

**SILENCING
SCIENCE**

How *Citizens United* and
Fossil Fuel Campaign Cash
Has Silenced Public Debate on
Climate Change

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Common Cause is one of the nation’s oldest and largest citizen advocacy organizations, founded in 1970 by John Gardner. With offices in Washington, DC and 35 states, and with 400,000 members across the country, Common Cause works to strengthen our democracy and political system through research, education, and advocacy.

“When Barack Obama first ran for president, being green was so popular that oil companies like Chevron were boasting about their commitment to renewable energy, and his Republican opponent, John McCain, supported action on global warming. As Mr. Obama seeks re-election, that world is a distant memory”

– [The New York Times](#), September 2012

Climate Politics Sea Change

In 2006, it seemed like you couldn't open the newspaper or watch the evening news without hearing or reading about climate change. Former Vice President Al Gore released his documentary *An Inconvenient Truth*, and political opposites Nancy Pelosi and Newt Gingrich teamed up to film a television ad warning of the harms of global warming in 2006. Over the next three years, climate change became a central issue in American politics and bipartisan support was building to pass climate change legislation. But by 2012, the issue had gone AWOL in both political debates and the halls of Congress. During the 2012 election, President Obama and his Republican challenger, Mitt Romney, were largely silent on the threat of climate change and what should be done about it.

Why the big shift? Dark money spending by special interest groups with deep ties to and financial support from the Koch brothers and fossil fuel corporations soared after the Supreme Court blew a big loophole in “sham issue ad” rules with its *Wisconsin Right to Life v. FEC* decision in 2007. By the time President Obama took office in 2009, the fossil fuel industry had big-money, Astroturf partners like the Koch brothers' Americans for Prosperity and FreedomWorks to spread its message on the nation's airwaves.

Then, in January 2010, just seven months after the U.S. House passed cap-and-trade legislation, the U.S. Supreme Court issued a ruling in *Citizens United vs. FEC* that took the lid off corporate and dark money political spending altogether by striking down the longstanding ban on corporate political spending and holding that independent expenditures will not corrupt politics.

The result of *Citizens United* has been a massive infusion of money being spent on political advertisements trying to “debunk” the science of climate change and attack politicians who support reversing the tides of climate change through legislative action. This has not only halted legislation in the U.S. Congress, but it has stopped politicians from even debating the issue, fearing political retribution from big oil special interests who now have more power than ever before. With increasing pressure and skepticism based on unscientific claims, President Obama's signature piece of legislation aimed at combating climate change by limiting greenhouse gas emissions stalled in Congress. The cap-and-trade bill may have passed the House in 2009, but by the summer of 2010 it became clear that the U.S. Senate had no intention of taking up the bill.

The Center for American Progress estimates that over \$270 million was spent on political advertising by outside groups backed by oil, coal, gas industry during the 2012 election.¹

Supporting Science Comes at a Price

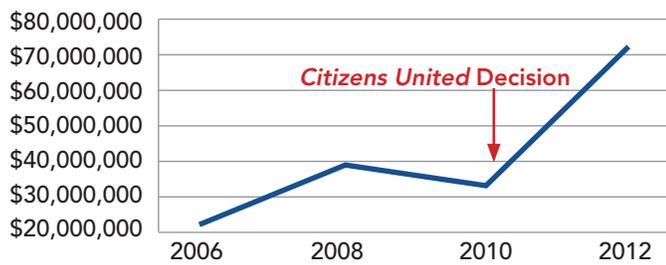
In May 2010, Bob Inglis, a six-term Republican congressman, faced a fierce primary challenge in South Carolina breaking ranks with his party to support legislation dealing with climate change. Granted, he did not support President Obama's cap-and-trade program, but instead offered a more modest, revenue-neutral carbon tax plan. But that would be the beginning of the end for Bob Inglis' political career. Although Inglis' carbon tax never passed, he faced criticism within his own party for his commitment to fighting climate change. "The most enduring heresy [I committed] was just saying that climate change was real," Inglis reflected later. "That was the one that was most damaging, I'm convinced."³

