David Magleby and other scholars detected a dramatic increase in outside money starting in the 1998 congressional elections. Outside money is money spent by the political parties and interest groups independent of a candidate's knowledge. Magleby notes that outside money is most noticeable in competitive or open seat races, causing candidates to lose control of their campaigns and voter confusion. This article examines the role and possible impact of outside money in the 2000 open congressional contest for the second district of Oklahoma between Brad Carson and Andy Ewing. Through interviews, newspaper articles and media outlet records, we found that both the role and impact of outside money were each primarily limited to party activity. Groups were only modestly active because the candidates did not differ from other on key issues and the race was only marginally competitive. Other findings include party activity can be detrimental to the candidates, it is difficult to distinguish between get out the vote activities (GOTV) and persuasion, voters can be confused by outside money, and predicting the competitiveness of a race can be difficult.
David Magleby and several scholars across the country have detected a dramatic increase in outside money in the 1998 congressional elections. Outside money involves political parties and groups conducting their own electoral activities independent of candidates’ knowledge. Through a series of recent decisions the Supreme Court expanded the ability of parties and groups to engage in such activities. Over the last two congressional elections, groups and parties have taken advantage of these opportunities, using outside money in open seat and competitive races where they can have the greatest effect on the outcome. In this article we examine the 2000 second congressional district race in Oklahoma to see if the trends noted by Magleby can be found in Oklahoma. To do this we start by summarizing his findings.

One of the big changes in outside money is the use of issue advocacy ads during elections. Issue advocacy ads allow parties, and interest groups, to advocate for specific issues. Technically by law, these ads are not intended to affect election outcomes and are prohibited from encouraging voters to “vote for,” “vote against,” “support,” or “oppose” a specific candidate. However, as Magleby noted there is a difference between pure issue advocacy, legislative issue advocacy, and election issue advocacy advertisements. A pure issue advocacy ad is intended to sway individuals’ views on a particular issue, while a legislative advocacy ad is intended to affect the passage of legislation. With election issue advocacy, however, the parties and groups exploit a loophole. Such ads discuss candidates’ views on an issue, making it clear which candidate is preferred but stopping short of outright endorsement. Often these ads end with a statement such as: call the non-preferred candidate and tell him/her to be more like the preferred candidate. This loophole allows parties and groups to use non-hard money to affect elections and to avoid reporting these activities to the Federal Election Commission (FEC). Issue advocacy activities are multifaceted. They can be on the air (TV or radio) or on the ground (phone banks and mass mailings). They can involve outreach to members or nonmembers. They can involve mobilizing voters with “Get Out the Vote” (GOTV) activities or voter guides. The key is that the fundraising of these activities is less regulated, giving groups and parties a greater opportunity to engage in campaign activity.

A second related change in the use of outside money was the increase in soft money expenditures by parties. By the end of the 1990s
parties no longer limited their electoral support to direct contributions to candidates and coordinated campaigns. They have taken advantage of the decisions by the Supreme Court that allow parties to use soft money to engage in issue advocacy, even though technically soft money is to be spent on party building activities. The 1998 congressional elections saw a dramatic rise in the use of soft money from 1994, the previous midterm election year. In the 1998 congressional elections, the Democrats spent about $93 million in soft money compared to only $55 million in 1994. The Republicans spent $158 million in 1998 but only $53 million in 1994.3

The rise of outside money has important implication for the electoral process. It can cause candidates to lose control of their campaigns. The party and group activity can force candidates to abandon their platforms to address the issues discussed with outside money. If the ads financed by outside money bring out important characteristics about the candidate or address important policies, then outside money would improve the ability of voters to make reasoned decisions. However, if the candidates have to address unfounded personal assaults, then the ads could impede voters in selecting their preferred candidates by creating confusion. Another way the ads cause voter confusion is by masking the identities of the funding sources by creating new organizations to filter their money. Even if voters are aware of organizations they may not notice the funding source of an advertisement. In a combination of focus groups and a national survey Magleby found that voters were confused as to the funding source of election advocacy. Most voters thought that election issue advocacy ads paid for by interest groups were instead paid for by political parties or candidates. Although more voters correctly identified the funding source of party ads than interest group ads, more voters thought these ads were candidate ads than party ads. Additionally, issue advocacy ads that discussed candidates were seen as designed to help or hurt a candidate not to advocate for an issue.4

