

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EMILY ECHOLS , a minor child, by and through)	Civil Action No.
her next friends, TIM AND WINDY ECHOLS ,)	02-cv-633-KLH-CKK-RJL
<i>et al.</i> ,))
)	<i>consolidated with</i>
<i>Plaintiffs</i> ,)	02-cv-582-KLH-CKK-RJL (lead case)
))
-vs-)	<i>and</i>
)	02-cv-581-KLH-CKK-RJL
)	02-cv-751-KLH-CKK-RJL
FEDERAL ELECTIONS COMMISSION ,)	02-cv-753-KLH-CKK-RJL
<i>et al.</i> ,)	02-cv-754-KLH-CKK-RJL
)	02-cv-781-KLH-CKK-RJL
<i>Defendants</i> .)	02-cv-874-KLH-CKK-RJL
)	02-cv-875-KLH-CKK-RJL
)	02-cv-877-KLH-CKK-RJL
)	02-cv-881-KLH-CKK-RJL

PLAINTIFFS' FIRST INTERROGATORIES
TO ALL DEFENDANTS AND DEFENDANT-INTERVENORS

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, the *Echols* Plaintiffs, by undersigned counsel, request that each of the Defendants, including Defendants-Intervenors, answer the following interrogatories, separately, in writing, and under oath, within the time for response set by the Rules, by stipulation, or by court order, whichever is shorter.

INSTRUCTIONS AND DEFINITIONS

References to the ban on contributions to candidates by minors and to the ban on contributions or donations to committees of political parties by minors are references to Section 318, Title III, of BCRA.

References to any "person" includes the present and former officers, executives, partners, directors, trustees, employees, attorneys, agents, representatives, and all other persons acting or purporting to act on behalf of the person and also its subsidiaries, affiliates, divisions, and

predecessors and successors in interest.

The word “person(s)” includes, but is not limited to natural persons, and specifically is intended also to include firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, trusts, groups, and organizations; federal, state, or local governments or government agencies, offices, bureaus, departments, or entities; other legal, business, or government entities; and all subsidiaries, affiliates, divisions, departments, branches, and other units thereof or any combination thereof.

Construe:

- ◆ “BCRA” as a reference to the Bipartisan Campaign Reform Act of 2002 as a whole;
- ◆ “any” to include “all” and vice versa;
- ◆ “describe” to mean a request that you state all relevant information necessary to identify, locate, or comprehend the person, the thing (whether tangible or intangible), or the idea or concept, for which the request to describe is made;
- ◆ “each” to include “every” and vice versa;
- ◆ “you” and “your” to refer to defendants, defendant-intervenors, and their agents, representatives, attorneys, experts, and all other persons acting or purporting to act on behalf of Defendants;
- ◆ the singular of each word to include its plural and vice versa;
- ◆ a root word and all its derivations (*i.e.*, “ing,” “ed,” etc.) to include each other;
- ◆ “and” as well as “or” both conjunctively as well as disjunctively;

- ◆ the present tense to include the past tense and vice versa; and,
- ◆ the masculine to include the feminine and vice versa.

Where your response differs as to provisions or subparts of a provision (e.g. a subsection, sentence, clause, or term), or where responses differ by defendant, please specify so that each defendant's position as to each aspect of each provision is clear.

INTERROGATORIES

1. If you contend that there are any governmental interests that justify the ban on contributions by minors to candidates, please state and describe each such governmental interest in detail.

2. For each such governmental interest stated and described by you in response to Interrogatory No. 1 above, if you contend that the existence of the interest is supported by any fact, state and describe each such fact relevant to determining the existence of such an interest.

3. For each such governmental interest stated and described in response to Interrogatory No. 1, above, state and describe each such fact that manifests reliance by the United States Congress on such interest when the Congress considered and enacted the ban on contributions by minors to candidates.

4. Identify each source of the information that you provide in response to Interrogatories 2 and 3, above, giving for each such item the name, address, and telephone number of each human source, the title, date, author, and page number of each published source, and comparable detail for each other source.

