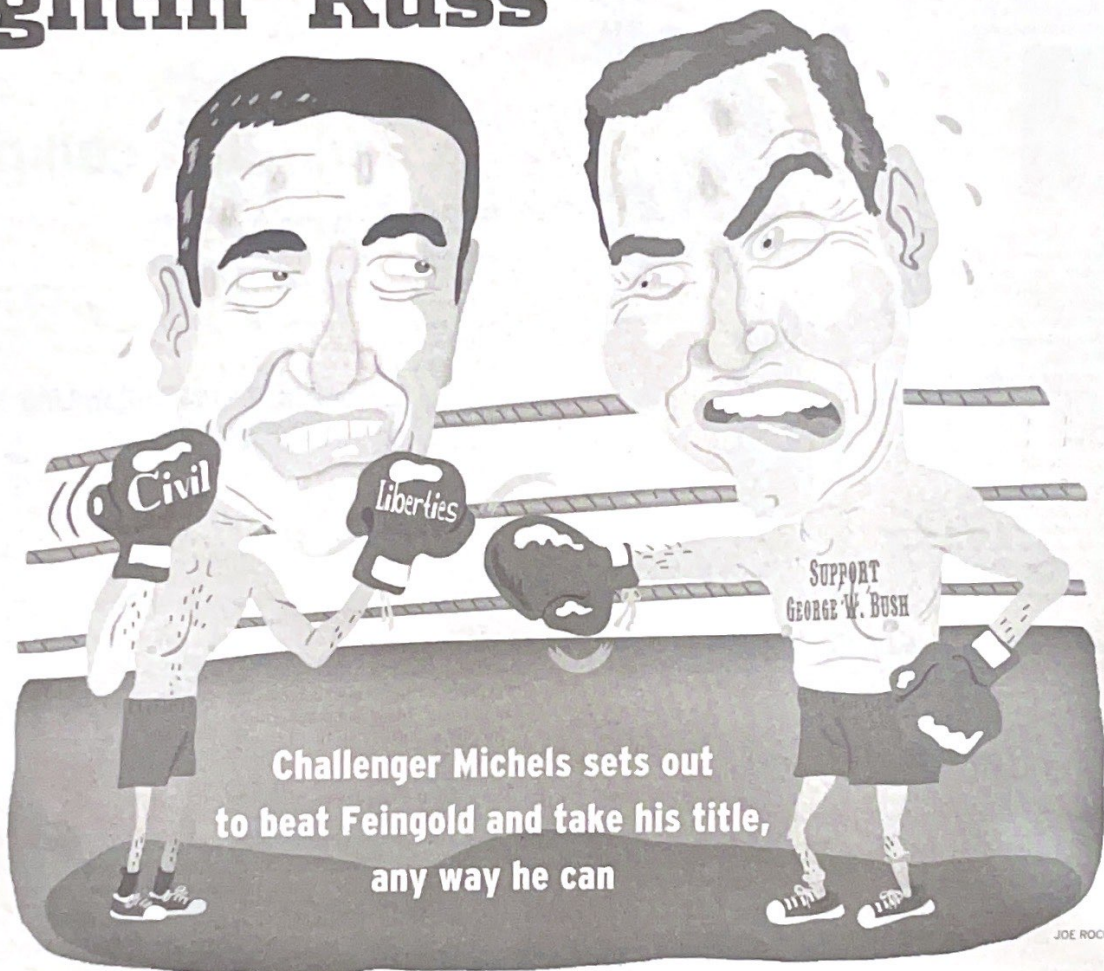


# Fightin' Russ



By Bill Lueders

**I**n March 1921, Wisconsin Sen. Robert "Fightin' Bob" La Follette gave a speech in Madison. Friends advised him beforehand that his vote against the United States' entry into World War I, for which he was widely branded a traitor and nearly expelled from the U.S. Senate, was a topic he would do well to avoid. But suddenly, in mid-speech, La Follette thrust a clenched fist into the air and bellowed:

"I do not want the vote of a single citizen who is under any misapprehension of where I stand. I would not change my record on the war for that of any man, living or dead."

