

# "They Can Dish It Out, But They Can't Take It"

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**HIGHLIGHT:** Al Franken talks about his big victory over the Fox News bullies, why Bush can be thrown out in 2004, and comedy as a political weapon.

Al Franken got the glad tidings while vacationing in Italy. He had fallen asleep reading "The Tipping Point" and mulling marketing ideas for his forthcoming "Lies, and the Lying Liars Who Tell Them: A Fair and Balanced Look at the Right," when a friend staying in the villa walked into his bedroom and woke him up. "Al!" he said. "You're being sued by Fox!" After a second-and-a-half of considering this, Franken responded: "Good!" Then he fell back asleep.

If Fox's intention was to break a large, undercooked ostrich egg on its corporate face while pouring streams of golden ducats into Franken's pockets, it carried out its plan to perfection. As everyone who pays attention to such matters knows by now, a judge laughed its trademark-infringement lawsuit (Fox claimed it trademarked the phrase "fair and balanced") out of court -- even adding insult to injury by warning the right-wing media behemoth that its ownership of the phrase it claimed to have spent \$61 million developing was extremely dubious. And sales of Franken's book soared sky-high on the publicity, hitting #1 on Amazon's list Thursday.

All of which must have been bitter wormwood for the popular Fox talk-show host Bill O'Reilly, who many speculated was the moving force behind the now-dropped lawsuit after his notorious May 31 exchange with Franken at the Los Angeles Book Expo. Under Franken's tender ministrations, O'Reilly was reduced to sputtering "shut up!" and demanding that the gadfly comedian and writer remove O'Reilly's "splotchy" face off the cover of Franken's upcoming book.

For the man the Fox complaint called "shrill and unstable" and (somewhat unnecessarily, considering that charge) "not a well-respected voice in American politics," it was all in a day's work. Franken, who created the famously insipid Stuart Smalley character during his 15-year tenure at "Saturday Night Live" and has written four books, says driving conservatives off the deep end is easy. "O'Reilly keeps saying I'm a smear artist," he says, "but all I do is just say what they said...It's jujitsu. You just use what they do against them. And when you do that, they get mad."

His most recent prank even got the attention of John Ashcroft. Writing on the letterhead of the Joan Shorenstein Center on the Press, Politics and Public Policy at Harvard University, where he was a fellow, Franken sent notes to 27

senior Bush administration officials, including the U.S. Attorney General himself, asking each to "share a moment when you were tempted to have sex but were able to overcome your urges." The stories would be used, he told them, in a book about public school abstinence programs called "Savin' It!"

On Tuesday, Salon talked to Franken about his reaction to the judge's ruling. Speaking by cell phone from a New York airport, Franken talked about being "a cute, cuddly kind of deranged" and the need for liberal talk radio, before sending the interviewer through the luggage X-ray machine.

What was your first reaction upon hearing about the suit? Were you surprised?

I was surprised because they had first threatened to sue about two weeks after the Book Expo dust-up with what's his name, and then they didn't do anything, and the News Corp. which owns Fox owns Harper Collins, so they know how books work. So they waited until they knew we were printing books. That surprised me, because on the one hand that seems like a smart thing to do, because that punishes us and in a way they prevail, but it hurts their case, because that's just sitting on your hands. Especially if you're trying to get a preliminary injunction, you can't do that.

So I was surprised, but I was also very pleased. I was in Italy, and I'd brought the book "The Tipping Point" to maybe give me a new perspective on how to promote my book. But I put off reading it for about five or six days because I didn't want to think about my book for at least five or six days. So then I took "The Tipping Point" to bed and started reading it and it's a great book and about halfway through I start to fall asleep, and I start saying to myself: "Must think of ... tipping point ... for book ... must ... think of ..." and then fell asleep. And my next conscious moment someone in the house walked in my room and said, "Al? You're being sued by Fox." And it took me about a second and a half, and I looked at them and I said, "Good!" and then I went back to sleep. And then I got up a couple of hours later -- I was doing a lot of sleeping in Italy, because I'd really been in a rush to get the book done and it was very hard -- and I went on my e-mail and started reading, and all Team Franken was e-mailing the complaint that I was, let's see, unstable, shrill and unstable ... "Shrill and unstable" ... "deranged" ... and "a parasite," to be precise.

Right. And what was funny about that was I noticed that it said in the complaint that the press said I was this. And it wasn't until I got back to the U.S. and looked at the complaint that I saw a reference to where it came from, which was the prestigious WashingtonDispatch.com, which boasts on its homepage that if you're an amateur writer writing on a whim you have a much better chance of getting published on their Web site than on any other Web site. So that's where they got that.

So are you shrill and deranged?

I'm deranged, but I don't think I'm shrill. I think I'm the kind of deranged that's kind of cute and cuddly. Like the Danny DeVito character in "One Flew Over the Cuckoo's Nest." Laughter.

Are you happy with the judge's decision? This has brought you so much publicity that I wonder if part of you doesn't wish Fox had appealed instead of dropping the suit.