5. If you contend that there are any governmental interests that justify the ban on contributions or donations by minors to committees of political parties, please state and describe

each such governmental interest in detail.

6. For each such governmental interest stated and described by you in response to Interrogatory No. 5, above, if you contend that the existence of the interest is supported by any fact, state and describe each such fact relevant to determining the existence of such an interest.

7. For each such governmental interest stated and described in response to Interrogatory No. 5, above, state and describe each such fact that manifests reliance by the United States Congress on such interest when the Congress considered and enacted the ban on contributions or donations by minors to committees of political parties.

8. Identify each source of the information that you provide in response to Interrogatories 6 and 7, above, giving for each such item the name, address, and telephone number of each human source, the title, date, author, and page number of each published source, and comparable detail for each other source.

9. If you contend that Congress considered and rejected any alternatives to a ban on contributions by minors to candidates, please state and describe each such alternative that the United States Congress considered and rejected, specifying as to each alternative the grounds on which Congress rejected the alternative.

10. State and describe each such fact relevant to whether and to what extent the alternatives that you identify in response to Interrogatory 9 would achieve the interests that the ban on contributions by minors to candidates seeks to achieve, specifying to which alternative each such item relates.

11. Identify the sources of the information that you provide in response to Interrogatory 10, giving, for each such fact, the name, address, and telephone number of each human source, the

title, date, author, and page number of each published source, and comparable detail for each other source.

12. If you contend that Congress considered and rejected any alternatives to a ban on contributions or donations by minors to committees of political parties, please state and describe each such alternative that the United States Congress considered and rejected, specifying as to each alternative the grounds on which Congress rejected the alternative.

13. State and describe each such fact relevant to whether and to what extent the alternatives that you identify in response to Interrogatory 12 would achieve the interests that the ban on contributions or donations by minors to committees of political parties seeks to achieve, being specific as to the alternatives to which each such item relates.

14. Identify the sources of the information that you provide in response to Interrogatory 12, giving, for each such fact, the name, address, and telephone number of each human source, the title, date, author, and page number of each published source, and comparable detail for each other source.

15. Identify each person whose lay or expert testimony you expect to offer, stating the person's name, address, and telephone number, and summarizing the expected testimony of each such person.

16. State and explain in detail the construction that you advocate with respect to the ban on contributions by minors to candidates, and any alternative construction of the ban that you consider to be an alternative to invalidation of it.

17. State and explain in detail the construction that you advocate with respect to the ban on contributions or donations by minors to committees of political parties, and any alternative

construction of the ban that you consider to be an alternative to invalidation of it.

18. Identify and describe each legislative finding that justifies Section 318, Title III, of the Bipartisan Campaign Reform Act of 2002, specifying the precise statutory provision or other legislative materials that establish each such finding.

19. Identify by name each present member of Congress and other elected federal officer who has engaged in any corrupt act as a result of contributions by minors to candidates or contributions or donations by minors to committees of political parties.

20. Describe and with particularity each such corrupt act, stating the name, address, and telephone number of each person who participated in or induced the act, the date of each act, the place where each such corrupt act occurred, and providing a detailed identification of each source of information relied upon.

21. Identify by name each present member of Congress and other elected federal officer as to whom there has been an appearance of corruption as a result of contributions by minors to candidates or contributions or donations by minors to committees of political parties.

22. Describe and with particularity each such appearance of corruption, providing names, dates, and places involved in each such appearance, a description of the circumstances giving rise to the appearance, and a detailed identification of each source of information relied upon.

DATED: May 17, 2002.