The audience sat in stunned amazement, then broke into thunderous applause. A longtime political enemy was moved to tears. "I hate the son-of-a-bitch," he sputtered. "But my God, what guts he's got."

Like La Follette, Wisconsin Sen. Russ Feingold, now seeking a third six-year term, finds his political career imperiled by votes that are, if not wildly unpopular, at least clearly divergent from those of his Senate colleagues. He cast that body's sole vote against the USA Patriot Act, which gave the government sweeping new powers to intrude on civil liberties in pursuit of terrorists.

And he was among a small handful who opposed green lighting the war in Iraq.

Yet Feingold — in contrast to, say, John Kerry, who seems intent on hiding his past anti-war activism beneath a façade of "Reporting for duty!" pro-militarism — is embracing his maverick stands on these and other issues.

"Absolutely not," responds Feingold when asked if his votes on the Patriot Act and Iraq put him outside the mainstream, as his Republican challenger, multimillionaire construction executive Tim Michels, maintains. "The mainstream of Wisconsin — conservative, liberal and moderate — is thrilled that I stood up to the USA Patriot Act, read it and asked questions. I can't go anywhere in the state without someone saying something positive about it, including a lot of gun owners who are uncomfortable with the provisions."

Feingold also argues, based on his contact with voters, that "overwhelmingly people did not want us to do the Iraq invasion the way we did. This wasn't the right move in the fight on terrorism. And so I would say that Mr. Michels' claim that my votes on the Iraq War and USA Patriot Act are out of touch are real-

ly proof that *he* is out of touch."

Earlier this month, the Senate rejected an effort to amend the post-9/11 bill to include "Patriot Act II" provisions that would further expand government police powers. Feingold, interviewed by phone minutes afterwards from a bench outside the U.S. Capitol, is ecstatic: "The so-called lonely voice that I've been on this issue is not lonely anymore."

But to Michels and other Republicans, Feingold's failure to support the president smacks almost of sedition. Michels calls the incumbent "really an extremist" on national security issues. As he sees it, the main problem with the war in Iraq is the media's failure to report "all the good things that our military is doing over there." He insists the Patriot Act poses no threat to civil liberties.

Michels' assertions on these issues, and many others, do not withstand scrutiny. But since, for the most part, they are not being scrutinized, that may not be detrimental. In an age in which elections are waged and won in sound bites and 30-second ads, Michels is an ideal candidate: smooth, personable, seemingly moderate and independent. It's not for nothing that Michels emerged victo-

rious from among a GOP primary pack that included one of the state's most recognizable names (Russ Darrow) and one of its most skilled politicians (Bob Welch).

Add to the equation that Feingold nearly lost his last election, squeaking by just 37,787 votes (of 1,760,836 cast) ahead of Rep. Mark Neumann, whom *The Capital Times* dubbed "one of the least appealing candidates ever to seek statewide office in Wisconsin." Now the prime architect of Neumann's mostly negative campaign, R.J. Johnson, is running Michels' media efforts. The polls show Feingold with a comfortable lead, and he projects confidence. But perhaps he should be concerned.

### 'I know it's a fact'

As many as three million Cheeseheads will head to the polls Nov. 2 to vote for president, and most will also state a preference for U.S. senator. Some of these voters — perhaps a few hundred thousand — will make their choice based on party affiliation or shallow impressions gleaned from TV ads. That's why both candidates are spending money hand over fist getting ads on the air. The two candidates will likely burn through more

than \$10 million, not including expenditures by outside groups, making this the costliest Senate race in state history.

Michels, cleverly, is using his money to attack Feingold not just on areas of perceived vulnerability, like the Patriot Act, but also on his strengths. He calls Feingold a "22-year career politician," as though having legislative experience were clearly a liability in the seniority-minded U.S. Senate, compared to being, like Michels, a political greenhorn. He's ridiculed Feingold's role in securing significant campaign-finance reforms and sought to cloud his record as a deficit hawk, charging that Feingold has "voted for higher taxes 245 times."