Well, if Fox had gone on to appeal it probably would have strung out the thing and it would have probably been better for me in that sense. But you know, I was talking to our lawyers over the weekend and I said they gotta withdraw the case because it would be totally irrational to continue, and they said, 'Well, the case is irrational to begin with.' I said, 'Yeah, but it was sort of based on an infantile rage by one of their commentators and to placate him they did it, but for some reason they didn't realize how stupid they'd look.' So now that a judge has basically said -- Salon columnist Joe Conason e-mailed me and said -- 'I have a new trademark for Fox: Fox News Channel. Wholly without merit.'

Bill O'Reilly really made this personal, didn't he? It sounds like he really had it out for you after the Book Expo flare.

Well, I don't want to make this personal ...

But he already did ...

Just because he made it personal, I don't have to.

OK, then what does this say about the Fox conservatives' mentality that they would bring this suit on his behalf?

Well, it says a lot. The levels of irony of the suit are manifold. Either manifold or manifest.

Both, I think.

Yeah. Well anyway, using the word 'press' for WashingtonDispatch.com is very much their style. It's distortion, it's shoddy, and it's lame. So I talk about Fox, I talk about Ann Coulter, I talk about the Wall St. Journal editorial page, I talk about the Washington Times, I talk about Bernie Goldberg, and Rush -- all those people employ that sort of m.o., they all do the same thing. Also just that Fox trademarked "fair and balanced" -- that's pretty ironic in and of itself, although the judge ruled that their trademark probably wasn't valid. And then there's the bullying thing, which -- O'Reilly went on his radio show and said that the purpose of the lawsuit was to punish me for coming after Fox.

So this is the mindset of the right, that they have to punish you. Joe Wilson, the former Gabon ambassador, was sent to Niger by the CIA and came back and said the uranium claims weren't true. And when the controversy started broiling again about the 16 words in the State of the Union address and Wilson wrote the piece in New York Times, senior administration officials blew the cover on his wife, who was a covert CIA operative. And it jeopardized the lives not only of her contacts but every American, because she was a covert agent in weapons of mass destruction. And it's a way of intimidating other analysts who might come forward, and there's a parallel here: You will be punished if you come after us.

I really think the Wilson thing is the most disgraceful action of any White House since Iran Contra.

More than Clinton and Monica?

There's a difference between getting a blow job and lying about it, and blowing a national security asset.

Then why do you think there's this current defeatist meme among liberals that none of the current Democratic presidential candidates are capable of beating Bush? Do you agree with them?

No, because I think people are catching on -- if you look at the latest Newsweek poll the president has 44 percent reelect, the lowest since before 9/11, and you usually need 50 percent, or at least a plurality, to win. Now, Bush didn't get that in the last election, so he may be able to steal it again, who knows. In politics, a month is forever, so obviously these things will change, but in the last three months Bush's position has been eroding significantly.

Which Democratic candidates do you favor?

Well, I think Kerry, Dean, Gephardt, Edwards, Graham are all serious candidates. All of those guys could make great presidents, and each has his strengths. Dean is obviously mobilizing people, even people who haven't voted before. I think he's willing to take it to Bush. I think Kerry has incredible depth and breadth of experience and knowledge, and is sort of inoculated on national security issues by virtue of not just his experience in Vietnam but his knowledge of that stuff through his work in the Senate. The same with Graham, in terms of his depth of knowledge, as former chair of the Senate Intelligence Committee and as a governor. I mean people like governors, and he's from Florida.

What do you think about Gore having dropped out of the race?

I thought it made sense, in a way, because I think what he said -- 'If I run it's going to be a rehash of the 2000 campaign and we've got to look to the future.' So I think he took himself out more for his own good, but also for the good of the

country. Although he would have made a great president, and I really think he won the election.

What about the California recall? Arianna Huffington is an old friend of yours ...

Arianna is a friend of mine, I really like Arianna, and you know I'm a Democrat, so it'd be hard for me to tell you exactly what I would do there. I would probably focus on what was going on a couple of days before the campaign, if Arianna didn't have a chance to win I'd certainly vote for Bustamante. I'm a Democrat, I think you have to do pragmatic things, and I don't want to see Schwarzenegger or another Republican take that governorship.

And your take on Arnold?

He's another guy who has entered a race for an office for which he doesn't seem particularly suited or experienced. Also, I have a few problems with his history, the fact that even after it was shown that former U.N. Secretary-General Kurt Waldheim participated in the massacre of Jews, Schwarzenegger still considered him a friend, and toasted him at his wedding, to the horror of the entire Kennedy family.

What is it about you in particular that gets under the skin of conservatives like O'Reilly and Limbaugh, more than other satirists?

Well, O'Reilly didn't really start hating me until the Book Expo. He came up to me after the Radio and TV Correspondents' dinner last April and said, "Oh, you did a great job." So it really was about my explaining why he was on the cover of my book at the Book Expo, which he understandably wasn't happy about ...

You know what, I have to go through airport security now, so my phone will have to go through the machine, but that's OK. You want to hear what it sounds like when it goes through?

Sure. Wait, can they do that?

Yeah, I think an on phone can go through, can't it? Yeah. So here, hold on.

Puts the phone in the tray and it goes through the X-ray machine. It is quiet in there, with occasional sounds of mumbling. Clatter as Franken picks up the phone again.

