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5 UNITED STATES DISTRICT COURT
 6 DISTRICT OF MASSACHUSETTS
 7

8 REPUBLICAN NATIONAL)
 9 COMMITTEE, ET AL)
 10 Plaintiffs,)
 11)
 12 VS.) Civil Action.
 13) No. 02-874
 14 FEDERAL ELECTION)
 15 COMMISSION, ET AL)
 16 Defendants.)

17 DEPOSITION OF ARNOLD HIATT,
 18 a witness called on behalf of the Plaintiffs,
 19 Republican National Committee, et al, taken
 20 pursuant to the provisions of the Federal
 21 Rules of Civil Procedure, before Debra M.
 22 Joyce, Registered Professional Reporter,
 23 Certified Realtime Reporter, and Notary Public
 24 in and for the Commonwealth of Massachusetts,
 25 at the offices of Goulston & Storrs, 50 Rowes

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<p>1 Wharf, Boston, Massachusetts, on Thursday, 2 September 26, 2002, commencing at 11:39 a.m. 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 FEDERAL ELECTION COMMISSION 2 (By Kevin Deeley, Esq.) 3 999 E Street, NW 4 Washington, DC 20463 5 202-694-1556 6 For the Federal Election Commission. 7 8 GOULSTON & STORRS 9 (By Kitt Sawitsky, Esq.) 10 400 Atlantic Avenue 11 Boston, Massachusetts 02110-333 12 For Arnold Hiatt. 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
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<p>1 APPEARANCES: 2 3 COVINGTON & BURLING 4 (By Richard W. Smith, Esq.) 5 1201 Pennsylvania Avenue NW 6 Washington, DC 20004-2401 7 202-662-5696 8 For the Plaintiffs Republican 9 National Committee, Mike Duncan, 10 State Republican Committees of Ohio, 11 Colorado, New Mexico, Dallas County, 12 Iowa Republican County Central 13 Committee. 14 15 NATIONAL VOTING RIGHTS INSTITUTE 16 (By John C. Bonifaz, Esq.) 17 One Bromfield Street 18 Boston, Massachusetts 02108 19 617-363-9100 20 For the Adams Plaintiff's. 21 22 23 24 25</p>	<p>1 INDEX 2 Witness Direct Cross Redirect Recross 3 ARNOLD HIATT 4 (By Mr. Smith) 6 106 5 (By Bonifaz) 97 6 7 EXHIBITS 8 Exhibit No. Page 9 1 Notice of Deposition 6 10 2 Doris Haddock's speech 11 11/08/00 6 12 5 The Clean Elections Law 6 13 8 Web Pages from Center For 14 Responsive Politics 6 15 13 New York Times Advertisement 16 5/22/02 6 17 17 South Coast Today Letters To 18 The Editor 2/14/01 6 19 18 Article "Raising The Limits 20 May/June 2002 104 21 19 Declaration of Arnold Hiatt 22 8/21/02 109 23 24 25</p>

<p style="text-align: right;">Page 6</p> <p>1 PROCEEDINGS 2 (Exhibits 1-17 marked for identification.) 3 ARNOLD HIATT, Sworn a witness 4 called on behalf of Republican National 5 Committee, having been duly sworn, was 6 examined and testified as follows: 7 DIRECT EXAMINATION 8 BY MR. SMITH: 9 Q. Good morning, sir. My name is Richard Smith. 10 I believe we've just met. I'm an attorney 11 with the law firm of Covington & Burling, 12 that's in Washington, D.C. In this case I 13 represent the Republican National Committee, 14 Mike Duncan, who's the RNC treasurer, and the 15 Republican -- State Republican Committees of 16 Ohio, Colorado and New Mexico and the Dallas 17 County, Iowa Republican County Central 18 Committee, which is a mouthful. 19 Would you please state your name 20 and spell it for the record. 21 A. Arnold Hiatt, H-i-a-t-t. 22 Q. Mr. Hiatt, have you ever been deposed before? 23 A. Yes. 24 Q. And how many times have you been deposed? 25 A. I've managed to avoid depositions all my life,</p>	<p style="text-align: right;">Page 8</p> <p>1 traction that was for use on wet decks on 2 boats, and that soul had been patented by 3 Uniroyal quite a few years before. We 4 acquired the company and the rights to their 5 patents. 6 Q. That's -- I hate to interrupt you, that's 7 actually all I needed to know about that. 8 It's been some time since you've 9 been deposed, I just want to go through a 10 couple of rules here first. As you know, I'm 11 going to ask you a series of questions, as 12 much as I already have. You being under oath 13 will answer those questions. If you don't 14 understand a question, then please let me 15 know, and I'll try and rephrase it or try and 16 figure out how we can understand the question 17 that I'm trying to ask. 18 A. Okay. 19 Q. If you answer a question, I'll just assume 20 that you understood it. Second, when you 21 respond, you'll obviously need to respond 22 orally. The court reporter here is taking 23 down everything that we say, and head bobs, or 24 even the um-hmm or mm-hmm, it will drive her 25 nuts. And third, if you need to take a break,</p>
<p style="text-align: right;">Page 7</p> <p>1 so as I recall only once. 2 Q. Do you recall when that was? 3 A. I think it was about 15 years ago or so. 4 Q. Were you personally a party in that case? 5 A. I was a party as the chief executive of the 6 Stride Rite Corporation. 7 Q. And do you know where that action was filed 8 and pending? 9 A. I believe it was in the Concord, New Hampshire 10 -- would that be Federal District Court? I 11 guess so. 12 MR. BONIFAZ: Could be. 13 Q. And was the subject matter something that 14 related to Stride Rite? 15 A. Yes. 16 Q. And did it have anything to do with politics 17 or political contributions in any way? 18 A. No. 19 Q. What was the subject matter of that lawsuit? 20 A. A company by the name of Timberland decided 21 they wanted to launch a boat shoe to compete 22 with a brand of ours called Sperry Top-Sider. 23 Sperry Top-Sider is a company that we had 24 acquired from Uniroyal. Sperry Top-Sider had 25 a unique soul. It had a particular kind of</p>	<p style="text-align: right;">Page 9</p> <p>1 let me know and we'll take a break. Hopefully 2 we won't do that while a question is pending, 3 but if you need to take a break just let me 4 know. And that's all clear? 5 A. Yes. 6 Q. What is your current home address, sir? 7 A. 45 Arnold Road, Weston, Massachusetts. 8 Q. And what is your current work address? 9 A. 50 Rowses Wharf in Boston. 10 Q. Are you married, sir? 11 A. Yes. 12 Q. What is the name of your wife? 13 A. Anne with an e. 14 Q. Is she employed? 15 A. No. 16 Q. Is she at the same home address? 17 A. What? 18 Q. She's at the same home address, I imagine? 19 A. Yes. 20 Q. Do you have children? 21 A. Yes. 22 Q. How many? 23 A. Four. 24 Q. Can you tell me their names and ages. 25 A. Peter, Amy, David, Matthew.</p>

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1 Q. To your knowledge do your family members make
 2 political donations or political
 3 contributions?
 4 A. On rare occasions.
 5 Q. And there -- you didn't tell me their ages,
 6 but are they all say above 18?
 7 A. Oh, yes.
 8 Q. Just to be clear, you've never funded the
 9 contributions made by any of your family
 10 members; is that correct?
 11 A. No.
 12 Q. You're testifying today pursuant to a subpoena
 13 issued to you by the Republican National
 14 Committee; is that correct?
 15 A. Yes.
 16 Q. I asked the court reporter to previously mark
 17 that subpoena as Exhibit 1, and I have copies
 18 for counsel who are here.
 19 Do you recognize what is marked as
 20 Exhibit 1, sir?
 21 A. A subpoena.
 22 Q. Is this a subpoena that was served on you by
 23 the Republican National Committee?
 24 A. Mm-hmm.
 25 Q. And attached to that subpoena is a Notice of

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1 Deposition; is that correct?
 2 A. True.
 3 Q. You recognize that as well.
 4 A. Yes.
 5 Q. You're testifying today pursuant to this
 6 subpoena.
 7 A. Yes, mri-hmm.
 8 Q. Now, are you represented by counsel for
 9 purposes of the deposition today?
 10 A. No.
 11 Q. Do you recognize any of the other attorneys
 12 here today?
 13 A. Yes.
 14 Q. Do either of them currently represent you?
 15 A. No.
 16 Q. Have they represented you in the past?
 17 A. No.
 18 MR. BONIFAZ: Can I --
 19 A. Well, that may not be true. I was a
 20 plaintiff, wasn't I, against the Commonwealth
 21 of Massachusetts.
 22 Q. And so Mr. Bonifaz, who is present, is the
 23 founder and executive director of the National
 24 Voting Rights Institute.
 25 A. Correct. I was one of quite a many

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1 plaintiffs.
 2 Q. Have you spoken with anyone specifically about
 3 this deposition today?
 4 A. I've told my wife.
 5 Q. Anyone other than your wife?
 6 A. My secretary.
 7 Q. Anyone else?
 8 A. Mr. Deeley here.
 9 Q. And was there anyone else?
 10 A. Mr. Bonifaz.
 11 Q. Anyone else?
 12 A. I may have told my brother in a casual
 13 conversation, anyone who wanted to know why I
 14 was not available today knows I'm being
 15 deposed.
 16 Q. Okay. Was there anyone else other than the
 17 casual conversation, just your appointment
 18 schedule and where you would be today?
 19 A. No.
 20 Q. With your wife, I take it you didn't really
 21 discuss the substance of your testimony or
 22 inquire from her about how you should testify;
 23 is that correct?
 24 A. Correct.
 25 Q. And the same thing with your secretary?

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1 A. Correct.
 2 Q. Your conversation with Mr. Deeley, was that a
 3 single conversation or were there multiple
 4 conversations?
 5 A. Several conversations.
 6 Q. I take it that Mr. Deeley helped arrange the
 7 timing and --
 8 A. Yes.
 9 Q. -- and the arrangements for the deposition.
 10 A. Did that largely through my secretary.
 11 Q. Did you have any conversations other than
 12 purely arranging a schedule and time for the
 13 deposition with Mr. Deeley?
 14 A. Not specifically, no, except I think I
 15 complained about the amount of time you wanted
 16 allocated to this.
 17 Q. Okay. Was there any discussion with
 18 Mr. Deeley about the topics or substance of
 19 the testimony?
 20 A. He told me, you know, what your interest was,
 21 or the Republican National Committee.
 22 Q. And what do you understand those interests to
 23 be?
 24 A. I understand they're not happy with the
 25 McCain-Feingold bill.

<p style="text-align: right;">Page 14</p> <p>1 Q. Can you be anymore specific? 2 A. I'm not sure I understand why they're not, but 3 there are people for and against it. 4 Q. Do you have an understanding of why the 5 Republican National Committee is against -- 6 A. I assume they would like to continue the flow 7 of soft money into the political process. 8 Q. When you say you assume that, is that 9 something that's been communicated to you? 10 A. In a variety of ways, newspapers, 11 conversations. 12 Q. And, again, just trying to be specific so we 13 can move on to another topic, did you learn 14 that in part from conversations with 15 Mr. Deeley? 16 A. Mr. Deeley only confirmed what I already knew. 17 He explained the nature of the suit. 18 Q. Okay. And what do you understand the nature 19 of the suit to be from that conversation? 20 A. My understanding is that Republican National 21 Committee would like to see McCain-Feingold 22 bill -- I'm not sure I know what the procedure 23 is, but they'd like to see it voided. 24 Q. Is there anything else? 25 A. Dispensed with.</p>	<p style="text-align: right;">Page 16</p> <p>1 don't -- I'm not a lawyer and I don't clock my 2 phone calls. 3 Q. That's a fair point. 4 In the first -- the first 5 conversation that you had with Mr. Deeley, was 6 that -- that would have been some time ago? 7 A. Yeah, I think last spring. 8 Q. By spring -- 9 A. I think late spring, but I'm not sure. 10 Q. May, June? 11 A. I would defer to Mr. Deeley. 12 Q. If he'd like to answer -- 13 MR. DEELEY: I'm not testifying 14 today. To the extent that you know. 15 A. Late spring. 16 Q. And what would be the latest that you would 17 peg that conversation at? Would you say it 18 had to have happened before the end of June? 19 A. Perhaps, yeah. 20 Q. You would agree with that? 21 A. Before August the 1st. 22 Q. Okay. During that conversation did you agree 23 to participate in this case as a witness? 24 A. Yes. 25 Q. Did you agree to provide an affidavit?</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Is there anything else -- do you have any 2 other understanding about the nature of this 3 lawsuit? 4 A. No, didn't get into detail. 5 Q. And how long did that conversation last with 6 Mr. Deeley? 7 A. Well, when Mr. Deeley first called me and 8 asked me if I would be willing to be a witness 9 for the defense, I understand the FEC is the 10 defendant. 11 Q. Are we talking about two separate 12 conversations, one about the deposition and 13 one about participation? 14 A. Yes. Yes, the deposition conversation took 15 place, I think, yesterday, and that was very 16 brief. 17 Q. And how long would you estimate that 18 conversation took? 19 A. Maybe ten minutes at the most. 20 Q. Forgive me, but I'm trying to get as specific 21 as I can. You've said that there wasn't much 22 talked about during that conversation? 23 A. Right. 24 Q. If it was ten minutes -- 25 A. Well, I say at the most. I mean, I just -- I</p>	<p style="text-align: right;">Page 17</p> <p>1 A. Yes. 2 Q. Do you have a copy of the affidavit with you? 3 A. I do. 4 Q. Did you sign that affidavit? 5 A. Yes. 6 Q. When did you sign it? 7 A. 21st of August. 8 Q. Was your first communication with anyone at 9 the FEC about this case the conversation that 10 we've talked about with Mr. Deeley? 11 A. I'm sorry. 12 Q. The conversation that we talked about with 13 Mr. Deeley -- 14 A. Yes. 15 Q. -- was that the first communication you've 16 had -- 17 A. Yes. 18 Q. Just so she has an easier job if you don't 19 mind letting me just finish the question. 20 A. Oh, I'm sorry. 21 Q. I may tend to ramble, I apologize for that. 22 To be clear, the first conversation 23 you had with Mr. Deeley was the one we've 24 talked about that was before August 1st; is 25 that correct?</p>

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1 A. Yes.
 2 Q. Did you have a subsequent conversation with
 3 him about your participation in the case?
 4 A. Yes.
 5 Q. And when was that subsequent conversation?
 6 A. I can't recall.
 7 Q. It was prior to your signing the affidavit on
 8 August 21st?
 9 A. Yes.
 10 Q. Would it have been in the middle of that time
 11 between August 1st and August 21st or closer
 12 to August 20th, say, the day before you signed
 13 it?
 14 A. I have no idea.
 15 Q. Was there just one additional conversation or
 16 did you have even more conversations?
 17 A. It could have been two or three.
 18 Q. And is Mr. Deeley the only person you've
 19 spoken with from the Federal Election
 20 Commission about your participation --
 21 A. I believe so.
 22 Q. Did -- let's talk about the first conversation
 23 you had with him prior to August 1st. Did you
 24 reach out to the Federal Election
 25 Commission --

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1 A. The truth.
 2 Q. You said you have your affidavit in front of
 3 you.
 4 A. Yes.
 5 Q. Would it -- would it be easier for you to tell
 6 me what your participation in this case would
 7 be if you looked at your affidavit and
 8 refreshed your recollection about it?
 9 MR. DEELEY: I'm going to object.
 10 The affidavit is an attorney work product of
 11 the Federal Election Commission.
 12 Q. Would it be easier?
 13 A. Sorry?
 14 Q. Would it be easier for you to specifically
 15 testify about your participation in the
 16 case --
 17 A. If this is classified --
 18 MR. DEELEY: The position of the
 19 Federal Election Commission is that the trial
 20 testimony is to be exchanged on October 4th,
 21 and we would object to any exchange before
 22 that time.
 23 A. Then I respect that position.
 24 Q. Well, let me ask you this question, which is
 25 the same question I've asked you: would it

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1 A. No.
 2 Q. So you were contacted by the Federal Election
 3 Commission?
 4 A. Yes.
 5 Q. Do you have any understand why you were
 6 contacted?
 7 A. I assume because I had been a large donor to
 8 the DNC in 1996.
 9 Q. And that's well-known.
 10 A. Unfortunately.
 11 Q. You said you assumed that. You didn't learn
 12 anything in that conversation as to why you
 13 were -- why you think you were contacted about
 14 your participation; is that correct?
 15 A. No.
 16 Q. It's not correct or you didn't learn anything?
 17 A. Well, I -- frankly, I was surprised that the
 18 FEC was a defendant, because I never thought
 19 of the FEC as really being that concerned
 20 about the flow of money into politics, with
 21 all due respect to its staff.
 22 Q. What do you understand your participation in
 23 this case to be?
 24 A. To be a witness for the defense.
 25 Q. And what do you expect to say?