Asked where he got this figure, Michels responds, "I don't know," adding, "I know it's a fact." Later, his campaign provides a 32-page list that includes apparently every time that Feingold voted against tax breaks for the rich or special interests. Some examples: Feingold's March 2003 vote in favor of reinstating the Superfund tax on environmental polluters; his May 2003 vote to decrease tax cuts to pay for workforce training; and his November 2003 vote to eliminate President Bush's tax cuts for the upper 1% of income earners to pay for Iraqi reconstruction.

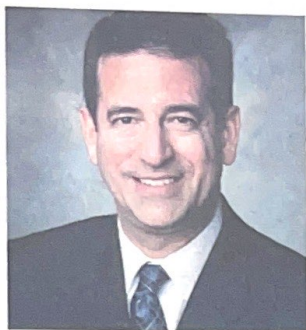
Michels' slipperiness on this issue is characteristic of his campaign. Asked during a recent debate about the hot-button issue of stem-cell research, Michels had this to say: "I'm for stem-cell research. But not embryonic stem-cell research. Here's the fact: 99% of stem-cell research can now be done with adult stem cells or stem cells that come from umbilical cords. ... You even have some medical professionals — and I think it's the AMA, the American Medical Association — have said that the research that comes from embryonic stems may be very flawed."

After warning that advocates of embryonic research are "trying to keep the door ajar for the pro-abortionists," Michels summed up his stance: "I don't want to make things fuzzy and say I'm against stem-cell research — just that 1% that many people think is ineffective anyway."

An official with the AMA's Chicago office is "not aware of any representative of the AMA ever stating that embryonic-stem-cell research is flawed." In a statement last year, the group hailed the promise of this research, deeming it "consistent with medical ethics."

UW Law Prof. Alta Charo, a national expert on stem-cell policy, says research involving embryonic stem cells offers clear advantages over adult stem-cell research. She agrees much more money is going to non-embryonic research "because it's less controversial, even though it's less promising," but says that's precisely the problem.

In other words, when Michels says, "I'm for stem-cell research," what he means is that he's against the kind that's seen as the most promising, and on which the UW-Madi-



### Russ Feingold

- Born in Janesville, 51, splits time between Washington and Middleton.
- Bachelor's degree in history from UW-Madison, bachelor's in law from Oxford University, law degree from Harvard.
- Elected to state Senate 1982, and to U.S. Senate in 1992; re-elected in 1998.
- Serves on the Senate Foreign Relations Committee, Budget Committee, Judiciary Committee and Special Committee on Aging. Chairs the Foreign Relations Committee's African Affairs subcommittee.
- Married, two daughters, two stepsons.
- Web sites: feingold.senate.gov and russfeingold.org.



### Tim Michels

- Born in Dodge County, 42, lives in Oconomowoc.
- Co-owner and vice president of Michels Corp. in Brownsville.
- Served 12 years as an Airborne Ranger Infantry officer in the U.S. Army; achieved rank of major.
- Bachelor's degree in political science from St. Norbert College, master's in business administration from the University of Chicago, master's in public administration from the Illinois Institute of Technology.
- Ran for state Senate in 1998, losing overwhelmingly in the primary.
- Married, two sons and one daughter.
- Web site: michelsforsenate.com.

son has been a world leader. And this, mind you, is an issue on which he's trying not to be "fuzzy."

Even more revealing is Michels' defense of his "100% pro-life position," which pledges him to fight to make abortion illegal even in cases of rape, incest and to save the life of the mother. What would he say to a woman who was impregnated due to a brutal sexual assault?

"I'd just feel so bad and so sorry," he empathizes. "That's just horrible." But he would want the woman to have the baby, then give it to "one of the 25 couples" that's eager to adopt.

Ditto with a woman who learns her unborn child has severe, multiple birth defects: "Again, there's a life there." Michels sees no difference between terminating this pregnancy and murdering a young child who happens to get "very sick."

Okay, but what if mom's life hangs in the balance? Michels calls this "a one in a million" occurrence he sees no reason to make policy around. "It's a hypothetical which just doesn't exist."

