

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF COLUMBIA

3 - - - - -X

4 SENATOR MITCH McCONNELL, et al., :

5 Plaintiffs, :CIVIL ACTION

6 v. :NO.02-CV-582

7 FEDERAL ELECTION COMMISSION, et al., :CKK, KLH, RJL

8 Defendants :Consolidated

9 - and - :Action

10 SENATOR JOHN McCain, SENATOR :

11 RUSSELL FEINGOLD, REPRESENTATIVE :

12 CHRISTOPHER SHAYS, REPRESENTATIVE :

13 MARTIN MEEHAN, SENATOR OLYMPIA SNOWE, :

14 SENATOR JAMES JEFFORDS, :**CERTIFIED COPY**

15 Intervenors. :

16 - - - - -X

17 Washington, D.C.

18 Tuesday, September 17, 2002

19 Deposition of SENATOR WARREN RUDMAN, a

20 witness herein, called for examination by counsel for

21 Plaintiffs in the above-entitled matter, pursuant to

22 notice, the witness being duly sworn by PAUL A.

23 GASPAROTTI, a Notary Public in and for the State of

24 Maryland, taken at the offices of Covington &

25 Burling, 1201 Pennsylvania Avenue, N.W., Washington,

1 D.C., at 1:07 p.m., Tuesday, September 17, 2002, and
2 the proceedings being taken down by Stenotype by PAUL
3 A. GASPAROTTI, and transcribed under his direction.

4

5 APPEARANCES:

6

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8 Committee:

9

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1 C O N T E N T S

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3 WARREN RUDMAN PLAINTIFF RNC

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1 PROCEEDINGS

2 Whereupon,

3 SENATOR WARREN RUDMAN,

4 was called as a witness by counsel for Plaintiffs,

5 and having been duly sworn by the Notary Public, was

6 examined and testified as follows:

7 EXAMINATION BY COUNSEL FOR

8 PLAINTIFF REPUBLICAN NATIONAL COMMITTEE

9 BY MR. BARNETT:

10 Q. Hello, Senator Rudman. Could you state
11 your name for the record?

12 A. Warren B. Rudman. I live in New
13 Hampshire. My Washington address is 1615 L Street,
14 N.W. I'm a partner in Paul, Weiss, Rifkind, Wharton
15 & Garrison.

16 Q. Senator, my name is Tom Barnett. I am
17 with Covington & Burling and we represent what we
18 refer to as the RNC plaintiffs in this action. I
19 assume you are familiar with the deposition process,
20 but as a general --

21 A. Very much so.

22 Q. As a general matter, if you don't
23 understand a question, please ask me and I will try
24 to clarify it. Are you here represented by counsel?

25 A. I don't have personal counsel, but these

1 folks represent the defendants and asked me to
2 furnish a statement, and they're here. I assume from
3 an ethical point of view they're not truly
4 representing me but they are representing their
5 client and I am here appearing in a deposition.

6 Q. Right. I just wanted to clarify who was
7 actually representing you.

8 A. I don't have counsel personally.

9 Q. And did you speak with counsel for the
10 defendants prior to the deposition?

11 A. At great length.

12 Q. Okay. In connection in part with
13 preparing a declaration?

14 A. Correct, which I hope you have a copy of.

15 Q. I received a copy yesterday and we will
16 get to that in a moment. Let me, a little bit of
17 background first. I graduated, you went -- strike
18 that. I understand you went to Syracuse University?

19 A. I did.

20 Q. And graduated from there?

21 A. I did.

22 Q. Was it in 1952?

23 A. That's correct.

24 Q. Do you have a diploma?

25 A. I do.

1 Q. You finally obtained one?

2 A. You read my book. As a matter of fact, I
3 have it. I've never opened the package it came in.
4 It came in 1981 shortly after I was elected to the
5 United States Senate.

6 Q. I didn't know if you returned that or not.

7 A. No, I haven't. It's somewhere in the
8 basement with the other trash that's in my basement.

9 Q. But in any event, you graduated from
10 Syracuse with a BS?

11 A. I did.

12 Q. And you served in the Korean War?

13 A. I was an infantry company commander,
14 Rangers, paratrooper, the whole bit, yes.

15 Q. And after that you attended Boston College
16 Law School?

17 A. At night for four years, commuting from
18 New Hampshire. I was fully employed during the day,
19 went to law school during the night.

20 Q. And just as a general matter, I will try
21 not to interrupt your answers. With us both talking,
22 it's hard for the reporter, and so if we could each
23 try to be cognizant of that?

24 A. I will.

25 Q. And what was your employment between,

1 while you were going to law school?

2 A. My father ran a furniture manufacturing
3 company in Nashua, New Hampshire, did so since the
4 '20s, and I helped him in that company during that
5 period of time and also before that time, and then
6 upon graduating from law school, decided to practice
7 law.

8 Q. That was in 1960?

9 A. Correct.

10 Q. You were in private practice for about 10
11 years until about 1970?

12 A. I was in private practice from 19, it
13 would have been late 1960 until sometime, I believe
14 in the late fall, until I became Attorney General of
15 New Hampshire in 1970.

16 Q. And how did you become the Attorney
17 General?

18 A. I was appointed to that position by former
19 Governor Walter Peterson, who had been a long-time
20 associate and friend. In New Hampshire the Attorney
21 General position is appointed, for a five-year term.

22 Q. And you served in that position until
23 1976, I gather?

24 A. January of 1976, correct.

25 Q. Was that one term?

1 A. That was actually more than one term. I
2 served the unexpired term of my predecessor, which
3 was about a year, and then five years of my own term.
4 So I served about six years.

5 Q. Then you returned to private practice?

6 A. I did, with Sheehan, Phinney, Bass &
7 Green, which is a large New Hampshire law firm
8 located in Manchester.

9 Q. And you were with that firm until about
10 1980?

11 A. Until actually I was elected to the United
12 States Senate.

13 Q. If I can back up for a moment again,
14 during your time prior to your election to the
15 Senate, were you involved in politics in New
16 Hampshire?

17 A. I was.

18 Q. In what roles?

19 A. As a campaign enthusiast and worker for a
20 variety of candidates, particularly the New Hampshire
21 Presidential primary, which I guess we all get
22 involved in up there. I worked for a variety of
23 candidates, including Governor Rockefeller, I worked
24 for Gerry Ford later. I then worked for
25 gubernatorial candidates as soon as I got back from

1 the Korean War, U.S. Senate candidates, but I didn't
2 hold any official position. I never held an official
3 position in the state party, I just was a worker,
4 might be a county chairman or a speech writer or
5 whatever, but I was involved as a citizen but never
6 held any position.

7 Q. Is that how you met the governor of New
8 Hampshire, through those activities?

9 A. No. I met him, he was about, is about
10 eight years older than I am, and he lived in the
11 neighborhood when we were growing up and I got to
12 know him and admired him as a great athlete, great
13 fellow. His name was Walter Peterson.

14 Q. And in terms of your activities, did you
15 engage in fund raising activities?

16 A. I did. In fact I was the fiscal agent,
17 which is the peculiar term in New Hampshire for the
18 chairman of the finance committee that has to file
19 reports with the Secretary of State, for Walter
20 Peterson, and that would have been in 1968.