Inglis lost his seat in the primary to climate change denier Trey Gowdy. Fueled by Tea Party support, Gowdy received \$34,870 from the oil and gas industry and electric utilities, including Koch Industries, for his 2010 campaign.⁴

Since 2010, Congress has failed to pass any significant legislation dealing with climate change. And while some prominent conservative leaders and institutions, such as Reagan economist Art Laffer⁵ and the conservative American Enterprise Institute⁶, have previously supported a carbon tax, even that seems like a lost cause as Koch-funded nonprofits such as Americans for Prosperity and Americans for Tax Reform have organized aggressive campaigns against any carbon tax, and virtually any other legislation dealing with climate change or supporting renewable energy.

On the state level, legislators have used model bills from the American Legislative Exchange Council (ALEC) to repeal renewable energy standards and caps on carbon dioxide. At the same time, groups like the Kochs' Americans for Prosperity (AFP) have launched a large-scale electoral strategy aimed at promoting anti-clean energy candidates. In April 2014, for instance, Americans for Prosperity went hyper-local by attacking

Oil & Gas Federal Political Contributions 2006-2012



SOURCE: Center for Responsive Politics

Of the money that actually gets disclosed, oil and gas industry political spending on federal elections soared from \$22.3 million in 2006 to \$73.5 million in 2012. "Soft" money donations from the industry to parties and outside spending groups exploded by more than 2000% over the same period. And that doesn't count "dark" money spending by industry-backed nonprofits. The political reach of the fossil fuel industry reach is far and growing. As of mid-August, their reportable spending topped **\$34 million** for 2014 federal elections – already surpassing their total spending in the last midterms, according to data from the Center for Responsive Politics.² Not surprisingly, **Koch Industries** is one of the top spenders in this field.

This, of course, does include the funding fossil fuel corporations have given dark money political groups that do not disclose their donors. It also does not include fossil fuel spending on politicians at the state and local level, or nonprofit groups like ALEC and the Heartland Institute that push state anti-climate change "research" and legislation. Therefore, the \$34 million reported so far this year is only the tip of the iceberg for the industry's total political spending in 2014.

"We hear frequently, constantly from Republican lawmakers who say, we see climate change as a huge problem and we want to talk about ways to do this, but for now they're afraid to talk about it, because of the political repercussions."

– Rob Sisson, president of the group ConservAmerica, formerly Republicans for Environmental Protection [[National Journal](#), 2012]

"This was amazing. Members of Congress did not want to answer the questions. They—in some cases, they just said straight up, "I'm not going to answer that." In some cases, what was really amazing is they literally ran into an elevator, and — you know, and the elevator closed when I asked."

– New York Times reporter Coral Davenport on questioning members of Congress on climate change [[Frontline](#), 2012]

opponents of a proposed iron ore mine in rural northern Wisconsin. Ultimately, five pro-mining candidates won thanks to help from AFP.⁷

