of our democratic government and civilized candidates.

It is worth pointing out that only positive speech and images are encouraged in political advertising. Political ads need more positive speech rather than just more speech. The difference between the two is that more speech will encourage candidates to produce more attack ads as responses to negative ads that attack them. As Chapter 2 mentions, all qualified political candidates have the equal time doctrine right to obtain equal broadcasting time. Therefore, encouraging more speech may simply multiply the numbers of negative ads for candidates to punch back rather than defend themselves or to offer new policy ideas (Ansolabehere & Iyengar, 1995). Encouraging positive speech in political ads can effectively reduce the number of attack ads.
Encouraging more positive speech can also strengthen the image of the
democratic government and civilized candidates. Nobody wants an unstable government
or to see their political candidates unstoppably accuse and attack each other on their
personal issues. Only positive speech can secure voters’ hearts and provide them with
confidence in their government and political leaders.

**Developing Inspection on Negative Advertising**

If negative advertising cannot be forcefully regulated under the protection of the
First Amendment, its content at least can be inspected. Regulating the content of negative
advertising is difficult because current political advertising agencies and political
consultants in the American political advertising industry have no self-regulatory
mechanism. The self-regulatory mechanism is one of the keys for the political advertising
industry to develop inspection on negative advertising.

To establish a self-regulatory mechanism for political advertising agencies and
political consultants, the political advertising industry can learn from the product
advertising industry which has had a panel called the National Advertising Division of
the Better Business Bureau. The panel reviews product commercials, handles complaints
about product commercials, censors the deceptive commercials, and negotiates with
advertisers to modify and discontinue the offending ads. The American Association of
Political Consultants (AAPC) can take the similar steps in inspecting political advertising.
One of the self-regulation that the AAPC has is the Code of Ethics\(^{28}\) containing nine self-
regulatory rules for political consultants to carry. Besides holding political consultants
responsible for the advertising they generate, the AAPC can also hold regular meetings

\(^{28}\) Code of Ethics of the American Association of Political Consultants (AAPC):
http://theaapc.org/content/aboutus/codeofethics.asp
reviewing political ads, handling complaints from the audience, discussing offensive and disputatious negative ads, and proposing solutions for problems of negative ads and complaints from the public.

The power of journalistic reporting is also worth noting in connection with developing inspection on negative advertising. According to Lynda Lee Kaid’s research, news media scrutiny of political advertising has increased in the past two decades. News media has taken an active role in challenging the accuracy of political ads and can serve as “watchdogs” during the election cycles (Kaid, 2000). Developing inspection on negative advertising cannot be separated from journalism reporting which is one crucial branch of the inspection.

Since journalistic reporting is crucial for voters to obtain information, it must itself be as accurate and objective as possible while conducting its inspection and critique of political ads. With the consideration of accuracy and objectivity, some scholars argue that journalists should leave advertisements alone and function more on reporting events on political campaigns and policies of political candidates (Ansolabehere & Iyengar, 1995). How to achieve the maximum of objectivity while scrutinizing political ads is also a challenge for journalists and reporters.

**Enacting Legislation for Unfairly Attacked Candidates**

When consumers are hurt by a product that has been promoted by false or distorted product commercials, they can sue the company which produces the product. When a candidate has been unfairly attacked in the ads which generate impact on candidate’s ability to perform in office or disturb the candidate’s personal life, the candidate must be able to take up legislations as weapons to sue for damages.
Legislations for unfairly attacked candidates should include the payment to candidate’s damages, the modification of attacking ads, and the public notice to the audience.

Summary

The current development of negative advertising on television in the United States has its own characteristics which cannot be separated from its history. It serves as an informational and entertaining channel and plays a significant role in the development of political advertising. The First Amendment gifts negative advertising a great space to develop in terms of language use and message transmission in its content. Without any boundaries in development, it gradually exposes its dark sides when coming to attack personal characters of political candidates.

The American political advertising industry needs not only an informative channel to provide information to voters, but a healthy system of political advertising. This informational and healthy system is based on proposed remedies that Chapter 5 reveals. The enforcement of these proposed regulations requires cooperation among the government, political candidates, and third party groups such as journalists and non-partisan organizations.
References