21 Q. Was that in Governor Peterson's --

22 A. First campaign.

23 Q. For governor?

24 A. Yeah, excuse me. It was Governor
25 Peterson's first campaign for governor.

1 Q. And as part of your role as fiscal agent
2 for the campaign, you organized fund raising events?

3 A. Some. I kept track of the money mostly.
4 We also had a campaign fund raising chairman, but
5 yeah, I was involved to some extent.

6 Q. Well, when you say to some extent, I'm
7 just trying to get a general overview of the kinds of
8 things that you did.

9 A. Well, I certainly went to every fund
10 raiser we had. I certainly made a lot of telephone
11 calls to people, sent a lot of letters to people, but
12 I was not the per se finance chairman of the
13 campaign.

14 Q. And were you involved in fund-raising
15 events for state candidates other than Governor
16 Peterson?

17 A. I don't believe I was until after 19,
18 maybe 72, my best recollection. I mean, he didn't do
19 much fund raising as I recall, for the national
20 campaigns, they brought their own money. I'm talking
21 about the primaries. And the Senate candidates, I
22 wasn't that involved until after Peterson left
23 office, and I believe that I did help a congressman
24 that lived in our district, and possibly Senator
25 Cotton, but not to the extent that I have a clear

1 recollection like I do with the Peterson for governor
2 campaign of '68.

3 Q. You were elected to the U.S. Senate in
4 November of 1980?

5 A. Correct.

6 Q. And you were elected again in 1986?

7 A. Correct.

8 Q. And just to finish that out, you did not
9 run again in 1992?

10 A. Correct.

11 Q. Since that time you have been back in
12 private practice?

13 A. Amongst other things, yes. I do a number
14 of things, but the primary thing I do is practice
15 law.

16 Q. And in January of 1993 you left office?

17 A. I did.

18 Q. Did you go directly to Paul Weiss at that
19 point?

20 A. Correct.

21 Q. And since that time, you have been
22 practicing law with Paul Weiss?

23 A. That is correct.

24 Q. Can you generally describe what kind of
25 law practice you have with them?

1 A. Yeah. It's quite different than from what
2 most people in our firm do. It is a corporate
3 investigation practice, corporate governance
4 practice. It does not include lobbying. I have
5 filed as a lobbyist once in ten years and that was
6 for a regular Paul Weiss client. But mainly,
7 corporations have major problems and I have been
8 brought in to help straighten them out, much like the
9 board of directors of a company.

10 I guess the best example I could give you
11 would be one that got a lot of public visibility and
12 that was when the NASD hired me to reorganize the
13 NASD at the request of the Chairman of the SEC. That
14 resulted in the formation of NASD as a separate
15 holding company, NASDAQ as a separate corporation,
16 and NASDR as a separate regulator. That was the most
17 publicly prominent thing that I did, but I do that
18 type of thing mainly for private companies.

19 MR. BARNETT: Since you mentioned
20 lobbying, I will go ahead and mark this as Rudman 1.

21 (Rudman Exhibit 1 marked for
22 identification.)

23 BY MR. BARNETT:

24 Q. Senator, I ask you to look at what has
25 been marked as Rudman Exhibit 1.

1 A. Correct.

2 Q. Do you recognize these documents?

3 A. Probably not. Let me see who the -- oh,
4 INTELSAT. I signed that as a partner because the
5 young man, who is no longer with us, Carl Hampe, did
6 the work. I supervised him but I did not lobbying on
7 that.

8 The other one, also Carl Hampe, was --

9 MR. WITTEN: It's two copies of the same
10 thing.

11 THE WITNESS: Same thing, okay. Yes,
12 that's the one I recall, and there must be two
13 because I recall one for a utility group on the west
14 coast. That is the other one that I recall.

15 BY MR. BARNETT:

16 Q. These, I will represent to you, these are
17 lobbying disclosure reports that we pulled from the
18 public records.

19 A. Correct.

20 Q. And if you flip through them, and I would
21 ask you to flip through them, there is two clients
22 mentioned here. One is INTELSAT.

23 A. All right.

24 Q. And the other is the Coalition of
25 Utility --

1 A. Correct.

2 Q. -- Companies -- just, if I could finish.
3 The Coalition of Utility Companies Seeking PUHCA
4 Repeal.

5 A. Correct.

6 Q. Now, you said that you did some work for
7 each of these clients?

8 A. I don't recall doing very much at all for
9 INTELSAT. I do recall doing a fair amount for the
10 Coalition of Utility Companies, not in a traditional
11 sense lobbying but since there was some contact
12 between Paul Weiss and the Hill, a conservative
13 reading of the new lobbying law made us feel that I
14 should sign it as well, and I did.

15 Q. And did you have any contact with any
16 members of Congress or their staff related to this
17 coalition?

18 A. On this one, well, if I did, I don't
19 remember. It's possible that I did. I know that
20 Carl did almost all the work. If I did, it wasn't a
21 lot, but I could find out. I could go back and look
22 at our time sheets, but my sense is probably not. I
23 might have, but if I did, it would have been fairly
24 low level contact.

25 Q. And you would have -- or Mr. Hampe would

1 have had most of the contact?

2 A. Yeah. Carl Hampe, just to give you a
3 little background, came to work when I came to the
4 firm, and came out of the Justice Department and the
5 U.S. Senate on the judiciary staff. And he was with
6 us until last year when he got an offer from Beck &
7 McKenzie, and he does nothing but lobby.

8 Q. And he worked with you, or you supervised
9 him on this project?

10 A. I did.

11 Q. You did?

12 A. Absolutely.

13 Q. So, were you involved in deciding which
14 members of Congress or their staffs to contact
15 related to the issues of interest to the coalition?

16 A. I well could have, yes. I don't really
17 recall, but I assume if that issue came up he would
18 asked my opinion and I would have told him.

19 Q. And would you have been involved in
20 arranging for contact or communication with members
21 of Congress?

22 A. He was pretty good at arranging them
23 himself but I would not rule out the possibility that
24 I might have called an AA or somebody I knew and say
25 Carl would like to talk to some of your staff.

1 That's possible. I would find that listed in my
2 reports if I did.

3 Q. Do you know, or if it were up to you --
4 strike that. Do you know how Mr. Hampe would
5 persuade members of Congress to agree to a meeting to
6 discuss issues of interest to the coalition?

7 A. Well, sure.

8 MR. WITTEN: Before you answer, I'm not
9 your personal counsel, but you want to be careful not
10 to disclose any privileged lawyer-client
11 communications that may or may not be called for.

12 THE WITNESS: Thank you.

13 BY MR. BARNETT:

14 Q. And just to be clear, I'm not trying to
15 get into the substance of it. I'm focused on
16 lobbying activities and the process.

17 A. Yeah. Well, I can answer that. He worked
18 for both Senator Simpson and to some extent for the
19 committee under Senator Kennedy, and then he was
20 Deputy Attorney General of the United States for
21 Legislative Affairs. So he had a broad list of
22 contacts on Capitol Hill with the staffs, which is
23 better frankly than having them with the senators.
24 And so Carl didn't have much trouble in arranging
25 meetings on his own. That's why I hesitated in my

1 answer.

