

7

Much More of the Same: Television Advertising Pre- and Post-BCRA

Michael M. Franz, Joel Rivlin, and Kenneth Goldstein

Before the passage of the Bipartisan Campaign Reform Act (BCRA), television advertising was the main way candidates for office communicated with voters. Before the passage of BCRA, political advertising was carefully targeted and focused on markets and states with competitive contests. Before the passage of BCRA, parties and interest groups were major players in the campaign air war, often airing more advertisements than the campaigns of the candidates they were supporting. Before passage of BCRA, potential voters were often confused about who exactly was paying for the ads that they were seeing. Before passage of BCRA, political professionals believed that negative advertising was a particularly effective way to define an opponent—especially a less well-known one. Before passage of BCRA, there was a division of labor with parties and interest groups much more likely to produce and air ads attacking a candidate they opposed than the candidates themselves. And finally, in each and every election in the twenty years before passage of BCRA, commentators, pundits, and the public would complain that the campaign we were currently in was the most negative and nasty in history.

After BCRA was passed, signed into law by President Bush and upheld by the Supreme Court, many experts predicted that the shape and volume of television advertising would look drastically different in a post-BCRA world. Pundits tended to agree that BCRA might solve what former Senator Tom Daschle of South Dakota once called the “crack cocaine” problem of politics (Daschle 1998).¹

- Political scientist James Gibson, for example, predicted, “I think there’s going to be tremendously less advertising as a result of this” (Branch-Brioso 2003).

- Kathleen Hall Jamieson, director of the University of Pennsylvania's Annenberg Public Policy Center said, advertising "accuracy will go up a bit, and their advocacy," or negativism, "will go down a bit" (Memmott 2004).
- Meredith McGehee, president of the Alliance for Better Campaigns, asserted that one "result is that you have a less negative tone. If you go negative, it is viewed as potentially damaging to your candidacy" (Christensen 2004).
- Senator John McCain said, "It will take \$500 million out of American political campaigns to start with. . . . It will force the parties back to the traditional kinds of grassroots politics and organizing that characterized campaigns before the soft money explosion began in the late 80s" (Abrams 2002).
- Senator Maria Cantwell released a statement saying, "This bill is about slowing the ad war. It is about calling sham issue ads what they really are. It is about slowing political advertising and making sure the flow of negative ads by outside interest groups does not continue to permeate the airwave" (Cantwell 2002).

In short, according to the experts, with the passage of BCRA, the era of big and negative television advertising was supposed to be over. Well, at the risk of giving away our punch line too soon, it is clear that many of these predictions were drastically off the mark. Put simply, television advertising before the passage of BCRA looked a lot like advertising after the passage of BCRA. What we saw in 2004 was more of the same—indeed *much* more of the same. To be sure, there were some differences, but the same fundamental factors that determined the targeting and tone of advertising in previous years determined the targeting and tone of political advertising in 2004.

In writing about the 2000 campaign, two of us argued that the volume and tone of political advertising in a particular media market was driven by the competitiveness of races in that market (and the competitiveness of a given state in the presidential election); that advertising emanated from a number of different sponsors, namely candidates, interest groups of all shapes and sizes, and political parties; that political advertising in a given race or region was usually balanced between Democratic and Republican sponsors; and that the tone of advertisements—a crucial characteristic of political advertising that has important implications for the types of messages that voters receive—varied across sponsors, race competitiveness, and time (Freedman, Franz, and Goldstein 2004). Truth be told, we can say virtually the same thing with 2004 in hindsight. In other words, in the first paragraph to this chapter, we could replace the words "before BCRA" with the words "after BCRA" and still have an empirically accurate introductory paragraph.

When all was said and aired in 2004, more than three million political spots had been broadcast in the nation's 210 media markets for candidates up and down the ballot.² More than \$600 million was spent on television advertising in the presidential contests alone, more than in any presidential campaign in history (Seeyle 2004). In all, the presidential candidates and their party and interest group allies broadcast over a million ads in the 2004 election, well more than

twice the number aired four years earlier. Furthermore, even a casual observer of advertising would have concluded that this campaign was not particularly positive; even with the new requirement that candidates appear in and “stand by” their ads, negativity was the norm as the charges and accusations flew.

The chapter is organized as follows. We begin with a quick review of the major provisions within BCRA that applied to television advertising. We then evaluate the lessons learned from the 2004 campaign using data from the University of Wisconsin Advertising Project that tracked, monitored, and coded all political ads aired in all the nation’s 210 media markets.

We make four major points: first, the most important independent variable in almost every major model of political advertising remains the competitiveness of the race, and this is true despite changes prescribed by BCRA; second, the “stand by your ad” provision had negligible effects on the tone of advertising; third, interest groups and soft money continued to play a major role, albeit in different forms (adapting to BCRA provisions); and finally, some of the big stories from the 2004 campaign were not to a great degree the consequence of BCRA but of other factors.

BCRA AND POLITICAL ADVERTISING

BCRA contained two major directives concerning television advertising. The first provision concerned how parties and interest groups paid for television ads, as well as what constituted—and how we termed—a regulated public communication. Before BCRA, and particularly in the elections of 1996–2002, party and interest group campaign finance lawyers relied on the “magic word” test in determining how they could pay for television advertisements. As the law was constituted by the late 1990s, so long as parties and interest groups avoided using “magic words” in their public communications, the ad could be funded with soft money, which were funds raised by interest groups and parties for the purpose of electioneering in nonfederal races and for genuine political and nonelectoral speech.

