

The *SpeechNow* Case and the Real World of Campaign Finance

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INTRODUCTION

In its *SpeechNow.org v. FEC* opinion, the U.S. Court of Appeals for the District of Columbia Circuit declared that, after the Supreme Court's ruling in *Citizens United v.*

FEC, "independent expenditures [on behalf of candidates] do not corrupt or create the appearance of corruption." It invoked the Court's statement that "the absence of prearrangement and coordination of an expenditure with the candidate or his agent...alleviates the danger that the expenditures will be given as a *quid pro quo* for improper commitments from the candidate." The Court of Appeals then went on to make what it considered a logical deduction: "Given this analysis from *Citizens United*, we must conclude that the government has no anti-corruption interest in limiting *contributions* to an independent expenditure group." (Emphasis added).

In the real political world, however, as this study shows, top donors to super PACs and other independent spenders are not only contributing to these groups. They are simultaneously giving directly to the very candidates who benefit from their contributions to independent spending. The typical two-track donor supports multiple candidates in this fashion. Thus, while independent spending groups are legally restrained from coordinating with their beneficiaries, donors to such groups are legally permitted to financially coordinate with these same candidates within certain contribution limits. When donors amplify their legally limited direct contributions to candidates with unlimited indirect support via independent spending groups, an "anti-corruption interest in limiting contributions to an independent expenditure group" certainly arises. These unlimited donations intensify the dangers of *quid pro quo* corruption and its appearance that contribution limits were established to prevent.

METHODOLOGY OF STUDY

On behalf of Free Speech For People, I asked the Center for Responsive Politics – the highly respected source for federal campaign finance data – to provide information on the top-ranked 100 individual donors (not including family members) and 50 organizational donors to Super PACs and other independent groups supporting candidates during the 2014 and 2012 election cycles. Among these, I requested that the Center identify donors who contributed directly to a candidate as well as to an independent group spending on behalf of that candidate. After analyzing the data, I asked CRP to provide summary tables for each election cycle. In titling these tables, I adopt CRP's characterization of contributions to independent groups as "outside money" since they are outside the contribution limits imposed by campaign finance law.

FINDINGS

We began the universe of analysis with ranked lists of the top 100 individual donors to all independent spending groups for the 2014 and 2012 election cycles. (For 2014, several tied for 100th rank, so that universe actually included 103.) We found that in each of the cycles, there were 81 donors among the top ranked 100 (or 103) who contributed both directly to candidates and also to independent groups benefiting the same candidates that the donor supported directly. Tables 1 (for 2014) and 2 (for 2012) below list those 81 (out of 100/103) donors who “double-gave” in that fashion; the tables are sorted by donors’ rank in giving to independent spending groups overall.

TABLE 1

TOP INDIVIDUAL DONORS OF OUTSIDE MONEY WHO CONTRIBUTED TO CANDIDATES AND TO INDEPENDENT GROUPS SPENDING ON BEHALF OF THE SAME CANDIDATES (2014 ELECTION CYCLE)