2 He was very good and there were very few
3 places on the Hill that he didn't have people he knew
4 that he could arrange meetings to put forth why this
5 ought to be repealed. This was the Public Utilities
6 Holding Company Act, and there was great interest
7 across the country among consumer groups and
8 utilities to get it repealed, and that's what he was
9 doing with it.

10 Q. And without going into the specifics of
11 what might have been said, I assume it's fair to say
12 he would point out to the staffs why this issue, or
13 why this act should be repealed on the merits?

14 A. Absolutely.

15 Q. And that that was the principal reason for
16 meeting with the staff?

17 A. Absolutely.

18 Q. And that was typically a sufficient reason
19 for the staff to meet with him?

20 A. I would think so.

21 Q. Are there as a general matter, since
22 you've returned to private practice in 1993, have you
23 had occasion to meet with members of Congress or
24 their staffs to discuss legislative issues for any
25 reason?

1 A. I am trying to think over this last
2 ten-year period, and the only one I recall was the
3 public utilities one, and you have now refreshed my
4 recollection with the INTELSAT, which I did not
5 remember. I don't remember any other except one, and
6 that was in a different role.

7 I am a member of the board of directors of
8 Raytheon Corporation, and we had some fairly serious
9 issues involving defense procurement and I believe
10 there was one occasion, I would say it probably would
11 have been in 1996 or 7, and I can remember the date
12 because there was a change in CEO, where I asked for
13 a meeting with Ted Stevens to make sure that Ted
14 heard directly from the CEO of Raytheon what the
15 issue was, that they were facing and DoD was facing.

16 I don't recall any other instance but I
17 have a clear recollection of that, but a vague
18 recollection of exactly what we talked about.

19 Q. Do you know if Raytheon has a political
20 action committee?

21 A. Oh, they do.

22 Q. And they make contributions?

23 A. Absolutely.

24 Q. Do you know whether they make
25 contributions to Senator Stevens' campaign?

1 A. I have no idea. I've never seen a list of
2 their contributions. I don't know anything about the
3 PAC at all.

4 Q. Do you know if Raytheon makes soft money
5 contributions to political parties?

6 A. I don't know.

7 Q. You have never asked them?

8 A. I have not.

9 Q. So it's safe to say when you called
10 Senator Stevens and asked for a meeting, you didn't
11 mention the existence of any contributions or
12 potential contributions?

13 A. Well, surely I would not have anyway; it
14 would have been a violation of law.

15 Q. Fair enough, but --

16 A. I'm sorry to interrupt you.

17 Q. I understand why you're eager to deny it,
18 but just so we're clear for the record, it's clear
19 that when you called Senator Stevens, you did not and
20 would not have mentioned any contributions by
21 Raytheon's PAC or Raytheon as a corporation to a
22 campaign or political party in connection with trying
23 to set up a meeting with Senator Stevens?

24 A. That's correct.

25 Q. And if you drew a connection between the

1 two, you would view that as a violation of existing
2 law?

3 A. I certainly would.

4 Q. Now, have you -- we talked about contacts
5 with members of Congress. In your practice, have you
6 had reason to have contact with members of the
7 executive branch over regulatory issues of interest
8 to your clients?

9 A. None particularly, no.

10 Q. When you say none particularly, is that --

11 A. I don't recall any regulatory issues that
12 I was dealing with regulators. I just don't. It
13 would have been kind of difficult for me for the
14 period '93 to 2001 anyway, because I was the
15 Republican chairman for a Democratic President of the
16 President's Foreign Intelligence Advisory Board for a
17 long time in fact, actually for a year under Bush as
18 well. And I always felt that in that position I was
19 kind of precluded from doing that sort of anything
20 anyway. So, I might have made a call to somebody
21 about something, but if it was, I don't remember.

22 Q. You don't have a specific recollection?

23 A. No. If you can refresh my recollection it
24 would help but I don't have any recollection.

25 Q. Just so I understand, you have no specific

1 recollection of any contact with a member of the
2 executive branch on behalf of a client since 1993?

3 A. I do not. I do not recall it.

4 Q. You mentioned that there are a number of
5 other things besides working for Paul Weiss that you
6 have been doing since 1993. Let's just try and get
7 those out on the table.

8 A. All right. In the private sector I am a
9 member of the board of directors of the following
10 corporations: Raytheon Corporation; they are a
11 defense contractor essentially. Chubb Corporation;
12 they are mainly a property and casualty insurance
13 company. Boston Scientific, a maker of very high
14 tech medical devices for non-invasive surgery.
15 Allied Waste, the second largest waste disposal
16 company in the country. And Collins and Aikman, one
17 of the largest manufacturers in the world of
18 automotive interiors.

19 To make sure we have all this on the
20 table, I am on the last two boards, Allied Waste and
21 Collins and Aikman, because my very dear friend of
22 long standing, Pete Peterson, former Secretary of
23 Commerce, runs the Blackstone Group, which has
24 substantial investments in those companies. And he
25 asked if I would serve as a director to essentially

1 look out for not only shareholder interests, but they
2 are a major shareholder, their interests, which I
3 agreed to do.

4 So those are the -- I did serve one term
5 as a governor of the Federal Reserve Bank of Boston.

6 Q. When was that?

7 A. That was from '93 until about '96 or '97.
8 I chose not to be reappointed. I also served for
9 about five or six years as a member of the board of
10 the American Stock Exchange, and that was after our
11 NASDQ/NASD representation.

12 That pretty well covers it.

13 On the pro bono public interest side, I
14 chaired the President's Foreign Intelligence Advisory
15 Board, and vice chairman for three years and chairman
16 for about five, from 1993 until December 31st, 2001.

17 I chaired the Gulf War Oversight Board
18 created by the Congress and the President to oversee
19 the Pentagon, the VA and other government agencies in
20 terms of their treatment of veterans who complain of
21 Gulf War illnesses.

22 I co-chaired with Gary Hart the United
23 States Commission on National Security, Hart-Rudman,
24 which has received a lot of press in the last six
25 months because we predicted the terrorist attacks.

1 And finally, the President asked me to
2 serve as the other American with George Mitchell on
3 what is referred to as the Mitchell Commission, but
4 more properly the Sharm el Sheikh Commission, which
5 was put together by President Clinton in late -- in
6 the fall of '01, to attempt to bring some rationality
7 between the Palestinians and the Israelis. We spent
8 a lot of time in the Mideast, and do that. The other
9 three members are all former heads of state or
10 whatever. I did that for the better part of a year.

11 I served on the board of my prep school I
12 went to for quite some time, got off it two years
13 ago, the Valley Forge Military Academy up in Wayne,
14 Pennsylvania.

15 There may be something else, but it's not
16 major.

17 Q. Have you been involved in any political
18 activities since leaving office in January of 1993?

19 A. I have. I was involved in the election of
20 my successor, former Governor and now United States
21 Senator Judd Gregg. I helped Bob Smith.

22 Q. Just so we're clear, you said you were
23 involved. In what capacity?

24 A. I made television ads for him, spoke for
25 him.

1 Q. Did you have an official role in his
2 campaign?

3 A. I did not.

4 Q. You just supported his campaign through
5 the activities you mentioned?

6 A. I only had one official role in the
7 campaign, which I will get to chronologically, which
8 I'm sure you're aware of.