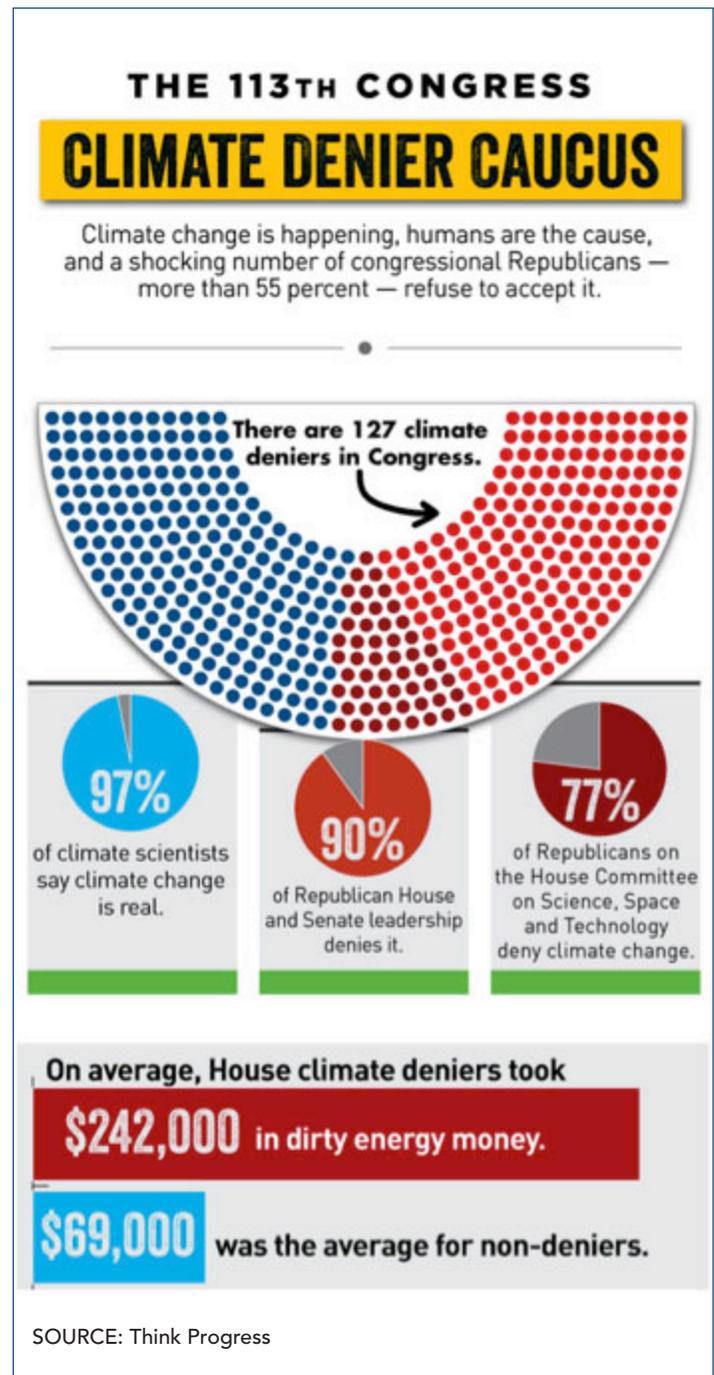
The lack of climate legislation is a symptom of an even bigger problem. Thanks to the threat of big-money spending by the fossil fuel industry and its allies in the post-*Citizens United* era, many elected officials have stopped talking about the issue altogether. In a 2012 *Frontline* documentary,⁸ *New York Times* reporter Coral Davenport reports how members of Congress refused to answer his simple questions about the existence and effects of climate change. “In some cases, what was really amazing is they literally ran into an elevator,” Davenport said. Rob Sisson, a conservative who runs an organizations mobilizing Republicans on climate change, has said members of Congress, particularly Republicans, are “afraid” to talk about climate change, fearing “political repercussions.”⁹

Science Denial Pays

Where does all this leave us? Two out of three Americans believe the earth is warming and support new emission limits for power plants according to a Pew poll,¹⁰ but nine out of ten Republican leaders in Congress deny the problem even exists. In 2013, the Center for American Progress found that over 58% of congressional Republicans were climate change deniers. Those same representatives also reaped \$58.8 million from the fossil fuel industry in campaign contributions.¹¹

When **Florida Governor Rick Scott**, who is facing a tough reelection this year, was asked his view on climate change, he simply answered “I’m not a scientist.”¹² One month after Scott’s comment, Americans for Prosperity began a massive phone banking and state-wide canvassing campaign in Florida on Scott’s behalf,¹³ and AFP Florida director Chris Hudson has stated that his organization plans to spend more than \$3 million in Florida during the 2014 election.¹⁴

Rick Scott is not the only politician with deep financial ties to the Kochs and fossil fuel industry that is refusing to discuss climate change. **House Speaker John Boehner**, who has received over \$1.3 million from oil and gas, mining, and electric utilities industries¹⁵ so far in 2014 alone, said he is “not qualified” to talk about climate science.¹⁶ **Texas Senator Ted Cruz** has claimed that the “data” does not support the science of climate change,



“With the uncertainty and the politicization of the science so far, to go spend trillions of dollars a year changing the whole world economy to satisfy something this uncertain, because you have some religious zealots like Al Gore going around preaching this – it doesn’t make sense.”