Donor	Outside Money Rank	Number of Candidates Aided	Total Direct Contributions to Candidates	Contribs to Indep. Groups Supporting Same Candidates	Indep. Groups Spending on Same Candidates
<i>STEYER, THOMAS F</i>	1	4	\$13,467	\$73,725,000	\$1,536,142
<i>BLOOMBERG, MICHAEL R</i>	2	9	\$59,800	\$21,629,929	\$2,666,603
<i>SINGER, PAUL MR</i>	3	33	\$141,350	\$9,872,324	\$11,676,773
<i>MERCER, ROBERT L MR</i>	4	37	\$143,000	\$8,820,000	\$16,658,810
<i>EYCHANER, FRED</i>	5	16	\$52,000	\$8,000,000	\$3,608,147
<i>SIMONS, JAMES H</i>	6	4	\$15,600	\$2,250,000	\$272,020
<i>RICKETTS, J JOE</i>	7	5	\$16,125	\$5,995,000	\$1,899,444
<i>ADELSON, SHELDON</i>	8	3	\$10,400	\$5,500,000	\$435,086
<i>UIHLEIN, RICHARD E</i>	9	18	\$88,600	\$1,685,000	\$3,654,431
<i>MCNAIR, RON</i>	10	4	\$10,400	\$1,500,000	\$4,177,321
<i>SOROS, GEORGE</i>	11	11	\$47,500	\$2,000,000	\$2,695,016
<i>GRIFFIN, KENNETH MR</i>	13	10	\$41,200	\$2,350,000	\$6,209,867
<i>KLARMAN, SETH A</i>	14	13	\$42,000	\$2,700,000	\$5,583,451
<i>DAVIS JR, KENNETH W MR</i>	15	1	\$2,600	\$2,892,495	\$145,469
<i>MARCUS, GEORGE M</i>	16	1	\$2,600	\$1,500,000	\$48,700
<i>MCMAHON, LINDA MS</i>	17	10	\$49,400	\$2,500,000	\$5,046,160
<i>RICKETTS, MARLENE MS</i>	18	1	\$5,200	\$2,700,000	\$247,499
<i>STEPHENS, WARREN A</i>	19	4	\$13,000	\$540,000	\$2,117,708
<i>CHILDS, JOHN W MR</i>	21	16	\$79,000	\$1,850,000	\$6,475,300
<i>SUSSMAN, S DONALD</i>	22	23	\$62,800	\$2,375,000	\$4,822,221
<i>PERENCHIO, A JERROLD</i>	24	1	\$5,200	\$2,000,000	\$1,175,752
<i>GOLDMAN, AMY DR</i>	25	13	\$32,000	\$1,499,759	\$4,790,172
<i>JAMES, VIRGINIA</i>	26	12	\$41,600	\$1,700,000	\$1,156,458
<i>FIELER, SEAN M</i>	28	2	\$10,400	\$385,946	\$40,652
<i>STRYKER, JON L</i>	30	1	\$2,600	\$400,000	\$1,408,652

EARHART, ANNE G	31	10	\$40,000	\$800,000	\$4,398,899
SOROS, JONATHAN ALLEN	32	7	\$18,200	\$10,000	\$2,137,776
LOEB, DANIEL S	33	12	\$36,300	\$1,500,000	\$5,028,713
FIRMAN, RONALD MR	34	2	\$2,850	\$1,476,621	\$1,842,022
PARKER, SEAN	35	2	\$15,600	\$600,000	\$177,792
BEKENSTEIN, JOSHUA	37	11	\$61,500	\$1,262,000	\$5,087,655
SCHWARTZ, BERNARD L	38	5	\$16,000	\$956,879	\$1,408,701
MICHAELS, LAURIE F	39	5	\$23,400	\$690,000	\$3,277,056
LEE, BARBARA F	40	9	\$45,800	\$570,000	\$3,011,930
STRICKLER, ELIZABETH	41	3	\$10,400	\$1,125,000	\$1,366,093
ARNOLD, JOHN D	42	3	\$10,400	\$825,000	\$1,631,170
ROBERTSON, JULIAN H JR	44	5	\$20,800	\$812,000	\$2,632,340
DOERR, JOHN III	47	2	\$5,100	\$750,000	\$2,328,543
HENDRICKS, DIANE MS	47	5	\$23,400	\$1,000,000	\$3,318,462
LAND, PAUL	52	2	\$10,400	\$950,000	\$1,045,430
HAYDEN, JERRY MR	53	26	\$108,000	\$907,255	\$4,635,398
SIMONS, ELIZABETH	54	3	\$15,600	\$900,000	\$1,358,680
SILBERSTEIN, STEPHEN M	55	3	\$8,600	\$450,000	\$2,032,972
BONDERMAN, DAVID	56	9	\$39,300	\$585,000	\$6,754,340
BRYAN, JOHN D MR	57	5	\$21,600	\$580,000	\$4,080,138
MUNGER, JR, CHARLES	59	5	\$23,400	\$199,375	\$316,621
STRYKER, PAT A	61	1	\$2,600	\$500,000	\$421,202
EGERMAN, PAUL	62	4	\$15,600	\$125,000	\$2,818,075
RYAN, VINCENT J	63	8	\$30,600	\$745,000	\$2,001,484
NAU, JOHN L III	64	3	\$9,582	\$325,000	\$2,369,911
OBERNDORF, WILLIAM E	65	6	\$20,830	\$658,680	\$4,513,375
BOIES, DAVID	66	2	\$7,800	\$500,000	\$50,021
MOSTYN, AMBER A	66	1	\$2,600	\$750,000	\$31,409
ASNESS, CLIFF	68	9	\$34,300	\$700,000	\$3,461,527
KATZ, CARY MR	69	47	\$205,400	\$685,000	\$3,533,828
MESSINGER, ALIDA R	70	5	\$20,800	\$550,000	\$2,480,596
DEVOS, RICHARD M MR	71	12	\$87,800	\$650,000	\$6,212,727
SHAW, DAVID E	71	11	\$31,200	\$650,000	\$4,607,891
ARNOTT, ROBERT D MR	73	15	\$83,100	\$645,000	\$2,680,370
UIHLEIN, LYNDE B	73	1	\$5,200	\$645,000	\$10,250
PAUL, PETER T	75	2	\$10,400	\$617,000	\$1,192,879
FIKES, LEE MR	76	5	\$6,600	\$260,000	\$1,004,286
GILLIAM, RICHARD BAXTER	80	8	\$31,200	\$500,000	\$4,083,111
MARCUS, MARVIN	81	5	\$21,800	\$580,500	\$3,040,424
HUMPHREYS, DAVID C MR	82	5	\$18,200	\$500,000	\$3,127,690
CURRY, RAVENEL B MR III	83	1	\$5,200	\$50,000	\$532,445
SOROS, ANDREA	84	2	\$5,200	\$250,000	\$1,137,392
BASS, ANNE T	85	2	\$6,200	\$490,000	\$2,328,543
HIATT, ARNOLD S	86	20	\$59,700	\$432,000	\$4,555,881
MCCORMACK, WINTHROP L	87	2	\$5,200	\$255,000	\$155,845
FARMER, RICHARD T	88	1	\$500	\$500,000	\$15,097