9 Q. I'm aware of it.

10 A. I also helped my former colleague Bob
11 Smith in his reelection back at that time. I helped
12 young Congressman John Sununu in his election and
13 helped him again this year to win the Senate primary.

14 Q. When you say helped, how did you help Bob
15 Smith?

16 A. Back when he was elected in, that would
17 have been '96, I cut a whole series of television ads
18 which were used almost exclusively the last two weeks
19 of his campaign. It was an extremely tight race.

20 Q. And other kinds of help?

21 A. I may have given him a thousand or \$2,000,
22 and I expect I did. I helped John Sununu in the same
23 way, and I helped Congressman Charlie Bass in the
24 same way.

25 Q. Did you organize any fund raisers?

1 A. I did not. I went to a number of them but
2 I did not.

3 Q. You say you attended fund raisers?

4 A. For all of them.

5 Q. Meaning you made contributions and showed
6 up?

7 A. I did.

8 Q. Did you appear as a notable at the
9 fund-raiser events?

10 A. No more notable than I am or I'm not. I
11 just went.

12 Q. Would your name have been on the
13 invitation?

14 A. I don't think so. It might have been on
15 one or two of them, but they were generally put on by
16 other groups, by groups of sitting United States
17 Senators and so forth.

18 Q. You mentioned Bob Smith, John Sununu,
19 Charlie Bass.

20 A. Right.

21 Q. Anybody else?

22 A. Yes. The only position that I have held
23 in a campaign was in the recent Republican primary
24 for the presidency won eventually by President Bush.
25 I was John McCain's national campaign co-chairman.

1 My other co-chairman was his colleague from Arizona,
2 Senator Kyl.

3 Q. How long did you serve as co-chairman for
4 Senator McCain's presidential campaign?

5 A. From the time it started to the time it
6 ended, and I can't give you those dates.

7 Q. Do you have approximate dates?

8 A. Yeah. I would say that since the New
9 Hampshire primary which takes place in February, it
10 probably would have been from sometime in '99 when he
11 pulled out, which would have been in the spring of
12 '00.

13 Q. I believe Senator McCain formed an
14 exploratory committee in early 1999. Do you recall
15 that?

16 A. I recall him doing it. I don't think I
17 had a position when I knew about it.

18 Q. And that's where I was going, as to when
19 you became involved?

20 A. I became involved when John asked me to
21 become his national co-chairman, sometime I would
22 recall in the summer before the New Hampshire primary
23 in February/March '00. It was summer of '99.

24 Q. And you agreed to do this presumably
25 because you supported John McCain's bid for

1 President?

2 A. I did.

3 Q. And your support for Senator McCain had
4 something to do with his views on various issues?

5 A. A number of issues.

6 Q. And you agreed with him on most issues?

7 A. Most, but not all.

8 Q. There were one or two out of a hundred or
9 so that you disagreed with him on?

10 A. Maybe more than that but certainly, you
11 know, I agreed with him a lot more than I disagreed
12 with him.

13 Q. And I gather Senator McCain didn't change
14 his views in order to induce you to work for his
15 campaign, did he?

16 A. Not at all.

17 Q. And the mere fact that you provided the
18 benefit of managing the campaign, co-chairman of the
19 campaign, you didn't view it as somehow corrupting
20 Senator McCain?

21 A. I hope not.

22 Q. Did you view it that way?

23 A. Certainly not.

24 Q. And any other political activity that we
25 have not covered so far?

1 A. Well, I did help Bob Dole. My record of
2 helping presidential candidates is kind of 0 for 2.
3 I helped Dole in his race against the first George
4 Bush. After Bob Dole and the Iowa primaries, then of
5 course we lost in New Hampshire, but I helped Bob.
6 And then of course, I helped Bush and I helped
7 Reagan.

8 Q. When you say helped, in what way?

9 A. Appeared for them, gave speeches,
10 introduced them. Went to rallies for them. Did a
11 lot of very public things for President Reagan in his
12 second election, not his first, because I was running
13 myself at that time. But President Bush after he won
14 the primary, and I worked again on his reelection,
15 which of course he lost.

16 I also, I should add, did support and work
17 for President Bush the second, George W., after he
18 had won the primary.

19 Q. Have you done any fund-raising work for
20 any state candidates since being elected to the
21 Senate in 1980?

22 A. State candidates?

23 Q. I mean candidates for state office?

24 A. If I have, it's been very minor. I don't
25 recall. I haven't hosted fund raisers. I never have

1 hosted fund raisers; I have a very strange view about
2 fund raisers, but the answer is no, not to my
3 recollection.

4 Q. It's fair to say that since 1980 your
5 political activities have focused almost exclusively
6 on federal activity?

7 A. Right, but I've kept very informed on
8 state activities, but not fund raising.

9 Q. In terms of your actual participation
10 through fund raising, through supporting the
11 candidates, appearing in ads, any other supportive
12 activity that you care to identify, is there any such
13 activity that you provided to candidates for state or
14 local office since 1980?

15 A. Yes. In the most recent election, I did a
16 piece of direct mail for a young man who is the son
17 of former Governor Walter Peterson, who was elected
18 to the state senate.

19 Q. Anything else since then?

20 A. Not that I can recall, before or after.

21 Q. Anything else since 1980?

22 A. The answer is no.

23 MR. BARNETT: While we're on that general
24 topic, I will have this marked as Rudman 2.

25 (Rudman Exhibit 2 marked for

1 identification.)

2 BY MR. BARNETT:

3 Q. I ask you to look at what's been marked as
4 Rudman 2.

5 A. Sure, I just did.

6 Q. And I will represent that this is results
7 of a computer search of political contributions made
8 under the name of Warren Rudman. I ask you to look
9 over this list and first of all, indicate whether you
10 believe that you in fact made each of the
11 contributions listed here.

12 A. I do.

13 Q. You did?

14 A. You put the question, do I believe, and I
15 said I do.

16 Q. I'm sorry. You listened more carefully
17 than I. And are there any contributions that you can
18 recall as you sit here today that are not on this
19 list, to federal candidates?

20 A. I would think so, and I don't understand
21 why they're not here. I can tell you that I have, I
22 don't recall precisely and it's no big deal, but I
23 tend to get calls from my former colleagues and what
24 not, and I know I contributed to Slate Gordon's
25 campaigns after I was out. I know I contributed to

1 Rudy Boschwitz's campaign. I remember contributing
2 to a Democrat who was up for reelection, Bob Kerry,
3 who's a friend of mine.

4 I mean, I know I made more contributions
5 than this, but I don't know why they're not here.
6 These contributions I made. I see Connie Morella,
7 which I had forgotten about, but yeah, I think I have
8 made more contributions than show up here.

9 Q. Fine. You're not responsible for the
10 search. I'm just asking what you remember right now.

11 A. Well, I answered the question.

12 Q. Anything else that you can recall, any
13 other contributions or candidates that you can
14 specifically recall as you sit here today?

15 A. I maxed out the presidential candidates in
16 each of the last four elections, five elections.

17 Q. Have you engaged in fund-raising
18 activities in any other context for any other
19 individuals or organizations?

20 A. Non-politically, are you asking?

21 Q. I'm asking fund raising, period.

22 A. I have done fund raising for Boston
23 College, for Boston College Law School, for Valley
24 Forge Military Academy, and for an organization that
25 helps underprivileged children go to camp.