To estimate the strength of outside money in Oklahoma, we examine its role in the 2000 Second Congressional District elections. This district is in the northeastern part of Oklahoma, not including Tulsa or Bartlesville. Muskogee is the historic power center of the district. This race should have seen the effects of outside money because it had the makings of a competitive race. It was an open seat and the district's party preference was ambiguous. A Republican, Dr. Tom Coburn,
represented the district from 1994 until he followed through with a self-imposed six year term limit. Although Rep. Coburn was Republican, for 70 years prior to Coburn’s election to the House the district was represented by Democrats. In 2000, Democrats outnumbered Republicans 8-3 and President Clinton carried the district in 1992 and 1996. Thus it was unclear if the district would return to its Democratic roots or stay with the Republican Party, which has grown in strength in Oklahoma during the 1990s.

To see if outside money mattered in the competitive Second District, we relied upon Magleby’s example. First, we followed the election in real time by visiting television and radio stations in the district to track the advertisements. Second, we listened to local TV and radio stations to track and record new commercials as they were aired. Third, we gathered mail by asking individuals living in the district to send us the mail they received from the candidates. Fourth, we examined newspaper stories on the election and FEC reports made by the candidates. Finally, we interviewed individuals working on the candidates’ campaigns and representatives of the parties and interest groups engaged in issue advocacy. To determine the degree of outside activity on the part of parties and groups we examined both the primary and the general election. By activity we do not include direct donations to candidates. Although these were substantial during the campaign, they do not have the types of effects that independent expenditures and issue advocacy have on the campaign. The candidates control the message in the spending of direct contributions.

OUTSIDE MONEY IN THE SECOND CONGRESSIONAL DISTRICT PRIMARIES

Despite Magleby’s conclusions, we found that outside money did not play a dramatic role during the nomination process. That is, neither parties nor groups played a dominant role during the nomination. In the Democratic primary, two candidates were considered viable: Bill Settle and Brad Carson. Settle, 62, was a state legislator from Muskogee, Chair of the Oklahoma House Appropriations and Budget Committee, and the initial front runner. Carson, 33, an attorney from Claremore, had
been a former special assistant to the US Secretary of Defense, and a Rhodes Scholar. Both candidates were well funded. Settle spent about $600,000 during the nomination and Carson $450,000. Much of this was spent on television ads. Carson spent $200,000, while Settle spent $140,000 on television ads. Neither candidate received a majority in the primary, forcing a run-off that Carson won with 55 percent of the vote.

Since the Oklahoma Democratic Party does not endorse candidates during the primary, the only activity that could be considered party activity came from individual Democratic officials endorsing and working for a specific candidate. The co-chairpersons of Carson’s campaign, June Edmondson and Edmond Synar, were family members of two Democrats who formerly held the seat. Settle was endorsed by many Democratic officials.

The interest group activity was also modest. Only four groups were active in the primary or run-off: the National Rifle Association (NRA), the AFL-CIO, Business and Industry PAC (BIPAC), and Concerned Citizens of Oklahoma. These groups relied on ground activities. The NRA, a powerful force in the district, endorsed Carson and sent a letter to its members in the district that coincided with telephone outreach. While the NRA worked for Carson, the AFL-CIO endorsed Settle and sent letters, made phonecalls and personal contact to union members. The other two groups had very small efforts. In addition to contributing money, BIPAC sent emails to its members and Concerned Citizens distributed a photocopied flyer criticizing Carson.

Since the amount of group activity was relatively small, it is unlikely that it drove the candidates’ campaigns. The only evidence of such an occurrence concerned the NRA. Chabon Marshall, Carson’s campaign manager, indicated that gun rights as an issue in the district was powerful enough to force Bill Settle to take a stronger pro-gun stance during the run-off. Also, since most activity focused on reaching groups’ members, voters were not likely to be confused about the source of the message.

As with the Democratic run-off and primary, the Republican primary only modestly demonstrated the role of outside money. Two of the seven Republican candidates dominated the primary: Jack Ross, a rancher, and Andy Ewing, a former U.S. marine and car salesman from Muskogee. Both were former Democrats. Both candidates were well funded, spending about $180,000 each. Both also spent considerable
money on television ads. Ross’ campaign spent about $75,000 on TV and Ewing’s campaign about $120,000. Ewing won the primary with 60 percent of the vote to 28 percent for Ross.