POWELL JOBS, LAURENE	88	1	\$5,200	\$500,000	\$919,891
WRIGHT, KAREN A MRS	92	10	\$43,900	\$510,000	\$5,995,364
BERGMAN, JAY	93	1	\$2,600	\$5,000	\$53,000
CHOUINARD, YVON	94	2	\$10,400	\$500,000	\$534,724
KATZENBERG, JEFFREY	94	11	\$44,200	\$500,000	\$3,517,395
MITCHELL, P MRS	94	3	\$10,300	\$500,000	\$2,674,259
MURPHY, MIKE MR	94	1	\$5,000	\$500,000	\$102,356
MURPHY, SYDNEY MRS	94	1	\$5,000	\$500,000	\$102,356
ORR, JAMES	94	2	\$4,600	\$500,000	\$853,914
SILLERMAN, ROBERT F X	94	14	\$36,400	\$500,000	\$1,974,559
Average		8	\$30,120	\$2,474,046	\$2,710,033
Median		3	\$10,400	\$500,000	\$1,974,559
Average direct contribution per candidate: \$3,999					

Source: Tables provided by the Center for Responsive Politics, October 7, 2016

TABLE 2

TOP INDIVIDUAL DONORS OF OUTSIDE MONEY WHO CONTRIBUTED TO CANDIDATES AND TO INDEPENDENT GROUPS SPENDING ON BEHALF OF THE SAME CANDIDATES (2012 ELECTION CYCLE)