1 Q. Any other groups?

2 A. No. There may be, but those are the ones
3 that come to mind. Certainly no other political
4 groups.

5 Q. What is the Concord Coalition?

6 A. Well, thank you. The Concord Coalition, I
7 guess you'd have to say I raised money for them by
8 being their co-chairman and by writing letters, thank
9 you. I mean, that's so much a part of my life I just
10 didn't even think about it. Pete Peterson, Paul
11 Tsongas and I formed it in '92 as a fiscal watch
12 organization, and Sam Nunn and Paul Tsongas became
13 co-chairmen. Sam retired and Bob Kerry became
14 co-chairman, and we raised about 2, \$2.5 million
15 every year.

16 Q. From where do you raise that money?

17 A. We raise it in three ways, direct mail,
18 memberships, which range from \$5 to \$200. Some small
19 amount of it comes from foundations. Most of it
20 comes from the Patriot Dinner in New York every
21 November where we honor someone who we think is an
22 economic patriot, such as Alan Greenspan, Paul
23 Vogler, Bob Kerry as a matter of fact one year, and
24 we raise all together a couple million dollars.

25 Q. Roughly what percentage of the 2, 2.5

1 million would be raised at the Patriot Dinner each
2 year?

3 A. I would say probably a quarter to a third.

4 Q. And do you keep records of individuals who
5 contribute to the Concord Coalition?

6 A. Somebody does. I don't, but the
7 organization does.

8 Q. I think you state this, but what's your
9 relationship to the Concord Coalition?

10 A. I'm co-chairman.

11 Q. And that's one of your -- you have an
12 official capacity with the organization?

13 A. Yeah, and I guess I left it out. It's
14 probably the most important one but I'm so involved
15 in it on a day-to-day basis that I just -- you know,
16 I don't get paid for that of course.

17 Q. But it is your belief that somebody keeps
18 records of the contributors to the Concord Coalition?

19 A. We have an executive director, his name is
20 Bob Bixby, and before him it was Martha Phillips.
21 They keep exquisitely accurate records about direct
22 mail and our dinner and our membership, so they can
23 be targeted with direct mail for additional
24 contributions.

25 Q. Does the Concord Coalition publish that

1 list of contributors anywhere?

2 A. We do not.

3 Q. And what does it spend the 2 or \$2.5
4 million on each year?

5 A. Until 1999, I would say that half of it
6 was spent on the field organization. This
7 organization is very different from most interest
8 groups you think of in Washington in that it has
9 local chapters in every state and in most
10 congressional districts. And thus, we have staff
11 across the country who continue to develop
12 grass-roots support for the Concord Coalition's
13 agenda, which is then brought to bear on members of
14 Congress on the single issue of fiscal responsibility
15 and generational responsibility. So I would say that
16 half of it, at least, was spent on that field
17 organization.

18 Probably a quarter of it was spent, if
19 that, on the Washington staff, which is small. And
20 another quarter on full page ads in the New York
21 Times, direct mail, and something we call our Fax
22 Alert, which goes to over 600 media outlets on an
23 almost weekly basis around the country.

24 That's my best recollection of how you
25 would break that down. If for any reason you need to

1 know specifically, I can furnish that very easily.

2 Q. The local chapters that develop
3 grass-roots support on this issue, how do they
4 develop that support?

5 A. The idea that Paul Tsongas had, which came
6 out of his presidential campaign, if you went into a
7 congressional district and you got people who knew
8 the activists in both political parties, and you
9 invited them to an event at which you told them of a
10 problem which could affect their future and their
11 children's future in a serious way, that they would
12 be interested in becoming involved if you could
13 motivate them that they could make a difference. And
14 the way they could make a difference is we had a plan
15 worked out where they would be able to be essentially
16 as informed or more informed than their own
17 congressman or senator or their staffs on these
18 fiscal issues.

19 And thus, we build that from nothing in
20 1992 to a membership at its high, an active
21 membership or a passive membership, people who were
22 integral in doing it, of about 600,000 people across
23 the country.

24 Now in addition to that, we designed a
25 computer game which we played at over 200 high

1 schools in America over the last few years, and it's
2 called You be the President. In which people role
3 play with laptop computers that are all programmed,
4 and make the hard choices. You know, do you have
5 more Social Security or more missiles. Do you cut
6 Medicaid or do you cut Head Start. And we try to
7 educate people through that modality, which was a
8 brilliant idea by Martha Phillips, who at one time
9 was chairman of, or was the Chief of Staff of the
10 House Budget Committee.

11 So we did a lot of education, and have a
12 very loyal following, and we get editorialized on
13 probably more often than any other special interest
14 group, except probably the NRA.

15 Q. And you said that this eventually comes
16 around to put pressure to bear on the Congress on
17 this issue?

18 A. Right, to cut the deficits and to act
19 responsibly for future generations, exactly. We are
20 a special interest lobbying group.

21 Q. And how is that pressure brought to bear?

22 A. By two methods. The most effective method
23 is, every time members go back to their districts,
24 they normally find in most districts a request from
25 the local chapter to want to meet with them on fiscal

1 issues. And I have been told by literally scores of
2 members of Congress how active they are. They don't
3 always listen to them, but they certainly give them
4 time, and we've had some success.

5 Q. Do the activities of the Concord Coalition
6 have an impact on federal elections in your opinion?

7 A. I really can't answer the question.
8 That's a very complicated question. I just don't
9 know. We do not take, of course, any political
10 positions as such. We don't criticize a candidate
11 who doesn't agree with us, or laud one that does. We
12 can't do that.

13 Q. You don't endorse candidates?

14 A. Oh, goodness no. Absolutely not.

15 Q. But do your activities, are they intended
16 to influence the outcome of federal elections?

17 A. They are not. They are designed to
18 influence the outcome of key votes on legislation.

19 Q. And do you think that is their principal
20 impact, is the deliberations and voting in Congress
21 on issues of fiscal responsibility?

22 A. That, and on the administrations. After
23 he left office, Bob Ruben told me that the Concord
24 Coalition was an organization whose opinions were of
25 very high interest to Treasury and to the White

1 House, because they generally had a lot of support
2 behind them throughout the country.

3 Q. Are you aware of any impact on federal
4 elections of the activities -- strike that. Are you
5 aware of any impact on the outcome of federal
6 elections attributable to the activities of the
7 Concord Coalition?

8 A. I am not.

9 Q. Are there any other organizations that you
10 raise money for?

11 A. Well, I forgot the Concord Coalition,
12 which was a hell of an oversight. I don't really
13 think that there is anything that is terribly
14 significant.

15 Q. Are there other organizations that you
16 contribute to -- well, without going into a list, let
17 me leave it at that level of generality.

18 A. Yes. I am quite charitable and I give a
19 lot of money to organizations everywhere, since I've
20 been able to, since I got out of the Senate.

21 Q. A number of 501(c) organizations?

22 A. These are mainly things like the Red
23 Cross, the Salvation Army, the food kitchens in a
24 number of cities in New Hampshire for poor people.
25 They are not politically active organizations or

1 correct, but something like the Brennan Center I
2 could forget that. It could have been a year or two
3 ago, it could have been a few hundred dollars, which
4 wouldn't be of any significance to me.

