

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SENATOR MITCH McCONNELL, et al.,
Plaintiffs,
v.
FEDERAL ELECTION COMMISSION, et al.,
Defendants.

Civil Action No. 02-0582 (CKK, KLH, RJL)

CONSOLIDATED ACTIONS

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

DECLARATION OF TERRY S. BECKETT

1. My name is Terry S. Beckett.
2. I am a Democratic political consultant. I spent about 25 years working on political campaigns. I worked on the 1976 and 1980 Presidential campaigns of Jimmy Carter, the 1978 Bill Nelson Congressional campaign, and I ran Dick Batchelor's 1982 Congressional campaign. I worked to set up a House Democratic Caucus within the Alabama legislature in the mid 1980's. I ran Gary Hart's 1988 Presidential campaign in Florida and Louisiana, and Dick Gephardt's 1988 Presidential campaign in Florida. I did the polling on Linda Chapin's 1986 campaign for Orange County (Florida) Commissioner, and ran her 1990 and 1994 campaigns for Orange County Chairman. I also served as general consultant on Ms. Chapin's 2000 campaign to represent Florida's Eighth Congressional district, overseeing the work of the campaign manager and the media and polling consultants. I have also held government posts. I worked on the Executive Staff for Bob Graham from 1981-82, when he was the Governor of Florida. I served as Ms.

Chapin's Chief of Staff from 1991 to 1994 when she was County Chairman. I also worked for a polling firm during the 1980's. Currently, I am retired.

3. I am familiar with county-level political party activities. In Orange County, the local Democratic party is called the Orange County Democratic Executive Committee ("County Committee"). From about the mid-1970's until 1979, I was a member of the County Committee. The County Committee did not provide significant assistance in Ms. Chapin's 1986, 1990 or 1994 campaigns because, by itself, the County Committee did not have the resources to do so. In fact, in my experience the County Committee has viewed local campaigns as opportunities to raise funds for itself, and has actually tried to raise funds from the campaigns by organizing fundraising events and asking the campaigns to buy a table. The County Committee does get involved in supporting "coordinated campaigns," for example by working on get-out-the-vote or absentee ballot efforts. The national Democratic party was not involved in Ms. Chapin's county campaigns.

4. The 2000 Congressional election in Florida's Eighth district was a very close open-seat race. Ms. Chapin, the Democratic candidate, had no primary opponent. In the Republican primary in early September 2000, Bill Sublette and Ric Keller were the top vote getters. There was a run-off election between these two in early October 2000, which Mr. Keller won. In the November 2000 general election, Mr. Keller received about 51% of the votes cast, and Ms. Chapin received about 49%.

5. National, state and local party committees played important roles in the 2000 race for Florida's Eighth Congressional district seat. The national Democratic Party was very involved through the Democratic Congressional Campaign Committee ("DCCC"). The DCCC sent experts to help with various parts of the Chapin campaign, such as turning out particular

categories of voters. The DCCC also provided research, including opposition research, which we found helpful. ~~The DCCC provided television ads to the Florida State Democratic Party (“State Party”), which the State Party then ran in support of Ms. Chapin’s campaign. The campaign did not coordinate any activities with the DCCC, though towards the end of the campaign when we were being barraged with attacks from different entities, I did contact them and effectively tried to call in the cavalry. The State Party played a supporting role in the Chapin campaign, including through its running of the “coordinated campaign.” The County Committee was also involved in the coordinated campaign.~~

6. The 2000 Democratic coordinated campaign in Florida’s Eighth District was mainly a get-out-the-vote effort to benefit all Democratic candidates including Presidential candidate Al Gore, United States Senate candidate Bill Nelson, Ms. Chapin, and state and local candidates. It was particularly active from September through the general election in November. The coordinated campaign was funded primarily by EMILY’s List through its Florida Women’s Vote project, though the DCCC also sent money, and Ms. Chapin also raised some funds for it. As I understand it, Florida Women’s Vote gave money to the State Party, and the State Party set up the coordinated campaign and hired the staff. EMILY’s List also sent some staff to assist in the coordinated campaign, which I understand they also did in their other targeted races throughout the country. Based on my observations, most of the coordinated campaign personnel were there to promote the election of Vice President Gore, and as a result the effort was very focused on the Gore campaign. The coordinated campaign in the Eighth Congressional district spent several hundred thousand dollars.