Donor	Outside Money Rank	Number of Candidates Aided	Total Direct Contributions to Candidates	Contribs to Indep. Groups Supporting Same Candidates	Indep. Groups Spending on Same Candidates
ADELSON, SHELDON	1	14	\$53,000	\$36,580,000	\$40,947,078
ADELSON, MIRIAM DR	2	13	\$45,000	\$35,450,000	\$40,957,933
SIMMONS, HAROLD MR	3	6	\$17,500	\$24,510,000	\$34,345,251
PERRY, BOB MR	4	3	\$7,500	\$18,600,000	\$24,445,662
EYCHANER, FRED MR	5	12	\$52,600	\$9,500,000	\$2,738,682
BLOOMBERG, MICHAEL R	6	3	\$6,000	\$10,054,235	\$2,257,263
RICKETTS, J JOE	7	3	\$7,500	\$12,550,000	\$18,933,340
SIMONS, JAMES H	8	2	\$5,000	\$3,000,000	\$1,139,845
MERCER, ROBERT MR	9	11	\$43,500	\$5,209,354	\$27,198,549
THIEL, PETER MR	10	3	\$19,800	\$4,600,000	\$771,245
CHILDS, JOHN W MR	11	2	\$7,500	\$1,125,000	\$1,013,539
ROWLING, ROBERT B	12	3	\$12,500	\$3,600,000	\$21,831,032
GOLDMAN, AMY P DR	13	24	\$66,260	\$2,250,000	\$4,252,577
MOSTYN, STEVE	14	2	\$10,000	\$500,000	\$1,899,907
MCNAIR, ROBERT MR	15	3	\$12,500	\$3,100,000	\$24,445,662
RAMSEY, JOHN MR	16	2	\$5,000	\$3,155,933	\$172,577
KATZENBERG, JEFFREY	17	7	\$24,700	\$150,000	\$3,875,707
ELLISON, LAWRENCE	18	1	\$5,000	\$3,000,000	\$13,919,902
SINGER, PAUL	19	4	\$11,028	\$2,815,316	\$14,312,561
SOROS, GEORGE	20	4	\$17,000	\$775,000	\$1,595,383
FRIESS, FOSTER S	21	23	\$56,000	\$2,445,872	\$29,172,546
GRIFFIN, KENNETH C	22	3	\$11,500	\$2,550,000	\$21,831,032

DORE, WILLIAM J SR	23	2	\$7,500	\$2,495,000	\$6,755,015
STRYKER, JON	24	1	\$5,000	\$500,000	\$5,573
CRAFT, JOSEPH W III	25	4	\$27,500	\$2,250,000	\$22,258,971
ROBERTSON, JULIAN	25	1	\$5,000	\$2,250,000	\$13,919,902
HUNTSMAN, JON M SR	27	1	\$2,500	\$2,222,039	\$2,804,234
JACOBS, IRWIN MARK	28	2	\$7,500	\$100,000	\$425,035
COX CHAMBERS, ANNE	29	1	\$4,975	\$100,000	\$5,573
PERENCHIO, JERRY	29	3	\$12,500	\$2,100,000	\$23,290,072
ROBERTS, RICHARD H DR	31	2	\$10,000	\$1,000,000	\$20,485,838
HANEY, FRANKLIN L	32	1	\$5,000	\$1,000,000	\$287,500
UIHLEIN, RICHARD	33	24	\$84,900	\$1,715,000	\$8,938,093
HIATT, ARNOLD S	34	16	\$46,400	\$1,825,000	\$2,790,716
SHAW, DAVID E	35	6	\$20,000	\$450,000	\$2,629,942
EARHART, ANNE GETTY	36	2	\$7,500	\$250,000	\$8,079
ABRAHAM, S DANIEL	37	4	\$17,500	\$375,000	\$1,300,383
KOVNER, BRUCE	38	2	\$10,000	\$1,500,000	\$20,485,838
ANGELOS, PETER G	40	2	\$7,300	\$575,000	\$902,597
STIEFEL, BARBARA A	40	1	\$5,000	\$250,000	\$6,000
ESHELMAN, FRED	43	1	\$2,500	\$1,500,000	\$1,500,000
HERZOG, STANLEY	43	2	\$2,600	\$250,000	\$1,106,725
JAMES, VIRGINIA	46	14	\$47,500	\$1,410,000	\$2,900,907
MCCORMACK, WINTHROP LAFLIN	47	2	\$10,000	\$500,000	\$1,289,810
GEIER, PHILIP H JR	48	3	\$10,000	\$1,350,000	\$20,913,777
SUSSMAN, S DONALD MR	48	5	\$12,250	\$1,250,000	\$155,429
KIMMEL, SIDNEY	50	1	\$5,000	\$250,000	\$64,064
MOSTYN, AMBER A	50	4	\$2,000	\$1,250,000	\$777,882
BOSARGE, WE	52	5	\$11,000	\$1,209,900	\$21,220,468
AHMED, KAREEM	53	3	\$15,000	\$200,000	\$1,295,383
SABAN, HAIM (MEMO)	55	4	\$17,500	\$826,040	\$1,675,800
RYAN, VINCENT J	56	15	\$49,400	\$455,000	\$1,961,952
ARNOTT, ROBERT D MR	57	5	\$22,500	\$1,075,000	\$5,495,359
DAVIS, JAMES S	57	1	\$5,000	\$1,000,000	\$13,919,902
SINQUEFIELD, REX	57	3	\$6,350	\$1,100,000	\$7,183,280
EGERMAN, PAUL	62	3	\$10,600	\$360,000	\$23,625
PICKENS, T BOONE	63	1	\$10,000	\$1,000,000	\$6,565,936
HAYDEN, JL	64	13	\$45,500	\$1,035,000	\$18,968,602
GILLIAM, RICHARD BAXTER	65	2	\$10,000	\$1,000,000	\$20,485,838
STEPHENS, JACKSON T JR	65	5	\$25,000	\$1,025,000	\$2,362,893
BOIES, DAVID L JR	68	1	\$2,500	\$10,000	\$64,064
SOROS, JONATHAN	69	4	\$10,500	\$250,000	\$788,702
BERGMAN, JAY	71	1	\$1,000	\$1,000,000	\$6,565,936
CONARD, EDWARD	71	1	\$5,000	\$1,000,000	\$13,919,902
FAISON, HENRY	71	2	\$3,000	\$1,000,000	\$6,993,875
HUGHES, B WAYNE SR	71	1	\$2,500	\$1,000,000	\$6,565,936
KLEINHEINZ, JOHN	71	1	\$5,000	\$1,000,000	\$13,919,902