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1 refresh your recollection to look at your
 2 affidavit in order to answer the questions
 3 about the specific nature of your involvement
 4 in this case?
 5 A. It's not necessary.
 6 Q. Pardon?
 7 A. It's not necessary.
 8 Q. Okay. What is the specific nature of your
 9 involvement in this case?
 10 A. I guess that will unfold. I'm not sure.
 11 MR. DEELEY: I'll just clarify my
 12 objection for the record. I don't object to
 13 the extent Mr. Hiatt recalls the subject of
 14 his testimony, sharing that with you. I do
 15 object to exchanges of the affidavit or
 16 reading the declaration in the record. But to
 17 the extent that Mr. Hiatt recalls the subject
 18 matter of his testimony, I don't object to you
 19 sharing that with counsel.
 20 THE WITNESS: Okay.
 21 Q. Now that the Federal Election Commission has
 22 made it clear that they do not object to your
 23 sharing the nature and subject matter of your
 24 testimony with me, would you please do so.
 25 MR. DEELEY: To the extent that you

<p style="text-align: right;">Page 22</p> <p>1 can recall I do not object. I do object to 2 any reading of the declaration or refreshing 3 of the recollection at this time. 4 A. I think the thrust of the -- of this 5 deposition had to do with my contribution, as 6 I alluded to earlier, and specifically, more 7 specifically invitations that I had received 8 from the White House to attend the functions, 9 and one function in particular that I 10 accepted. 11 Q. Any other subjects, sir? 12 A. Well, I focused on the invitation that had 13 been accepted. 14 Q. Correct me if I'm wrong, you said the thrust 15 of your participation would be to discuss the 16 single large donation that you've previously 17 testified you made. 18 A. Mm-hmm. 19 Q. And invitations from the White House to attend 20 functions. 21 A. Mm-hmm. 22 Q. And one invitation in particular that you 23 accepted; is that correct? 24 A. Right. 25 Q. Were there any other subjects on which you</p>	<p style="text-align: right;">Page 24</p> <p>1 understand that he may have given my name to 2 the FEC, I'm not sure. 3 Q. Were you aware that the RNC, and specifically 4 I deposited Mr. Buttenwieser yesterday? 5 A. No. 6 Q. Were you aware that Mr. Buttenwieser through 7 his counsel gave me his affidavit on Monday, 8 two days prior to his deposition? 9 A. No. 10 Q. Have you entered into any agreement with the 11 Federal Election Commission to keep your 12 declaration confidential? 13 A. No. 14 Q. Has the Federal Election Commission asked you 15 to keep it confidential? 16 A. No. 17 Q. Has the Federal Election Commission requested 18 that you keep it confidential? 19 A. No. 20 Q. Today has the Federal Election Commission 21 asked you to keep your declaration 22 confidential? 23 A. I did hear the representative of the FEC 24 express preference or inform this conversation 25 that this is confidential. I'm respecting</p>
<p style="text-align: right;">Page 23</p> <p>1 expect to provide testimony? 2 A. I don't recall. 3 Q. As to that question, would it refresh your 4 recollection to review your affidavit? 5 A. I think that's principally the thrust of this 6 deposition. 7 Q. And the -- the declaration is in front of you. 8 My question is a very simple one: would it 9 refresh your recollection to review the 10 affidavit or declaration that's in front of 11 you -- 12 A. Perhaps it would. 13 Q. Let me finish the question. -- to review the 14 declaration or affidavit that's in front of 15 you in order to determine whether its thrust 16 involves any other subjects? 17 A. I don't think it would, no. I'm sure that 18 I've given you the focus of the deposition. 19 Q. Have you -- let me ask you this: do you know a 20 man named Paul Buttenwieser? 21 A. Yes. 22 Q. Do you know that Paul Buttenwieser is also a 23 fact witness in this case? 24 A. I believe now that you mention it I heard that 25 he was, and now that you mention it I</p>	<p style="text-align: right;">Page 25</p> <p>1 what I've heard. 2 Q. Let me switch gears and ask you about the 3 conversation you mentioned with Mr. Bonifaz. 4 Have you had just one conversation with him 5 about -- 6 A. Yes. 7 Q. When was that? 8 A. Yesterday. 9 Q. And did you talk about the nature of your 10 testimony today? 11 A. No. 12 Q. Did you talk about your affidavit at all? 13 A. No. 14 Q. What did you talk about? 15 A. He wanted me to know that he was attending. 16 Q. And that -- 17 A. Until that time I wasn't -- I didn't know. 18 Q. And that was a very short conversation. 19 A. Very short. 20 Q. Did he mention that he would be asking you 21 questions? 22 A. No. 23 Q. Have you supplied your affidavit to anyone? 24 A. No. 25 Q. Your wife?</p>

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1 A. No. She expressed no interest, much to my
 2 chagrin.
 3 Q. Have you supplied it to the FEC?
 4 A. No -- well, yes.
 5 Q. The FEC wrote your affidavit, didn't they?
 6 A. They presented me with a draft at my request,
 7 and I then started -- that became a starting
 8 point, I then edited it.
 9 Q. So that the final affidavit was your words and
 10 not --
 11 A. Yes.
 12 Q. -- and not theirs.
 13 A. Correct.
 14 Q. In between the first conversation that you had
 15 with Mr. Deeley about your participation in
 16 this case and the day that you signed your
 17 affidavit did you do any research about the
 18 law that's at issue in this case?
 19 A. No, no.
 20 Q. Again, I'll have to ask you to let me finish.
 21 A. Okay.
 22 Q. Did you do any research into the law that's at
 23 issue in this case?
 24 A. No.
 25 Q. Did you do any research about the particular

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1 facts that you expected to testify about?
 2 A. No.
 3 Q. So your affidavit at the time was based solely
 4 on your memory of events as they were at the
 5 time.
 6 A. Exactly.
 7 Q. Have you done any research after the day that
 8 you signed your affidavit?
 9 A. No, I haven't.
 10 Q. We may return to your affidavit later. You
 11 should be aware and -- because the FEC is the
 12 only other counsel in the room now that
 13 Mr. Bonifaz has left, I'll say this -- subject
 14 to the FEC as the other lawyer in the room
 15 telling me that there's something different --
 16 and we are in a law firm, I should say, and
 17 Kitt Sawitsky has given me his card if you'd
 18 like to ask him as well. Here's what I want
 19 to say: in a deposition subject to a subpoena,
 20 as the person asking the questions I'm going
 21 to ask you a series of questions. It is your
 22 obligation to answer the questions unless you
 23 believe, hopefully with advice of counsel,
 24 that there is some attorney/client privilege
 25 that attaches to the answer or some other

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1 lawful privilege that attaches to the answer.
 2 You have an obligation to answer the question
 3 regardless of any privilege that the FEC
 4 thinks may attach to the answer on their
 5 behalf as long as you haven't been an employee
 6 of the FEC or otherwise would have the same
 7 privilege as the FEC. If you refuse to answer
 8 questions and there's no privilege that
 9 attaches, then that would be -- I hate to use
 10 the word -- but it's a contempt of court. The
 11 subpoena and the deposition notice have the
 12 effect of a court ordering you to sit for and
 13 answer questions in the deposition.
 14 I can tell you further that given
 15 the same objection yesterday by the FEC, on
 16 advice of counsel Mr. Battenwieser decided to
 17 answer the questions about his conversation
 18 with the FEC, his conversations with the FEC,
 19 and about subject matter of his testimony,
 20 every word in his affidavit and anything
 21 further that he thought might be useful in the
 22 case.
 23 A. Mm-hmm.
 24 Q. I'll return to the affidavit later. I've put
 25 that on the record. If the FEC has anything

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1 to add, I'd be happy to hear about.
 2 MR. DEELEY: I'll just note for the
 3 record we have an objection to any inquiries
 4 into the mental impressions of the attorneys
 5 of the Federal Election Commission. We will
 6 be objecting to anything that invades on our
 7 attorney work product or the court's
 8 scheduling order in this matter, which has a
 9 date of October 4th for the exchange of fact
 10 witness affidavits, and the Commission will
 11 intervene to whatever extent necessary to
 12 protect its attorney work product, and the
 13 Commission does not object to questions about
 14 our conversations with Mr. Hiatt. We would
 15 object to questions about what questions the
 16 Commission asked, statements we made about the
 17 case, those types of things we will be
 18 objecting to.
 19 Q. Given those objections, Mr. Hiatt, have you
 20 ever worked for the FEC?
 21 A. No.
 22 Q. Have you ever been an independent consultant
 23 for the FEC?
 24 A. No.
 25 Q. Are you taking money from the FEC for this

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1 case?
 2 A. No.
 3 Q. Is there any reason that you can think of why
 4 the answers to the questions I've put forth to
 5 you should not be answered based on a
 6 privilege that you personally would hold?
 7 A. No.
 8 Q. And so am I correct that the sole reason that
 9 you're refusing to the answer the questions
 10 that I'm asking you is because the FEC has
 11 requested that you not answer them?
 12 A. I don't recall refusing to answer a question.
 13 MR. DEELEY: Yeah, I'm going to
 14 object as to vagueness to what questions, if
 15 any, he refused.
 16 Q. We'll return to the affidavit.
 17 Now, are you aware of the nature of
 18 the lawsuit for which you've been subpoenaed?
 19 A. Vaguely, generally.
 20 Q. Do you know that this lawsuit involves
 21 constitutional challenges to the federal
 22 statute called the Bipartisan Campaign Reform
 23 Act of 2002?
 24 A. Not specifically, not those -- in those words,
 25 no.

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1 Q. Your understanding is that it relates to
 2 McCain-Feingold; is that correct?
 3 A. Yes, correct.
 4 Q. Are you aware that McCain-Feingold -- scratch
 5 that.
 6 When you say McCain-Feingold, are
 7 you talking about the statute that was
 8 recently passed by Congress and signed by the
 9 President?
 10 A. Yes.
 11 Q. Do you know of any difference between
 12 McCain-Feingold as introduced in the Senate
 13 and the law that I'll refer to as the
 14 Bipartisan Campaign Reform Act or BCRA as
 15 actually signed by the President?
 16 A. No.
 17 Q. And so if I refer to the law that I think
 18 we're both discussing as the BCRA, you would
 19 know what I'm talking about.
 20 A. Mm-hmm.
 21 Q. Are you familiar with the major provisions of
 22 the BCRA?
 23 A. I think so.
 24 Q. And would you summarize your understanding of
 25 those provisions?

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1 A. I understand there will be a ban on soft
 2 money.
 3 Q. Is there anything else, sir?
 4 A. After this election cycle.
 5 Q. Roughly November 6th.
 6 A. Mm-hmm.
 7 Q. Is there anything else you understand about
 8 that law?
 9 A. I understand the limit on contributions of
 10 hard money has been doubled from \$1,000 to
 11 \$2,000.
 12 Q. And is there anything else?
 13 A. No.
 14 Q. With respect to the ban on soft money, is it
 15 your understanding that the ban on soft money
 16 applies to national party committees and other
 17 political committees?
 18 A. Yes.
 19 Q. And do you have an understanding of whether
 20 soft money is banned for interest groups or
 21 other groups other than national party
 22 committees and political committees?
 23 MR. DEELEY: Objection, calls for a
 24 legal conclusion.
 25 A. I'm not aware of that.

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1 Q. And just to be clear, I'm merely asking you --
 2 asking you about your present understanding.
 3 A. Right, right.
 4 Q. Are you aware that there is a restriction on
 5 what I'll call issue ads in the BCRA?
 6 A. I assume that soft money had been directed
 7 toward issue ads, and, therefore, that issue
 8 ads would not -- would be adversely affected.
 9 Q. Just -- I just need to fully understand what
 10 your understanding of the law is. When you
 11 are talking about issue ads, are you talking
 12 about political committees and national party
 13 committees running ads?
 14 A. You know, I'm just not familiar enough to -- I
 15 just don't know the details.
 16 Q. And so you would -- you would not know the
 17 details of how interest groups are treated?
 18 A. No.
 19 Q. You don't really know the details of how
 20 national party committees are treated?
 21 A. No, but I'll make it my business to find out.
 22 Q. Do you happen to know how state party
 23 committees are treated?
 24 A. No.
 25 Q. Do you know how other political committees are

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1 treated under the new law?
 2 A. No. I'm not a very sophisticated witness.
 3 Q. But -- that's perfectly okay, I just need to
 4 understand what your current knowledge is of
 5 the law.
 6 Are you familiar with the term
 7 "federal money" or "hard money"?
 8 A. Yes.
 9 Q. And "soft money" or "non-federal money"?
 10 A. Yes.
 11 Q. What is your understanding of the term -- I'll
 12 use them interchangeably -- hard money or
 13 federal money?
 14 A. Hard money is -- refers to money subject to
 15 regulation, subject -- had been subject to the
 16 limit of \$1,000.
 17 Q. Regulation by federal law.
 18 A. By federal law.
 19 Q. And what is your understanding of the term
 20 "soft money" or "non-federal money"?
 21 A. Money that didn't appear to have any
 22 restriction as to the amount.
 23 Q. Under -- again, under federal law?
 24 A. Under federal law.
 25 Q. All right. Are you aware of any restrictions

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1 A. I don't know.
 2 Q. Are you aware of whether the national party
 3 committees use soft money for purposes that
 4 may have nothing to do with the election or
 5 defeat of a federal candidate?
 6 A. I'm not aware of that.
 7 Q. Are you aware of whether the national party
 8 committees use soft money for issue ads that
 9 appear to support a state or local candidate?
 10 A. Yes.
 11 Q. And so going back to the previous question, if
 12 you're aware of the fact that the national
 13 party committees sometimes use soft money for
 14 issue ads that appear to support state and
 15 local candidates, would you be aware the
 16 national party committees sometimes use soft
 17 money in ways that don't effect a federal
 18 election?
 19 A. I don't have an awareness of that, no.
 20 Q. Are you aware of any transfers -- and I'm not
 21 talking about specific transfers, but general
 22 transfers -- by national parties to state
 23 parties?
 24 A. I've heard that, yes.
 25 Q. And are you aware that at least some of those

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1 under state law for that kind of donation?
 2 A. No.
 3 Q. If I use the term "contribution" to refer to
 4 the giving of hard money, and the term
 5 "donation" to refer to the giving of soft
 6 money --
 7 A. Donation?
 8 Q. Yes, sir. -- would you understand what I was
 9 referring to?
 10 A. Now that you've told me.
 11 Q. I just want to make sure you won't be confused
 12 by my terminology.
 13 A. If you want to continue to use hard money and
 14 soft money, I certainly won't be confused.
 15 Q. Okay. Are you aware that non-federal or soft
 16 money currently is used for a variety of
 17 purposes by political parties?
 18 A. Yes.
 19 Q. And you've mentioned issue ads, is that --
 20 A. Right.
 21 Q. That's something you think political parties
 22 use soft money for.
 23 A. That's my impression.
 24 Q. Do you think they use soft money for any other
 25 purpose?