7. Interest groups were also an important factor in the 2000 Congressional election in Florida’s Eighth District. The assistance from EMILY’s List is described above. Other interest

groups also offered to provide campaign support, telling us all about what they would do for us, ~~but only if Ms. Chapin would pledge to vote a certain way on their issues. You can send them~~ your position, and they may come back and say, this isn't worded the way we like it worded. They want you on record saying it the way they want before they will provide the money. We lost some money that way in the 2000 race because we didn't like those kinds of commitments. One group wanted Ms. Chapin to pledge to take a certain position on partial birth abortion before they would agree to provide assistance, as I recall in the form of direct mail. Ms. Chapin is pro-choice, and we gave them a written statement of her position but they came back saying, we want to change it. It was very important to them. Ms. Chapin declined, and they really put a lot of pressure on her, but she still declined and I am proud of her for doing so. This group did not help us in the campaign. Mr. Keller received assistance from the Club for Growth and the National Rifle Association ("NRA"). I understand that the NRA did events for Mr. Keller, including at least one at his campaign headquarters. In addition, interest groups ran electioneering ads for Ms. Chapin, Mr. Keller and Mr. Sublette, as will be discussed in detail below.

8. Based on my experience in political campaigns, including overseeing the creation and running of television ads for Ms. Chapin in her federal and county races. I am familiar with political campaign advertising. I am aware of the idea that particular "magic words" might be required in order for an advertisement to influence an election. However, in fact no particular words of advocacy are needed in order for an ad to influence the outcome of an election. No list of such words could be complete: if you list 50, savvy political actors will find 100 more. For example, many so-called "issue ads" run by parties and interest groups just before an election attack a candidate, then end by supposedly urging the viewer to "tell" or "ask" the candidate to

stop being that way. These ads are almost never really about issues. They are almost always election ads, designed to affect the election result, and many do affect the election result. You can see this most clearly in the ones that amount to personal attacks, or that criticize a candidate on several unrelated "issues." In fact, in my experience, candidates tend to shy away from such negative attack ads because there would be political repercussions for them. But entities like the DCCC and the Club for Growth do not have such constraints. Based on my observations, the candidate ads in the 2000 Congressional race, which were financed with federal funds ("hard money"), were actually more about "issues" than the supposed "issue ads" run by political parties and interest groups, which I understand were financed at least in part with non-federal funds ("soft money").

9. Television and radio electioneering advertising by political parties and interest groups played an important role in the 2000 Congressional election in Florida's Eighth District. Political parties on both sides of the campaign ran so-called "issue ads" that were financed partly with soft money but clearly directed at influencing the outcome of the election. The DCCC ran television advertising through the State Party in order to take advantage of the more favorable hard money-soft money allocation ratios enjoyed by state parties. Typically, the DCCC sends money to the State Party, and the State Party buys the air time. Storyboards representing six of these State Party ads, which as I recall were run in the two months prior to the general election, are attached as Exhibit 1 to this Declaration. I understand that these storyboards and all others attached to this Declaration were provided by the Brennan Center for Justice, which had obtained them by arrangement with the Campaign Media Analysis Group. These ads praise Ms. Chapin or criticize Mr. Keller or Mr. Sublette, and they were clearly designed to help Ms. Chapin's election prospects. One ad, the storyboard for which is at Exhibit 1 at 1 ("FL Chapin Record"), features

video footage of Ms. Chapin speaking with some senior citizens in a pharmacy. That footage ~~was originally shot by our campaign's media consultant, and later purchased by the DCCC. We~~ did not coordinate our activities with the DCCC, but I did give permission to our consultant for the sale of this footage – with the understanding that we could not use the footage ourselves once that happened - and was not surprised that it later turned up in a DCCC ad run by the State Party.

10. Similarly, the Florida Republican Party ran television ads in the 2000 Congressional campaign which were clearly intended to affect the election results. I believe that the National Republican Congressional Committee ("NRCC") was running these ads through the Florida Republican Party, just as the DCCC ran ads through the Democratic State Party. Storyboards representing five of these ads, which as I recall were run in the two months prior to the general election, are attached as Exhibit 2 to this Declaration. Most of these ads harshly criticize Ms. Chapin, and there would be no other reason to run them but to help defeat her.

11. The NRCC itself ran television ads in the 2000 Congressional campaign. Storyboards representing two of these ads, which as I recall were run in the two months prior to the general election, are attached as Exhibit 3 to this Declaration. These ads were clearly intended to influence the election result. I remember the two ads whose storyboards are attached at Exhibit 3 very well because I managed to get them pulled off at least some TV stations for saying things that were not true, despite what I understand were the efforts of NRCC attorneys who were also contacting the stations. Dealing with the TV station attorneys on this was difficult, and I would not have spent time on it if I did not regard these ads as threats to Ms. Chapin's candidacy. In addition, as I recall the NRCC had run another ad accusing Ms. Chapin of wasting tax dollars on a bronze frog, similar to the ad whose storyboard is at Exhibit 3 at 1 (~~"FL NRCC Chapin Stood Next to Frog"~~): ~~We could see that other frog ad changing poll~~

numbers, hurting our campaign. The NRCC really pounded us with these ads in the last two months of the campaign.