Respectfully submitted,

Jay Alan Sekulow +
American Center for Law and Justice
1000 Regent University Drive
P.O. Box 64429
Virginia Beach, VA 23464
(757) 266-2489

Colby M. May # 394340
James Matthew Henderson Sr. # 452639
Counsel of Record
The American Center for Law and Justice
205 Third Street
Washington, DC 20003
(202) 337-2273

+ *Admitted pro hac vice*

Attorneys for the Plaintiffs

CERTIFICATE OF SERVICE

James Matthew Henderson, Sr., a member of the bar of this Court, certifies that he caused a copy of the foregoing Plaintiffs' First Interrogatories to be served on all counsel required to be served on this 17th day of May, 2002, by the means indicated below:

United States Mail, first class postage prepaid and deposited this same date:

Floyd Abrams
Susan Buckley
Brian T. Markley
Cahill, Gordon & Reindel
80 Pine Street
New York, NY 10005

G. Hunter Bates
1215 Cliffwood Drive
Goshen, KY 40026

Jan Witold Baran
Thomas Kirby
Wiley Rein & Fielding
1776 K Street, NW
Washington, DC 20006

James Bopp, Jr.
Bopp, Coleson & Bostrom
1 South 6th Street
Terre Haute, IN 47807

Bobby Burchfield
Robert Kelner
Covington & Burling
1201 Pennsylvania Ave., NW
Washington, DC 20004-2401

Cleta Mitchell
Foley & Lardner
3000 K Street, NW, Suite 500
Washington, DC 20007

Charles J. Cooper
David H. Thompson
Hamish P. M. Hume
Matthew McGill
Cooper & Kirk
1500 K Street, NW, Suite 200
Washington, DC 20006

Valle Simms Dutcher
Southeastern Legal
Foundation, Inc.
3340 Peachtree Road, NE
Suite 2515
Atlanta, GA 30326

Lawrence E. Gold
AFL-CIO
815 16th Street, NW
Washington, DC 20006

Joel M. Gora
Brooklyn Law School
250 Joralemon Street
Brooklyn, NY 11201

Richard O. Wolf
Moore & Lee, LLP
1750 Tysons Blvd,
Suite 1450
McLean, VA 22102-4225

William J. Olson
John S. Miles
William J. Olson, P.C.
8180 Greensboro Drive
Suite 1070
McLean, VA 22102-3860

David J. Harth
Charles G. Curtis
Monica M. Medina
Heller, Ehrman, White &
McAuliffe
One East Main Street
Suite 201
Madison, WI 53703

Donald J. Mulvihill
Cahill, Gordon & Reindel
1990 K Street NW
Washington, DC 20006

Bradley S. Phillips
Munger, Tolles & Olson LLP
355 South Grand Avenue
35th Floor
Los Angeles, CA 90071

Trevor Potter
The Campaign and Media Law
Center
1101 Connecticut Avenue
Suite 300
Washington, DC 20036

Kenneth W. Starr
Kirkland & Ellis
655 Fifteenth Street, NW
Washington, DC 20005

Kathleen M. Sullivan
Stanford Law School
559 Nathan Abbott Way
Stanford, CA 94305

Sherri L. Wyatt
Sherri L. Wyatt, PLLC
International Square
Building 1825 I Street, NW
Suite 400
Washington, DC 20006

David A. Wilson
Hale & Dorr
1455 Pennsylvania Ave., NW
Suite 1000
Washington, DC 20004

Steven R. Shapiro
Mark J. Lopez
ACLU Foundation
125 Broad Street
New York, NY 10004

Herbert W. Titus
Troy A. Titus, PC
5221 Indian River Road
Virginia Beach, VA 23464

by hand-delivery to the office address indicated and by United States Mail, postage prepaid and deposited this same day:

Richard Bader
Stephen Hershkowitz
FEC
999 E Street, NW
Washington, DC 20463

Seth Paul Waxman
Roger Michael Witten
Randy Moss
Wilmer, Cutler & Pickering
2445 M Street, NW
Washington, DC 20037

James Gilligan
U.S. Department of Justice
901 E Street, NW
Room 816
Washington, DC 20004

by Federal Express and United States Mail, postage prepaid and deposited this same day:

Burt Neuborne
Frederick A. O. Schwarz, Jr.
E. Joshua Rosenkranz
Brennan Center for Justice
NYU School of Law
161 Ave. of the Americas
12th Floor
New York, NY 10013

Dated: May 17, 2002.

JAMES MATTHEW HENDERSON, SR.
DC BAR # 452639