5 Q. Does Paul Weiss have a political action
6 committee?

7 A. No, we don't.

8 Q. Does the firm make political
9 contributions?

10 A. No, it doesn't. Individual partners may.

11 Q. You're jumping in on my questions.

12 A. All right. That's one of the problems
13 with having a lawyer as a witness, Mr. Barnett. Go
14 ahead.

15 Q. Okay. Is it fair to say that you are not
16 a fan of PAC money?

17 A. Oh, that's an understatement. I am the
18 first member other than David Boren, and we dispute
19 who was first, to raise the issue and say I would not
20 take any PAC money that was generated outside of the
21 State of New Hampshire. And there was one PAC in the
22 State of New Hampshire at the time, the New Hampshire
23 Automobile Dealers Association. You're right.

24 Q. Why would you take money from a PAC that
25 was from New Hampshire as opposed to --

1 A. Because it came from New Hampshire
2 citizens who had an interest in who represented the
3 people of New Hampshire. And the reason I took the
4 position is because I was totally appalled at an
5 election that was in 1974 when John Durkin, who I
6 eventually defeated, was elected United States
7 Senator from New Hampshire, with 80 percent of his
8 money coming from labor PACs, most of whom were from
9 anyplace other than New Hampshire, a state which is
10 not a strong labor state. And I found that they were
11 corrosive, they took the election away from the
12 people because money means electability in most
13 places; if you have a lot of money you can get
14 elected, unless you have three heads.

15 And the bottom line is that I, looking at
16 what Durkin did, said I would rather not get elected
17 than take that kind of money. And he outraised me by
18 two-and-a-half times. We took contributions from
19 individuals only, and most of them small. We didn't
20 even take money from the RNC; that had soft money and
21 PAC money in it, and we declined it, so that can be
22 done.

23 Q. What was corrosive, if you can just expand
24 a little on your description of the out of state PAC
25 money? What was corrosive about the out of state PAC

1 money?

2 A. It was corrosive and corrupting in my
3 view, this is my opinion, not a fact but my opinion.
4 I looked at a list one day, and it had the
5 longshoremen's union from Long Beach, California, and
6 the UAW union from nine different places, nine
7 different PACs, I call them wolf PACs. There were
8 great PACs of machine tool workers. There were PACs
9 of all sorts of trucking interests, the Teamsters
10 Union. They were from everywhere. They had them
11 from Pittsburgh, San Diego.

12 Now I believe that although it may be a
13 quaint idea, that people of a state have a right to
14 elect their own officials, that people from other
15 places should have a minimum right to interfere in
16 those elections. Now I understand that individuals
17 from all over the country can contribute to United
18 States Senate candidates no matter where he or she is
19 from, but I object strenuously to special interest
20 groups with PACs designed for the purpose of electing
21 people in states other than the state in which the
22 senator lives, making those contributions. That's my
23 view.

24 Because when Durkin beat Louis Wyman in
25 1974 in, by the way, the closest election in the

1 history of the U.S. Senate, two votes decided that
2 election, he did it with an enormous amount of labor
3 PAC money in a state, New Hampshire, which is not a
4 labor state. And the very views that are represented
5 by those PACs are views that are essentially
6 antithetical to most people in New Hampshire, which
7 tend to be very free enterprise, anti-union,
8 pro-guns, pro-life, et cetera, et cetera.

9 So I must tell you, my opinion is it is
10 corrosive, it's wrong, and I wish this law were
11 stronger than it was and banned PAC money from
12 crossing state lines, period. That's the best answer
13 I can give you.

14 MR. WITTEN: Do you feel strongly about
15 that?

16 THE WITNESS: No, I don't feel strongly at
17 all.

18 (Laughter.)

19 THE WITNESS: But the thing that's amazing
20 is everybody said we couldn't win, and we did.

21 BY MR. BARNETT:

22 Q. And just so the record is clear on this,
23 you believe that the, I guess the acceptance of the
24 PAC money is corrupting because it does what to the
25 candidate?

1 A. Well, as I said in the statement, you
2 know, I would never want to accuse any of my
3 colleagues of being corrupt, because I don't think
4 any of them were, and I don't think any of them think
5 they were. This is not a question of actual
6 corruption, but I can tell you from years of travel
7 around this country and campaigning that the amount
8 of money in politics, particularly soft money and
9 huge amounts of PAC money concentrated by a bunch of
10 PACs in the same industry, tend to give these people
11 the kind of access that most Americans don't have and
12 most Americans resent.

13 Can I point to a specific example of a
14 contribution that led to a corrupt act, of course
15 not. If I could, we would be talking about somebody
16 who was in federal prison. But the fact is that my
17 sense is that the American people believe that we are
18 all corrupt, no matter who we are, because we are so
19 tied in with this huge amount of money, hundreds of
20 thousands of dollars, which is why I strongly
21 supported the passage of the bill that we're talking
22 about today.

23 Q. You never changed your position or voted a
24 particular way in response to a promise of a
25 contribution of hard or soft money of any sort while

1 you were in public office?

2 A. Certainly not.

3 Q. And you're not aware of any other Senate
4 colleague who changed his or her position or vote on
5 an issue in response to a promise for a contribution
6 of hard or soft money?

7 A. Certainly not.

8 Q. You're not aware of any actual instances
9 of quid pro quo corruption, if you understand that
10 term?

11 A. I sure do understand it. No, I don't.

12 Q. You also, I think you've made some
13 statements as well that you are -- I don't want to
14 put words in your mouth so I just want to tee up an
15 issue for you -- that you have an opinion with
16 respect to political expenditures that are
17 undisclosed, the sources of which are undisclosed.
18 Do you recall those statements?

19 A. I do.

20 Q. Could you just summarize your view for us
21 on that issue?

22 A. I believe that all political contributions
23 should be disclosed no matter what the circumstances
24 or what the modality. I think the American people
25 have a right to know who is giving money to whom,

1 because of the extraordinary importance of money in
2 getting elected.

3 Q. So you think it is better for our system
4 if money that is used for political purposes is run
5 through organizations or entities that disclose the
6 source of their funding than through organizations
7 that do not disclose the source of their funding?

8 A. Yeah. I think I understand your question.
9 Number one, I don't even like the running through
10 organizations. The only organizations that I can
11 think of that you can run money through properly
12 would be party organizations, either national or
13 state. And certainly I think any money that is given
14 to any political organization is eventually to
15 enhance the election of a candidate. I mean, that's
16 what these organizations exist for.

17 The Republican National Committee does not
18 exist to enhance the growing of soy beans in
19 Minnesota. They exist for the purpose of electing
20 people to the United States Congress, United States
21 Senate, the governorships and the state legislatures.
22 Since that is the purpose of contributions to those
23 organizations, the American people have the absolute
24 right to know, in my opinion, who gives that money.

25 Q. You are aware that the RNC, for example,

1 reports publicly every penny of money that it
2 receives?

3 A. I'm aware.

4 Q. And that it discloses every individual who
5 contributes at least \$200 or more to the
6 organization; is that correct?