MARRIOTT, JW JR	71	1	\$4,130	\$1,000,000	\$13,919,902
MARRIOTT, RICHARD	71	1	\$5,000	\$1,000,000	\$13,919,902
ORTENZIO, ROCCO	71	1	\$2,500	\$1,000,000	\$13,919,902
PAULSON, JOHN	71	1	\$5,000	\$1,000,000	\$13,919,902
RAGON, PHILLIP T	71	3	\$15,000	\$250,000	\$593,073
ST JOHN, EDWARD	71	1	\$5,000	\$1,000,000	\$13,919,902
TROUTT, KENNY MR	71	3	\$7,500	\$700,000	\$10,728,625
WEBSTER, STEVEN	71	1	\$5,000	\$1,000,000	\$13,919,902
SCHWARTZ, BERNARD L	94	3	\$12,500	\$658,884	\$298,073
HAMM, HAROLD	95	1	\$2,500	\$985,000	\$13,919,902
SILBERSTEIN, STEPHEN M	96	11	\$17,166	\$575,000	\$1,686,853
DESJARDINS, DAVID LAWRENCE	97	30	\$56,500	\$350,000	\$4,777,706
FINCH, LAWRENCE	97	1	\$5,000	\$850,000	\$13,919,902
HERRO, DAVID G	97	6	\$19,800	\$785,000	\$20,556,160
Average		5	\$15,979	\$2,974,538	\$9,728,917
Median		2	\$6,350	\$1,000,000	\$7,183,280
Average direct contribution per candidate: \$3,318					

Source: Tables provided by the Center for Responsive Politics, October 7, 2016

As noted above, in each of the cycles there were 81 donors among the top ranked 100 donors of outside money who contributed both directly to candidates and to independent groups benefiting the same candidates. For example, Column 2 of Table 1 shows that two donors are ranked 47th among the top 100 outside money donors in the 2014 cycle. Column 1 identifies one of them as Ms. Diane Hendricks. Following her row, Column 3 indicates that she directly contributed to five federal candidates. Column 4 shows that she provided these five with \$23,400 (an average of \$4,680 per candidate). Column 5 notes that she gave \$1,000,000 to independent groups that spent funds on behalf of these five candidates (among others). Column 6 shows that these groups (which also amassed funds from other donors) spent \$3,318,462 on Ms. Hendricks' five candidates.