The Supreme Court first elucidated the “magic words” distinction in 1976 in *Buckley v. Valeo* (424 U.S. 1 [1976]). In its famous footnote 52, Court justices speculated as to what words or phrases were clearly ones that set an election ad apart from an issue ad. The justices settled on eight such words and phrases—“vote for,” “elect,” “support,” “cast your ballot for,” “Smith for Congress,” “vote against,” “defeat,” and “reject.” By the late 1990s, the standard had become set: if “magic words” were mentioned in a television ad for a federal race, it was classified as “express advocacy,” which meant it must be paid for with hard money funds. Omitting “magic words” allowed the ad to be classified as “issue advocacy”—or genuine political speech—putting that communication outside the reach of election law regulators.

Critics asserted that the Court never truly intended the “magic word” distinction (mentioned only in a footnote of the *Buckley* ruling) to become the bright

line test between issue and express advocacy. After all, the simple avoidance of magic words allowed parties and interest groups to spend millions on advertisements that mentioned federal candidates—and advocated or opposed those candidates—but went unregulated by the Federal Election Commission (certainly a loophole one could drive a truck through). Also relevant for reformers was the observation that candidates (who, by definition, can raise and spend only hard money and so had no incentive to avoid using the magic words) only used magic words in a small proportion of their ads (11.4 percent in the 2000 election, for example).

As such, reformers passed BCRA with the hopes of changing the stakes. First, by all but eliminating party soft money, reformers hoped to force party officials to raise, and contributors to spend, only hard money dollars. They made that task a bit easier by raising the hard money maximum on contributions from \$1,000 to \$2,000 on contributions to federal candidates and from \$20,000 to \$25,000 on contributions to federal parties.³ With the elimination of party soft money came the near disappearance of unregulated and party-sponsored issue ads that mentioned federal candidates.⁴

Second, BCRA changed the boundary between issue and express advocacy. The new legislation established a subtle but important difference between express advocacy advertisements and a new category called “electioneering communications.” Post-BCRA, express advocacy refers to the same advertisements aired in the pre-BCRA era—hard money ads that contain magic words. As before, only candidates, parties, and political committees can sponsor and air express advocacy ads.

Despite this, any ads that mention federal candidates but avoid magic words—those that went completely unregulated in years past—were termed electioneering communications. The law prohibits interest groups from airing electioneering communications within sixty days of a general election (and thirty days of a primary) unless the spot was paid for with regulated hard money.

These changes created two potential “loopholes” that leave some electioneering communications unregulated. First, any ad that mentions or pictures a federal candidate but airs outside the sixty-day window is under the same rules as before BCRA, meaning it can be funded with soft money. As such, groups not registered with the FEC are and were in 2004 permitted to air these ads outside the two month window. Second, even with the sixty-day provision, interest groups funded only by soft money contributions from individuals (such as the enormous contributions of George Soros) used such funds to air ads that are unregulated (again, so long as they avoid magic words).

The second major provision relevant to television advertising required every candidate-sponsored ad to include a full-screen view or “clearly identifiable photographic image” of the candidate with the candidate’s voice claiming responsibility for the content of the ad. Rarely noted by pundits during the course of congressional debate, this provision became one of the most recognized—and joked about—changes in the content of television ads, as John Trever’s cartoon makes clear (Walsh 2004).

Figure 7.1



© John Trever, *Albuquerque Journal*, 11/4/2004

Reformers had long advocated the “stand by your ad” provision, which placed a burden on advertisers to devote four or five seconds of a thirty-second spot to the disclaimer (Rutenberg 2003). Proponents assumed that candidates would be less likely to engage in negative attacks if they were required to appear in and take responsibility for the content of an ad. The “stand by your ad” provision was added by Representative David Price (D-NC), who modeled the requirement on a similar regulation in North Carolina law. Price explained in a press release:

The American people are sick of the relentlessly negative tone of campaigns, particularly in presidential races. “Stand By Your Ad” isn’t just about restoring civility to campaigns. It’s also about restoring people’s faith in our political process (Price 2004).

Many pundits predicted that the “stand by your ad” provision meant that advertising would be more positive in tone in 2004. Furthermore, it was assumed that the provision would make it easier for citizens to determine who was airing which ads.

Our analysis will be able to clearly test these expectations, to see if BCRA was able to reduce the volume of advertising and whether the “stand by your ad” provision had any impact on the tone of television advertising. In many senses, then, the 2004 campaign is a natural experiment of the effects of BCRA.

ABOUT THE UNIVERSITY OF WISCONSIN ADVERTISING PROJECT

The University of Wisconsin Advertising Project collects and analyzes information concerning political advertising, ranging from issue advocacy and ballot measures to electoral contests for offices ranging from coroners and sheriffs' races to the presidency. The project uses targeting and content data supplied by TNS Media Intelligence/Campaign Media Analysis Group (TNSMI/CMAG) and Nielsen Monitor-Plus. Both TNSMI/CMAG and Nielsen Monitor-Plus electronically monitor advertising by tracking the output of television stations across the nation. The systems work by differentiating the unique digital fingerprint of each different ad. A unique code is given to each new ad detected, which are then downloaded, and each subsequent airing in any of the markets being tracked is then logged.⁵ This log includes data of the market, station, date, time, estimated cost, and even the programming that the spot aired on. In addition, Nielsen Monitor-Plus is able to give information on the audience levels and demographics watching each spot. University of Wisconsin Advertising Project staff then view each ad and code them according to over eighty questions, regarding who the ads is for, who pays for the spot, as well content questions such as the tone or issues mentioned in the spot. This data, going back through multiple election cycles, is the basis of the analysis below.

