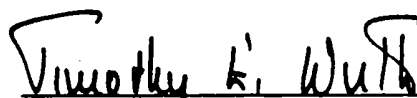


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SENATOR MITCH McCONNELL,)	
<i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Action No.
)	02-0582 (CKK, KLH, RJL)
v.)	Consolidated Actions
)	
FEDERAL ELECTION COMMISSION,)	DECLARATION
<i>et al.</i> ,)	
)	
Defendants.)	

DECLARATION OF SENATOR TIMOTHY E. WIRTH

1. My name is Timothy E. Worth. I provided a sworn declaration in *Federal Election Commission v. Colorado Republican Federal Campaign Committee*, in the United States District Court for the District of Colorado, Civ. No. 89-N-1159. That declaration is attached as Exhibit A.
2. I reaffirm that the statements I made in the prior declaration are true and correct.
3. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.



Timothy E. Wirth

Executed on October 3, 2002.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
JUDGE EDWARD W. NOTTINGHAM

Civil Action No. 89 N 1159

FEDERAL ELECTION COMMISSION)
)
 Plaintiff/Counter-Defendant,)
)
 v.)
)
 COLORADO REPUBLICAN FEDERAL)
 CAMPAIGN COMMITTEE, ET AL.,)
)
 Defendants/Counter-Plaintiff)

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DECLARATION OF FORMER SENATOR TIMOTHY E. WIRTH

1. I am Timothy E. Wirth, Undersecretary of State for Global Affairs. I completed graduate studies in 1973 and also held appointments in the executive branch of the federal government from 1967-70.

2. I am a former Member of Congress ("Member"). In 1974, I was elected to the U.S. House of Representatives ("House") from the Second Congressional District of the State of Colorado ("second district"). I represented this District through 1986. From 1987 through 1992, I served as a Senator for the State of Colorado in the U.S. Senate ("Senate"). In 1992, I decided not to run again for the U.S. Senate. During my approximately 18 years of Congressional service, I campaigned for election or for re-election to federal office seven (7) times.

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3. During my election campaigns, I raised funds for the Democratic Party to support my campaign.

4. By the early 1980s, I understood that the Colorado Democratic State Party was becoming progressively less capable of raising funds. Because I was successful at fundraising and could reach various constituencies effectively, I worked to raise funds for the state party.

5. When I solicited contributions for the state party, in effect I solicited funds for my election campaign. I understood that the solicitees who made contributions to the party almost always did so because they expected that the contributions would support my campaign one way or another, and for the most part they expected I would remember their contributions.

6. The chairman of the state party served at the pleasure of Democratic elected officials. He knew the amount of funds I had raised for the state party, and this helped me to participate in deciding how the party would spend its funds. For example, the party used some of the funds to finance a Get Out The Vote campaign ("GOTV") for the second district when I campaigned for the House seat, and for the entire state when I ran for the Senate seat in 1986. During the time I was in Congress, we tried to persuade other Democratic candidates for House seats in other congressional districts in Colorado to raise funds for the state party, to enable the party to finance similar GOTV campaigns in their respective districts. These coordinated GOTV campaigns were important for Democratic candidates at all levels, and when properly operated, gave some leadership to the Members of Congress, and helped to knit together a naturally disparate party.

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7. Although most of my experience in fundraising for the Democratic Party was for the state party, I also successfully solicited funds for a national party committee, the Democratic Senatorial Campaign Committee ("DSCC"). The DSCC required that I raise a certain amount of money for the committee before my campaign could receive DSCC funds. I knew how much I needed to raise because the DSCC applied a formula, depending on the size of a particular candidate's state, for fundraising and for expending funds in a race that it considered "marginal". A "marginal" race was one in which the candidate received 55 percent, or less, of the vote in the preceding election.

8. I understood that when I raised funds for the DSCC, the donors expected that I would receive the amount of their donations multiplied by a certain number that the DSCC had determined in advance, assuming the DSCC had raised other funds. For example, a donor might expect that for every dollar contributed to the DSCC I would receive \$3 from the DSCC.

9. In this fundraising, I often solicited contributions to the DSCC from individuals or Political Action Committees (PACs) who already had "maxed" (contributed to my campaign committee the maximum amount allowed by federal law). I did so because as I remember, individual solicitees were allowed by law to contribute \$20,000 to the DSCC in a calendar year, whereas they were allowed to contribute to my campaign only \$1,000 each for the primary election and the general election. I don't remember the size of the limitation on PACs.