– Charles Koch [[The Weekly Standard](#), 2011]

and **Governor Rick Perry** has stated that he believes we don't have "settled science by any sense of the imagination."¹⁷ Both Perry and Cruz are also significant beneficiaries of fossil fuel campaign funding.

Earlier this year, **Senate Minority Leader Mitch McConnell** also made statements that called climate science into doubt.¹⁸ McConnell has taken millions from the oil, gas, and coal industry over his political career, and *The Nation* recently published recordings of McConnell speaking at the Koch brothers' secret fundraising summit. In his remarks, which were about "defending First Amendment rights," McConnell vigorously defended the *Citizens United* decision and personally thanked Charles and David Koch their "important work," noting "I don't know where we'd be without you."¹⁹

Republicans, though, are not the only elected officials blocking solutions to climate change. **Democratic Senator Joe Manchin** of West Virginia famously released an ad of himself shooting the Obama administration's cap-and-trade bill with a rifle.²⁰ Some of Manchin's biggest contributors include FirstEnergy Corporation, Dominion Resources, Peabody Energy and Chesapeake Energy.²¹ **Sen. Mary Landrieu** (D-LA) also publically opposed the Obama administration's plans to fight climate change by cutting carbon emissions.²² As Landrieu faces a tough reelection battle this year, her top campaign sponsors include NRG Energy, Anadarko Petroleum, Sempra Energy, NextEra Energy, Chevron and ConocoPhillips.²³

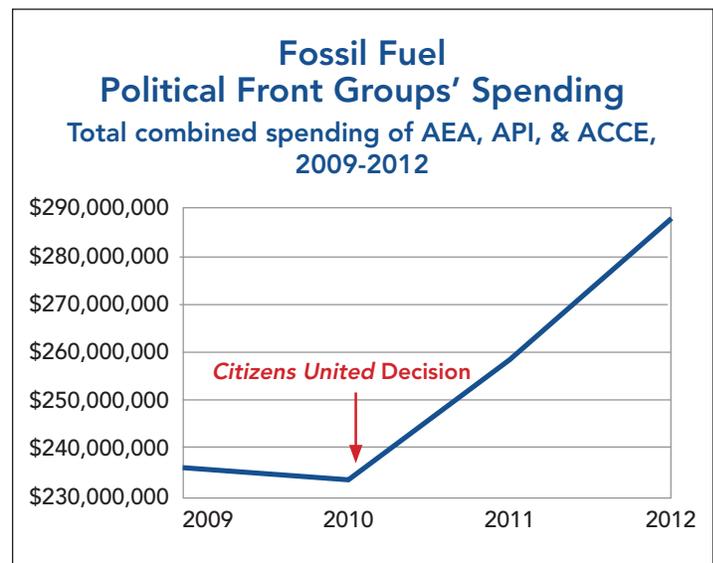
During the 2012 election, when fossil fuel interests were spending big, **President Obama** and Republican challenger **Mitt Romney** remained largely silent on the issue of climate change. One week before the election, the *New York Times* reported²⁴ that both Obama and Romney "agree that the world is warming and that humans are at least partly to blame," but "throughout the campaign, Mr. Obama and Mr. Romney have seemed most intent on trying to outdo each other as lovers of coal, oil and natural gas — the very fuels most responsible for rising levels of carbon dioxide in the atmosphere." The article continues to note that neither Obama nor Romney laid out "a legislative or regulatory program" to address climate change during the campaign.

While it is true that Koch and fossil fuel interests spent millions trying to oust President Obama, the Obama campaign was also significantly funded by fossil fuel money. Overall, the Obama campaign received over \$2.4 million from energy interests, while

the Romney campaign received \$9.7 million, according to the Center for Responsive Politics. This, however, does not include independent expenditures made by oil-backed interest groups and Super PACs.

Fossil Fuel Industry Groups Spend Big

Even before the *Citizens United* decision, fossil fuel interests and the Kochs had been spending big to impact public policy through research, lobbying and campaign contributions. But



since the landmark 2010 Supreme Court decision, they have turned up the heat. Three fossil fuel backed-industry groups in particular have led the recent political and electoral effort for the fossil fuel industry: the **American Energy Alliance** (AEA), the **American Petroleum Institute** (API), and the **American Coalition for Clean Coal Electricity** (ACCCE).

