

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF COLUMBIA

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4 SENATOR MITCH MCCONNELL, et al., :

5 Plaintiffs, :

6 v. :

7 FEDERAL ELECTION COMMISSION, : Case No. 02-0582

8 et al., :

9 Defendants. :

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11 REPUBLICAN NATIONAL COMMITTEE, :

12 et al., :

13 Plaintiffs, :

14 v. : Case No. 02-874

15 FEDERAL ELECTION COMMISSION, :

16 Defendant. :

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18 Washington, D.C.

19 Thursday, September 26, 2002

20 Deposition of CHARLES KOLB, a witness  
21 herein, called for examination by counsel for  
22 Plaintiff in the above-entitled matter, pursuant to  
23 notice and subpoena, the witness being duly sworn by  
24 MARY GRACE CASTLEBERRY, a Notary Public in and for  
25 the District of Columbia, taken at the offices of

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<p>1 Covington &amp; Burling, 1201 Pennsylvania Avenue, N.W.,  2 Washington, D.C., at 1:23 p.m., Thursday, September  3 26, 2002, and the proceedings being taken down by  4 Stenotype by MARY GRACE CASTLEBERRY, RPR, and  5 transcribed under her direction.  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	<p>1 APPEARANCES (Continued):  2  3 On behalf of the Defendants:  4 KIRK L. JOWERS, ESQ.  5 KIMBERLY N. BROWN, ESQ.  6 Caplin &amp; Drysdale  7 One Thomas Circle, N.W., Suite 1100  8 Washington, D.C. 20005  9 (202) 862-5000  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>
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<p>1 APPEARANCES:  2  3 On behalf of the Plaintiffs:  4 THOMAS O. BARNETT, ESQ.  5 Covington &amp; Burling  6 1201 Pennsylvania Avenue, N.W.  7 Washington, D.C. 20044  8 (202)662-6000  9  10 On behalf of United States, et al.:  11 ANDREA GACKI, ESQ.  12 United States Department of Justice  13 Civil Division  14 Federal Programs Branch  15 901 E Street, N.W.  16 Washington, D.C. 20044  17 (202) 514-4336  18  19 On behalf of CED:  20 RANDI W. SINGER, ESQ.  21 Weil, Gotshal &amp; Manges  22 767 Fifth Avenue  23 New York, New York 10153-0119  24 (212) 310-8152  25</p>	<p>1 CONTENTS  2 WITNESS EXAMINATION BY COUNSEL FOR  3 CHARLES KOLB PLAINTIFF  4 By Mr. Barnett 6  5  6 EXHIBITS  7 KOLB EXHIBIT NO. PAGE NO.  8 1 Subpoena 7  9 2 4/9/02 Letter from Shays 8  10 3 Declaration 9  11 4 CED Report 9  12 5 Executive Summary of Poll Conducted for 126  13 CED by Tarrance Group  14 6 Letter from Oliver 145  15 7 Second Letter from McConnell 157  16 8 6/28/99 Letter from the CED to McConnell 169  17 9 First Letter from McConnell 171  18  19  20  21  22  23  24  25</p>

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1	1 Do you have those? Yes. And then Mike Petro and I
2	2 would have gone over that first set of questions and
3	3 probably a couple of other drafts as well.
4	4 Q. And how did you go about selecting the
5	5 executives who would be called for the survey?
6	6 A. My recollection is that the Tarrance
7	7 people did that, and we did not have any input. I
8	8 think I'm right on this. We did not have any input
9	9 in terms of suggesting who they call -- I don't
10	10 believe we gave them a list, for example.
11	11 Q. Do you know what criteria they used to
12	12 select people?
13	13 A. You would have to ask them. I'm sure they
14	14 went through it with us but I don't recall.
15	15 Q. And you don't recall whether you gave them
16	16 particular criteria?
17	17 MS. BROWN: Objection.
18	18 THE WITNESS: I don't believe we did.
19	19 BY MR. BARNETT:
20	20 Q. You left it up to them; they may have
21	21 explained it to you?
22	22 A. I believe that's correct.
23	23 Q. If you want a minute or two to look
24	24 through --
25	25 A. If we could just go off the record for a
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	1 placing the pressure on the American business 2 leaders, is that correct? 3 A. That's correct. 4 Q. And I think we've established that you 5 don't know how Tarrance selected the individuals, 6 whether there was any randomization involved or not? 7 A. That's correct. It's a professional 8 polling firm. They know how to do their business 9 pretty well and they're fairly well respected from 10 everything we could tell. 11 MR. BARNETT: Mark this as Kolb Exhibit 6. 12 (Kolb Exhibit No. 6 was 13 marked for identification.) 14 BY MR. BARNETT: 15 Q. Mr. Kolb, I doubt you'll recognize this 16 document but just let me represent to you it is a 17 letter from Jack Oliver of the RNC seeking to raise 18 funds on behalf of the Republican candidate for the 19 governor of New Jersey in 2001. And I'll further 20 represent to you that there were no federal 21 candidates on the ballot in New Jersey in November of 22 2001. 23 And what I would ask you to do is to just 24 take as a given that this is what it appears to be, a 25 fund-raising letter by an official of the Republican