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1 transfers to state parties are used by the
 2 state parties in generalized get-out-the-vote
 3 efforts or party-building activities?
 4 A. That's what I've heard.
 5 Q. And you would agree, would you not, that that
 6 kind of activity would not have anything to do
 7 with the election or defeat of a federal
 8 candidate.
 9 A. If that's, in fact, all they do with soft
 10 money.
 11 Q. But as you're sitting here, you really don't
 12 know one way or the other.
 13 A. Well, my suspicion is that -- that one way or
 14 another some of the soft money, maybe all of
 15 the soft money is used for political purposes
 16 to support a candidate.
 17 Q. When you say, a candidate, do you drive a
 18 distinction between federal candidates or
 19 state and local candidates?
 20 A. No.
 21 Q. So you would agree with me that some soft
 22 money could be used by a national party
 23 committee solely to -- solely in relation to a
 24 state or local election?
 25 A. Repeat the question.

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1 Q. Would you agree with me that some soft money
 2 is used by national party committees solely in
 3 relation to a state or a local election?
 4 A. Some soft money?
 5 Q. Yes.
 6 A. Yes.
 7 Q. Now, we've talked a little bit about the BCRA,
 8 you've talked a little bit about your
 9 understanding of that statute. Based on your
 10 understanding of the statute as you currently
 11 sit here do you support the BCRA?
 12 A. Yes and no.
 13 Q. Well, let's take the yes first. What portion
 14 do you support?
 15 A. The ban on what you call euphemistically
 16 donations.
 17 Q. And what part do you not support?
 18 A. The doubling of the limits on hard money.
 19 Q. Are there any other provisions that you can
 20 think of --
 21 A. Not aware of.
 22 Q. Let me refer to what's been previously marked
 23 as Exhibit 2, and I'm providing copies to
 24 present counsel. Just for the record, this is
 25 a four-page website printout of what appears

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1 this?
 2 A. I believe so.
 3 Q. And --
 4 A. I can't remember where. I've written several
 5 op-ed pieces and so forth.
 6 Q. And having read it here today do you agree
 7 with -- with the quote?
 8 A. Every blessed word.
 9 Q. And does this fairly well summarize why you
 10 support the ban on donations in BCRA?
 11 A. I would say so.
 12 Q. Is there any other reason outside of what's
 13 quoted here why you support the ban on
 14 donations?
 15 A. It's reason enough for me.
 16 Q. So is there any other reason?
 17 A. No.
 18 Q. This is the sole reason.
 19 A. Yes.
 20 Q. And what does this quote mean to you?
 21 A. What it means to you.
 22 Q. Well, you have no idea what it means to me,
 23 sir. I'm asking what it means to you.
 24 A. Well, I think it's self-evident. Do you want
 25 me to read it aloud, do you want to enter it

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1 to be a November 8, 2000 speech to members of
 2 Business For Social Responsibility by a Doris
 3 Haddock, H-a-d-d-o-c-k.
 4 Mr. Hiatt, do you agree that's at
 5 least what it appears to be?
 6 A. Yes.
 7 Q. Turning to page four of this four-page
 8 exhibit, do you see in the second complete
 9 paragraph what appears to be a quote of you?
 10 I'm not asking to you adopt the quote, I just
 11 need to make sure you're looking at the same
 12 paragraph.
 13 A. Yes.
 14 Q. If you would read that for a moment, sir.
 15 A. Mm-hmm.
 16 Q. And the continuing paragraph where it says,
 17 "he continues," if you would read that as
 18 well.
 19 A. Mm-hmm, yes.
 20 Q. Are you familiar with this quote?
 21 A. I think it's a lovely quote. I'm pleased.
 22 Q. Is this, in fact, a quote of --
 23 A. I'm sure you're impressed, too --
 24 Q. Referring to Mr. Bonifaz.
 25 Did you actually say this or write

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1 into --
 2 Q. Well, you're presently testifying that this
 3 quote, that what's said in this quote is why
 4 you support the ban on donations and the BCRA.
 5 A. Yes.
 6 Q. And my question to you is to tell me what this
 7 quote means.
 8 A. Well, this was, as you know, written by a
 9 businessman, and the thrust of this quote is
 10 that soft money does not serve the country
 11 well, it does not serve business interests
 12 ultimately.
 13 (Discussion off the record.)
 14 Are you making good progress there?
 15 Q. Unfortunately, no, sir.
 16 A. Well, tell me how we can speed it, seriously,
 17 because I don't plan to spend the day here.
 18 Q. I can tell you this --
 19 A. You can or cannot?
 20 Q. I can, and I will. The main purpose of my
 21 examination today, and I've got several sheets
 22 full of questions to ask, the main purpose of
 23 my examination today is to ask you about your
 24 position as it relates to this case, position
 25 as it relates in this case is reflected in the

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1 document you have in front of you --
 2 A. Yes.
 3 Q. -- that you've declined so far to answer very
 4 specific questions about.
 5 A. I'm not aware of declining --
 6 Q. I'm not aware --
 7 A. I don't remember me saying I can't answer a
 8 specific question, so you have to refresh my
 9 memory.
 10 Q. Okay. Then let's turn back to the affidavit,
 11 if we could. Just to point you in the right
 12 direction, I believe earlier you testified
 13 that there were three subjects that you expect
 14 to testify about in relation to this case.
 15 The first is that you made a large donation.
 16 A. Mm-hmm.
 17 Q. The second is that you received invitations
 18 from the White House to attend functions.
 19 A. Right.
 20 Q. And the third is that you accepted one
 21 invitation; is that accurate?
 22 A. I accepted one specific invitation which
 23 provide me with a forum. I've attended
 24 several social events in the White House,
 25 which didn't have any meaning for me. But the

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1 answered.
 2 THE WITNESS: This is where I need
 3 some legal counsel.
 4 Q. This whole question here is just whether it
 5 would refresh your recollection to review it?
 6 A. I don't believe so.
 7 Q. I see, in fact, you are reviewing it as we're
 8 sitting here.
 9 MR. DEELEY: We object to counsel's
 10 -- hasn't actually requested that you review
 11 the declaration. We object that to that
 12 request.
 13 Q. Did you, in fact, review at least a portion of
 14 it?
 15 A. I saw my name.
 16 Q. And then flipped the page -- to the second
 17 page.
 18 A. Yeah.
 19 Q. Did you look at anything on the second page?
 20 A. I was listening to the objection so I didn't
 21 really focus on it.
 22 Q. Why did you --
 23 A. Why don't you relax for a minute, okay? I'm
 24 not withholding any information from you. I
 25 think what you're doing is you're making a

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1 event that I think you're interested in is the
 2 one that I refer to in my deposition, in my
 3 affidavit.
 4 Q. Just so the record is clear, Kitt Sawitsky has
 5 entered the room. Does Mr. Sawitsky represent
 6 you in this matter?
 7 A. I -- if he wants to be may.
 8 MR. SAWITSKY: I think the answer
 9 is no. Not at this time.
 10 THE WITNESS: I think if he sees
 11 that this is going to be very prolonged,
 12 however, I'm going to retain him. So you have
 13 a choice.
 14 Q. Fair point.
 15 Are there any other subjects that
 16 you discuss in your declaration or affidavit
 17 that you have in front of you that you haven't
 18 listed for me here today?
 19 MR. DEELEY: Objection, asked and
 20 answered.
 21 A. I'm not aware of it, no.
 22 Q. And would it refresh your recollection if you
 23 were to open the folder in front of you and
 24 review your affidavit?
 25 MR. DEELEY: Objection, asked and

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1 large assumption that there's material in here
 2 that isn't in here, with all due respect to
 3 you, Kevin, okay?
 4 Q. We could cut very quickly to the end of this.
 5 A. Let's do that, I would appreciate it.
 6 Q. Could I see your affidavit and ask you
 7 questions about it?
 8 MR. DEELEY: Same objection as
 9 before.
 10 A. Since I'm a witness for the FEC and the FEC
 11 has an objection, I must respect the
 12 objection. But I have a good memory.
 13 Q. Do you understand the objection?
 14 A. No, I don't.
 15 Q. But you're -- do you understand it as a
 16 request --
 17 A. If I were a witness for the prosecution, I
 18 suppose I would respect your wishes; but don't
 19 let your imagination run away with you, okay?
 20 Q. I'm just -- I don't want to take up anymore of
 21 your time.
 22 A. And I don't want to take up anymore of your
 23 time away from your 18-month-old son.
 24 Q. Yes, sir. The most efficient way of doing
 25 this would be for me to see your declaration,

<p style="text-align: right;">Page 46</p> <p>1 ask you questions about it. 2 A. You'll be very disappointed in it, because it 3 won't reveal what you -- what you think is -- 4 information that's being withheld. 5 Q. Do you have a view as to how your affidavit 6 will be used in this case? 7 MR. DEELEY: Objection. The 8 witness has discoverable information, I have 9 no problem with him answering. I would object 10 to the witness explaining how his declaration 11 is going to be used by the Federal Election 12 Commission in this case. 13 MR. SMITH: Your objection is 14 noted. I'm not going to have any speaking 15 objections. If you want to make an objection, 16 just make it. I'm just going to ask him 17 questions and he can answer them as he's 18 obligated to do. If he decides not to answer 19 a question, we can deal with that, but I'm not 20 going to have you coach him. It's bad enough 21 not to hand me the affidavit or to let ask me 22 more questions about it or even answer 23 questions of what's in the affidavit. When 24 you have objections, just note it and move on. 25 Q. So there was a question pending, sir.</p>	<p style="text-align: right;">Page 48</p> <p>1 that time? 2 A. Mm-hmm, yes. 3 Q. And what is that reason? 4 A. I would have to look at my calendar. 5 Q. Do you expect to be out of town during that 6 period? 7 A. Out of this town? 8 Q. Yes, sir. 9 A. Yes. 10 Q. For the entire period? 11 A. No. 12 Q. As you sit here -- and I'm not going to ask 13 you to look at anything -- as you sit here do 14 you know roughly when you would be available? 15 A. I don't at the moment, no. 16 Q. When did you first become active in making 17 significant political contributions or 18 donations? 19 A. What's the definition of significant? 20 Q. What would you view as a significant political 21 contribution or donation, in what amount? 22 A. I just asked you the question. You used the 23 word "significant," I don't know what you 24 mean. 25 Q. If someone asked you that, what would you take</p>
<p style="text-align: right;">Page 47</p> <p>1 A. Repeat the question. 2 MR. SMITH: Do you have it 3 available? 4 (Record read.) 5 A. I suppose my affidavit will be used to support 6 the defense, the FEC. 7 Q. What issues do you -- do you have a view as to 8 what issues your affidavit could be used to 9 support? 10 A. No. 11 Q. Did you attempt to tailor your affidavit in 12 any way to address any issues -- 13 A. No. 14 Q. Now, has anyone told you that there's a 15 cross-examination period in this case? 16 A. Not specifically. 17 Q. So are you aware that if someone in this case 18 submits an affidavit as an affirmative witness 19 statement from you, then you would be required 20 to appear in a cross-examination period? 21 A. I was told that. 22 Q. And that cross-examination period, I believe, 23 is from August 4 -- I'm sorry, October 4th 24 through October 25th. Do you currently know 25 of any reason why you couldn't appear during</p>	<p style="text-align: right;">Page 49</p> <p>1 it to mean? 2 A. Thirty years ago significant would mean 3 \$10,000 or \$20,000. Today the decimal point 4 is moved over, so significant means \$100,000 5 -- \$50,000 or \$100,000 or \$200,000. 6 Q. Has there ever been a time, sir, when you have 7 made what you would consider a significant 8 political contribution or donation -- 9 A. Once. 10 Q. -- at the time. 11 A. Once. 12 Q. You said once. 13 A. Oh, I'm sorry. Significant, I thought you 14 meant in terms of today, that's what I meant 15 by once, the contribution I made in 1996. I 16 did make contributions in 1968, 19 -- in most 17 presidential and senatorial campaigns. 18 Q. And those at the time you considered to be 19 significant. 20 A. If a thousand dollars then or \$10,000 then was 21 considered significant, yes. 22 Q. Did you make \$10,000 contributions or 23 donations at the time? 24 A. I think one or two, yes. 25 Q. Do you know who you made those contributions</p>

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1 or donation as to?

2 A. No -- well, I remember making my first

3 contributions to Senator Eugene McCarthy, but

4 I don't remember how much.

5 Q. Would this have been of the \$10,000 variety or

6 more along the lines of a thousand dollars?

7 A. Collectively it could have been \$10,000 or

8 more.

9 Q. And would that have been say prior to 1972?

10 A. Yes.

11 Q. And do you recall any others from the --

12 A. Senator McGovern when he was the democratic

13 candidate for president.

14 Q. And would that have also have been in the

15 \$10,000 variety?

16 A. Possibly, yes.

17 Q. Any others that you can think of?

18 A. Subsequently, no.

19 Q. In 1992 do you recall making a \$10,000

20 contribution or donation to the Democratic

21 National Committee?

22 A. I don't believe so, no.

23 Q. And in 1996, October of '96 did you make the

24 large contribution that you've --

25 A. Yes.

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1 Q. And how much was that contribution?

2 A. I believe it was \$500,000.

3 Q. And to whom did you make that contribution?

4 A. I think it was to the Democratic National

5 Committee.

6 Q. Is that the only contribution or donation that

7 you discuss in your affidavit?

8 A. Yes.

9 Q. And you're certain of that?

10 A. Yes. Well, I may have mentioned smaller

11 contributions, earlier, prior to '96, that are

12 what I consider insignificant contributions.

13 Q. You didn't mention the \$10,000 contribution in

14 '92, if that took place?

15 A. No, I didn't, because I don't think I did.

16 Collectively I've made, you know, various

17 senatorial candidacies, congressional races,

18 but never to exceed \$1,000.

19 Q. When you say you may have mentioned some of

20 these prior smaller contributions, do you know

21 for a fact --

22 A. In the same context that I'm mentioning it to

23 you right now.

24 Q. You say okay, is that intentional because you

25 don't know whether you did that --

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1 A. There's a reference to that, yes.

2 Q. I'll ask you the same question you previously

3 answered no to. Would it refresh your

4 recollection on that point if you were to

5 review your declaration or affidavit?

6 A. Yes.

7 Q. And to be sure when you looked at it before

8 you did not review it in order to know the

9 answer to that question?

10 A. No.

11 Q. Now, when do you believe you first started

12 getting unusual access in return for

13 contributions or donations?

14 MR. DEELEY: Objection, lack of

15 foundation.

16 A. Well, I think I've always had access just by

17 virtue of serving on finance committees in the

18 past of various candidates.

19 Q. You served on -- to be clear, you served on

20 finance committees for candidates?

21 A. Yes. In senatorial races, presidential races.

22 Q. And you had access to the candidates based on

23 that involvement?