Tell that to Judy Alberts. The Madison resident had an abortion this January, when she was 13 weeks pregnant, after being told that dual problems involving a blood clot and history of preeclampsia could otherwise claim her life. Alberts, whose mother died when she was very young, didn't want to her young son to also lose his mom.

"It was horrible," says Alberts. "I consider myself a Christian. My husband and I didn't want to give up this baby. But when I found out I was putting my life at a major risk, we just felt that we had to protect the one we already had."

Dr. Dennis Christensen of the Madison Abortion Clinic says abortions performed to save the life of a mother, while rare, are hardly hypothetical. He's personally seen "several dozen cases" where the death of a mother is a legitimate threat, especially due to pulmonary or heart disease. And Lisa Boyce of Planned Parenthood of Wisconsin says some women have had to terminate pregnancies to receive chemotherapy or due to hyperemesis, where "the body attacks the fetus as if it is a foreign object."

All of which adds resonance to Alberts' one-word response to Michels' claim that situations like the one she faced don't exist: "Unbelievable."

### Questions of semantics

Despite his hard-right leanings, Michels has cultivated an image as being moderate and independent. "I'm not a diehard Republican who's only going to vote" the party line, he boasted during one debate, backing this up with an example. "I disagree with the president: We shouldn't be going to Mars right now."

Michels also purports to oppose the Bush administration's restrictions on the importation of cheaper prescription drugs from Canada. "Unlike Russ Feingold," he says in one infamous ad, "I'll fight for your right to buy safe and affordable prescription drugs from Canada."

How can Michels say this when Feingold has been a sponsor or cosponsor of at least a half-dozen pieces of legislation that promote the importation of Canadian drugs, while Michels backs President Bush's Medicare bill, which restricts these imports?

Michels insists that controversy over this ad is just a dispute over "semantics,"

specifically "the definition of fighting." Oh.

This same fidelity to truth shines through in Michels' critique of Feingold's vote against the USA Patriot Act. Thanks to this law, says Michels, "eight al-Qaida cells in the U.S. have been broken up." He declares, citing the ACLU as his source of information, that "there have been no civil liberties violations via the Patriot Act." And with regard to the oft-raised issue of federal agents obtaining library records, Michels says a librarian he spoke to assures him it's "much more difficult to obtain somebody's library records" now that the Patriot Act is in place.

All of these assertions are bonkers, according to Chris Ahmuty, executive director of the ACLU of Wisconsin. "I don't know what al-Qaida cells he's talking about," says Ahmuty, noting that the government's most highly publicized anti-terrorist prosecution, in Detroit, imploded when a federal judge dismissed jury convictions against three men. In that case, prosecutors withheld exculpatory evidence from the defense and were never able to say what, exactly, the alleged terrorists were plotting.

Since these were the only convictions the Justice Department has obtained on terrorism charges since 9/11, the dismissals put Attorney General John Ashcroft's record at zero for 5,000 — with 5,000 being the number of foreign nationals rounded up in the wake of 9/11 and zero being the number against whom terrorism charges have been sustained.

Ahmuty calls it "ludicrous to say it's more difficult" for federal agents to obtain library records under the Patriot Act, although he concedes "it wasn't very difficult to begin with." Now as then, a court order is required. But what the Patriot Act did was remove the authority of judges to deny these requests, so long as the government certifies that the search is related to terrorism.

Finally, and most emphatically, Ahmuty denies the ACLU ever said there were no civil liberties violations vis-à-vis the Patriot Act. Rather, it simply noted that, because of the act's secrecy provisions, there is no way to know how often violations occur.

For instance, let's suppose the government wanted to know what materials Tim Michels had checked out from his local library, in Oconomowoc. Ray McKenna, director of the Oconomowoc Public Library, notes that the act, which he calls "pretty scary," would make it illegal for him to reveal whether this has occurred.