American Energy Alliance

The American Energy Alliance (AEA) is a 501(c)(4) nonprofit that acts as a stealth anti-environmental Super PAC.

AEA has deep ties to the Koch brothers. Between 2010 and 2012, AEA received over \$2.5 million from two closely connected Koch groups: Freedom Partners, the Kochs' corporate and wealthy donors network; and the Center to Protect Patient Rights, the Kochs' anti-Affordable Care Act organization (now called American Encore).²⁵ AEA is chaired by Wayne Gable, the director of Federal Affairs at Koch Industries, and its president, Thomas Pyle, is Koch Industries' former top lobbyist and an

AMERICAN ENERGY ALLIANCE	
Organization Type	501(c)(4)
Financials	\$7,014,968 (2012 spending)
Lobbying Activity	N/A (AEA's charitable arm does claim it lobbies)
Political/Electoral Activity	Runs Electoral & Issue Ads

attendee at the Kochs' secret major-donor summits.²⁶ Its staff is also made up of past employees of Koch-funded groups such as the American Legislative Exchange Council (ALEC) and the Mercatus Center. Charles Koch was involved in founding the Institute for Energy Research, AEA's charitable arm, which also heavily funded by Koch sources, Exxon Mobil, and the American Petroleum Institute.²⁷

AEA was one of the largest outside spenders in 2012, having increased its overall revenue from under \$1 million in 2011 to over \$7 million in 2012. The Center for Responsive Politics estimates that AEA spent over \$1.3 million on efforts to defeat President Obama.²⁸ The ads urged voters to "stand with coal" and "vote no on Obama's failing energy policy." The amount AEA spent against Obama in 2012 is just short of the funding the organization received from the Kochs' Freedom Partners (\$1.46 million). However, AEA spent an additional \$5 million on "media and advertising" that did not have to be reported to the FEC and ran pre-election activities in 2012 battleground states.²⁹ All of AEA's activities were in the name of opposing and attacking clean energy and pollution protection policies addressing climate change. Given the secrecy behind AEA's donors and political spending, it is unknown how much the group has spent so far during the 2014 election cycle, although AEA has already launched political attack ads in West Virginia,³⁰ Alaska³¹ and North Carolina.³²

AMERICAN PETROLEUM INSTITUTE	
Organization Type	501(c)(6)
Financials	\$235,442,066 (2012 spending)
Lobbying Activity	Spent over \$69 million on lobbying Congress since 1998 and sponsors ALEC
Political/Electoral Activity	Runs Issue Ads and a PAC

American Petroleum Institute

The American Petroleum Institute (API) is a trade association for the oil and gas industry. In addition to spending millions on campaign ads and lobbying across the country, API serves as a venue for fossil fuel corporations to move money to other front groups. API is made up of hundreds of fossil fuel and coal corporations, including Exxon Mobil, BP, Chevron, ConocoPhillips, Haliburton and Shell Oil.

API has become one of the premier fossil fuel lobbies, spending nearly \$70 million on lobbying Congress since 1998.³³ On the state level, API has funded ALEC, an influential and controversial corporate lobbying group that pushes anti-renewable energy model bills. Despite the "American" in API's name, its 2012 board of directors includes the head of the Saudi Arabian Oil Company, Aramco.

Since *Citizens United*, API has spent millions on "issue ads" via TV, radio, and print, targeting elected officials and their stance on energy issues. In the 2012 Massachusetts Senate race, Republican Scott Brown had to pay a penalty for API's ads, aimed at showcasing Brown's opposition to President Obama's proposals to close tax loopholes used by energy firms, after Brown had signed a People's Pledge aimed at stopping ads by outside groups.³⁴ Although API's ads are considered "issue ads," there is certainly a political and electoral agenda behind them. Just after the November 2012 election, API launched an ad campaign targeting a number of Democratic senators, including Mark Warner of Virginia, Tom Udall of New Mexico, Mark Udall of Colorado, Kay Hagen of North Carolina, and Mark Pryor of Arkansas. Not surprisingly, all the senators targeted in API's ads were beginning to run for reelection in 2014.³⁵