24 A. Well, based on that and the contribution

25 within the limits of the law.

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1 Q. Is it your belief that you were given access

2 to candidates based on your contributions

3 within the limits of the law?

4 A. Somehow my name was recognized when I called

5 the switchboard.

6 Q. But is that your belief?

7 A. Yes.

8 Q. And to be clear, when we talk about

9 contributions within the limits of the law,

10 are we talking about hard money contributions?

11 A. Hard money, yes.

12 Q. And would that be true in the -- I take it it

13 is true in the instance where you maxed out or

14 gave the maximum donation -- sorry, maximum

15 contribution that you can give under the law,

16 is it also true where you gave something less

17 than the maximum contribution under the law?

18 A. Well, I never put it to the test. If I gave

19 \$100 or \$500 or even \$1,000 to some

20 candidates, I never bothered to -- to see if I

21 had access or not. I mean, I've given fairly

22 extensively, extensively in terms of numbers

23 and candidates, mostly senatorial candidates.

24 Q. Is it your testimony -- maybe I'm getting

25 confused. Is it your testimony that the

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1 contributions that you gave within the limits
 2 of the law afforded you access to the
 3 candidates?
 4 A. Yes.
 5 Q. And was this true regardless of whether you
 6 gave the full amount available under the law
 7 or some lesser amount?
 8 A. I don't know.
 9 Q. Did you have access to candidates in the same
 10 way regardless of whether you gave the full
 11 amount or lesser amounts?
 12 A. If I gave a lesser amount, it was a candidate
 13 at a distance that I didn't know or a -- may
 14 not have been as high a priority and I never
 15 bothered to find out.
 16 Q. So as you sit here you really don't know.
 17 A. Right.
 18 Q. Has anyone ever told you why you have access
 19 to the candidates that you believe you have
 20 access to?
 21 A. Has anyone ever told me?
 22 Q. Yes, sir.
 23 A. Why I could have access?
 24 Q. Why you do, if you do.
 25 A. That seems to be the conventional wisdom. Or

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1 Q. For any reason?
 2 A. No.
 3 Q. And what is that access that you're talking
 4 about that most people think of?
 5 A. Government contracts, intervention of some
 6 kind that would enhance my own interests and
 7 the interests of a business that I was
 8 running.
 9 Q. Could that be described as actual influence
 10 rather than access?
 11 A. I suppose it could be, sure.
 12 Q. And so you're driving a distinction between
 13 being able to get someone on the phone as
 14 access and actually being able to influence
 15 their policy or their thinking on a particular
 16 topic.
 17 A. Well, since I've never put anyone to the test
 18 in terms of influence, I can only make an
 19 assumption.
 20 Q. And what is that assumption?
 21 A. Assumption is that if I chose based on what
 22 I've seen other donors of lesser amounts of
 23 money -- based on my observation of what
 24 happened in those instances, I would say that
 25 money is equated with influence, a significant

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1 maybe I should say the discovery process in
 2 how candidates would call me, and if I were
 3 responsive and I chose to call them back, I
 4 could do so.
 5 Q. And was this both prior to and after your
 6 contribution of October '96?
 7 A. Yes.
 8 Q. And I mean the donation of \$500,000.
 9 A. Yes.
 10 Q. So it would be wrong to say that your access
 11 with respect to these particular senators or
 12 congressmen was improved or lessened based on
 13 the soft money donation of \$500,000?
 14 A. I'm not sure I understand the question.
 15 Q. Okay. You're testifying, are you not, that
 16 you had access based on the working definition
 17 of access that we're using to candidates
 18 because you made a contribution to them within
 19 the limits of the law.
 20 A. If access means a phone call, generally that's
 21 the nature of the kind of access I wanted; the
 22 kind of access most people think of I never
 23 sought.
 24 Q. Never at any time?
 25 A. No.

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1 amount of money.
 2 Q. Now, you say you've never actually had that
 3 influence.
 4 A. I've never sought that influence.
 5 Q. Have you ever implied that you -- implied that
 6 you wanted that kind of influence?
 7 A. No.
 8 Q. Have you ever implied that you wanted that
 9 kind of influence with President Clinton?
 10 A. I wanted a different kind of influence with
 11 President Clinton. Will you allow for
 12 distinction?
 13 Q. Please.
 14 A. Okay. I wanted President Clinton to take a
 15 leadership position in campaign finance
 16 reform, and that was the purpose of my visit.
 17 Q. And so how does this differ from the kind of
 18 influence we've been talking about?
 19 A. Well, I consider one a kind of influence to be
 20 self-serving and the other kind of interest to
 21 be non-self-serving.
 22 Q. Would you describe one kind of influence as
 23 corrupt and the other kind as not corrupt?
 24 A. I'm not prepared to use words like that.
 25 Q. What's -- what's the meaningful distinction

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1 between the self-serving kind of influence you
 2 describe and the other kind of influence?
 3 A. The other kind of influence had to do with the
 4 President taking a position on a subject that
 5 I thought would serve the interests of this
 6 country and the democratic process.
 7 Q. And at the time you had given the \$500,000
 8 soft money donation to the Democratic National
 9 Committee; is that correct?
 10 A. Correct.
 11 Q. And based on that donation did you believe you
 12 had influence with the president?
 13 A. I came to that conclusion based on the
 14 invitations that I received to the White
 15 House, most I which of declined.
 16 Q. When you say most, you only accepted one
 17 invitation?
 18 A. One invitation that had any significance, and
 19 that was an invitation that -- you're going to
 20 learn about this anyway, and I just assume
 21 share it with you in the interest of moving on
 22 with your agenda, are you prepared to do that?
 23 Q. Yes, sir.
 24 A. All right. Do you want to tell me how much
 25 more time you need?

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1 Q. Why don't you answer the question and then
 2 we'll --
 3 A. Okay. How come you get to ask all the
 4 questions?
 5 Q. See, you're asking some questions, this is a
 6 give and take.
 7 A. I believe in equity.
 8 Q. John will get to ask you some questions, that
 9 will be good equity, I think.
 10 A. Okay. I had been invited to a dinner by the
 11 President or on behalf of the President. I
 12 declined to come, this was after the '96
 13 election. I declined to come because I had no
 14 interest in coming. I was told that the
 15 President was inviting his very close friends
 16 to hear from them directly as to ways of
 17 improving his leadership and the direction
 18 that the country was going in. His very best
 19 friends turned out to be, as they're
 20 designated, "fat cats," and that did not
 21 interest me. I then was urged to come and
 22 assured that I would have a chance to speak at
 23 the dinner, which was attended by the
 24 President, the Vice President, several
 25 congressmen, I believe one senator, plus the

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1 close friends, otherwise known as "fat cats."
 2 And based on the opportunity to speak and to
 3 try to influence the President, I chose to go
 4 to Washington.
 5 Q. Did you want to continue with the story?
 6 A. And I had an opportunity to speak.
 7 Q. How long did you speak?
 8 A. Now, Kitt Sawitsky didn't get an invitation to
 9 that dinner, and he didn't have an opportunity
 10 to speak, so I assume that my contribution
 11 must have been relevant to the invitation.
 12 Q. Did you know all the people who were there?
 13 A. I knew some.
 14 Q. Was there a solicitation for contributions or
 15 donations?
 16 A. Oh, no, no, no, that was not the purpose of
 17 the meeting, no. Not at the moment.
 18 Q. Who was there?
 19 A. Who was there?
 20 Q. Who were these fat cats?
 21 A. Oh, a man by the name of Bernard Schwartz, who
 22 I think may have made the largest contribution
 23 that year. He's president of the Dorel
 24 company -- no, Loral, I believe. Steve
 25 Grossman was there.

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1 Q. Can you spell his last name, please?
 2 A. G-r-o-s-s-m-a-m.
 3 Q. Was Peter Buttenwieser there?
 4 A. Peter Buttenwieser was there.
 5 Q. Anyone else that you can think of?
 6 A. No. Those are folks that I don't associate
 7 with, I mean, I just don't know them.
 8 Q. Do you know what Steve Grossman does?
 9 A. Steve was then, I think, chairman of the DNC
 10 or treasurer, I'm not sure.
 11 Q. So he wasn't there because he was a
 12 contributor or donor.
 13 A. No. Well, I suppose he may have been a
 14 contributor, too, but I don't think that's why
 15 he was there.
 16 Q. Mr. Schwartz at Loral, do you know why he was
 17 there?
 18 A. He was president of his company.
 19 Q. Fairly sizable company.
 20 A. Fairly large company.
 21 Q. There's no one else that you can think of that
 22 was there that you haven't mentioned?
 23 A. No.
 24 Q. Let me ask you about your position at Stride
 25 Rite. Stride Rite's a manufacturer of shoes;

<p style="text-align: right;">Page 62</p> <p>1 is that correct? 2 A. Importer and retailer, yes. 3 Q. And, in fact, it's one of the premiere 4 companies in that market; is that correct? 5 A. Yes. 6 Q. And during your -- how long were you with 7 Stride Rite? 8 A. Twenty-four years. 9 Q. And do you know when that began and when it 10 ended? 11 A. 1968 to 1992. 12 Q. During your tenure the company expanded in 13 market value quite considerably? 14 A. Yes. 15 Q. One report said it expanded in market value 16 from \$36 million to \$1.5 billion during your 17 tenure, would that be roughly accurate? 18 A. In market value. 19 Q. And that company is very well-known; is that 20 correct? 21 A. Yes. 22 Q. And at least during your tenure very well 23 respected; is that correct? 24 A. Yes. 25 Q. It's a socially-conscious company.</p>	<p style="text-align: right;">Page 64</p> <p>1 company to join Stride Rite's efforts to 2 provide a good workplace, as you described? 3 A. Yes. 4 Q. And to adopt some of these policies that 5 Stride Rite uses? 6 A. Right. 7 Q. Did you ask any office holder to assist in 8 that kind of effort? 9 A. Public office holder? 10 Q. Yes, sir. 11 A. No. 12 Q. Not -- 13 A. I've testified. I been invited to testify 14 before the Senate subcommittee -- I'm not sure 15 I know the exact -- on labor and -- this was 16 in behalf of developing a national policy on 17 child care. 18 Q. And roughly when was that, was that -- 19 A. Oh, on several occasions, but I think during 20 the '80s. 21 Q. Several times during the '80s you testified on 22 this issue? 23 A. Yes. 24 Q. To the Senate committee. 25 A. Yes.</p>
<p style="text-align: right;">Page 63</p> <p>1 A. Yes. 2 Q. In fact, it was the first one to have onsite 3 corporate day care; it has care for community 4 children and seniors; offered a smoke free 5 workplace before that was being done; had an 6 onsite fitness center; good family leave plan; 7 paid time off for community tutoring; all of 8 these things, correct? 9 A. Correct. 10 Q. These were considered quite progressive in the 11 area; is that correct? 12 A. Good business. 13 Q. Excellent. And none of this is any secret, 14 right, all of these are well-known, right? 15 A. I knew you were with a good law firm, I just 16 assumed you were very smart and well-informed. 17 Q. Have you spoken publicly about these -- 18 these -- 19 A. I've been asked to speak, yes. 20 Q. In fact, you have spoken. 21 A. Sorry? 22 Q. In fact, you have spoken in public about those 23 things. 24 A. Mm-hmm. 25 Q. Have you ever attempted to convince any other</p>	<p style="text-align: right;">Page 65</p> <p>1 Q. In your view were you asked to testify because 2 you had given contributions or donations? 3 A. I think at that time I was asked to testify 4 because of the practices that had been 5 established at Stride Rite that you've just 6 enumerated. 7 Q. So the answer to that question is no. 8 A. Right. 9 Q. The Stride Rite Foundation, could you describe 10 that for me? 11 A. That's a foundation that was set up to support 12 a lot of these programs that you've described, 13 and it was funded by a percentage of pre-tax 14 earnings during my tenure. 15 Q. Funded by whom? 16 A. By the company. 17 Q. By its employees? 18 A. No. 19 Q. By the company itself. 20 A. It was a percentage of pre-tax earnings, 21 corporate earnings. 22 Q. And it's a separate -- 23 A. It's a separate entity, exactly. 24 Q. But although it is separate it is the 25 community service arm of -- I want to say arm</p>

<p style="text-align: right;">Page 66</p> <p>1 of the company, but --</p> <p>2 A. It supported all of these program, yes.</p> <p>3 Q. And had you been invited to speak in planning</p> <p>4 efforts and lobbying efforts on behalf of</p> <p>5 Stride Rite Foundation itself?</p> <p>6 A. No. Lobbying?</p> <p>7 Q. Let me take lobbying out of it. Have you been</p> <p>8 invited to speak on these kind of issues we're</p> <p>9 talking about.</p> <p>10 A. Yes, by other executives.</p> <p>11 Q. Post 1992, so you were no longer head of, CEO,</p> <p>12 or chairman of Stride Rite.</p> <p>13 A. Right.</p> <p>14 Q. Have you had the opportunity to testify to any</p> <p>15 office holders or have you had the opportunity</p> <p>16 to discuss these issues with office holders in</p> <p>17 your position with Stride Rite Foundation?</p> <p>18 A. I was asked to speak at an economic summit</p> <p>19 that took place in Little Rock, Arkansas in</p> <p>20 November, I believe, or December.</p> <p>21 Q. Of 2001?</p> <p>22 A. '92.</p> <p>23 Q. '92.</p> <p>24 A. Prior to Clinton assuming the presidency.</p> <p>25 Q. And that was on behalf of Stride Rite</p>	<p style="text-align: right;">Page 68</p> <p>1 past year.</p> <p>2 Q. Cabot is spelled C-a-b-o-t; is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. And Dreyfus, D-r-e-y-f-u-s; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Starting with the Dreyfus Corporation, what</p> <p>7 does that corporation do?</p> <p>8 A. It's a mutual fund company.</p> <p>9 Q. And the Cabot Corporation?</p> <p>10 A. It's a company based here in Boston that</p> <p>11 produces carbon black and other chemical</p> <p>12 derivatives.</p> <p>13 Q. And on behalf of either of those corporations</p> <p>14 have you ever been asked to speak on any</p> <p>15 issues?</p> <p>16 A. No.</p> <p>17 Q. Are you aware whether Stride Rite Corporation</p> <p>18 has ever made any soft money donations?</p> <p>19 A. No, never.</p> <p>20 Q. Not aware or they have not?</p> <p>21 A. To my knowledge they haven't.</p> <p>22 Q. And would you be aware of it if it happened</p> <p>23 during your tenure?</p> <p>24 A. Yes. You mean the company itself as opposed</p> <p>25 to the employees.</p>
<p style="text-align: right;">Page 67</p> <p>1 Foundation?</p> <p>2 A. No, on behalf of -- I don't think it was on</p> <p>3 behalf of anything. I think Clinton was</p> <p>4 trying to get a view of where business was and</p> <p>5 trying to collect a lot of different points of</p> <p>6 view.</p> <p>7 Q. And you were naturally somebody</p> <p>8 well-positioned to offer that kind of view.</p> <p>9 A. I believe so.</p> <p>10 Q. And had you donated or contributed to</p> <p>11 President Clinton's campaign at that point?</p> <p>12 A. If I did it was minimally, perhaps it was a</p> <p>13 thousand dollars.</p> <p>14 Q. But you would agree with me you were not</p> <p>15 invited to speak at that event based on --</p> <p>16 A. I was invited because I was a very</p> <p>17 distinguished, enlightened, and progressive</p> <p>18 businessman. Just for the record.</p> <p>19 Q. You would agree with me it didn't have</p> <p>20 anything to do with your contributions or</p> <p>21 donations, correct?</p> <p>22 A. No, correct.</p> <p>23 Q. You presently serve on the board of directors</p> <p>24 of Dreyfus Corporation and Cabot Corporation.</p> <p>25 A. I stepped down from the Cabot Corporation this</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. Yes, sir.</p> <p>2 A. Yes.</p> <p>3 Q. And are you aware of whether Dreyfus</p> <p>4 Corporation or the Cabot Corporation has made</p> <p>5 any soft money donations?</p> <p>6 A. I'm not aware of that.</p> <p>7 Q. Does Stride Rite Corporation -- during your</p> <p>8 tenure did Stride Rite Corporation have a PAC?</p> <p>9 A. No.</p> <p>10 Q. Has the Stride Rite Foundation made any soft</p> <p>11 money donations during your tenure?</p> <p>12 A. I don't think it's allowed to, and the answer</p> <p>13 is no.</p> <p>14 Q. No hard money contributions either, correct?</p> <p>15 A. No.</p> <p>16 Q. You regularly donate to charities, correct?</p> <p>17 A. Yes.</p> <p>18 Q. You're pretty well-known for that?</p> <p>19 A. Yes.</p> <p>20 Q. Were you invited to speak to the U.N. Human</p> <p>21 Rights Commission in April of '98 or</p> <p>22 thereabouts?</p> <p>23 A. Yes.</p> <p>24 Q. And that would not have had anything to do</p> <p>25 with contributions or donations, would it?</p>