Interest group activity was very modest. US Term Limits conducted a survey of 300 Oklahomans in June and Americans for Limited Terms ran an election issue advocacy radio spot at an estimated cost of $15,000-$20,000. This level of activity was unlikely to have greatly affected the election or driven the message.

Although the Republican Party was not officially active in the primary, Representative Coburn and his “machine” played a significant role. Coburn’s chief of staff, Karl Albgren, was Ewing’s campaign manager and Tom Cole’s firm was hired as a consultant for Ewing. Cole is the chief of staff of the Republican National Committee. Coburn appeared in Ewing’s television ads; Ewing used Coburn’s organization and, according to at least one of Ewing’s opponents, the Republican Party as well. Fund-raisers orchestrated for Ewing brought in Republican leaders such as House Speaker Dennis Hastert (R, IL) and Rep. Asa Hutchinson (R, AR). Several of the Republican candidates complained about Coburn’s work on the Ewing campaign. This work may have affected the outcome of the primary. Ross made negative references to Coburn endorsing Ewing in his television ads. Additionally, the other Republican candidates noted Coburn’s efforts as a reason for Ewing’s primary victory.

THE GENERAL ELECTION

The role of outside money was greater in the general election than in the primaries and run-off. However, party activity significantly outpaced interest group activity. Ewing spent about $520,000 during the general election and Carson $375,000 (estimated from FEC Candidate Reports). Much of this was spent on television ads. Ewing spent about $300,000 on television and Carson about $250,000. Both candidates started their TV campaigns with positive ads, then went negative for a while before closing with generally positive spots. Carson won the election with 55 percent of the vote and Ewing 42 percent. Neil Mavis, a Libertarian, received 3 percent.
The level of party activity matched that of the candidates. The Democratic Congressional Campaign Committee (DCCC) spent about $525,000 on television ads. Half of these ads were positive and half were negative. The DCCC also sent out five pieces of mail; four of which were negative. It also ran a modest campaign on the radio. The National Republican Congressional Committee (NRCC) ran five TV spots and one radio spot: all were negative. One ad portrayed Carson as a snake oil salesman coming to town selling a bad potion and encouraged voters to call Carson and tell him not to "try to cure our ills." The cost of NRCC's air warfare was about $400,000. The NRCC also sent five pieces of mail and the Oklahoma State Republican Committee sent at least one.

Examining the TV ads offers some lessons about the role of outside money. The general topics of the party ads were very similar to the candidates' ads. The ads focused on social security, healthcare, and prescription drugs, but also addressed education, hunting, term limits, abortion, and the candidates' character. However, the Republican party's ads were more likely to attack Carson for being a carpetbagger and a trial lawyer than were Ewing's ads. Also, the party ads made these attacks before Ewing's ads made these attacks. However, the charges were not new. During the primary, Carson faced these allegations and his first ads mentioned his Oklahoma roots. The DCCC ads also differed somewhat from Carson's message. Although both discussed the key issues, the DCCC ads were more forceful and focused on attacking Ewing's support of privatized social security and Medicare plans.

The work of the parties did affect the candidates' campaigns. According to Doug Heyl of the DCCC, since Carson had to win the late run-off he had little time and money to start the general election immediately following the run-off. Thus the DCCC was able to step in and run a positive piece about Carson while he raised money to run his own ads. This allowed Carson to preempt negative attacks. Additionally, the negative tone of the Republican ads distracted the campaigns. The Tulsa, Oklahoma City and Muskogee newspapers ran stories that discussed the negative nature of the ads. Even Republican Representative Coburn criticized these spots as being too negative and unlikely to reach the voters of Oklahoma. Later the Republican National Committee (RNC) ran an ad that was authorized by Ewing's campaign that featured Coburn defending Ewing and his integrity. After the election,
Coburn cited the party ads as a major reason Ewing lost. Marshall also felt that that the NRCC ads may have been counter productive. Most of the ads ended with “call Brad Carson….” Those calling Carson were 10-1 in favor of him or at least expressed displeasure with the ads. Another reason the ads may have been ineffective was because some of their messages were countered by Carson throughout the campaign. For example, while NRCC ads portrayed Carson as a carpetbagger, Carson’s first ads noted that he grew up in Oklahoma and that his ancestors were part of the trail of tears. In sum, the likely outcome of these ads was voter confusion.