THE LESSONS OF 2004

The Wisconsin Advertising Project tracked the airing of over three million political ads in all of the nation's 210 markets throughout the 2004 campaign. Comparing only markets that we tracked in both 2000 and 2004 (top seventy-five markets) we estimate that nearly twice as much money was spent on television advertising in the presidential general election race alone.

All told, we make four major points about advertising in 2004, which we highlight below.

- First, regardless of what one is trying to explain (volume of ads, targeting, or tone), the most important causal variable remains the same—competitiveness.
- Second, the “stand by your ad” provision resulted in a noticeable change to the look of ads, but it may have had only marginal effect on their content.
- Third, parties and PACs adapted with hard money, but the sixty-day provision forced some groups to air ads earlier in the campaign.
- Fourth, differences between the 2004 and 2000 air wars had less to do with BCRA than with other factors. This is true for some of the major stories and controversies of 2004—i.e., Swift Boat's ads and early barrages of advertising.

COMPETITIVENESS

Advertising volumes within a locale vary due to the *competitiveness* of the races being run within media markets, not whether offices are up for election.⁶ This means the volume and nature of the advertising citizens are exposed to during an election year differs greatly across the United States, even in a year when voters in all 210 markets are able to cast a presidential ballot.

In looking at this most recent campaign, we find ads focused primarily in places where there was a race to be run. Indeed campaign advertising—and campaign activity in general—was extremely narrowly targeted in 2004. The extent of this targeting is worth spelling out. Only ninety-four media markets (out of 210 nationwide) located in only twenty-one states received *any* advertising at all during the 2004 presidential campaign. More than half of all Americans—57 percent of the electorate—did not see a single ad broadcast in their home media market. And during the final month of the campaign, 87 percent of all presidential ads were concentrated in just forty-four media markets in a shrinking number of battleground states, home to only 27 percent of the electorate. Presidential television advertisers effectively excluded almost three quarters of the electorate in the closing period of the campaign.

For citizens living in competitive, battleground states like Ohio, Florida, Wisconsin, and Nevada, the campaign was ubiquitous. The candidates made frequent visits, and campaign ads were ever present. In contrast, save for a small proportion of spots on national cable, citizens living in four of the largest states in the country—California, New York, Texas, and Illinois—were exposed to no television advertising in the presidential race.

In the last week of the campaign, voters living in Racine, Wisconsin, were targeted with 2,224 presidential spots and 599 spots from Russ Feingold's semicompetitive Senate reelection bid. In comparison, thirty miles south, in Waukegan, Illinois, there were no presidential spots (in fact none at all in 2004), and only 261 spots in the uncompetitive Senate race between Barack Obama and Alan Keyes.

It is of particular note that six of the nation's top ten media markets (New York, Los Angeles, Chicago, San Francisco, Dallas, and Atlanta) were not targeted at all during the 2004 presidential campaign. There was some advertising on national cable networks such as CNN, FNC, and ESPN, but this spending comprised a small proportion of the campaigns' ad budgets and did not come close to matching the volume of broadcast advertising in competitive markets. Voters in these markets—most of the voters voting in the presidential election—simply were not exposed to presidential ads because their states were not seen as competitive.

This trend is consistent with advertising patterns we have tracked in previous years. In 2000, for example, in San Antonio, only 531 election ads were aired during the entire year. Similarly, Wichita, Oklahoma City, and Baltimore were each home to fewer than 2,000 broadcast political spots during the course of the entire 2000 campaign. What do these markets have in common? They were all

in states that were clearly safe for either Bush or Gore, and they were all devoid of competitive Senate races.

In contrast, other markets drew saturation levels of advertising for months before Election Day because they were in competitive presidential states or had competitive contests for other offices, or in some “perfect storm cases” they had both. In 2000, such perfect storm markets included Detroit (32,456 spots aired) and St. Louis (30,554). In Michigan it was Spencer Abraham versus Debbie Stabenow and in Missouri, John Ashcroft faced Mel Carnahan and then his widow, Jean.

In 2004, markets such as Tampa Bay saw 38,361 spots aired for federal candidates as Betty Castor competed with Mel Martinez to replace Bob Graham as senator of one of the most intense presidential battlegrounds. Viewers in Denver saw 32,519 federal election spots, as beer magnate Pete Coors battled Attorney General Ken Salazar for Ben Nighthorse Campbell’s Senate seat in a state that became a battleground state later in the presidential contest. Competitiveness is the primary factor in dictating the volume of advertising being seen in any particular locale.

Historically, competitiveness has also been the primary factor driving the tone of advertising. This leads to our next point about the possible effects of BCRA, and in particular the “stand by your ad” provision on the nature of advertising in the 2004 elections.

STAND BY YOUR AD

As shown above, many pundits predicted that the “stand by your ad” provision meant that advertising would be more positive in tone. Furthermore, it was assumed that the provision would make it easier for citizens to determine who was airing which ads.