API, in coordination with the US Chamber of Commerce and the National Association of Manufacturers, have held "Energy Citizens" rallies to drum up opposition to legislation addressing climate change. Two of API's major campaigns in 2012, "Vote 4 Energy" and "Energy Citizens," attempted "to exert the aura of a grassroots base pushing for fossil fuel development," reported the Center for Media and Democracy.³⁶

Just a few months after the Supreme Court ruled on *Citizens United*, API announced it would create a political action committee. In a 2011 interview, API's executive vice president for government affairs Martin Durbin said it was "adding one more tool to our toolkit."³⁷ During the 2012 election, API's PAC contributed over \$200,000, mostly to Republicans, and has already spent close to the same amount in the 2014 midterm elections, when less money is usually spent.³⁸

In addition to spending millions on lobbying, issue ads and PAC contributions, API also provides major funding for dark-money groups that run anti-climate ads and deny the science of climate change, most of which have connections to the Koch brothers.

API-funded groups that run political issue ads or independent expenditures include the Sixty Plus Association, Americans for Prosperity, the American Conservative Union, Americans for Tax Reform, Citizens Against Government Waste, and FreedomWorks.³⁹

American Coalition for Clean Coal Electricity

The American Coalition for Clean Coal Electricity (ACCCE) is a nearly \$50 million coal industry group, made up of and

AMERICAN COALITION FOR CLEAN COAL ELECTRICITY	
Organization Type	501(c)(6)
Financials	\$43,052,275 (2012 spending)
Lobbying Activity	Spent over \$36 million on lobbying since 2001 and sponsors ALEC
Political/Electoral Activity	Runs Issue Ads

supported by the country’s largest coal and utility corporations, including Peabody Energy, Southern Company, American Electric Power and AMEREN.

ACCCE is a coal industry lobbying powerhouse, spending over \$6.7 million on lobbying in 2012,⁴⁰ and is also a sponsor of ALEC.

In its 2012 tax filings, ACCCE claims that it spent over \$23.5 million on “communications programs.” While ACCCE’s advertisements traditionally do not mention or endorse specific candidates, they certainly have political and electoral implica-

“If we’re going to give a lot of money, we’ll make darn sure they spend it in a way that goes along with our intent.”
– David Koch [*The New Yorker*, 2010]

tions. For example, just one day before the first 2012 presidential debate, ACCCE launched an ad that mimicked the messages Mitt Romney used in his “war on coal” ads.⁴¹ The ad criticized “our current leadership in Washington,” while showing a picture of the White House and encouraging viewers to vote for can-

didates who favor coal. Another one of ACCCE’s 2012 “issue ads” urged voters to “send leaders to Washington that will put us on a path to low-cost American coal.”⁴²

ACCCE is led by Robert “Mike” Duncan, well known in conservative circles. Duncan has served as chairman of the Republican National Committee and of Karl Rove’s Super PAC, American Crossroads, which Duncan co-founded. When asked whether burning coal contributes to climate change, Duncan refused to answer the question.⁴³ ACCCE’s chief of staff, Bob Paduchik, is the former executive director of the Bush-Cheney 2000 campaign. Although ACCCE’s political activities often target pro-clean energy Democrats, the organization has also hired a top Democratic political operative. Laura Sheehan, ACCCE’s Senior Vice President for Communications, is a former policy director for the Democratic Congressional Campaign Committee (DCCC) and communications director for the Democratic staff of the House Energy and Commerce Committee.⁴⁴

“If we win the science argument, I think it’s game, set, and match.”
– Tim Phillips, President of Americans for Prosperity

Other Dark-Money Groups Fill Up Our Airwaves

Political spending by AEA, API and ACCCE is just the beginning. A host of other 501(c)(4) groups and Super PACs funded by the fossil fuel industry have been spending millions on political ads attacking politicians who support legislation aimed at curbing the effects of climate change.