<p style="text-align: right;">Page 70</p> <p>1 A. No. 2 Q. Have you published letters to the editor in 3 newspapers, including the Boston Globe? 4 A. I've written op-ed pieces, I don't recall 5 doing letters. 6 Q. The op-ed pieces that you mentioned, have some 7 of those been published? 8 A. Yes. 9 Q. And is there any reason for you to suspect 10 that those were published because of your 11 donation and contribution history? 12 A. No. 13 Q. In fact, they were published because of who 14 you are as a person -- 15 A. Published because of a point of view that 16 could have been different from -- but I don't 17 know. 18 Q. Was it typical when op-ed pieces were 19 published for a line to be inserted at the end 20 to describe who you were? 21 A. Yes. 22 Q. And would it refer to your position at Stride 23 Rite, former position as CEO? 24 A. At times, or it could relate to my position as 25 chairman of a business with social</p>	<p style="text-align: right;">Page 72</p> <p>1 A. No. 2 Q. The DCCC? 3 A. No. 4 Q. Any joint fund-raising committee? 5 A. Oh, I've served on finance committees, as I 6 told you earlier. 7 Q. Those were for candidates, for a single 8 candidate? 9 A. In a couple of senatorial races, in a couple 10 of the presidential campaigns. 11 Q. Have you ever held any position with any 12 interest groups? 13 A. No. 14 Q. Which office or which candidates have you held 15 positions with? 16 A. I was the national treasure of the McCarthy 17 For President campaign. I was on the national 18 finance committee of Senator McGovern. I was 19 on the finance committee of Senator Kennedy's 20 presidential campaign, or aspiring campaign or 21 expiring campaign. 22 Q. Were there any others that you can recall? 23 A. I've served on the finance committee of Jim 24 Shannon, who was a congressman running for the 25 United States Senate. And I believe I'm still</p>
<p style="text-align: right;">Page 71</p> <p>1 responsibility. 2 Q. Have you ever personally done any lobbying on 3 behalf of anyone? 4 A. Of anyone, no. 5 Q. Any corporation or -- 6 A. No. 7 Q. -- any other entity? 8 A. No. 9 Q. And I take it you've never tried to use your 10 political influence for personal benefit. 11 A. No. 12 Q. Did you ever try and get appointed to any 13 boards or commissions based on your political 14 contribution? 15 A. No. 16 Q. Would it appear -- in your estimation would it 17 appear to anyone that you had? 18 A. I can't answer that question. 19 Q. But no one's ever mentioned it to you. 20 A. No. 21 Q. You've never held any positions -- I'll just 22 run through these -- any positions with the 23 DNC? 24 A. No. 25 Q. The DSCC?</p>	<p style="text-align: right;">Page 73</p> <p>1 listed, although I haven't served, on the 2 finance committee for Senator Kerry. But I 3 don't -- I once had been, no longer. 4 Q. Do you have an understanding of why you were 5 selected to serve on these committees? 6 A. I think their interest had to do with money. 7 Q. Your money? 8 A. Well, and raising money. 9 Q. From -- 10 A. Other candidates, people I knew. 11 Q. In the business community. 12 A. Anywhere. Academic community. 13 Q. And would you agree that given your position 14 as CEO, president, chairman of the board of 15 Stride Rite Corporation that you would be seen 16 as someone who has, let's call it connections 17 with wealthy people? 18 A. Well, I don't know that was necessarily 19 wealthy people, but people who were committed 20 citizens who were interested in -- in electing 21 good candidates. 22 Q. And by that you mean people who -- who would 23 have the means to make contributions and 24 donations. 25 A. Yes.</p>

<p style="text-align: right;">Page 74</p> <p>1 Q. So that -- would that be your estimation one 2 of the reasons why you would have been 3 selected to be on these committees? 4 A. I think so. 5 Q. Did you personally engage in any fund-raising? 6 A. I did. 7 Q. What kinds of fund-raising efforts did you 8 engage? 9 A. For political contributions. 10 Q. Did you engage in direct mail fund-raising 11 efforts? 12 A. I did when I was the national treasurer of the 13 McCarthy campaign, yes. 14 Q. Did you -- were you involved in selecting the 15 people who would get the direct mail? 16 A. I would be in on the decision as to what 17 mailing list to buy, yes. 18 Q. And was that decision based on who had given 19 previously? 20 A. Based on -- 21 Q. Who had given previously? 22 A. No, it was based on an audience that might be 23 responsive to the agenda of the candidate. 24 Q. How about events, have you been involved in 25 fund-raising events while you were serving on</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. Did you ever office candidates or office 2 holders vote for access to funds? 3 A. No. 4 Q. Have you ever been aware of that happening? 5 A. Not personally. 6 Q. And to your knowledge did anyone ever request 7 a candidate's vote on a particular issue in 8 return for funds? 9 A. I'm not aware of it. 10 Q. And just to broaden those questions and skip a 11 couple of pages, this would be true -- 12 broadening out past your time period in which 13 you were sitting on these committees, have you 14 ever promised anyone access to a candidate or 15 office holder in return for funds? 16 A. No, no. 17 Q. Are you aware of special access being offered 18 to office holders or candidates in return for 19 funds? 20 A. I read the newspapers. 21 Q. Are you personally aware? 22 A. No. 23 Q. And have you ever offered a candidate's or 24 office holder's vote on a particular issue in 25 return for funds?</p>
<p style="text-align: right;">Page 75</p> <p>1 one of these committees? 2 A. An event being a fund-raising dinner? I 3 suppose so, yes. 4 Q. And were you engaged -- were you involved in 5 determining who would be invited to those 6 events? 7 A. Well, anybody that had the money was invited; 8 could be off the streets. 9 Q. And so that would be people who had previously 10 contributed. 11 A. Or people who may have contributed for the 12 first time. 13 Q. Or people who had never contributed at all? 14 A. Right. 15 Q. Or soft money donors as well. 16 A. Soft money was never an issue for me. I 17 mean -- 18 Q. With any of these committees. 19 A. No, no. 20 Q. Did you ever promise special access to anyone 21 in return for funds? 22 A. No. 23 Q. Are you aware whether special access was ever 24 offered in return for funds? 25 A. No.</p>	<p style="text-align: right;">Page 77</p> <p>1 A. No. 2 Q. And by funds, you're clear that I mean 3 donations of soft money or contributions of 4 hard money. 5 A. Mm-hmm, the answer is no. 6 Q. Are you aware of whether a candidate's vote on 7 a particular issue has ever been offered in 8 return for donations or contributions? 9 A. Personally. 10 Q. Personally. 11 A. No, except I know how candidates vote on 12 tobacco issues if they've been funded by the 13 tobacco lobbies. So it's hard to separate one 14 -- I wasn't there at the time. I can only 15 make judgments -- 16 Q. You're making judgments based on what you've 17 read in the newspapers. 18 A. Right. Right. 19 Q. And to your knowledge has anyone ever 20 requested a candidate's vote on a particular 21 issue in return for funds? 22 A. In my experience, no. 23 Q. When you were answering this series of 24 questions, were you including yourself? 25 A. Yes.</p>

<p style="text-align: right;">Page 78</p> <p>1 Q. See, I'm skipping pages. 2 A. You're getting my utmost cooperation; I'm sure 3 you're aware of that. You might want to skip 4 a few more to express your appreciation. 5 Q. Well, we're doing quite well, believe it or 6 not. 7 Are you aware of an entity called 8 Public Campaign? 9 A. Yes. 10 Q. And you sit on the national advisory board for 11 that entity; is that correct? 12 A. I think so, I mean I -- if my name is there, I 13 must be on it. 14 Q. Do you know for a fact whether it's true? 15 A. I can make a call. 16 MR. BONIFAZ: I think we both sit 17 on it. 18 THE WITNESS: Is that true? I've 19 never seen the letterhead to be honest. 20 Q. I can tell you I've read it, do you know 21 whether it's true? 22 A. It's true, I'm taking your word for it. 23 Q. Based on that, have you ever donated money to 24 Public Campaign? 25 A. Yes.</p>	<p style="text-align: right;">Page 80</p> <p>1 organizations. 2 Q. Now, do you have involvement with Public 3 Campaign itself, different from being on the 4 national advisory board, which I take it 5 you're not sure whether you're -- 6 A. Well, my impression is they often serve as a 7 funnel to these state initiatives. They're 8 all dedicated to ultimately, you know, the 9 public funding of campaigns. 10 Q. Is your personal involvement limited solely to 11 making donations or do you have a greater 12 involvement? 13 A. Well, a greater involvement to the extent that 14 I do try to influence policy and direction. 15 Q. Could you describe what the purpose is -- I'll 16 just take one of them, I'm not going to go 17 through them all -- Massachusetts Voters For 18 Clean Elections? 19 A. To provide an option to candidates running for 20 statewide office to run with public funds 21 rather than private funds or special interest 22 funds. 23 Q. And that would be a legislative option? 24 A. That would be an option of the candidate -- 25 yes, there is -- it had to do with developing</p>
<p style="text-align: right;">Page 79</p> <p>1 Q. How much in the aggregate would you say? 2 A. To Public Campaign? 3 Q. Yes, sir. 4 A. My guess is several hundred thousand dollars. 5 Q. What would be the time period of those 6 donations? 7 A. Say in the last two election cycles. 8 Q. So the last four years? 9 A. Yes. 10 Q. Now, I can tell you I haven't read about your 11 donations. Do you know whether those are 12 disclosed? 13 A. I believe so, yeah. This is C-3 money we're 14 talking about. 15 Q. Okay. Do you know whether that group is 16 affiliated with Massachusetts Voters For Clean 17 Elections? 18 A. Yeah, and I'm glad you brought that up, 19 because some money could have been given 20 directly to Public Campaign, some money 21 directly to Massachusetts Clean Election 22 Campaign or the Arizona Clean Election 23 Campaign or the Missouri or Oregon Clean 24 Election Campaign. Public Campaign is kind of 25 an umbrella, but they're all separate</p>	<p style="text-align: right;">Page 81</p> <p>1 state laws through the use of referenda. 2 Q. So I was just about to ask you how do they 3 intend to achieve their goals, it would be 4 through state referenda, that's correct? 5 A. Yes. 6 Q. How would voters for Massachusetts clean 7 elections achieve the goal of getting the 8 referendum passed? 9 A. By influencing the voters prior to the 10 election. 11 Q. To your knowledge do they educate the public 12 on the issues? 13 A. Yes. 14 Q. And they organize volunteers to help 15 educate -- 16 A. Yes. 17 Q. They engage in grass roots activity? 18 A. Exactly. 19 Q. Bumper sticker activity? 20 A. Mm-hmm, yes. 21 Q. Do they make any contributions to candidates 22 that you're knowledgeable of? 23 A. No. 24 Q. Any donations of soft money? 25 A. No. They don't have any money. They have all</p>

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1 they can do to stay alive.
 2 Q. All the money that these different state
 3 groups and Public Campaign have for this issue
 4 is devoted to grass roots efforts, trying to
 5 get word out, correct?
 6 A. Exactly.
 7 Q. And in Massachusetts they were actually
 8 successful in getting a law passed.
 9 A. Yes, and in Maine and in Arizona.
 10 Q. And taking Massachusetts, briefly, what were
 11 the components of the law that was passed that
 12 you know of?
 13 A. That certain amount of money was set aside for
 14 statewide offices that reflected on the
 15 amounts that had been spent in prior
 16 elections, some kind of average.
 17 Q. And that money would be used for what way?
 18 A. To provide a candidate who agreed -- and who
 19 qualified agreed not to accept a certain
 20 amount of funds, of funds beyond a certain
 21 amount, and who qualified as a candidate for
 22 public funds by raising a number of -- a
 23 specific number of donations, modest
 24 donations, and signatures.
 25 Q. And that law was not immediately funded by the

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1 Q. And the candidates?
 2 A. And candidates.
 3 Q. And the political parties?
 4 A. And the political parties, yes.
 5 Q. In fact, the Massachusetts republican party
 6 was a plaintiff in that lawsuit?
 7 A. Yes.
 8 Q. How were the candidates harmed?
 9 A. Well, I think there were a number of
 10 candidates who or there were a number of
 11 would-be candidates who perhaps chose not to
 12 run because funds were not available as clean
 13 election candidates. I'm sure many of the
 14 democratic seats went unopposed because of
 15 lack of funds on the part of the republican
 16 challenger, or even democratic challenges to
 17 incumbents. So in the absence of funds, races
 18 were not run that perhaps might have been run
 19 and competition was diluted.
 20 Q. And this was because candidates had made the
 21 commitment to follow the clean election
 22 qualification part of the law --
 23 A. Right, or some chose not to because they saw
 24 that funding was going to be held up and maybe
 25 not available.

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1 legislature; is that correct?
 2 A. There seems to be some ambivalence on the part
 3 of the legislature in Massachusetts.
 4 Q. And the public portion of that law did not go
 5 immediately into effect, right?
 6 A. Right.
 7 Q. But that public financing component was a
 8 vitally important component of that law in
 9 your estimation, correct?
 10 A. Yes.
 11 Q. And you filed a lawsuit specifically to
 12 challenge the legislature's failure to fund
 13 that portion.
 14 A. I and others.
 15 Q. Mr. Borifaz over here at the National Voting
 16 Rights Institute was counsel for you --
 17 A. Yes.
 18 Q. -- in that -- in relation to that particular
 19 lawsuit?
 20 A. Yes.
 21 Q. Talking a little bit about that lawsuit, in
 22 your mind who was harmed by the failure to
 23 fund the statute?
 24 A. Who was harmed? I think the voters of
 25 Massachusetts.

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1 Q. In your mind was that law -- it was really
 2 unworkable without the public financing
 3 component.
 4 A. Exactly.
 5 Q. Was one of the goals of that law, in your
 6 view, to allow candidates to spend less time
 7 fund-raising and more time talking to voters?
 8 A. In part, and the other important part is to be
 9 free of any obligation to large donors.
 10 Q. And with respect to that part, that's really
 11 saying they should be engaging in grass roots
 12 efforts for their candidacy; is that correct?
 13 A. Right.
 14 Q. You would agree that grass roots efforts are
 15 good and useful in democracy.
 16 A. Yes.
 17 Q. And without that public financing component,
 18 it was really impossible for the candidates to
 19 spend less time fund-raising and more time
 20 talking to voters; is that correct?
 21 A. Right.
 22 Q. Let me show you what's been previously marked
 23 as Exhibit 5, which is a printout of several
 24 web pages from the Massachusetts voters
 25 website.