12. Interest groups also ran so-called "issue ads" on television that were really electioneering ads in support of all sides during the 2000 campaign. Based on my observations, these ads affected the outcomes of the Republican primary and run-off and the general election.

13. The Florida Women's Vote project of EMILY's List ran a television ad in the 2000 Congressional campaign. A storyboard representing this ad, which was run in the two months prior to the general election, is attached as Exhibit 4 to this Declaration. The ad praises Ms. Chapin's record on gun safety, and ends with the "tell" statement that signifies a soft money ad. EMILY's List is all about being pro-choice; gun safety is not their issue. Clearly, this ad is trying to elect Ms. Chapin. And I was not the only one who thought so. This ad was up during a period in the first half of October 2000 when the Chapin campaign was not on the air, in order to save resources. The Keller campaign noticed this and complained to a reporter, saying that this was a clear sign of coordination. I explained to this reporter that I had been advised by our consultants in Washington that under the current rules I was allowed to tell anyone what my plans were, as long as no one told me what their plans were. EMILY's List clearly knew what my plans were, they knew I was going dark at that time. I can only surmise that they decided to run this ad at that time based on that information. Obviously, the Keller campaign viewed this ad as one designed to assist Ms. Chapin's candidacy.

14. The Republican Leadership Council ("RLC") also ran so-called "issue ads" on television in the 2000 Congressional campaign. Storyboards representing two of these ads, which as I recall were run just prior to the elections between Mr. Keller and Mr. Sublette, are attached as Exhibit 5 to this Declaration. These ads accuse Mr. Keller of acting "like a liberal." I

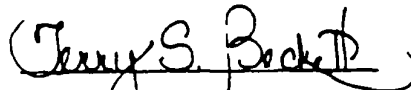
remember that the RLC was trying to defend Mr. Sublette from the attack ads run by the Club for Growth, which supported Mr. Keller. ~~These ads were ironic, because a moderate Republican~~ group was attacking a more conservative Republican by calling him a liberal. I found it even more ironic, not to mention unsettling, to learn of reports that the hundreds of thousands of dollars the RLC spent on these ads trying to defeat Mr. Keller were actually provided by the Florida sugar industry, which was presumably displeased with work Mr. Keller's law firm had done in connection with a proposed tax on the industry to clean up pollution in the Everglades. And the fact that I, a general consultant in this same race with long high-level experience in Florida politics, was not aware until earlier this year of whose money was behind these ads strongly underlines the need for disclosure of this kind of stealth electioneering financed with corporate funds.

15. The Club for Growth ran so-called "issue ads" in the 2000 Congressional campaign. Storyboards representing two of these ads, which I understand were run just before the elections between Mr. Keller and Mr. Sublette, are attached as Exhibit 6 to this Declaration. The Club for Growth made no secret of its strong support for Mr. Keller, and its ads clearly reflected that support, praising him while criticizing Mr. Sublette and Ms. Chapin. In addition, the Club for Growth ran a third ad just before the general election. This ad was run on local cable television. The ad featured a man getting ready for work and describing all the aspects of his life as to which Ms. Chapin had supposedly raised taxes. It ended with the man saying that he would need to work harder if Ms. Chapin was in Congress. As I recall, this ad was run to the point of saturation prior to the general election, and I believe it influenced the result of that election, which was so close it came down to absentee ballots.

16. I support the restrictions in the new McCain-Feingold legislation on the use of soft ~~money to affect federal elections. Based on my observations, in recent election cycles political~~ campaigns have become more and more about the money of private interests. I mean both the unrestricted money those interests use to influence election results by making soft money donations to political parties or running so-called "issue ads," and also the additional money many of those interests hope to make by doing so. These private interests are concerned with who they can install in public office, and how they can influence that office holder so that he or she feels obligated to them, so they can influence policy and make more money. Of course candidates often appreciate the help that these interest groups can provide, such as running attack ads for which the candidate has no responsibility. If some outside third party does that, you can distance yourself from them and the message gets across to the voters without you getting dirtied. Ms. Chapin was uncomfortable with the role of the interest groups who used soft money to influence the 2000 race, and she challenged the Republicans to call off the outside groups on both sides, but she was rebuffed. And if the interest groups are coming in on behalf of the other guy but not you, then you're in trouble. In my opinion, Mr. Keller could not have beaten experienced, better known politicians like Mr. Sublette or Ms. Chapin without the support of the Club for Growth and other special interest groups. Mr. Keller was virtually unknown and had no real record in the community. But he was able to find a powerful Washington group to help him, and he is now in Congress.

17. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is

true and correct.


Terry S. Beckett

Executed on this twelfth day of September, 2002