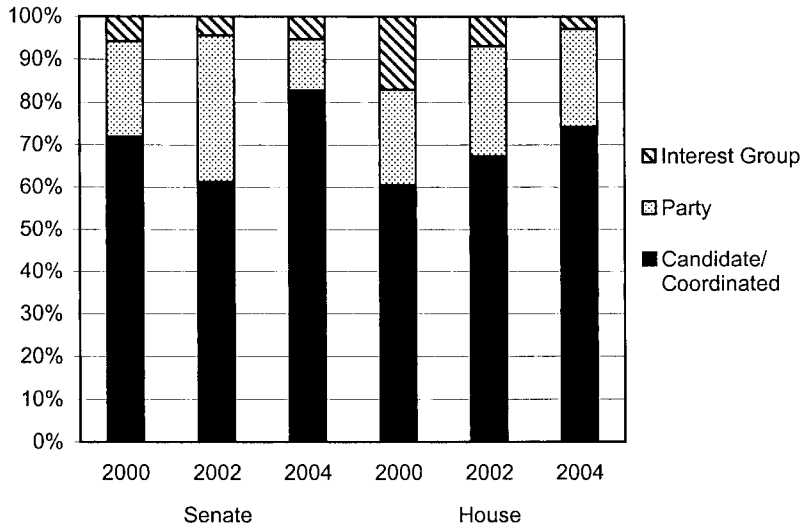
The University of Wisconsin Advertising Project found that in 2004 over one in three (36 percent) of ads aired in federal races were purely negative (only talking about the opposing candidate). One in four (25 percent) were contrast advertisements (ads that both attack an opponent and talk about one’s own candidacy) and 39 percent were positive. These proportions are similar to what we found in 2000 where 28 percent of ads aired were negative, 26 percent were contrast, and 45 percent were positive, with the presidential race causing much of the slight decrease in positive airings in 2004.

As shown in table 7.1, advertising in Senate and House races was slightly more positive in 2004 than in 2000. Comparing the tone of congressional candidates in 2000 and 2004 we see little change, with 58 percent of ads paid for by congressional candidates in 2000 being positive, a number that increased only to 60 percent of ads in 2004. The more positive tone of 2004 congressional campaigns, in comparison to 2000, was largely because parties and interest groups (whose ads have tended to be more negative) were less likely to engage in congressional contests in 2004 than they had in previous years (see figure 7.2). This change is dif-

Table 7.1 Tone of Ads by Sponsor and Race, 2000–2004

Office	Sponsor	% Positive 2000	% Positive 2002	% Positive 2004
Presidential	Candidate or Coordinated	64.8	N/A	43.6
	Party	37.2	N/A	8.6
	Interest Group	0.0	N/A	7.5
	Overall	46.2	N/A	31.5
U.S. Senate	Candidate or Coordinated	61.8	67.8	62.8
	Party	10.2	25.3	10.4
	Interest Group	47.5	43.5	31.6
	Overall	48.3	52.2	54.8
U.S. House	Candidate or Coordinated	57.8	65.3	57.5
	Party	15.8	30.1	13.4
	Interest Group	28.9	82.8	74.4
	Overall	42.7	57.5	47.8

Figure 7.2 Proportion of Senate and House Ads Paid for by Candidates, Parties, and Interest Groups, 2000–2004



difficult to link to the “stand by your ad” provision. Without a presidential contest on the top of the ballot, we may very likely see groups reengage in Congressional races in 2006 and the tone return to its pre-BCRA levels.

Looking at just those ads aired in House elections in 2002 and 2004, there is a decrease in the proportion of positive spots aired, and House and Senate candidates (who are mandated to “stand by their ads”) were less positive than in 2002. This finding is in part related to advertising before the first anniversary of the 9/11 attacks, where ads were more positive in tone (before returning, by Election Day, to comparable tone levels as in 2000). Nevertheless, the fact that federal candidates, forced to “stand by their ads,” aired either exactly the same or less positive ads than in the two previous cycles (in which they were not forced to “stand by their ads”) should be persuasive evidence of the inability of this provision to discourage candidates from going negative.

Some may argue that monitoring the volume of negative ads doesn’t measure a change in the “nastiness” of ads. Such nastiness is extremely hard to measure, but consider just three examples.

- In the first district of Oregon, Goli Ameri ran an ad with the words “Wu used a pillow to muffle her screams” emblazoned across the screen in a spot against the incumbent, David Wu.
- In the open seat race for the U.S. Senate in Oklahoma, Brad Carson had an ad which included the phrase “As a doctor, Tom Coburn sterilized an underage girl without her consent” against his opponent, who was the ultimate winner.
- And in the open seat Senate race in Florida, the victorious Mel Martinez used an ad to accuse his opponent Betty Castor of allowing “a terrorist cell to poison her university.”

In each case the candidate is seen taking credit for the commercials. In an election cycle that saw candidates both “standing by ads” *and* accusing opponents of attempted rape, unauthorized sterilizations, and turning a blind eye to terrorism, the election clearly was not free of nastiness.

So what *does* drive the tone of advertising? The simple answer is competitiveness. Where there is competition, there is negativity, and where there is no serious opponent to berate or when the opponent is too powerful to be defeated, there is not.

This assertion follows from both our own historical analysis and the political science literature on the tone of advertising. Strong candidates, secure in their victory have no need to risk backlash effects of mentioning opponents (or risk giving them the oxygen of publicity). Those candidates running in unwinnable races are often not running to win, but for other reasons (Canon 1993). All of these, with the possible exception of the discussion of issues, appear consistent with such underdogs running campaigns that are more positive. If victory were not attainable, the risk of backlashes of going negative could do damage to their

party and their personal or professional reputations and could be seen as taking away some of the “joy of running for office.”

Competitive races, with candidates running to win, and where the benefits of negative campaigns outweigh the potential risks, are typically more negative (while less competitive races are more positive). There is little that BCRA did do to change this fundamental maxim, as table 7.2 clearly shows. Indeed, the differences in tone between competitive and noncompetitive races are far greater than the differences in tone between 2004 and previous years—a pattern which suggests a relatively weak effect of the “stand by your ad” provision.

Some anecdotal evidence and internal conversations with campaign staffers, on both sides, suggest that the “stand by your ad” provision also did little to make sponsorship more clear. Citizens already assumed that any ad aired on behalf of a candidate or against an opposing candidate was paid for by the favored candidate. Thus, candidates taking responsibility for an ad did little to add to information about those particular ads. The corollary was that viewers assumed that 527 ads were paid for by candidates. With no “stand by your ad” provision for MoveOn.org or Progress for America Voter Fund, the most controversial ads of the campaign often remained cloaked in mystery.