<p style="text-align: right;">Page 86</p> <p>1 Copies are being supplied to all 2 counsel. 3 (Discussion off the record.) 4 Q. Do you recognize -- this is a multiple-page 5 exhibit, do you recognize this as a printout 6 of a website of Massachusetts Voters For Clean 7 Elections? 8 A. Mm-hmm. 9 Q. Is that a yes? 10 A. Yes. 11 Q. Turning to the sixth page, appears -- I used 12 to be a humor columnist way back when, I 13 couldn't pass up the opportunity to go over 14 the cartoon. It says page two of two at the 15 top. 16 You've had a chance to look at this 17 cartoon? 18 A. Yes. 19 Q. Looking at this cartoon, do you agree with the 20 message? 21 A. Basically. 22 Q. And what message is that that you basically 23 agree with? 24 A. Well, it looks like it has to do with access. 25 Q. And the person with access here, special</p>	<p style="text-align: right;">Page 88</p> <p>1 A. I'm a special interest person, I have a 2 special interest in doing away with special 3 interests. 4 Q. Do you agree that money is required in order 5 to disseminate a message other than through 6 the grass roots efforts we talked about? 7 A. Yes. 8 Q. And you agree that interest groups use money 9 to disseminate their message, they often do 10 this through issue ads. 11 A. Yes. 12 Q. Do you believe interest groups run such ads in 13 the context of elections and at other times? 14 A. Yes. 15 Q. Other times being outside of the elections. 16 A. I'm not -- well, yes, to influence public 17 policy. 18 Q. And do you agree that when in the context of 19 elections, an interest group runs one of these 20 ads that it sometimes attacks a candidate or 21 an office holder? 22 A. Repeat the question. 23 Q. Would you agree that especially in the context 24 of an election pending, when an interest group 25 runs an ad that sometimes those ads attack a</p>
<p style="text-align: right;">Page 87</p> <p>1 interests, interest group person; is that 2 correct? 3 A. He doesn't look like a homeless person, does 4 he? 5 Q. Actually reads "special interest," does it 6 not? 7 A. Yes. 8 Q. And that's part of the message that you take 9 from this, right, that you basically agree 10 with? 11 A. I'm very bright, I just want you to know that. 12 Q. In essence I would say that the message from 13 this is that special interest groups with 14 money believe in free speech for those who can 15 afford it, meaning themselves, and want to 16 quiet down everyone else, would you agree with 17 that? 18 A. I would agree with that generally. 19 Q. And why do you -- 20 A. With exceptions. 21 Q. What kind of exceptions? 22 A. I'm an exception. 23 Q. Sorry? 24 A. I'm an exception. 25 Q. Are you --</p>	<p style="text-align: right;">Page 89</p> <p>1 candidate or an office holder? 2 A. Would I agree that that happens? 3 Q. Yes. 4 A. It's my impression that it does. 5 Q. And would you think that it's important or 6 necessary for a group, perhaps even the 7 candidate, to respond to those types of ads? 8 A. Yes. 9 Q. Is there any reason in your mind why the 10 response needs to come from a particular group 11 over another type of group as long as a 12 response is made? 13 A. I'm not sure I know what you mean. 14 Q. Let me ask this: With respect to the 15 Massachusetts law and the efforts in 16 Massachusetts, what would happen if an 17 interest group ran an ad in that state, say 18 it's a particularly effective ad and it 19 targets the democratic clean election 20 candidates, how would those candidates respond 21 in your mind? 22 MR. DEELEY: Objection, calls for 23 speculation. 24 A. I don't know. 25 Q. But you would agree that there should be a</p>

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1 response. By this I don't mean as a moral
 2 sort of thing, but I mean as a -- the
 3 candidate should respond to these types of
 4 ads.
 5 A. Not necessarily.
 6 Q. But you would agree that in order to respond
 7 to a big-money type of ad from special
 8 interests you would need money if you're going
 9 to make a response.
 10 A. Unless you can get free time on television.
 11 Q. And in the example that I just gave you,
 12 couldn't that response come from say the
 13 Democratic National Committee supporting the
 14 democratic clean election candidates?
 15 MR. DEELEY: Objection, calls for a
 16 legal conclusion.
 17 A. I don't think that clean elections is
 18 partisan. Clean elections is interested in a
 19 level playing field, not democrats or
 20 republicans.
 21 Q. Now, why did you give your \$500,000 soft money
 22 donation to the DNC?
 23 A. I believe that they would try to influence the
 24 outcome of some congressional races where the
 25 incumbent was heavily funded by special

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1 interests or the democratic candidate was
 2 supporting campaign finance reform.
 3 Q. Take the first example, where the democratic
 4 candidate was opposing another candidate
 5 that's heavily funded by special interests.
 6 If those special interests were running issue
 7 ads, how did you expect the DNC to use your
 8 \$500,000 donation?
 9 A. To educate the voters in that district how the
 10 incumbent was being funded and how he had a
 11 voting record to match his funding.
 12 Q. And why would that be necessary?
 13 A. So that the voter would have an opportunity to
 14 make an informed judgment as to whether the
 15 congress -- the representative was voting in
 16 their interest, the voter's interest, or the
 17 interest of the utility company or chemical
 18 company that might have been dumping toxic
 19 material into the nearby river or lake.
 20 Q. And so if the DNC were forbidden from using
 21 your money in that way, in your personal
 22 opinion would that be right?
 23 A. If the DNC were forbidden -- well, as you know
 24 -- the whole purpose of my giving, as you
 25 know, was to do away with this kind of issue

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1 advertising and special interest money
 2 entirely. And, you know, I would have given
 3 it to the RNC if there were enough candidates
 4 that were in a similar position, if there were
 5 democratic incumbents that could be defeated
 6 who were also special interests or accounted
 7 to special interests.
 8 May I interrupt for a minute? You
 9 know, I want to help you construct your case,
 10 because my feelings are known, they're open,
 11 there's nothing for me to withhold from you,
 12 but I would hate to spend the rest of the day,
 13 you know, answering questions like this. I
 14 think you know where I stand. If you feel I'm
 15 holding something back, tell me where and I'll
 16 share it with you.
 17 Q. Would you be willing to share your affidavit
 18 with me?
 19 MR. DEELEY: Objection.
 20 A. Again, you're going to be very disappointed
 21 when you see it.
 22 Q. I can assure you I'll be disappointed if I
 23 don't as well.
 24 A. Why don't we take a break for a few minutes.
 25 Q. Would you mind if I ask you a few more

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1 questions about the subject matter we were on?
 2 If you don't mind.
 3 A. Go ahead.
 4 Q. It's your position, is it not, that all soft
 5 money should be out of politics, interest
 6 groups and political parties alike.
 7 A. Yes.
 8 Q. Assuming the soft money is not out of politics
 9 on the interest group side, does that go far
 10 enough in your mind?
 11 A. Assuming that soft money is out of politics?
 12 Q. For the interest groups but not for the
 13 political parties.
 14 Let me rephrase the question, it's
 15 probably not a good question.
 16 If interest groups can spend soft
 17 money but political parties cannot, in your
 18 mind, personally, is that right?
 19 A. No, it's not right.
 20 Q. And why is it not right?
 21 A. Soft money is soft money, and say the -- in a
 22 particular district people that are opposed to
 23 say child care have all the money, and people
 24 who need child care have no money, that kind
 25 of stacks the deck. That's not a level

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1 playing field.
 2 Q. And so, in fact, there either needs to be a
 3 response by a political party or other group
 4 on behalf of the people who don't have means
 5 or all of the money needs to be removed.
 6 A. Exactly.
 7 Q. Do you see any difference between the soft
 8 money in the political parties and the soft
 9 money with the interest groups?
 10 A. No.
 11 Q. Do you see any difference really between those
 12 two types of entities with respect to this
 13 issue?
 14 A. I just think that special interest money
 15 should not be in the political system, I
 16 believe in that strongly.
 17 Q. It's actually worse --
 18 A. And if the party has lots of money, I wonder
 19 where it gets all of its money, whether it's
 20 the democratic party or the republican party.
 21 Q. In your view is it actually worse when it's in
 22 the hands of these special interest groups?
 23 A. It doesn't matter.
 24 Q. Okay.
 25 MR. SMITH: We can take a break.

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1 MR. BONIFAZ: Well, I'm going to do
 2 15.
 3 MR. SAWITSKY: I'm sorry, for
 4 Mr. Smith. You can do -- we have no agreement
 5 with John.
 6 MR. BONIFAZ: Right.
 7 MR. SAWITSKY: And that will be the
 8 end of that deposition. It will not be
 9 continued, et cetera. We do not have any
 10 agreement on the cross-examination period.
 11 That will follow in its normal course as it
 12 does.
 13 MR. SMITH: Just to clarify the
 14 record, Mr. Sawitsky was not, and I understand
 15 this, was not counsel for Mr. Hiatt when -- up
 16 until this point. And my 45 minutes will
 17 begin once I have a chance to look at it
 18 and --
 19 MR. SAWITSKY: Receive it.
 20 MR. SMITH: -- and begin
 21 questioning, so I'll have a second to even
 22 look at it. That's it.
 23 (Discussion off the record.)
 24 (Short recess taken.)
 25

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1 (Short recess taken.)
 2 MR. SAWITSKY: My name is Kitt
 3 Sawitsky of the law firm of Goulston Storrs in
 4 Boston. At this point Mr. Hiatt has retained
 5 me as his counsel. I'm speaking as his
 6 counsel on the record.
 7 We have worked out guidelines for
 8 the continuation of Mr. Hiatt's deposition
 9 with counsel, which I'd like Mr. Smith to tell
 10 me if he agrees to, in that it is as follows:
 11 a copy will be made of the -- what's it
 12 called, guys?
 13 MR. DEELEY: The declaration.
 14 MR. SAWITSKY: -- the declaration,
 15 which we will provide to Mr. Smith
 16 voluntarily, understanding that it would have
 17 been turned over in this process in a few
 18 days, and he has agreed to limit his
 19 questioning once he has received that to 45
 20 minutes.
 21 THE WITNESS: Or better.
 22 MR. SAWITSKY: Or better. And we
 23 won't start the clock until he gets it. And
 24 that that will be the conclusion of this
 25 deposition.

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1 CROSS EXAMINATION
 2 BY MR. BONIFAZ:
 3 Q. Hello again. Arnold, my name is John Bonifaz,
 4 I am the director of the National Voting
 5 Rights Institute in Boston and co-counsel for
 6 the Adams plaintiffs, which is a separate set
 7 of plaintiffs in this overall litigation. Our
 8 clients are challenging the constitutionality
 9 of the increases in the hard money limits of
 10 the McCain-Feingold law, which include both
 11 the doubles overall of limits from \$1,000 to
 12 \$2,000 per individual, but also include
 13 increases that go up to approximately \$12,000
 14 per individual in races involving self-funded
 15 candidates. So my questions are going to
 16 solely focus on that area.
 17 Just in terms of your overall
 18 history of hard money contributions, based on
 19 your earlier testimony I take it it's a case
 20 that you've frequently been involved in giving
 21 hard money contributions to political
 22 candidates; is that right?
 23 A. Correct.
 24 Q. And is often the case that those contributions
 25 are at the maximum level allowed under the

<p style="text-align: right;">Page 98</p> <p>1 law?</p> <p>2 A. Correct.</p> <p>3 Q. And do you usually seek out those</p> <p>4 opportunities or are you solicited to make</p> <p>5 those kind of contributions?</p> <p>6 A. Both.</p> <p>7 Q. When you are solicited, is the effort often to</p> <p>8 give the maximum amount when you're asked?</p> <p>9 A. Yes.</p> <p>10 Q. Is your understanding that it's most helpful</p> <p>11 when you give that maximum amount rather than</p> <p>12 a lower amount?</p> <p>13 A. Yes.</p> <p>14 Q. And who calls you to make these kinds of</p> <p>15 solicitations? I'm sorry, how do these</p> <p>16 solicitations get made to you?</p> <p>17 A. Usually the candidate.</p> <p>18 Q. And the candidate will call you?</p> <p>19 A. Yes.</p> <p>20 Q. And will the candidate also ask you to assist</p> <p>21 in raising additional hard money</p> <p>22 contributions?</p> <p>23 A. On occasion.</p> <p>24 Q. And is the candidate who calls you sometimes</p> <p>25 an elected official already running for</p>	<p style="text-align: right;">Page 100</p> <p>1 A. Because I don't like asking people for money,</p> <p>2 so I can ask fewer people for more money.</p> <p>3 Q. And do the candidates usually show up at this</p> <p>4 kind of fund-raiser?</p> <p>5 A. Yes.</p> <p>6 Q. And is there an opportunity to speak with the</p> <p>7 candidate at these kinds of fund-raisers?</p> <p>8 A. In a superficial way.</p> <p>9 Q. Would you say that based on your experience</p> <p>10 with these kinds of fund-raisers that those</p> <p>11 who are giving at the thousand-dollar level</p> <p>12 have greater opportunity to interact with the</p> <p>13 candidates than those giving less or not</p> <p>14 giving at all?</p> <p>15 A. I would presume so.</p> <p>16 Q. And what other ways other than hosting or</p> <p>17 co-hosting fund-raisers are you asked to help</p> <p>18 and gather hard money for contributions to</p> <p>19 political candidates?</p> <p>20 A. Just making phone calls.</p> <p>21 Q. Are there ever any goals that candidates or</p> <p>22 their committees set for you to try to meet in</p> <p>23 terms of hard money contributions?</p> <p>24 A. They have asked.</p> <p>25 Q. What would be the range of those goals they've</p>
<p style="text-align: right;">Page 99</p> <p>1 reelection?</p> <p>2 A. Yes.</p> <p>3 Q. And have you been asked in this process to</p> <p>4 host or co-host fund-raisers for such</p> <p>5 candidates?</p> <p>6 A. Yes.</p> <p>7 Q. How often would you say that has occurred over</p> <p>8 the course of your political giving history?</p> <p>9 Estimate.</p> <p>10 A. With some frequency.</p> <p>11 Q. And what would you describe as your</p> <p>12 responsibilities in those situations for</p> <p>13 co-hosting or hosting a fund-raiser?</p> <p>14 A. To raise money for the candidate.</p> <p>15 Q. Is it understood that you would raise at the</p> <p>16 maximum level as much as possible from people</p> <p>17 attending such a fund-raiser?</p> <p>18 A. That's a judgment that I make.</p> <p>19 Q. Have you ever been part of fund-raisers where</p> <p>20 the minimum asked is a thousand dollars?</p> <p>21 A. Yes.</p> <p>22 Q. How frequent is that?</p> <p>23 A. It's the -- well, it's the only time I'll do a</p> <p>24 fund-raiser, if it's for the maximum amount.</p> <p>25 Q. And why is that?</p>	<p style="text-align: right;">Page 101</p> <p>1 asked?</p> <p>2 A. \$10,000, \$20,000, \$30,000.</p> <p>3 Q. Would this both be in your capacity as being</p> <p>4 on finance committees and also as a</p> <p>5 contributor?</p> <p>6 A. Yes.</p> <p>7 Q. Based on your understanding, how important is</p> <p>8 the solicitation gathering in hard money in</p> <p>9 political campaigns in general and the ones</p> <p>10 you've been involved in?</p> <p>11 A. How important?</p> <p>12 Q. Yes.</p> <p>13 A. Quite important.</p> <p>14 Q. Why is that?</p> <p>15 A. It's the mother's milk of politics.</p> <p>16 Q. The hard money.</p> <p>17 A. The hard money.</p> <p>18 Q. Can you describe a little bit further why is</p> <p>19 the hard money the mother's milk of politics?</p> <p>20 A. Unless the candidate is a J. Rockefeller, the</p> <p>21 cost of the media is so prohibitive that the</p> <p>22 candidates are at the mercy of enormous bills</p> <p>23 to get the exposure they need to be elected.</p> <p>24 Q. And is it also based on your understanding</p> <p>25 that those thousand-dollar contributions are</p>