As Tables 1 and 2 show, the average number of candidates receiving such a combination of direct and indirect assistance was 8 per donor in the 2014 election cycle and 5 per donor in the 2012 one (the median numbers were 3 and 2). Donors' direct contributions to their preferred candidates averaged \$30,970 and \$15,979 respectively. As the box below each table indicates, the average donor directly contributed \$3,999 per favored candidate in 2014 and \$3,318 in 2012. In comparison, the maximum contribution a donor could make to a candidate in 2014 was \$2600 for one election and \$5,200 for two (general and primary); in 2012 it was \$2,500 and \$5,000.

The Tables show that each of these donors also supported their favorite candidates by contributing to independent groups that spent on these same candidates' behalf. In 2014, the donors contributed an average of \$2,474,046 to such groups; in 2012 they supplied an

average of \$2,974,538 (the median contributions were \$300,000 and \$1,000,000 respectively). From their total funds, these independent groups then spent an average of \$2,710,033 in 2014 and \$9,728,917 in 2012 on each donor's basket of preferred candidates.

Tables 3 and 4 below follow the same format as Tables 1 and 2. They chart by rank 31 of the largest 52 and 50 organizational donors to "outside" independent spending groups in each respective election cycle.

TABLE 3					
TOP ORGANIZATIONAL DONORS OF OUTSIDE MONEY THAT CONTRIBUTED TO CANDIDATES AND TO INDEPENDENT GROUPS SPENDING ON BEHALF OF THE SAME CANDIDATES (2014 ELECTION CYCLE)					
Donor	Outside Money Rank	Number of Candidates Aided	Total Direct Contribs to Candidates	Contribs to Indep. Groups Supporting Same Candidates	Indep. Groups Spending on Same Candidates
<i>National Education Assn</i>	1	48	\$435,000	\$3,120,800	\$12,665,721
<i>Carpenters & Joiners Union</i>	3	35	\$312,500	\$10,155,980	\$8,243,510
<i>National Assn of Realtors</i>	4	25	\$238,090	\$10,066,929	\$10,340,685
<i>American Fedn of St/Cnty/Munic Employees</i>	6	66	\$595,500	\$7,785,989	\$15,580,010
<i>AFL-CIO</i>	7	35	\$162,499	\$8,272,729	\$5,157,936
<i>Koch Industries</i>	8	9	\$80,000	\$7,000,000	\$7,950,776
<i>United Food & Commercial Workers Union</i>	9	62	\$464,000	\$5,191,752	\$11,658,235
<i>United Steelworkers</i>	10	22	\$162,500	\$693,271	\$3,614,877
<i>Laborers Union</i>	11	57	\$463,500	\$3,193,308	\$9,744,860
<i>American Federation of Teachers</i>	12	49	\$484,000	\$4,683,162	\$9,215,835
<i>American Federation of Govt Employees</i>	13	44	\$290,000	\$3,902,755	\$7,478,579
<i>National Nurses United</i>	14	1	\$500	\$1,863,000	\$53,064
<i>Alliance Resource Partners</i>	15	3	\$25,000	\$2,300,000	\$3,304,286
<i>Plumbers/Pipefitters Union</i>	18	46	\$422,750	\$2,453,000	\$9,428,137
<i>Office & Professional Employees Union</i>	19	23	\$148,500	\$2,671,637	\$5,643,388
<i>Service Employees International Union</i>	21	45	\$417,250	\$1,960,547	\$8,089,126
<i>National Assn of Letter Carriers</i>	23	47	\$385,250	\$2,607,915	\$9,321,566
<i>Intl Brotherhood of Electrical Workers</i>	24	34	\$311,125	\$2,382,500	\$7,957,365
<i>League of Conservation Voters</i>	25	14	\$112,630	\$2,019,641	\$8,069,159
<i>Operating Engineers Union</i>	26	58	\$473,000	\$2,238,395	\$8,709,582
<i>Communications Workers of America</i>	27	38	\$272,500	\$776,467	\$5,398,561