Voters were also likely confused by the authorship of the ads. The NRCC filtered money through the state party to pay for the ads. Consequently, the ads said the State Republican Committee of Oklahoma paid for them, although the funding and ads came from the NRCC. Although, the Tulsa World coverage of the elections discussed these ads and their funding, it is not clear that most voters could determine who really sponsored the ad spots.

There was minimal air warfare conducted by interest groups in Oklahoma’s Second Congressional District. National Right to Life (NRL) and Americans for Limited Terms (ALT) ran some issue advocacy ads on the radio that supported Ewing. ALT spent about $20,000 for radio spots and we assume the NRL spent a similar sum.

Instead of TV and radio, groups focused on ground activities and most of this effort was limited to interest groups contacting their members. The AFL-CIO leafleted and phoned its membership on Carson’s behalf. The Oklahoma Education Association recommended Carson along with candidates in other races in a mailing it sent out just prior to the election. The National Education Association (NEA) also sent mailings and telephoned its membership in support of Carson. The National Federation of Independent Businesses (NFIB) spent $25,000 on mailings and telephoning its membership in the district in support of Ewing. The National Right to Work Committee (NRWC) sent out two mailings to its members. One mailing reported its ratings of the candidates (Ewing 100% and Carson 0%), while the other was part of a national effort. Member to member contact is unlikely to confuse voters. As members of groups they are used to receiving mail from the organizations. Additionally, groups have an incentive to be clear as to the funding source when they send information to their members.
Members are likely to respect organizations they belong to and see their message as legitimate; otherwise they would not be members.

In addition to member contact, some groups used ground activities to reach a larger audience. National Right to Life and the Christian Coalition distributed information to churchgoers the Sunday prior to the election. The NEA spent $68,000 sending at least three mailings to sympathetic voters. Other activities included providing staff and sponsoring forums. The Sierra Club PAC, AFL-CIO, and NEA supplied workers in the field for Brad Carson. The American Association of Retired Persons sponsored a voter forum, organized a GOTV “walk around” and mailed a voter guide to members. Its voter guide reported statements from the candidates but no endorsement was made. The Oklahoma Farm Bureau also sponsored forums but did not endorse or work on behalf of specific candidates.

The effect of group activity is thought to be modest, since the level of activity was relatively small. While we estimate about $200,000 was spent by groups in this race, in the Sixth Congressional District in Kentucky the AFL-CIO spent about $400,000 and business groups over $800,000. Although the group work may have been modest, Chabou Marshall believed it may have had some effect on the outcome of the election in Oklahoma. He felt that the NEA’s campaign was helpful with independent voters who tended to see education as an important issue. Jack Pacheco, Manager of Political Affairs of the NEA, also felt the NEA made a difference in the race. The NEA was very systematic in its effort by targeting those it knew were undecided and supported public education. But we found no evidence of candidates changing their strategies in response to these activities.

OTHER LESSONS LEARNED AND CONCLUSIONS

Why the Second District differed from Magleby’s description of congressional elections helps us to understand competitive House races. This race did not see interest group activity dominating the race for two reasons. First, many groups stayed out of the race because the candidates did not differ greatly on key issues. In a debate, Andy Ewing said the only difference between the candidates was their occupation. While this was an exaggeration, the candidates were not different enough on
some key issues to warrant group activity. For example, although both candidates asked the NRA for support, it stayed out of the general election because they each received an “A” rating from the organization. Similarly, even though National Right to Life was active on behalf of Ewing, NARAL was not active because Carson did not support federal funding for abortions or late-term or so-called “partial birth” abortions. Nonetheless, several groups became active because of the differences in the candidates’ positions. According to Eric O’Keefe, President of Americans for Limited Terms, ALT worked for Ewing because, unlike Carson, he had pledged to serve only three terms if elected and Coburn attested to Ewing’s accountability.31

A second reason for the lack of activity was that the race was not as competitive as expected. Carson won the election by a 13 percent margin of victory, 55 percent to 42 percent. As early as October 8th an independent poll had Carson up by 15 points.32 That Carson appeared to have a strong lead early on may have kept many groups away. This implies that predicting which open seat races will be competitive can be difficult prior to the nomination process being completed. The race might have been more competitive had other candidates won their parties’ primary. Bill Settle, for example, would have provided a clearer contrast in issue positions. Carson’s positions were generally more conservative than were Settle’s positions. This could easily have made the election more competitive.