<p style="text-align: right;">Page 102</p> <p>1 the most important as compared to smaller 2 contributions or volunteer efforts for 3 candidates? 4 A. Well, I think they tend to be. I think it 5 varies if someone has a good mailing list, if 6 a party does very well with mass mailings then 7 it may not be as important. 8 Q. Mm-hmm. And based on your understanding how 9 does that importance of hard money compare to 10 the importance of raising soft money? Is it 11 at least equal in your mind for the candidates 12 and for the political process? 13 A. Well, I think hard money obviously accounts 14 for infinitely more; I think it counted for 15 four-fifths or more than four-fifths of the 16 total amount of money spent in the last 17 election. But on the other hand, there's less 18 opportunity for quid pro quos or obligations 19 to be incurred. 20 Q. Is it fair to say that those who are able to 21 raise significant amounts of hard money 22 contributions enjoy greater access than those 23 who do not have the ability to contribute at 24 all? 25 A. Certainly, yes.</p>	<p style="text-align: right;">Page 104</p> <p>1 A. Very much so. I think it's turned off lots of 2 voters and it's no small measure a reason of 3 the continuous decline in voting in this 4 country. 5 Q. So turning to the effects in these increases 6 in the Bipartisan Campaign Reform Act, do you 7 believe that you're going to be asked in the 8 future to give the maximum to the new -- to 9 the new level -- 10 A. Yes. 11 Q. -- that exists? And is it your understanding 12 that others you know who have previously given 13 to that maximum level will also be asked to 14 give to the maximum level? 15 A. Yes. 16 Q. What effect will that have on this 17 disproportionate access and influence that 18 those who give enjoy? 19 A. It will become even more disproportionate. 20 Q. I have one exhibit and then I'm done. 21 (Document marked as Exhibit 18 22 for identification.) 23 Q. I just want to turn your attention to the last 24 page, which has the quote that may be 25 highlighted. And I'll read it into the record</p>
<p style="text-align: right;">Page 103</p> <p>1 Q. Have you experienced that in your own giving? 2 You spoke earlier about being invited to a 3 dinner -- 4 A. Yeah, I suppose I do have more access having 5 raised money for a candidate than not having 6 raised money for a candidate. 7 Q. And then just turning to this distinction 8 earlier between access and influence, do you 9 regard it as a problem that some enjoy greater 10 access because of their contributions or size 11 of contributions in the political process? 12 A. I think that is a serious problem. 13 Q. And why is it? 14 A. Because candidates sometimes don't vote 15 necessarily in the best interests of their 16 true constituents, the voters. 17 Q. And is it also a problem some enjoy greater 18 influence? 19 A. Yes. 20 Q. And why is that? 21 A. Because of the dependence on money on the part 22 of the candidate and the office holder. 23 Q. And this overall public perception of 24 disproportionate access, is that a problem in 25 your mind?</p>	<p style="text-align: right;">Page 105</p> <p>1 and just ask you -- this is a -- just a 2 stapled -- this exhibit -- this is an article 3 entitled "Raising the Limits," which was 4 published in the Journal of Public Perspective 5 in May and June of 2002 by six political 6 scientists, and it analyzes the effect of 7 these increases, and there's a quote at the 8 end in which it says, "increase giving is 9 likely to exacerbate the upper status 10 character of the donor pool providing greater 11 voice to wealthy businessmen and individuals 12 already heavily engaged in giving." 13 Do you agree with that statement? 14 A. Very much so. 15 Q. And why do you agree in your own words? 16 A. Because it's in effect a doubling the amount 17 of -- the potential for influence by raising 18 the limit from \$1,000 to \$2,000, and also the 19 bundling of funds. So if 100 contributors in 20 the past raised \$100,000 under the supervision 21 or influence of one individual, that same 22 individual with the same amount of effort can 23 now provide \$200,000 for the candidate and 24 thereby increase the hold on that candidate's 25 -- or influence that candidate.</p>

1 MR. BONIFAZ: Thank you, I have no
 2 further questions.
 3 THE WITNESS: And I thank you for
 4 respecting my time so much.
 5 MR. BONIFAZ: No, I thank you.
 6 THE WITNESS: Now, Richard, do
 7 likewise.
 8 MR. SMITH: I fully intend to do
 9 so. I intend to be quite brief now.
 10 MR. SAWITSKY: Richard, what time
 11 do you have?
 12 MR. SMITH: I have 2:21.
 13 REDIRECT EXAMINATION
 14 BY MR. SMITH:
 15 Q. Mr. Hiatt, I now have your declaration, I've
 16 had the chance briefly to review it, I
 17 appreciate your willingness to disclose it and
 18 to give me some time to review it briefly.
 19 Let me show you what's been marked
 20 previously as Exhibit 8. If you'll take the
 21 time to just quickly review that. Providing
 22 copies to counsel.
 23 While you're reviewing it, I'll
 24 describe it. This is a printout from the
 25 Center For Responsive Politics website, having

1 Were there two made on that date?
 2 A. Mm-hmm, yes.
 3 Q. Was this hard money or soft money?
 4 A. You know, I'm not sure. I've given them both.
 5 Q. As you sit here, you couldn't really tell me
 6 one way or the other whether these --
 7 A. That's right.
 8 Q. -- whether these were hard money or soft
 9 money.
 10 A. Right.
 11 Q. This will go by a lot quicker -- I'll just ask
 12 my question and then you respond after I
 13 finish.
 14 You see the October 16, 1996 entry
 15 for \$500,000 to the DNC; is that correct?
 16 A. Yes.
 17 Q. And there are two entries above that, meaning
 18 later in time, do you recall any other
 19 donations or contributions you made after the
 20 half million dollar donation to the DNC that
 21 do not appear?
 22 A. I don't.
 23 Q. You see anything just upon a quick review --
 24 and I will hold to you nothing more -- do you
 25 see anything else in there, anything at all

1 done the search for Arnold Hiatt in the
 2 election cycles 2002 through 1990 and sorted
 3 by date in reverse chronological order.
 4 A. This information is inaccurate.
 5 Q. And that was going to be my first question.
 6 Do you find things on this printout that are
 7 inaccurate, Mr. Hiatt?
 8 A. Yes.
 9 Q. Specifically the first entry of February 7,
 10 2001 --
 11 A. Oh, I'm sorry, I made an assumption. I saw
 12 Stride Rite Foundation and assumed that was
 13 the source of the funding. That's occupation.
 14 I didn't look at the first page.
 15 Q. It's okay. Once you've had a chance to look
 16 at that -- I'm not going to ask you to
 17 identify and agree with me that all of these
 18 were made. Turning just to the first record
 19 indicating that a \$5,000 donation or
 20 contribution was made on February 7, 2001 to
 21 the League Of Conservation Voters, can you
 22 verify that that donation or contribution was
 23 made?
 24 A. To the best of my knowledge.
 25 Q. And there's a second entry for the same thing.

1 inaccurate about this list?
 2 A. No, I don't.
 3 (Document marked as Exhibit 19
 4 for identification.)
 5 Q. Sir, I'm showing you what I've asked to be
 6 marked as Exhibit 19, which is I believe a
 7 copy of the declaration that you just gave to
 8 me. Only one copy remains.
 9 MR. BONIFAZ: That's okay, I don't
 10 need it.
 11 Q. Is this the declaration that you have provided
 12 to the Federal Election Commission for use in
 13 this case?
 14 A. Yes.
 15 Q. Was it executed on August 21, 2002 --
 16 A. Yes.
 17 Q. -- by you? And you had the chance to review
 18 this declaration and make edits to it before
 19 you signed it; is that correct?
 20 A. Yes.
 21 Q. Turning to paragraph four of your declaration,
 22 I believe most of this we have talked about
 23 over a very much longer period of time. Would
 24 you please review paragraph four?
 25 A. Paragraph four?

<p style="text-align: right;">Page 114</p> <p>1 if you know, it was not disclosed to the 2 public? 3 A. Whatever reporting cycle occurred following 4 the contribution. 5 Q. Are you aware of any sort of paperwork error 6 or some other error that prevented this from 7 being disclosed to the public originally? 8 A. There was some incident, and I'm trying to 9 think of what that incident was, that did lead 10 to a disclosure, but for the life of me I 11 can't recall it. 12 Q. If you can't recall it we can -- 13 A. You know, I think it had to do -- I think it 14 may have had to do with a scandal that broke 15 on the contributions from a Buddhist temple or 16 some temple in Los Angeles at the time. 17 Q. Well, I'm certainly not asking you to guess, 18 so if you're not certain we can move on. 19 You state, do you not, in paragraph 20 11 that the political parties used soft money 21 to try to influence federal elections? 22 A. Yes. 23 Q. And did you intend your large donation to be 24 used to assist federal office holders as well 25 as candidates?</p>	<p style="text-align: right;">Page 116</p> <p>1 A. Yes. 2 Q. And so my question for you is in your mind is 3 that indirectly giving it to the campaigns of 4 the candidates and office holders? 5 A. I'd say so. 6 Q. And -- did you ever threaten to withhold 7 additional donations? 8 A. No. 9 Q. Did you ever imply that you would withhold 10 additional donations? 11 A. No. 12 Q. Did you ever intend to imply that you would 13 withhold additional donations? 14 A. No. 15 Q. If someone thought that was an implication you 16 were making by making this donation would they 17 be wrong? 18 A. Yes. 19 Q. Do you believe that you created the appearance 20 of impropriety in making your donation? 21 A. No. 22 Q. Did any office holder or candidate ever 23 solicit additional money from you in return 24 for influence on their actions on campaign 25 finance or any other issue?</p>
<p style="text-align: right;">Page 115</p> <p>1 A. Yes. 2 Q. Did you intend your donation to be known to 3 those candidates and office holders? 4 A. No. 5 Q. So you were not intending to influence those 6 office holders or candidates? 7 A. No. 8 Q. In fact, you gave this money because you had a 9 particular issue that you were interested in; 10 is that correct? 11 A. Correct. 12 Q. Did you discuss this donation with office 13 holders or candidates? 14 A. No. 15 Q. You would not say that you were indirectly 16 giving this money to office holders or 17 candidates, would you? 18 A. No. 19 Q. Would you say that anyone who is donating soft 20 money to political parties is indirectly 21 giving that money to office holders or 22 candidates? 23 A. I'm not prepared to say. 24 Q. Well, the money goes to the political party, 25 does it not?</p>	<p style="text-align: right;">Page 117</p> <p>1 A. No. 2 Q. Are you aware of that happening with anyone 3 else? 4 A. No. 5 Q. In paragraph six, sir -- I'm sorry to skip 6 back, but in paragraph six, if you need to 7 take a moment to look at it, please go ahead. 8 A. Mm-hmm, yes. 9 Q. You're familiar with this paragraph now? 10 A. Yes. 11 Q. The solicitations that you refer to for both 12 the republicans and democrats, did that occur 13 at all levels, local, state, and federal? 14 A. Yes. 15 Q. In paragraph eight, specifically the second 16 sentence of paragraph eight -- 17 A. Yes. 18 Q. -- were you aware of whether the money you 19 donated to the DNC was earmarked for any 20 particular candidate? 21 A. Earmarked for candidates that were opposed. 22 Q. Are you aware -- I'm sorry. 23 A. Well, earmarked for candidates that were in 24 favor of campaign finance reform. 25 Q. And are you aware of whether that money</p>

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1 Q. Yes, sir, just to familiarize yourself with
 2 the contents.
 3 A. Okay.
 4 Q. Would you agree, sir, that the items in
 5 paragraph four are not exactly secret, they're
 6 known widely to the community?
 7 A. Yes.
 8 Q. And that's because of what you've done, as
 9 expressed in paragraph four, you have a very
 10 good reputation in the community?
 11 A. I don't know about that.
 12 Q. Turning to paragraph five, sir, do you need to
 13 review it in order to refresh your
 14 recollection of what's listed there?
 15 A. I'm familiar with it.
 16 Q. With respect to the \$500,000 non-federal
 17 donation that you mention in this paragraph
 18 was given, who did you hand that donation to?
 19 A. I don't think I handed it to anyone. I think
 20 -- I think I transferred funds to the DNC.
 21 Q. By a wire transfer?
 22 A. I'm not sure, either a wire transfer or --
 23 probably a wire transfer.
 24 Q. So there was no one specifically that you
 25 delivered this money to other than the entity.

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1 A. No, no.
 2 Q. Who solicited the half-million-dollar donation
 3 from you?
 4 A. I'm not sure any one individual did.
 5 Q. Do you recall anyone who did?
 6 A. A person that I had most contact with in the
 7 White House was Harold Ickes.
 8 Q. Do you know his position at the time?
 9 A. I believe he was special adviser to the
 10 President.
 11 Q. And was there anyone else that you can
 12 remember offhand?
 13 A. No.
 14 Q. Did you attend any fund-raising events or
 15 receive any direct mail or anything along
 16 those lines in connection with this particular
 17 donation?
 18 A. Yes.
 19 Q. And what was that?
 20 A. We've already gone through that material.
 21 I've already answered that question.
 22 Q. If you would, please.
 23 A. I've received a number of invitations of
 24 events in the White House.
 25 Q. Okay. I apologize, I was probably unclear.

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1 As solicitation material, did you
 2 receive any direct mail or attend events in
 3 connection with giving --
 4 A. No, no.
 5 Q. Now, would Mr. Ickes -- is that I-c-k-e-s?
 6 A. Yes.
 7 Q. When he contacted you do you recall anything
 8 specifically about those conversations?
 9 A. He's an old friend that I worked with in a
 10 former presidential candidate, candidacy.
 11 Q. So he knew you personally.
 12 A. Yes.
 13 Q. Did he -- did he solicit this donation from
 14 you as a personal friend?
 15 A. No.
 16 Q. Did he solicit this donation to you --
 17 A. No. He didn't solicit this. He's the person
 18 that I knew in the White House. I had
 19 discussions with him, but he never solicited
 20 for an amount of money.
 21 Q. When I asked you who the persons were who
 22 solicited this donation --
 23 A. Well, a person that I talked to about it, but
 24 I initiated this contribution.
 25 Q. It was not solicited.