7 A. Including all the soft money?

8 Q. Including all the soft money.

9 A. Uh-huh.

10 Q. Is that correct?

11 A. Well, I believe that is correct. I'm no
12 expert on federal election law and I never claimed to
13 be, but if you say that's correct, you're an expert
14 and I will agree with you. If you represent to me
15 that that's correct, then I will accept your
16 representation.

17 Q. Is it also your understanding that the RNC
18 discloses every expenditure that it makes of either
19 hard or soft money?

20 A. I believe that's correct also, yes.

21 Q. And just to be clear, you testified
22 earlier that the Concord Coalition does not disclose
23 publicly the people who contribute to that
24 organization?

25 A. Absolutely. There's a great difference

1 between the two organizations.

2 Q. Nor does it regularly publicize the
3 expenditures that it makes?

4 A. No, it never has. No one has ever asked
5 us to.

6 I'm going to take the witness's
7 prerogative to amplify my answer. There is an
8 enormous difference between the Concord Coalition and
9 the Republican National Committee. The Concord
10 Coalition is attempting to do one thing and that is
11 to get fiscal sanity into the budget process. We are
12 not interested in electing candidates, defeating
13 candidates. We don't care if they're Republican,
14 Democrat, Independent or vegetarian.

15 The Republican National Committee, the
16 Democratic National Committee, have one purpose in
17 life, to elect people, which is what their purpose
18 ought to be, I support them. But there is a great
19 difference between a private organization taking a
20 public policy point of view. But you know, Mr.
21 Barnett, if somebody passed a law that said that all
22 groups like Concord Coalition ought to report their
23 funds, I would have no problem with that either.

24 Q. But your understanding of the Bipartisan
25 Campaign Reform Act is that it would not require the

1 Concord Coalition to make any such --

2 A. Oh, absolutely. I do understand that, of
3 course.

4 MR. WITTEN: Tom, when you get to a point
5 where you want to take a five-minute break, I would
6 like one.

7 MR. BARNETT: Yeah, just one second. I
8 want to finish up my thought here.

9 BY MR. BARNETT:

10 Q. You indicated on the Concord Coalition
11 that you have not, you don't have an interest in, or
12 you do not promote the election or defeat of
13 particular candidates; is that correct?

14 A. That's correct.

15 Q. You do have an interest in whether certain
16 candidates win or lose depending on their position on
17 issues of fiscal responsibility; wouldn't that be
18 correct?

19 A. Oh sure. I mean, we would rather see
20 someone who is fiscally responsible elected than
21 someone who is fiscally irresponsible, but we don't
22 do anything to affect that.

23 Q. You educate the public about the
24 importance of fiscal responsibility?

25 A. Absolutely.

1 Q. To the extent that you're successful, the
2 public is more likely to vote for candidates who are
3 fiscally responsible; is that a fair statement?

4 A. Well, I would hope so. I have not seen
5 any evidence of it.

6 Q. But that would be a desirable outcome?

7 A. Oh yes, absolutely. Of course it would.

8 MR. BARNETT: Why don't we go ahead and
9 take a break.

10 (Recess from 2:05 to 2:12 p.m.)

11 MR. BARNETT: Back on the record.

12 BY MR. BARNETT:

13 Q. Senator, I just wanted to pursue a little
14 bit further, it's your opinion that the national
15 political parties such as the DNC or the RNC exist
16 solely to elect candidates to office?

17 A. And to develop positions for those
18 candidates of the party to run on.

19 Q. And they do have issues that are fiscally
20 associated with each of the parties?

21 A. Absolutely.

22 Q. And that's part of what the platform
23 addresses?

24 A. Absolutely.

25 Q. The Republicans tend to be in general

1 associated with fiscal responsibility, perhaps not as
2 much as you might like, but in general; is that a
3 fair statement?

4 A. Not lately.

5 Q. You would like them to be more so?

6 A. I would like them to be fiscally
7 conservative, not more so, just fiscally
8 conservative.

9 Q. And historically, perhaps not lately, the
10 Republican party tended to support a balanced budget
11 amendment? Do you remember discussions around that?

12 A. I sure do.

13 Q. That was an issue of importance to
14 Republicans?

15 A. Very much so.

16 Q. Similarly, Democrats have issues of
17 importance to them, woman's right to choose is an
18 example of that?

19 A. Yes, and social issues generally, they
20 have a much higher profile than Republicans.

21 Q. Now in terms of electing candidates to
22 office, that's candidates at both the federal and
23 state and local government; is that correct?

24 A. Correct.

25 Q. So the DNC for example, would have an

1 interest in electing a particular Democratic
2 candidate to governor of a particular state?

3 A. Absolutely.

4 Q. Or a mayor of a city?

5 A. Correct.

6 Q. As well as a congressman or senator?

7 A. Correct.

8 Q. On either the state or the federal level?

9 A. Correct.

10 Q. And to the best of your knowledge, the
11 political parties work towards advancing the
12 interests of their candidates at both the federal and
13 state levels?

14 A. Correct.

15 MR. WITTEN: Mr. Barnett, I know I do not
16 represent the witness, but you really are leading an
17 awful lot. I'm not going to object but I just wanted
18 to comment on it.

19 THE WITNESS: That's fine. Off the
20 record.

21 (Discussion off the record.)

22 BY MR. BARNETT:

23 Q. Senator Rudman, are you a proponent of the
24 Bipartisan Campaign Finance Reform Act?

25 A. Yes, I am.

1 Q. Are you cooperating with the defendants in
2 this matter?

3 A. Well, I'd better answer that factually, so
4 you can decide whether I'm cooperating or not. I'll
5 tell you exactly how I happen to be here. Would that
6 be a good answer to your question?

7 Q. What I would like to know, you understand
8 the general allegations made by the plaintiffs in
9 this action?

10 A. I do.

11 Q. And are you in favor of the plaintiffs
12 prevailing or not prevailing in this action?

13 A. I am in favor of you not prevailing.

14 Q. You want the defendants to prevail?

15 A. I do.

16 Q. Turning back to the political parties,
17 it's your view that any interest that the political
18 parties have in issues is solely derived from their
19 interest in electing candidates to office?

20 A. Well, that is where the rubber meets the
21 road. You can have all the positions in the world
22 but if you don't have people sitting in the right
23 places to vote for those positions, then asserting
24 those positions is in vain. So yes, it's electing
25 people to office to hopefully vote the party line on

1 those positions.

2 Q. The parties could also have an interest in
3 persuading people who are in office to vote a
4 particular way on a particular bill?

5 A. They do.

6 Q. And for example, on the issue of fiscal
7 responsibility, the Republicans could have an
8 interest in developing grass-roots support for
9 measure that would promote fiscal responsibility,
10 would they not?

11 A. They would, but I have to amplify the
12 answer. My experience in the last 20 years has been
13 that there were a large number of Democrats who have
14 taken the same position, who have been very fiscally
15 responsible and who have tried to do the same thing
16 that many Republicans have tried to do. So I think
17 historically I would agree with you, looking back on
18 the history of this party which I have done, going
19 back to the early part of the century, and you would
20 be absolutely right in your characterization of the
21 party. But I think in the last 15, 20 to 25 years,
22 there's becoming a blurring between the parties and
23 the individuals within the Senate in particular, not
24 so much the House, and they have become far more
25 independent and quite different than their party

1 apparatus might like them to be on a number of
2 issues, including that one.