PARTIES AND GROUPS

In terms of the volume of advertising, the Bush campaign had a significant advantage over the Kerry campaign in most media markets. Thus, if we only looked at those ads made and paid for by the candidates’ campaign committees, we would conclude that the Bush campaign won the battle to dominate the airwaves, broadcasting more spots in more places. Yet, when Kerry-supporting groups—such as The Media Fund and MoveOn, as well as the DNC, labor unions and other allies—are added to the mix, we see that combined Democratic spending vastly outpaced combined Republicans spending.

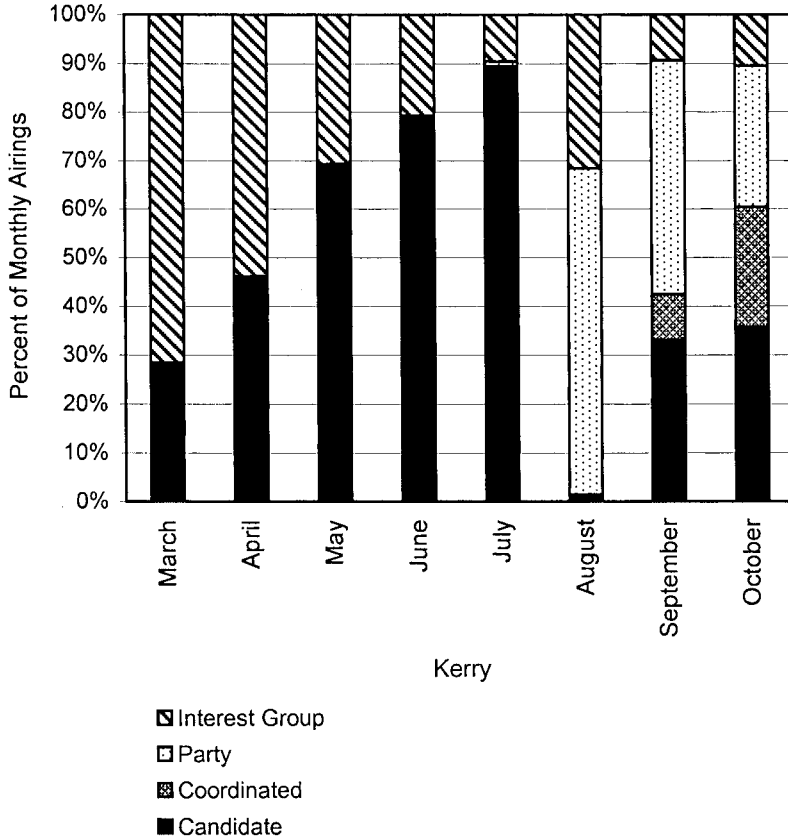
As figures 7.3 shows, throughout the campaign, but especially, in March and April and again in August, the Kerry campaign was likely to rely much more on interest group allies and independent party efforts to fund its television advertising barrages. This outside group spending in support of Kerry (or attacking Bush) was most noticeable in the period in which Kerry was short of money immediately after his primary victories in which the Bush campaign had a huge hard money advantage. When the Kerry campaign made public its intention to come off the air after the Democratic convention in order to save general election funds in August, the DNC’s independent expenditures accounted for over two-thirds (67 percent) of the spots supporting Kerry or attacking Bush.

In contrast, outside groups paid for only a tiny portion of spots promoting Bush or attacking Kerry throughout the general election campaign, as shown in figure 7.4. In addition, the Bush campaign was first (in September) to take advantage of a loophole in BCRA that allowed candidates to *share* the costs of ads with their parties. The campaigns deemed that the loophole allowed such

Table 7.2 Tone of Ads by Office and Competitiveness, 2000–2004

Office	Tone	2000		2002		2004	
		Competitive	Noncompetitive	Competitive	Noncompetitive	Competitive	Noncompetitive
U.S. Senate	Attack	31%	21%	34%	15%	27%	13%
	Contrast	34	18	18	12	27	18
	Promote	35	61	48	73	46	69
U.S. House	Attack	45	21	31	19	44	17
	Contrast	23	18	20	12	23	20
	Promote	32	61	49	69	33	63

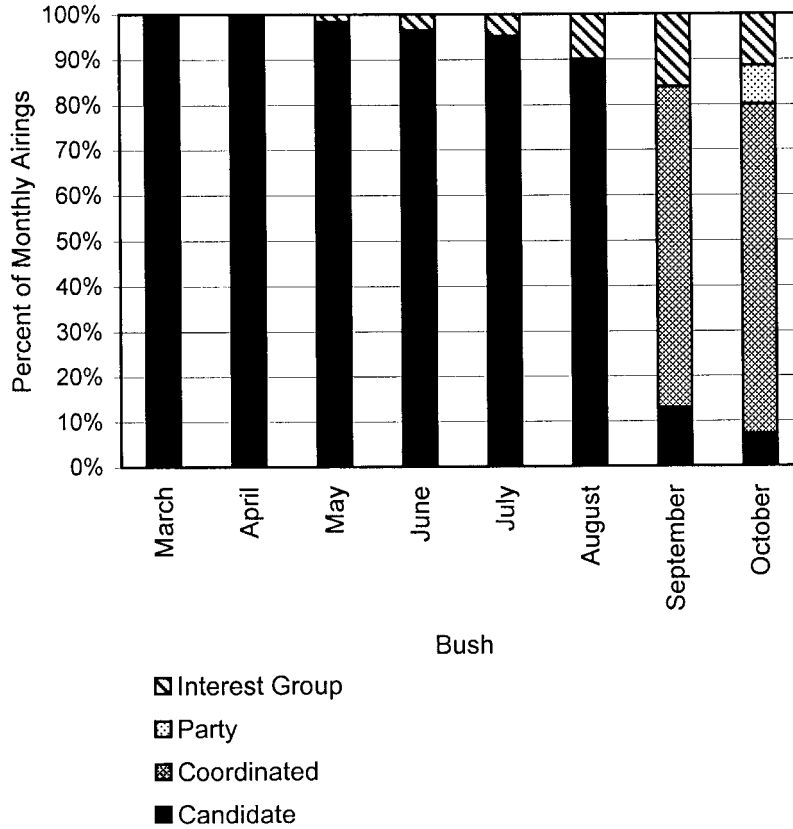
Figure 7.3 Proportion of Advertising on Behalf of Kerry by Sponsor, by Month