<i>Cooperative of American Physicians</i>	28	2	\$5,000	\$2,040,628	\$91,597
<i>Susan B Anthony List</i>	32	18	\$120,176	\$1,796,178	\$110,550
<i>American Assn for Justice</i>	33	53	\$460,500	\$1,640,000	\$11,177,217
<i>National Air Traffic Controllers Assn</i>	35	49	\$345,000	\$1,372,879	\$8,884,589
<i>Environment America</i>	37	12	\$36,350	\$725,000	\$6,492,468
<i>Teamsters Union</i>	38	40	\$296,000	\$1,230,200	\$7,905,596
<i>United Auto Workers</i>	39	28	\$207,500	\$977,500	\$7,338,742
<i>International Assn of Fire Fighters</i>	45	39	\$348,500	\$791,008	\$7,085,453
<i>Planned Parenthood</i>	46	15	\$138,031	\$979,611	\$2,066,820
<i>Chevron Corp</i>	47	4	\$27,500	\$1,000,000	\$184,722
Average		33	\$265,827	\$3,157,832	\$7,063,323
Median		35	\$290,000	\$2,238,395	\$7,950,776
Average direct contribution per candidate: \$8,071					

Source: Tables provided by the Center for Responsive Politics, October 7, 2016

TABLE 4

TOP ORGANIZATIONAL DONORS OF OUTSIDE MONEY THAT CONTRIBUTED TO CANDIDATES AND TO INDEPENDENT GROUPS SPENDING ON BEHALF OF THE SAME CANDIDATES (2012 ELECTION CYCLE)

Donor	Outside Money Rank	Number of Candidates Aided	Total Direct Contributions to Candidates	Contribs to Indep. Groups Supporting Same Candidates	Indep. Groups Spending on Same Candidates
<i>United Auto Workers</i>	1	20	\$154,000	\$1,378,000	\$4,365,794
<i>Service Employees International Union</i>	2	68	\$552,500	\$10,256,953	\$7,914,332
<i>National Education Assn</i>	3	3	\$24,000	\$10,031,151	\$141,983
<i>American Fedn of St/Cnty/Munic Employees</i>	6	95	\$871,500	\$6,780,238	\$10,949,499
<i>AFL-CIO</i>	7	52	\$229,000	\$7,871,861	\$3,480,365
<i>Environment America</i>	8	2	\$1,000	\$3,015,213	\$259,705
<i>Carpenters & Joiners Union</i>	9	33	\$267,500	\$4,187,064	\$4,534,953
<i>American Federation of Teachers</i>	10	64	\$675,000	\$4,344,366	\$7,426,330
<i>United Food & Commercial Workers Union</i>	11	73	\$609,000	\$5,042,147	\$8,157,062
<i>Communications Workers of America</i>	12	51	\$332,855	\$428,373	\$5,787,657
<i>Laborers Union</i>	14	44	\$285,500	\$2,349,984	\$5,080,862
<i>Contran Corp</i>	15	2	\$10,000	\$3,025,000	\$6,643,286
<i>National Assn of Letter Carriers</i>	16	52	\$440,500	\$3,523,242	\$5,997,842
<i>Plumbers/Pipefitters Union</i>	17	53	\$474,100	\$1,375,000	\$6,019,117
<i>National Assn of Realtors</i>	19	14	\$144,016	\$3,179,776	\$3,166,173
<i>Intl Brotherhood of Electrical Workers</i>	20	57	\$533,500	\$2,464,999	\$4,531,836

