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Citizens United Fuels Negative Spending

86 Percent of Spending by Outside Groups Pays for
Negative Messages

Acknowledgments

This report was written by Adam Crowther, Researcher for Public Citizen's Congress Watch division, and edited by Congress Watch Research Director Taylor Lincoln.

About Public Citizen

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Public Citizen's Congress Watch
215 Pennsylvania Ave. S.E
Washington, D.C. 20003
P: 202-546-4996
F: 202-547-7392
<http://www.citizen.org>

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The deregulation of outside spending called for in the Supreme Court's *Citizens United* decision appears to have led to increased spending on the negative advertising that so many Americans find unpalatable. The top 15 organizations making independent expenditures have spent more than \$600 million this election cycle, according to data provided by the Center for Responsive Politics (www.opensecrets.org)¹ Of this, Public Citizen's analysis finds that more than \$520 million, or almost 86 percent, was spent opposing a specific candidate for office. [See Table 1] Although some of this spending can be attributed to other purposes, the vast majority of independent expenditures go towards advertising.

Spending by outside groups is generally more likely to be negative than spending directly on behalf of a candidate because candidates are not explicitly connected to outside groups and the messages they produce. The relative level of negativity in messages from outside organizations versus those sponsored by candidates was illustrated in a recent analysis of 2012 presidential political advertisements conducted by the Wesleyan Media Project.

The Wesleyan researchers found that in 2012, presidential candidates are far less likely to produce negative ads than the outside groups supporting them. From June 1 through October 21, 58.5 percent of President Obama's campaign ads were negative, compared to 78.2 percent of all ads that were funded by pro-Obama groups. Similarly, Governor Mitt Romney's ads were 49.2 percent negative during this time period, while Romney-allied groups registered a 89.2 percent negativity rate.² (These figures do not include spending by the Democratic National Committee or the Republic National Committee.)

In 2012, total spending on independent expenditures by outside groups is quickly approaching the \$1 billion level. At \$946 million, such spending is six times higher than it was in 2008, the last president election cycle, and 13 times higher than it was in 2004.³ Unless action is taken to reverse the *Citizens United* decision or nullify it through a constitutional amendment, outside spending will continue to proliferate, portending further increases in negative advertising.

¹ *2012 Outside Spending by Groups*, CENTER FOR RESPONSIVE POLITICS, <http://bit.ly/VfpSYf> (Viewed on Nov. 1, 2012). Note: Independent expenditures refer to efforts expressly advocating for or against a candidate for federal office financed by non-candidate related entities. This analysis includes spending by Super PACs and 501(c) organizations that can accept unlimited donations. Excluded is spending by political action committees (PACs) affiliated with a particular organization. For example, the SEIU has a Super PAC and a PAC, but only the Super PAC's independent expenditures are included here. Also excluded is spending by party committees.

² Press Release, Wesleyan Media Project, *2012 Shatters 2004 and 2008 Records for Total Ads Aired* (Oct. 24, 2012), <http://bit.ly/SsmAw4>.

³ *Total Outside Spending by Election Cycle Excluding Party Committees*, CENTER FOR RESPONSIVE POLITICS, <http://bit.ly/Q9x6LS> (Viewed on Nov. 1, 2012).

**Table 1: Top 15 Groups Making Independent Expenditures, 2012
(Excludes Party Committees)**

Organization	Total Independent Expenditures	Total Spent Opposing Candidates	Percent Spent Opposing Candidates	Liberal or Conservative
Restore Our Future	\$137,247,855	\$123,179,216	89.7%	C
American Crossroads	\$99,621,297	\$91,402,381	91.7%	C
Priorities USA Action	\$67,481,077	\$67,481,077	100.0%	L
Crossroads GPS	\$67,033,991	\$59,469,961	88.7%	C
Majority PAC	\$34,297,437	\$30,733,385	89.6%	L
U.S. Chamber of Commerce	\$31,873,839	\$27,759,017	87.1%	C
Americans for Prosperity	\$30,800,720	\$30,800,720	100.0%	C
House Majority PAC	\$28,364,747	\$27,577,576	97.2%	L
FreedomWorks	\$18,180,682	\$8,245,078	45.4%	C
Winning Our Future	\$17,007,762	\$4,036,934	23.7%	C
Club for Growth	\$17,230,446	\$13,972,994	81.1%	C
Americans for Tax Reform	\$15,769,582	\$13,929,230	88.3%	C
American Future Fund	\$15,607,423	\$7,244,471	46.4%	C
Service Employees International Union	\$14,800,882	\$2,423,521	16.4%	L
Americans for Job Security	\$13,180,646	\$13,180,646	100.0%	C
<i>Total</i>	<i>\$608,498,386</i>	<i>\$521,436,207</i>	<i>85.7%</i>	

Source: Center for Responsive Politics (www.opensecrets.org), 2012 Outside Spending by Groups, <http://bit.ly/VfpSYf>.