coordinated expenditures to occur so long as the ads did not solely advocate the election of the presidential candidate. This meant that ads using phrases such as “John Kerry and liberals in Congress want to . . .” or “under George Bush and right-wing Republican . . .” appeared. These spots contained the disclaimers “Approved by John Kerry and paid for by the Democratic National Committee and authorized by Kerry-Edwards 2004 Inc,” and “Paid for by Bush-Cheney ’04 Inc. and the Republican National Committee and approved by President Bush.” In addition, the candidates abided by the “stand by your ad” provisions and orally approved of each spot, which is the reason why these spots are included with candidate airings in our above analysis of tone.

Perhaps one of the most controversial aspects of BCRA was the limits placed on interest group activity within the last sixty days of the general election. These limits were expected to reduce the volume of ads aired by outside groups overall and, in particular, toward the end of the campaign.

Figure 7.4 Proportion of Advertising on Behalf of Bush, by Sponsor, by Month



For 2000 and 2004 (in the seventy-five markets we tracked in both years), we compared the number of groups on the air as well as the number of spots aired by interest groups before and after the final sixty days of the campaign. These results are shown in table 7.3. Most importantly, the table shows that interest groups nearly doubled the number of ads they aired in federal races, from 77,687 in 2000 to 142,898 in 2004. The macro story from these numbers is that BCRA did little to stem the intensity of interest group electioneering on television.

The distinctions between 2000 and 2004 become starker when looking at ad frequency before and after the sixty-day period. In 2000, groups aired over three times as many spots *after* the sixty-day period (compared to before that period). In stark contrast, in 2004 groups aired twice the number of ads *before* the sixty-day period. This change does not signal less group advertising; quite the opposite—almost six times as many interest group spots aired in federal races before the last sixty days of the election in 2004 than in the comparable period in 2000.

Table 7.3 The Effect of the “60 Day Window” on Interest Group Ads in the Top 75 Markets

Office	Before 60 Days of the General Election				Within 60 Days of the General Election							
	# of Groups Airing Spots		# of Group Airings		% of Ads That Were Group		# of Groups Airing Spots		# of Group Airings		% of Ads That Were Group	
	2000	2004	2000	2004	2000	2004	2000	2004	2000	2004	2000	2004
Federal	27	43	17,064	97,554	6.7	20.2	36	57	60,623	45,344	12.4	7.8
President	11	28	3,652	88,759	2.6	24.1	15	47	20,198	35,531	16.4	13.0
Senate	11	9	3,584	5,259	5.1	7.1	18	10	9,999	7,342	5.9	4.7
House	12	9	9,828	3,536	22.5	8.8	21	8	30,411	2,471	15.6	1.6

Note: Interest groups that aired ads under different names are counted as one group, even if the ads were paid with different “types” of money (i.e., hard or soft funds). Therefore, ads with the tagline, “MoveOn.org,” “MoveOn Voter Fund,” or “MoveOn PAC” are counted as one—rather than three—interest group(s).

This is a trend explained in part by the early Democratic group presidential spending discussed above. All told, there was some shifting of ads from the post-sixty-day period to pre-sixty-day period (a BCRA effect), but the huge onslaught of ads over the summer was also from new groups (i.e., MoveOn.org and Swift Boat Veterans, who did not air ads in 2004) and their desire to buttress Kerry or Bush over the summer (a political effect).

Furthermore, the number of interest group ads on behalf of Senate and House candidates decreased in the sixty-day period, with the largest drop occurring in House races (from 30,411 ads in the final months of 2000 to only 2,471 in 2004). Even this result can be explained in part by interest groups' shift up the ticket. Despite interest groups comprising a smaller percentage of all presidential ads aired within the sixty-day window (16.4 percent in 2000 compared to 13 percent in 2004), the sheer number of interest group presidential ads in this period went up in 2004 (from 20,198 in 2000 to 35,531 in 2004), a trend explained by the increase in candidate and coordinated ads between 2000 and 2004. At the same time, the number of interest groups sponsoring ads in the presidential race went up compared to 2000, both before and after the sixty-day period (from eleven to twenty-eight in the pre-sixty-day period and from fifteen to forty-seven within the sixty-day time frame).

All told, interest groups shifted resources away from Senate and House races and toward the presidential race, most notably before the sixty-day period starting in early September. Thus, after BCRA we do not see fewer advertisements or voices. We see more interest group voices (probably the result of soft money diverting from parties to 527s) and earlier advertising in the presidential race.