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1 A. No. I'm sorry I confused you.
 2 Q. In discussing it with Mr. Ickes, was that
 3 after you made the donation or before?
 4 A. I told him what I had in mind, so he probably
 5 knew prior to my making the contribution.
 6 Q. And am I correct that he made no promises to
 7 you or expressed any -- in any direct or
 8 indirect way that your contribution would
 9 influence him or any other office holders if
 10 you made it?
 11 A. Correct.
 12 Q. Would it also be correct that when you gave
 13 this contribution -- I'm sorry, when you gave
 14 this donation that you did not intend it to be
 15 used -- excuse me, scratch that.
 16 Was this donation disclosed to your
 17 knowledge?
 18 A. Was it disclosed?
 19 Q. Yes, sir.
 20 MR. SAWITSKY: To whom?
 21 A. Yes.
 22 Q. Disclosed to the public.
 23 A. Eventually.
 24 Q. And when you say eventually, was there a
 25 period of time where through some oversight,

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1 actually was spent on those candidates'
 2 behalf?
 3 A. I have no way of knowing.
 4 Q. Did you have a comprehensive list of those
 5 candidates at the time?
 6 A. A number of candidates were presented to me.
 7 Q. By whom?
 8 A. I suppose someone within the party.
 9 Q. But sitting here you don't know --
 10 A. I don't know.
 11 Q. You don't know for a fact that that was
 12 someone within the party?
 13 A. No, I don't.
 14 Q. In paragraph nine, sir, the first sentence
 15 specifically, when you indicate in this
 16 paragraph and in that sentence that you were
 17 offered the chance to attend events with the
 18 President, you're just talking about
 19 invitations to attend the event.
 20 A. Yes.
 21 Q. In the second sentence of that same paragraph,
 22 you say that you were offered special access,
 23 with the exception of the one time that we're
 24 talking about, you're merely discussing
 25 invitations.

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1 group had been assembled?
 2 A. Yes, including the President and the Vice
 3 President.
 4 Q. But everyone was at the event.
 5 A. Except the press, they had been asked to
 6 leave.
 7 Q. When you say before they had been assembled,
 8 do you mean they were there but you hadn't
 9 started the dinner or the program yet?
 10 A. The press.
 11 Q. When you say --
 12 A. When I spoke it was at the end of the dinner.
 13 Q. And was this at the table?
 14 A. Yes.
 15 Q. And there were roughly, you say, 30 people
 16 around the table?
 17 A. Yes.
 18 Q. Were there several conversations going on
 19 about the table or did you have everyone's
 20 attention?
 21 A. I had everyone's attention, I had a
 22 microphone.
 23 Q. Did other people speak during the dinner?
 24 A. Yes.
 25 Q. On the same topic or other topics?

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1 A. Yes.
 2 Q. Were the events with the President generally
 3 at the White House?
 4 A. Yes.
 5 Q. Can you think of any instances in which it was
 6 not at the White House concerning the
 7 President other than the specific incident --
 8 A. No.
 9 Q. When you talk about special access in
 10 paragraph nine, you don't really mean
 11 influence, do you?
 12 A. Access that I assume could lead to influence.
 13 Q. Are you aware of any instance in which it has?
 14 A. No.
 15 Q. When you say, "I generally never took
 16 advantage of that access," the only exclusion
 17 is the one time at the Mayflower Hotel.
 18 A. I believe so.
 19 Q. With respect to that particular event at the
 20 Mayflower Hotel how long did you speak?
 21 A. Perhaps ten minutes.
 22 Q. And was this a one on one with the president?
 23 A. This was before the dinner, before the group
 24 that had been assembled.
 25 Q. Were you -- I'm sorry, did you say before the

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1 A. I was the only one that spoke on this topic.
 2 Q. Did everyone speak?
 3 A. Anyone who wanted to. They were there to give
 4 advice to the president.
 5 Q. And was that how it was advertised to you?
 6 A. Yes.
 7 Q. Was the Vice President in attendance at the
 8 time you spoke?
 9 A. Yes.
 10 Q. Were you seated next to the President?
 11 A. I think I was one seat removed from him.
 12 Q. Do you recall who was seated --
 13 A. The largest donor was at his left and I was
 14 second largest donor, so I was once removed.
 15 I assume the third largest donor was thrice
 16 removed.
 17 Q. Who was sitting next to him on the other side?
 18 Did it just go all the way around the table so
 19 that was the 30th again?
 20 A. I think the waiter.
 21 Q. Were people told in advance that you would be
 22 speaking?
 23 A. I don't believe so.
 24 Q. Now, you've testified that you've been to
 25 other events and other fund-raising events.

1 Have you noticed that at these other events
 2 people have the opportunity to have a word
 3 with the President?
 4 A. Yes.
 5 Q. And do they generally take that opportunity?
 6 A. I suppose they do.
 7 Q. In your experience.
 8 A. Yes.
 9 Q. And this could be anything from a longer
 10 conversation to a quick word and a photo.
 11 A. Right.
 12 Q. Have you ever seen non-donors speaking with
 13 the President at one of these events?
 14 A. Other politicians.
 15 Q. Have you ever seen other non-voters speaking
 16 with the President at one of these events?
 17 A. No.
 18 Q. Would you know whether someone was a
 19 non-donor?
 20 A. A known non-donor? Sometimes I'd see a guest
 21 list. I don't remember seeing the -- I don't
 22 remember seeing any other people.
 23 Q. In your experience at these events does
 24 everyone who attends generally get the
 25 opportunity to walk through a receiving line,

1 A. I don't think so.
 2 Q. And do political parties, to your knowledge,
 3 use soft money in other ways?
 4 A. I'm not aware of it.
 5 Q. In paragraph 12, the people that you talk
 6 about that give soft money to both parties --
 7 A. Mm-hmm.
 8 Q. Have you spoken with these people and such
 9 that you would know their purpose and intent?
 10 A. I may have spoken to some, and I've also read
 11 about -- I've looked at donor lists and seen
 12 companies giving to both parties.
 13 Q. Can you think of any that you've spoken to?
 14 A. Not offhand.
 15 Q. Did Stride Rite do this?
 16 A. No.
 17 Q. Did Stride Rite need access in order to
 18 succeed?
 19 A. No.
 20 Q. Did Stride Rite get access in order to
 21 succeed?
 22 A. No.
 23 Q. Did Stride Rite succeed without access?
 24 A. Yes.
 25 Q. Are you telling me that Stride Rite had no

1 shake the President's hand and say hello?
 2 A. Depends on the event. Larger event, yes.
 3 Q. Turning to paragraph ten, sir, have you
 4 attended any fund-raisers since the large
 5 donation --
 6 A. No, no.
 7 Q. Paragraph 11, sir, the final sentence. The
 8 sentence reads, "based on my observations, the
 9 political parties used the soft money to try
 10 to influence federal elections." Is that
 11 accurate?
 12 A. That's my impression.
 13 Q. You don't mean exclusively, do you?
 14 A. I'm sorry?
 15 Q. You don't mean that the political parties
 16 exclusively use soft money to influence
 17 federal elections.
 18 A. I don't know.
 19 Q. Do you actually know how they use soft money?
 20 A. To take out, quote, issue ads that reflect
 21 well on the candidate that they're supporting
 22 or poorly on the candidate that isn't, that
 23 is, the opposition.
 24 Q. And are those exclusively in federal
 25 elections?

1 access to local, state, or federal office
 2 holders or candidates?
 3 A. Yes.
 4 Q. This would include yourself.
 5 A. Yes.
 6 Q. Mr. Bonifaz asked you a little bit about the
 7 effect of the law. Do you have an opinion as
 8 to what would happen to national party
 9 committees if the BCRA were enacted?
 10 MR. DEELEY: Objection, calls for
 11 speculation.
 12 Q. I'm asking you only, sir, if you have an
 13 opinion.
 14 A. No.
 15 Q. Will your access be diminished under the law,
 16 if you know?
 17 A. I don't have any access and I never sought
 18 access, so you can't diminish something you
 19 don't have.
 20 Q. Yet, you have and continue to give soft and
 21 hard donations and contributions.
 22 A. No.
 23 Q. Are you familiar with the Reform Voter
 24 Project?
 25 A. Yes.

<p style="text-align: right;">Page 126</p> <p>1 Q. And do you know the purpose of this 2 organization? 3 A. I'm sorry, I thought you meant to political 4 candidates. I thought you meant to political 5 candidates earlier. 6 Q. In fact I did. I'd like to change subjects 7 now. 8 A. Okay. 9 Q. Just so it's clear. Are you familiar with the 10 Reform Voter Project? 11 A. Yes. 12 Q. What is the purpose of that organization? 13 A. It's to disseminate information in several 14 races in this election cycle about the 15 incumbent voting record and the incumbent's 16 funding. 17 Q. You say the incumbent's voting record, are you 18 talking about a particular issue? 19 A. It can be several issues. 20 Q. Who founded this organization? 21 A. Did I? Did I found it? 22 Q. Who did? 23 A. Who did? 24 Q. Yes, sir. 25 A. Oh, I think it's a creature of several people</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. Yes, sir. 2 A. To candidates? 3 Q. Yes. 4 A. No. No, they have not. 5 Q. Or soft money donations to any -- 6 A. No. Definitely not. 7 Q. And on behalf of this organization have you 8 met with any office holders or candidates? 9 A. No. 10 Q. Do you know if it discloses the names of its 11 donors to the public? 12 A. Yes. 13 Q. Are you familiar with an organization 14 Responsible Wealth? 15 A. Yes. 16 Q. And what is the purpose of this organization? 17 A. I believe I was involved in one of their 18 initiatives which provided the opposition to 19 the abolition of the estate tax. 20 Q. And do you know when this organization was 21 founded? 22 A. Well, the initiative that I'm talking about in 23 particular came about as a result of the 24 proposal on the part of the -- this 25 administration to do away with the estate tax,</p>
<p style="text-align: right;">Page 127</p> <p>1 in public campaign, I'm one of them. 2 Q. Do you know when it was founded? 3 A. This past year. 4 Q. You're involved with Reform Voter Project. 5 A. Yes, exactly. 6 Q. What do you do for them? 7 A. I fund them. 8 Q. Anything else? 9 A. I discuss strategy with them. 10 Q. Do you know how they accomplish their 11 objectives? 12 A. Well, I'm not sure they have accomplished 13 their objectives. I know what they're trying 14 to do, which is what I mentioned earlier. 15 Q. They use issue ads, correct? 16 A. Yes. 17 Q. Television ads? 18 A. Yes. 19 Q. Print ads? 20 A. I don't think so. 21 Q. Radio ads. 22 A. Yes. 23 Q. And have they made contributions or donations 24 that you know of? 25 A. Have they made contributions?</p>	<p style="text-align: right;">Page 129</p> <p>1 so whenever that date was. 2 Q. Does this organization accomplish its 3 objectives through issue ads in part? 4 A. I don't believe so. Through editorials, op-ed 5 pieces. 6 Q. Do you know if this organization has ever run 7 any print advertising? 8 A. I'm not aware of it. 9 You've got five more minutes. I 10 want to make an honest man out of you, 11 Richard. 12 (Discussion off the record.) 13 Q. Sir, I'm handing you what's been marked as 14 Exhibit 13. I will supply my copy to -- 15 MR. DEELEY: I can just look on. 16 Q. Looking at Exhibit 13, which is a two-page 17 exhibit -- 18 A. Mm-hmm. 19 Q. -- which at the top of the first page reads, 20 "New York Times Advertisement." Does this 21 refresh your recollection as to whether 22 Responsible Wealth occasionally runs print 23 ads? 24 A. I didn't see this. 25 Q. But looking at it now do you have a better</p>

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1 idea of whether Responsible Wealth runs print
 2 advertising?
 3 A. I would have to conclude it does, it did.
 4 Q. And the date of this is May 22, 2002; is that
 5 correct?
 6 A. Mm-hmm
 7 Q. Do you know whether this organization has made
 8 any contributions or donations?
 9 A. No.
 10 Q. Are you familiar with Business Leaders For
 11 Sensible Priorities?
 12 A. Yes.
 13 Q. And is this a -- what is the purpose of this
 14 organization?
 15 A. It's focused on reducing the amounts of
 16 increases to the pentagon and divert those
 17 funds to causes related to children.
 18 Q. And does this organization run issue ads to
 19 your knowledge?
 20 A. Yes.
 21 Q. And does this organization also engage in
 22 grass roots activities?
 23 A. Yes.
 24 Q. Including a bus tour?
 25 A. Yes.

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1 this letter to the editor?
 2 A. No, I wouldn't.
 3 Q. In fact, it's written as if to sound rather
 4 scandalous, isn't it?
 5 A. That's my general impression.
 6 Q. Mine, too.
 7 It actually makes it seem like you
 8 and this group that it refers to, the Clean
 9 Elections Group, are corrupt and have less
 10 than moral purposes; isn't that correct?
 11 A. That seems to be the drift of it.
 12 Q. In fact, that's wrong in your opinion; isn't
 13 that correct?
 14 A. It depends on who you ask.
 15 Q. I'm asking you.
 16 A. I'm a good, straight man, if you want to --
 17 Q. Yes, you are, sir.
 18 A. Yes.
 19 MR. SAWITSKY: Yes, it's wrong.
 20 Q. And it's written to make it appear as if your
 21 group were corrupt, wouldn't you agree?
 22 A. I agree.
 23 Q. And, in fact, that appearance is wrong.
 24 A. Yes.
 25 Q. Would you agree that people should not judge

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1 Q. Do you know if either of those last two
 2 organizations we just discussed have made any
 3 contributions or donations --
 4 A. To candidates?
 5 Q. Yes, sir.
 6 A. I don't think so.
 7 (Discussion off the record.)
 8 Q. Sir, I show you what's been marked as Exhibit
 9 17. I just need you to clarify this. As you
 10 know, I've done a lot of research. If you
 11 could clarify what I found with this exhibit.
 12 If you could read this first. I'm not asking
 13 you to adopt it, I'm just asking you to read
 14 it at this point.
 15 Just to identify it while you're
 16 reading it, this is a two-page printout from a
 17 website of the South Coast Today, which is a
 18 website of a newspaper. It appears to be a
 19 letter to the editor of February 14, 2001. I
 20 couldn't help but notice you laughed as you
 21 read this. Do you find this to be an accurate
 22 letter to the editor?
 23 A. Do I find this to be accurate in terms of the
 24 amount of money given?
 25 Q. Would you agree with everything written in

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1 your group based on this letter to the editor?
 2 A. I would agree.
 3 Q. And actually should not act on this because
 4 you think it's wrong, correct?
 5 A. Correct.
 6 Q. And so you would think that people should not
 7 vote up or down on clean elections in
 8 Massachusetts or elsewhere based on the
 9 contents of this letter to the editor; is that
 10 correct?
 11 A. I would think so.
 12 MR. SMITH: That's all I have.
 13 THE WITNESS: Good. Thank you,
 14 Richard.
 15 (Discussion off the record.)
 16 MR. SMITH: Did Kevin explain to
 17 you --
 18 THE WITNESS: Yes.
 19 MR. SMITH: Do you agree to waiving
 20 the reading of your deposition?
 21 THE WITNESS: No.
 22 (Whereupon the deposition was
 23 concluded at 3:02 p.m.)
 24
 25

<p style="text-align: right;">Page 134</p> <p>1 C E R T I F I C A T E 2 COMMONWEALTH OF MASSACHUSETTS 3 SUFFOLK, SS. 4 I, Debra M. Joyce, Registered 5 Professional Reporter, Certified Realtime 6 Reporter, and Notary Public in and for the 7 Commonwealth of Massachusetts do hereby 8 certify: 9 That ARNOLD HIATT, the witness 10 whose testimony is hereinbefore set forth, was 11 duly sworn by me and that such testimony is 12 a true and accurate record of my stenotype 13 notes taken in the forgoing matter, to the 14 best of my knowledge, skill and ability. 15 IN WITNESS WHEREOF, I have 16 hereunto set my hand and Notarial Seal this 17 26th day of September, 2002. 18 19 20 21 Debra M. Joyce, RPR, CRR 22 Notary Public 23 My Commission Expires : 8/09/07 24 25</p>	

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