<i>Cooperative of American Physicians</i>	21	8	\$42,000	\$2,783,980	\$593,272
<i>League of Conservation Voters</i>	23	26	\$172,815	\$1,681,443	\$1,217,358
<i>FreedomWorks</i>	24	1	\$2,500	\$2,652,942	\$6,595
<i>National Air Traffic Controllers Assn</i>	29	37	\$217,000	\$1,015,667	\$5,225,958
<i>Operating Engineers Union</i>	30	68	\$615,600	\$2,225,978	\$6,249,270
<i>Alliance Resource Partners</i>	31	3	\$20,000	\$2,100,000	\$8,339,069
<i>American Postal Workers Union</i>	32	55	\$438,540	\$2,003,730	\$7,283,332
<i>Susan B Anthony List</i>	35	31	\$186,068	\$1,872,413	\$131,137
<i>American Assn for Justice</i>	36	35	\$323,000	\$1,554,000	\$6,134,181
<i>Teamsters Union</i>	38	34	\$265,500	\$1,535,100	\$6,025,535
<i>United Steelworkers</i>	40	51	\$393,500	\$1,292,500	\$3,984,610
<i>Painters & Allied Trades Union</i>	45	10	\$80,000	\$67,500	\$242,401
<i>Office & Professional Employees Union</i>	48	38	\$179,500	\$966,739	\$4,417,308
<i>International Assn of Fire Fighters</i>	49	44	\$379,000	\$974,969	\$5,559,370
<i>UNITE HERE</i>	50	24	\$165,766	\$1,020,000	\$2,944,753
Average		37	\$293,057	\$3,000,011	\$4,606,805
Median		37	\$265,500	\$2,225,978	\$5,080,862
Average direct contribution per candidate: \$7,914					

Source: Tables provided by the Center for Responsive Politics, October 7, 2016

In each election cycle 31 of the top-ranked 50 donors of outside money contributed both directly to candidates and to independent groups benefiting the same candidates. As the tables show, the average number of candidates receiving such a combination of direct and indirect assistance was 33 per donor in 2014 and 37 in 2012 (median numbers were 35 and 37). Donor organizations' direct contributions to their preferred candidates averaged \$265,827 and \$293,057 respectively. As the box below each Table indicates, the average donor directly contributed \$8,071 per favored candidate in 2014 and \$7,914 in 2012. In comparison, in both cycles the maximum amount an organization could contribute to a candidate, through a regular PAC, was \$5,000 for one election and \$10,000 for two.

The Tables show that each of these donors also supported their favorite candidates by contributing to Super PACs and other independent groups that spent on these same candidates' behalf. These donors contributed an average of \$3,157,832 to such groups in 2014 and \$3,000,011 in 2012 (the medians were \$2,238,395 and \$2,225,978). From their total funds, these independent groups spent an average of \$7,063,323 in 2014 and \$4,606,805 in 2012 on each donor's basket of favored candidates.

Conclusion

In sum, the great majority of top individual and organizational donors to super PACs and other independent spenders were effectively double givers to preferred candidates. They directly funded their campaigns with, on average, contributions of thousands of dollars per candidate – amounts exceeding the legal maximums for donating to one of a candidate’s two elections. Simultaneously, they donated, on average, millions of dollars to independent groups spending on behalf of the same basket of candidates, as well as others.

Critics of the *SpeechNow* ruling and its descendants have rightly argued that its analysis ignores the ability of contributors of unlimited funds to independent spending groups to communicate with candidates benefiting from those donations and thereby turns a blind eye to the danger of quid pro quo corruption and its appearance. The present study demonstrates that the majority of top donors to independent groups are doing more than talking to these candidates: they are also directly funding their campaigns at levels approaching the legal maxima.

About the Author

Stephen R. Weissman is a political scientist specializing in American Government who has taught at Fordham University, the University of Texas at Dallas and Howard University. As Legislative Representative for Public Citizen on Campaign Finance Reform (1998-2002) and Associate Director for Policy with the Campaign Finance Institute (2002-2009), he has conducted many studies and published reports, articles and book chapters concerning the campaign finance system. Among these were “BCRA and the 527 Groups,” in Michael Malbin ed., *The Election After Reform* (Lanham, M.D.: Rowman and Littlefield, 2006) 79-111 (with Ruth Hassan) and “Nonprofit Interest Groups’ Election Activities and Federal Campaign Finance Policy,” *The Exempt Organizations Tax Review* (October 2006) 21-38 (with Kara Ryan). Weissman had first-hand experience with Congress as Staff Associate and Staff Director of the House Foreign Affairs Committee’s Subcommittee on Africa from 1979-1991.

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