In order to assess whether interest groups have truly abandoned sixty-day advertising in House and Senate races, we need to wait until 2006. Certainly some initial evidence points to a BCRA effect in these lower ticket races. The biggest interest group spenders on general election House ads in 2000 were the pharmaceutical group Citizens for Better Medicare (CBM) and the labor group AFL-CIO, which together accounted for over half (54 percent) of the advertising done by interest groups in House races. Neither of these groups, which in 2000 used soft money to air their ads, aired any spots in House races in 2004, which may somewhat account for the huge decrease in group advertising in House races with the advent of BCRA. In the future, groups such as CBM and the AFL-CIO may switch to hard money efforts to fund advertising in House races, but we will not know this until at least 2006.

SWIFT BOAT AND THE EARLY START

For almost the entire month of August, the nation was embroiled in a debate over John Kerry's military record. To be sure, Kerry himself laid the groundwork for this national conversation, by making his Vietnam War experience the centerpiece of the Democratic National Convention at the end of July. But the

debate was sparked by a series of ads sponsored by Swift Boat Veterans for Truth, a 527 organization.

The group's first and most notorious ad aired only 739 times in only seven, relatively small media markets (Charleston, Dayton, Green Bay, La Crosse, Toledo, Wassau, and Youngstown). It featured the allegations of several Vietnam veterans who, among other things, accused Kerry of lying to obtain his Purple Heart and Bronze Star and betraying his country in his 1971 U.S. Senate testimony. Although it appears that only one of the men featured in the ad had ever served as a crewmate of Kerry, the ad's charges made national headlines for several days running and provided fodder for talk radio and Sunday morning newsmaker programs for several weeks, during which the Kerry campaign seemed to keep a low profile. News organizations began to poke holes in the evidence presented by the Swift Boat Veterans group, but in doing so, they kept the story alive for several weeks and, in order to debunk them, ended up repeating the group's accusations.

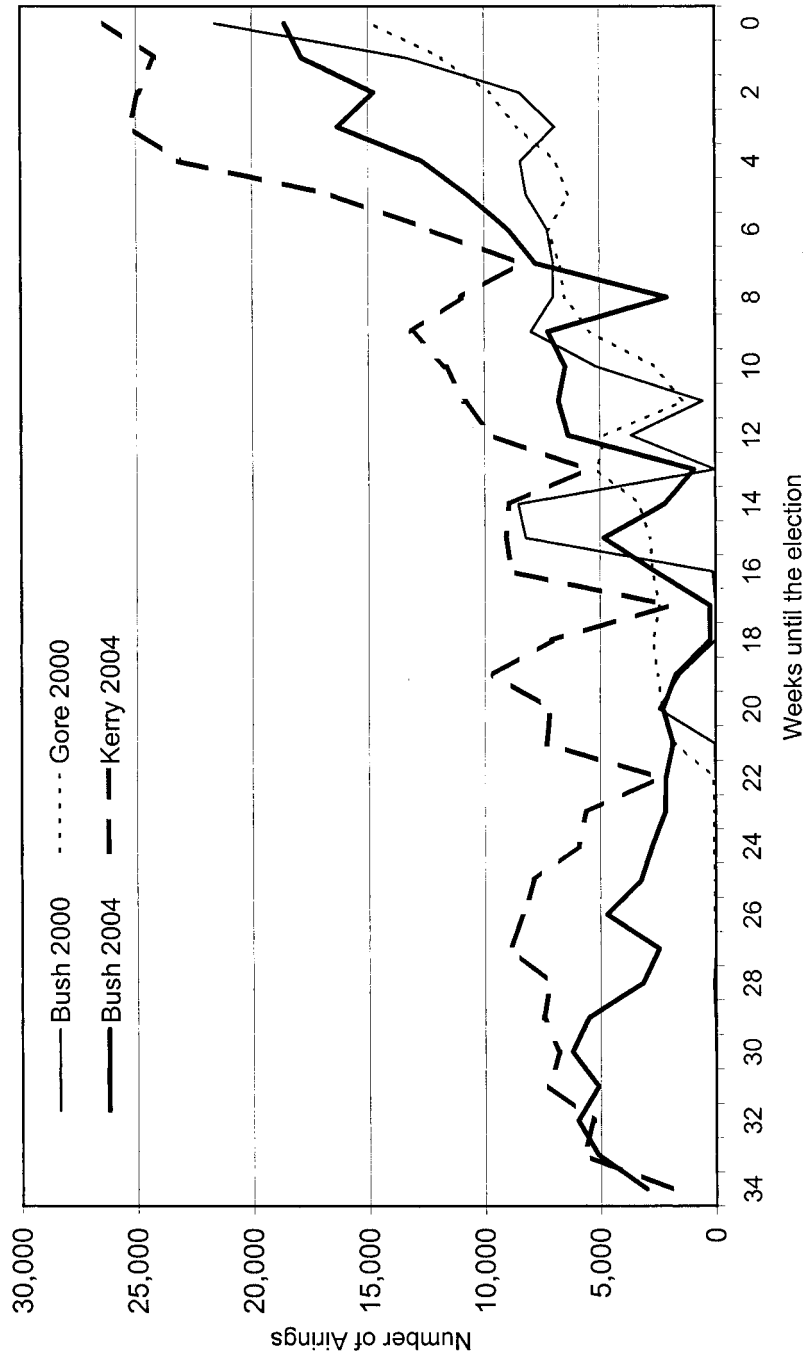
As the coverage of the Swift Boat ads demonstrates, on rare occasion an ad will capture the attention of the news media, and it will be repeated over and over on television broadcasts. The result is that more Americans may actually see the ad during a news broadcast than during its paid presentation. Before the Swift Boat Veterans launched their ads, the classic examples of this phenomenon were Lyndon Johnson's "Daisy Girl" ad in 1964 (with its images of a young girl picking daisy petals and the mushroom cloud of a nuclear blast), and the "Willie Horton" spot attacking Democratic candidate Michael Dukakis in 1988 (featuring the famous "mug shot" of Horton, alleged to have aroused racially laden fears about crime (Mendelberg 2001; West 2001)).