Indeed, while McKenna doesn't think his library has gotten any such requests, he can't be sure, since the act would technically prevent a subordinate from bringing it to his attention: "If this information is asked for, you would not be allowed to tell anybody." The library could not even consult with the city attorney.

**Michels, cleverly, is attacking Feingold not just on his areas of vulnerability, but also on his strengths.**

**U.S. SENATE RACE | Fightin' Russ, cont.**

These are the kinds of problems Feingold believes can be fixed when Patriot Act provisions come up for renewal, adding that his earlier vote against the act wasn't meant to kill it but to make sure civil liberties were protected. "There's no way there wasn't going to be a bill to expand law-enforcement powers," he says. "It's simply a question of getting it right."

Michels, who admits he's not read the entire Patriot Act ("I haven't read my truck owner's manual, but I know how to drive it," he's said), may consider some tweaks. But he thinks the act will likely come up for a yes-or-no vote, and has already pledged his allegiance: "Unlike Russ Feingold, I will support renewing the Patriot Act."

**A serious contender**

There's no doubt negative ads work. Michels proved as much when he kneecapped one of his primary opponents, Bob Welch, with an 11th-hour ad that blasted Welch for once saying something nice about Feingold. Michels,

who two years ago cut \$1,000 campaign checks to both Republican incumbent Gov. Scott McCallum and his Democratic challenger, Jim Doyle, in the same week, said the ads were "just defending our position."

Clearly, Michels has a fondness for the sucker punch. One of his ads shows Feingold as a schoolboy on a 12-year recess, playing at "Campaign Finance Reform" while neglecting issues like jobs and health care. In the debates, Feingold has rebutted such claims by recounting state jobs he's worked to save and pegging Michels' health-care plan, which seeks to lower costs by increasing competition, as "weak tea" compared to fundamental reform. But many voters will not have seen these debates.

On the campaign trail, Michels has ripped China for trade violations, saying things like, "One of the reasons that jobs are going overseas is because we have countries like China that are cheating." Meanwhile, the *Milwaukee Journal Sentinel* reported, Michels has between \$130,000 and \$300,000 of savings "for

his kids" in funds that invest in Chinese companies, allowing him — er, his kids — to profit from the loss of those jobs. His spokesman, Tim Roby, argued that Michels' tough talk on China proves "he's serious enough in this race and [on this issue] that he would stop the Chinese from doing what they're doing, which would hurt his family financially."

Wow. That's chutzpah.

Feingold, should he win another term, pledges to fight for universal health-care coverage and public financing of political campaigns. He calls McCain-Feingold, the campaign finance reform bill that banned soft-money contributions, "a huge success." He blames the Federal Elections Commission, not the bill, for the fact that many of these contributions are finding a new home in so-called 527 groups. But the "corrupting element" of this cash — where special interests cut deals directly with lawmakers — has been removed. And there is reason to believe that belatedly drafted FEC rules will fix the 527 loophole.

Feingold refers often to the listening sessions he's held annually in each of Wisconsin's 72 counties, more than 860 such sessions in all. He says he learns something that leads to his office taking action "almost every time." At a listening session in Stevens Point, he learned that seniors who volunteered to deliver free meals to other seniors were not adequately compensated for their mileage. He also learned from a session in Ladysmith "on a very snowy day in 1998," about a crisis in home health-care agencies due to a change in federal funding formula. In both cases, his office got involved and helped find solutions.

Would Michels, if elected, continue these listening sessions?

"It's another political gimmick that Russ Feingold has used over the 12 years [he's been in office]," says Michels, who doubts anything of significance has come from these encounters.

Make that a "No." ♦

Noam Chomsky  
"Anyone who says  
'I don't care if Bush  
gets elected' is  
basically telling poor  
and working people  
in the country,  
'I don't care if your  
lives are destroyed.'"

Ben Cohen,  
Co-founder,  
Ben & Jerry's  
"The number one  
priority for those of us  
who care about the  
environment, health  
care, jobs, poverty,  
and everything else is  
to get rid of Bush.  
That's why I'm voting  
for John Kerry."

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in Battleground States  
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Jackson Browne  
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