OK, so we were talking about why you get under the skin of ...

Well, they don't like it because I'm a liberal who's not afraid to take them on, and to take them on, on their own terms. I'm fascinated with their methods, and therefore I call them on it, and they don't like that. These guys are notorious --

they can dish it out but that can't take it. There are not a lot of people like you doing this right now. Why do you think that is?

Because there is an aspect to it that's sort of ugly. You have to be willing to get the day-by-day dish from NewsMax.com, you have to be willing to see things like the complaint they ran against me. Those kind of techniques. Which I don't use. I won't sink to that level, but what's great about it is when you expose them, it's jujitsu. You just use what they do against them. And when you do that, they get mad. They go, "How dare you read what I said on Nexis!" O'Reilly keeps saying I'm a smear artist, but all I do is just say what they said. They think somehow it's unfair that they're held accountable for what they said, I guess. I don't know. They're awful people. I'm not talking about conservatives, I'm talking about people who do this kind of distortion. There are a lot of conservatives I like, but they don't indulge in what the guys I write about do.

Let's talk a little bit about the "Savin' It" letter you sent to Ashcroft and the 26 other officials. Some journalists have accused you of lying, that by sending the letter you've lied in the same way as the people you write about.

I don't know why, but people have been trying to put this in the same category as the other kinds of lies. No one who reads the book thinks I'm writing a book called "Savin' It." I think even in the context of receiving it it's clear what it is, which is a prank to these 27 people, but it's not like announcing to the public that I won something I didn't win, or that I'm going to fund education for people that I'm not going to fund, or that the vast majority of my tax cuts are going to the bottom, or that I was vigilant before 9/11, or that Iraq tried to obtain uranium from Niger. Those are really lies; this is a totally different thing. It's a chapter in a satirical book which makes a satirical point. But it's something the media can bring up, and I think it's their way of going like, "We're going to give a fair and balanced news report."

What was it like having to issue an apology for it?

Oh, I didn't mind. I shouldn't have written on Shorenstein stationery. I did get one letter thanking me for the apology, from Cardinal Egan. From the original letter I got four letters wishing me good luck with "Savin' It," but that their bosses were too busy to give their abstinence stories.

In your book you say that there's really not a liberal bias in the media, and not even necessarily a conservative bias, but more of a global profit-motive bias, which is why news is skewed towards the sensational, violence and sex. Is there any sex or violence scandal I should know about you before I take this to my editor?

I think when I was intoxicated and deranged I went on a chain saw massacre, but ... oh, man, I shouldn't have told you that. That was stupid. If I wasn't so drunk

now I probably wouldn't have told you. But I think the statute of limitations has run out on that.

Hey, whatever happened with that liberal radio show idea that Sheldon Drobny wanted you to do?

It's in the works. What they're trying to do is put together a network, and I would fit into that three hours a day. This is a very ambitious undertaking and they're progressing. I'm not at liberty to disclose everything that they're doing, but there's been progress, and chances are growing that this will happen and I'll be a part of it.

The problem is, with radio these days, if it's talk radio it's conservative talk radio. You can't put me on after Rush Limbaugh because it's like putting classic rock after hip-hop or something.

Are you still interested in being the liberal alternative to Rush Limbaugh?

Well, I don't know if I'd put it that way, but yeah.

It's interesting that the analogy you just used -- classic rock and hip-hop -- has you being the softer voice, in a sense.

Well, no, it's putting classic rock on after something that's incompatible. Me after Rush, I want to get the analogy straight.

OK, but conventional wisdom has it that liberals are too soft to do Limbaugh-style attack radio -- that the reason there are only conservative talk radio hosts is because only conservatives are capable of it. Do you think that's true? Where does that myth come from, if not?

I think there's the empirical evidence that talk radio is dominated by conservatives, so you could draw the conclusion that liberals can't do it. But I think you can do liberal talk radio, and this is something we should have started doing 10 years ago and we didn't. There have been a few fitful efforts by individuals to do things, that haven't succeeded for one reason or another, but I think you can do it. Liberals have a little bit of a different mindset, in which I think liberals by nature look for information and conservatives look for ammunition. NPR, for example, is just giving information, and NPR's very popular. But conservatives consider it to be liberal because they're not bloviating, they're actually giving information. So I like to think of our progressive network as sort of NPR with more entertainment and fewer reports on Appalachian quilts.

Slips into an imitation of Garrison Keillor for "Prairie Home Companion" :

"There's a man ... (short pause, cough) ... in Minnesota. Who is ... building a road across the state for no reason. Today on NPR we're going to be profiling him."

Laughs. We probably won't be doing a lot of those. Instead we'll be putting words, ideas, thoughts, sounds together -- very little physical shtick -- to make people laugh. Real facts, real statistics, truth. See Rush and Hannity and those guys, their value-added is lying. My value-added will be comedy.

What kind of role do you think satire like yours has in the national debate?

I think it may have a big role. The president's credibility is beginning to crack, and I think humor can always play a role in doing that, if it's truthful and persuasive. I think people listen because it's more fun to listen. It's a way of truth telling that goes down easy.