Our research also unearthed a couple of lessons not directly related to growth of outside money. One lesson is the value of member contact. Groups during this election cycle focused on member contact in particular for three reasons. First, this activity is unregulated by the Federal Election Commission. Second, it is more targeted. Ryan Hawkins, Settle’s campaign manager, indicated that the AFL-CIO used ground activities because in 1996 the use of TV and radio had been counter productive since it reached non-supporters.33 Member contact also has the advantage of invigorating group membership. One of the AFL-CIO’s goals was to use the election to activate its membership and make labor a more visible force in the future.34

Another lesson from this race is that distinguishing between GOTV and persuasion may be misleading. There can be much overlap between persuasion pieces and GOTV pieces. Several of the mailers that were persuasion in content did remind voters to vote on November 7th.
Additionally, according to John Jameson of Winning Connections, the consulting firm used by Brad Carson, his GOTV message had a significant persuasion element. It not only reminded voters to vote but also reminded voters why they should vote for Carson.

It may also be misleading to distinguish between groups making an endorsement and those not endorsing. Several groups who did not endorse but sent out voter guides with candidates’ positions implicitly endorsed the candidates that best fit their views. For example, when the NWRC sent out information stating that Ewing scored a 100 percent and Carson a zero, an endorsement wasn’t needed to tell the voter who was better on the issue.

The Second Congressional District Race in Oklahoma offers several insights into congressional races. First, parties and groups are active players in congressional elections. They do more than give money to candidates but offer messages as well. They have exploited loopholes in campaign finance laws to tell voters whom they should vote for and why. These activities can be detrimental to the candidates they are trying to help. The NRCC television ads may have harmed Ewing’s campaign by being too negative. But as with the DCCC’s early ads for Carson, such activity can help candidates when their resources are tight. Interest groups are also active speaking out on their preferences. Although group efforts were small in Oklahoma compared to other competitive races, they still spent over $200,000. And in the Democratic primary the NRA likely altered one candidate’s rhetoric on guns. Another lesson is that few differences may exist between endorsement, GOTV, and persuasion advertisements. Above all, the research suggests that predicting competitive races are tricky. And in states such as Oklahoma where the nomination occurs late (August or September), it is even trickier since the candidates remain unknown until late summer.

This work provides mixed evidence of the effects of outside money on representative democracy. Outside money brought little information to the voters that was new. Although the party activity did not bring in new issues, some of the interest group mailings did. For example, although right to work was not a major campaign issue, the NRWC did address this issue. Nonetheless, allegations were made that candidates could defend themselves against, most notably the carpetbagger charges against Carson. Such allegations may have inadvertently given an advantage to the other side.
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NOTES


5. Estimated from FEC candidate reports.

6. Estimated from the political files of Tulsa TV stations and radio stations in the district.

7. Cbabon Marshall, interview by authors, 6 October 2000.

8. Estimated based on FEC candidate reports.

9. Estimated from the political files of Tulsa TV stations and radio stations in the district.


13. Estimated from the FEC candidate reports.
Positive ads are those that offered reasons why voters should vote for one candidate, negative ads were those that said why you should not vote for a candidate. Ads that gave any reason to vote against a candidate were considered negative.

Estimated from the political files at Tulsa TV stations.

Doug Heyl, telephone interview by Rebekah Herrick, 6 December 2000.


Chabon Marshall, telephone interview by Rebekah Herrick, 8 November 2000.

Jim Myers, “Most Funds for Mud-slinging 2nd District Ads Have Come from Outside the State,” Tulsa World, 3 November 2000.


Jack Pacheco, telephone interview by Rebekah Herrick, November 2000.


There were many allegations made against both candidates that they could defend. However, many of these allegations came from the opposing candidate as well as from the parties and groups.