Americans for Prosperity (AFP), founded, funded and chaired by David Koch, has been a heavy outside spender attempting to debunk the science behind climate change and defeat elected officials who speak out on climate change. In the 2012 election, AFP ran ads against the Obama administration’s support for clean energy⁴⁵ and launched an entire campaign called “Stand With Coal.”⁴⁶ AFP has been a leading climate change-denier group, launching a “Hot Air” tour in 2008 to campaign against

“Climate is gone...I don’t think you need to worry.”
– Karl Rove, American Crossroads co-founder

“global warming alarmism” and “climate alarmists.”⁴⁷ One of AFP’s 2014 ads attacks Senator Mary Landrieu of Louisiana on

energy regulations, while another AFP ad criticizes Senator Mark Pryor of Arkansas for rising gas prices.⁴⁸ Given that the Kochs' AFP is a dark-money 501(c)(4) organization, it is unknown how much the group has actually spent in 2014 so far and who funds their advertisements, although *Politico* has reported that AFP plans to spend over \$125 million on the 2014 midterm elections.⁴⁹

Karl Rove's **American Crossroads/Crossroads GPS** pledged to spend \$300 million in the 2012 elections. In 2012, the Super

"Legislators in states around the country are now working with Americans for Tax Reform to repeal renewable energy mandates in 2012."

– Grover Norquist, President of Americans for Tax Reform

PAC (American Crossroads) and its dark-money 501(c)(4) partner organization (Crossroads GPS) released ads attacking Democrats on the Keystone XL pipeline and gas prices.⁵⁰ American Crossroads has spent over \$10.7 million on the 2014 midterm elections so far, and has received significant funding from oil and gas corporate executives. "Climate is gone...I don't think you need to worry," Rove told a shale-gas conference in November 2010, after American Crossroads spent over \$25.8 million in the 2010 elections.⁵¹

Grover Norquist's **Americans for Tax Reform** (ATR) has been leading lobbying efforts against carbon taxes and renewable energy mandates in statehouses across the country, while at the

"Is the science right? Is science not right? I don't know."

– Tom Donohue, President of the U.S. Chamber of Commerce

same time filling up our airwaves with dark-money ads. In the 2012 election, ATR reported spending over \$15.7 million on independent expenditures.⁵² Included in their 2012 election spending are ads attacking Rep. Ben Chandler (D-KY) and Barack Obama on cap-and-trade legislation.⁵³ Like AFP and Crossroads GPS, ATR does not publicly disclose its donors. ATR's few known public donors include Crossroads GPS, the American Petroleum Institute, the American Natural Gas Alliance, and the Koch-linked Center to Protect Patient Rights and Donors Trust.⁵⁴

The **U.S. Chamber of Commerce**, which represents America's

largest corporations, has been a dark-money outside spender in elections for a long time. Shortly after the *Citizens United* ruling, the U.S. Chamber announced it would launch a massive spending spree for the 2010 elections, eventually adding up to \$75 million.⁵⁵ The immense outside spending by the Chamber continued throughout the 2012 cycle and now into 2014. Already in 2014, the U.S. Chamber's federal political action committee has given over \$316,000 in contributions to candidates, virtually all to Republicans.⁵⁶ The Chamber has also already spent over \$15.5 million on independent expenditures in 2014.⁵⁷ The Chamber's political activities have included launching attack ads on politicians who support environmental protections around carbon dioxide, offshore drilling, and building the Keystone XL pipeline. The U.S. Chamber's board of directors includes representatives from Southern Company, Phillips 66 and ConocoPhillips, and is funded by numerous fossil fuel corporations.⁵⁸

Conclusion

In American democracy, elected officials are supposed to represent the interests of voters and the public. Yet the silencing of debate on climate change legislation – and the deep-pocket attacks on climate science itself – should serve as a loud warning about how powerful special interests and unlimited political spending can distort our democracy. While the problem of undue influence has been with us for a long time, the Supreme Court's recent radical decisions have unleashed the power of big money in ways we haven't seen for a century. This new era of unbridled political spending comes at a steep price for the nation and future generations. As the amount of special interest money spent to influence U.S. elections, and as global temperatures continue to rise, both our democracy and our planet are at risk.

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