These spots, like the Swift Boat Veterans ads of 2004, were broadcast only a handful of times but achieved notoriety through extensive free media coverage. Such ads likely have an impact on viewers—and on the course of the campaign—far beyond what their broadcast numbers would suggest. The Swift Boat ads' impact on the campaign had little to do with BCRA, especially airing as it did, well before the last sixty days of the election.

Another story of the 2004 campaign was the comparatively early start to the presidential general election. The first flight of advertisements in the general election came only days after John Kerry clinched enough delegates to secure his party's nomination. The ads, paid for by the Bush campaign, were first aired on March 4th, eight months before Election Day. To be sure, we have seen early starts to presidential election advertising campaigns before. Bill Clinton broadcast his first ads in his 1996 reelection campaign in June of 1995, seventeen months before the general election and ten months before his opponent was known. Still, the ads that Clinton aired in 1995 and 1996 were part of relatively small buys that aired for a week or two at a time.

As is shown in figure 7.5, both sides in the 2004 presidential campaign went up in March with levels of advertising seen before only in the last weeks of the campaign. Indeed, with only short lulls and respites, the campaigns kept this barage up for the duration of the campaign. In fact, St. Patrick's Day seems to have

Figure 7.5 Advertising in Top 75 Media Markets Over Time by Candidates, Parties, and Interest Groups, 2000–2004



replaced Labor Day as the unofficial start of the general election campaign. By Labor Day 2004, more than 600,000 presidential spots had already aired in ninety-four of the nation's 210 media markets. And, again, the most notorious ad of the election cycle—the first spot produced by Swift Boat Veterans for Truth—was broadcast in mid-August.

One major reason for this early onslaught of advertising was the ability of both campaigns, aided in part by BCRA's increase of the hard money donation limits from individuals, to not take matching funds (and the regulations associated with them) for the primary election. This allowed both sides (once the Kerry campaign had refilled its "primary" war chest after sealing the nomination in early March), to spend huge amounts of this primary money in the months before they officially received their parties' nominations at the conventions—much of which was spent (by both sides) in attempts to define John Kerry. In addition, as is noted above, outside groups and parties, particularly on the Democratic side, invested huge amounts on early advertising.

CONCLUSION

Advertising in post-BCRA America is largely the same as in pre-BCRA America. Advertising campaigns remain focused on competitive contests (and competitive states in the presidential election); the volume of advertising has not shown any noticeable decrease; parties and interest groups remain on the air, and even with the demands of candidates to "stand by their ads," the tone of the spots remains as negative as ever.

Many of those viewing the huge increase in campaign activity beyond the air-waves, such as the voter mobilization efforts by the Bush campaign and Democratic groups such as Americans Coming Together, suggested that this was an indicator of the demise, or at least the decline of television as the principle medium of campaigns. The year 2004, however showed that advertising is not a zero sum game. More mobilization does not automatically mean less television advertising; 2004 saw record levels of both get-out-the-vote activities *and* record sums spent on television advertising by candidates and interest groups. Not only did the money flow in new directions when confronted by the obstacles of campaign finance reform, but also campaigners were able to take advantage of new fundraising techniques and aspects of BCRA, such as the increased contribution limits, to increase the volume of money flowing down the electoral stream.

Our analysis does not mean that BCRA did not have any impact on campaigns or political fundraising or that the law failed to meet all the aims of its authors. Instead, we show that some key expectations regarding changes in the volume and tone of advertising were shown to be unwarranted expectations when tested in the 2004 elections. Those seeking to decrease the volume of advertising or make the tone of campaigns more positive must therefore look for options beyond BCRA in its current form.

NOTES

1. During debate on a previous iteration of campaign finance reform, Daschle argued “Negative advertising is the crack cocaine of politics. We’re hooked on it because it works. We’re hooked on it because we win elections using it. There’s no accountability, no reporting. It’s publicly not tied to any candidates.”

2. These data were provided by Nielsen Monitor-Plus, which tracks political television advertising in all 210 media markets across the nation, to the University of Wisconsin Advertising Project.

3. Also important to note is that these hard money maximums—for *individuals*—are now indexed to inflation. Contributions from PACs to parties and candidates were not changed, however, nor were they indexed to inflation. PACs can still only contribute \$5,000 maximum to candidates for each election.

4. For many, such a change in the law was supposed to favor Republicans, who are historically more adept at raising hard money contributions than Democrats. As the 2004 election made clear, however, the soft money change did not disadvantage the DNC in its hard money efforts.

5. Nielsen Monitor-Plus tracks all 210 U.S. media markets, and TNSMI/CMAG tracks the largest 100 media markets

6. Some residents of uncompetitive states may be exposed to “spillover” advertising as media markets do not respect state boundaries. This means that in 2004, residents of southern New Jersey were inundated with presidential spots intended for Pennsylvanian residents also residing in the Philadelphia media market. Those living in northern New Jersey, living within the New York media market, would not have seen any presidential spots.

7. Interest groups that aired ads under different names are counted as one group, even if the ads were paid for different “types” of money (i.e., hard or soft funds). Therefore, ads with the tagline, “MoveOn.org,” “MoveOn Voter Fund,” or “MoveOn PAC” are counted as one—rather than three—interest group(s).