10. This activity was a standard among most candidates, including me, to augment the \$2,000 contribution limit for individual contributors to a candidate's campaign. While

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most individuals wouldn't contribute more than the \$2,000 limit, those few who did were very welcome.

11. I solicited funds from corporate offices and law firms. It was easier for these entities to get together and, for example, have 20 lawyers give \$1000 than try to contact each individual for a contribution. And from time to time an entity would simply give \$20,000 to the DSCC, which made life easier for everyone.

12. For the most part the only reason the DSCC would have known what activities to finance in Colorado during my 1986 Senate race was from information it received from me or from my campaign committee. In addition to expending funds for aspects of my campaign, the DSCC hired experts to give advice and ideas for the campaign, and assisted my campaign's efforts in GOTV, media and polling. The national party committees also provided generic advertisements that several candidates could use in their campaigns; this was a practice more likely to be used in House rather than Senate races.

13. The DSCC also helped to coordinate political activities among candidates. For example, at a March 31, 1992 dinner hosted by Charles S. Robb, Senator from Virginia and then Chairman of the DSCC, about 12 of the 16 Democratic Senators who faced re-election campaigns that year met for a "supper and strategy session." Most senators were accompanied by their senior staff. The Senators predominantly discussed re-election matters such as polling and target groups, rather than public policy issues before the Congress. This "supper and strategy session" served as one means by which the Senators shared experiences and exchanged information about what their opponents were doing (often the opposition ran similar attack programs in many states across the country); and we communicated campaign needs to a national party committee, the DSCC

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14. From time to time I introduced large donors to the national party committees. The Democratic Party was then the majority party in Congress and often these donors making large contributions to the party wanted to become acquainted with party leaders. The introductions also served as a mechanism for donors to meet chairmen of important congressional committees, such as the House Ways and Means Committee and the House Armed Services Committee. Democratic leaders, such as Representative John D. Dingell, chairman of the House Energy and Commerce Committee, and former Representative Tony Coelho, House Majority Whip, hosted dinners for large party donors to dine with Democratic Members of Congress. Former Representative Coelho also formed a House campaign committee called something like the "Chairman's Circle", which hosted dinners which supported the Democratic Congressional Campaign Committee.

15. The Democratic national campaign committees sometimes asked me to meet with large donors to the party whom I had not met before. At the party's request, I met with the donors. I understood that the donors' goal in making the large contributions was often to occasion meeting(s) with me or other prominent Democratic congressional leaders to press their positions on legislative issues. On these occasions, sometimes all I knew about the donor would be the issue in which he was interested.

16. One reason persons contributed to the party was to obtain help for their problems from Members. Obviously another purpose of such contributions was to secure the political decision the contributors favored, possibly by securing the votes of certain Members. In my Congressional experience, most of the largest contributors to the party committees customarily received more access to a Member than individuals who contributed only \$1,000, or average constituents who gave little or not at all. It's pretty obvious that

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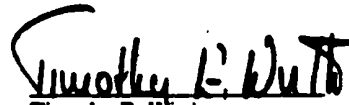
anyone who states that most donors give to a party for purely altruistic reasons is not being fully candid.

17. I believe that when a corporation contributed a large amount, to a party committee that, in turn, used its funds to support its candidates' campaigns, the corporation would obtain undue influence over these candidates. This occurred because, in my experience, the candidates were generally aware of the sources of the funds that enabled the party committee to support their campaigns.

18. Members who planned to seek re-election also understood that, all other things being equal, it would be helpful if they cast their votes in a way that helped their party, party committees, and thus these large donors. This was never explicitly stated, but it was certainly helpful to the party and therefore to one's own opportunities in the next election cycle.

19. I am aware of the print and broadcast media's disclosure of the sources of funds for campaign committees and party committees. Based on my experience and what I have read and seen, I believe that mere disclosure, without legal limits on what party committees may spend, is not sufficient to prevent either the reality or the appearance that a Member's votes are influenced by large donors to the party.

20. Pursuant to 28 U.S.C. Section 1746, I declare under penalty of perjury that the foregoing is true and correct.


Timothy E. Wirth

Executed on this 5 day of May, 1997

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