3 Q. And at times members of the House or
4 Senate may well vote in a way that is contrary to the
5 positions taken by the national party of which they
6 are a member?

7 A. Quite often.

8 Q. And if the Republicans are promoting a
9 measure of fiscal responsibility, they're happy to
10 take a vote from a Democrat if they can get it?

11 A. Absolutely.

12 Q. Have you had discussions with
13 representatives of any of the defendants in this
14 action about the action?

15 A. Yes, I have.

16 Q. Who?

17 A. John McCain.

18 Q. Who else?

19 A. Well, if you're talking about Russ
20 Feingold or Chris Shays or Meehan, the answer would
21 be no. I can't think of anyone else I have discussed
22 it with. I may have, I don't think so, but I do have
23 a clear recollection of discussing it with John
24 McCain.

25 Q. Have you discussed it with counsel for any

1 of the defendants?

2 A. This counsel, as I stated already.

3 Q. And for the record, could you just state
4 their names?

5 A. Roger Witten and Anja Manuel.

6 Q. Thank you. From Wilmer, Cutler &
7 Pickering?

8 A. Correct.

9 Q. And what was the substance of your
10 discussions with Wilmer Cutler representatives?

11 A. I'm going to have to just go back a bit to
12 answer that question properly. I'll try to keep it
13 short. John McCain called me about the time that
14 these actions were being brought and said, you know,
15 we've talked about these issues for a long time, you
16 agree with me on most of what's in our bill, would
17 you be willing to be a witness? I said well, a
18 witness to what? Well, a witness he said, of your
19 experiences and your views. I mean, you've been in
20 public life a long time, would you be willing to do
21 that? I said I certainly would.

22 Sometime subsequent to that, a matter of
23 months, I got a call from Roger, and he said we'd
24 like to come over and talk to you, and we'd like to
25 ask you some questions about how you feel. It was in

1 the nature of a deposition without a stenographer,
2 and I believe you may have recorded that, but --

3 MR. WITTEN: No, we didn't record it.

4 THE WITNESS: Oh, you didn't record it,
5 but you took notes. And we talked about two hours
6 about it, and then we talked again, and based on that
7 they sent me a draft statement, and I had kept pretty
8 extensive notes myself, and I made changes in the
9 statement, and what you see is a statement that
10 represents my position as put on paper by these
11 folks.

12 BY MR. BARNETT:

13 Q. I'm sorry, you said this, but who drafted
14 the statement?

15 A. They drafted it. I did not draft it.

16 Q. And you reviewed it?

17 A. I reviewed it thoroughly and we made
18 changes.

19 (Rudman Exhibit 3 marked for
20 identification.)

21 BY MR. BARNETT:

22 Q. I show you what has been marked as Rudman
23 Exhibit 3 and ask you to tell us if you recognize
24 this document.

25 A. I do.

1 Q. Is this the declaration you've just been
2 describing?

3 A. Yes, it is. I assume that my signature
4 appears on the last page, but let me look. Yes.

5 Q. We'll come back to that. You've known
6 Senator McCain for some time?

7 A. I have.

8 Q. Do you believe that Senator McCain has
9 ever engaged in -- (cell phone ringing.)

10 A. I just turned that off. I actually forgot
11 about it. Go ahead.

12 Q. Do you believe that Senator McCain has
13 ever engaged in corrupt activity while in federal
14 office?

15 A. I do not.

16 Q. You do not believe he has been corrupted
17 by any of the contributions made to his campaigns?

18 A. I do not.

19 Q. Or by any of the soft money donations or
20 expenditures that may have been made by anyone?

21 A. I don't think he has been corrupted by any
22 of that.

23 Q. And do you recall during Senator McCain's
24 2000 presidential bid, and you may not recall the
25 exact date, but do you recall some press reports

1 about a letter that Senator McCain wrote to the
2 Federal Communications Commission?

3 A. Oh, very clearly.

4 Q. And the gist of those news reports were
5 that Senator McCain may have been improperly
6 influenced by some contributions?

7 A. Oh, absolutely. Of course I remember
8 that.

9 Q. And you recall Senator McCain denied
10 those, that there was any improper connections
11 between the contributions and the letter to the FCC?

12 A. I do.

13 Q. And so you think those news reports were
14 false?

15 A. To the extent that they connected his
16 intervention with corruption, yes.

17 Q. They were talking about potential
18 corruption when no actual corruption existed?

19 A. Well, I'm not sure I understand it that
20 way.

21 Q. To your knowledge there was no actual
22 corruption there?

23 A. Correct.

24 MR. BARNETT: And let's mark this as
25 Exhibit 4.

1 (Rudman Exhibit 4 marked for
2 identification.)

3 BY MR. BARNETT:

4 Q. I show you what has been marked as Rudman
5 Exhibit 4 and ask you to look it over. I represent
6 to you that this is a resolution of the U.S. Congress
7 passed in 1958, and I will ask if you are familiar
8 with this resolution.

9 A. (Perusing) I have seen this resolution. I
10 recall seeing it and being struck by the rather
11 quaint language. It was in connection with my
12 assuming the position of chairman of the Senate
13 Ethics Committee in the mid-1980s, and I asked my
14 staff to get me all pertinent congressional actions
15 on ethics issues since day one, and I recall this.

16 Q. And this concurrent resolution states in
17 part that any person in government service should
18 among other things expose corruption wherever
19 discovered. Do you see that?

20 A. I do.

21 Q. And you were aware of that code of ethics
22 at the time you were serving in the U.S. Senate?

23 A. Absolutely.

24 Q. And you were aware of an obligation upon
25 you yourself to expose corruption wherever you

1 discovered it?

2 A. Certainly.

3 Q. And did you report any instances of
4 corruption during your time in the U.S. Senate?

5 A. I did not. I investigated some
6 allegations of corruption, but I didn't report any.

7 Q. And your standing on the Ethics Committee,
8 that was a particular focus and interest of yours
9 while you were in the Senate?

10 A. True. Well, I would correct that. No, it
11 wasn't. It was a focus but not an interest. Bob
12 Dole told me it would be a focus of interest and I
13 tend to be a good soldier so said if that's what you
14 want, that's what I will do. But of all the things I
15 did in the Senate, I enjoyed it the least.

16 Q. But if you had witness to or otherwise
17 discovered any incidents of corruption, you would
18 have reported it?

19 A. Absolutely.

20 Q. So you in fact did not witness any
21 incidences of corruption while you were serving in
22 the U.S. Senate?

23 A. That's incorrect.

24 Q. What instances did you witness?

25 A. Well, I don't know how you mean witness to

1 it. If you mean seeing somebody slip someone money,
2 no. But I did witness the whole situation involving,
3 I believe he's now dead, the late Senator Alan
4 Cranston of California, who absented himself from the
5 ethics hearings during the Keating Five, alleging
6 illness. And in looking at the amount of money that
7 Keating gave to his voter interest, Democratic voter
8 interest organizations in California, and looking at
9 what Cranston did in return for him, I thought and
10 said so within the committee, which is no surprise to
11 anybody, that I thought that was corrupt. Other than
12 that the answer is no, I haven't.

13 Q. And Senator Cranston was reprimanded as
14 part of that process?

15 A. He was I think the most severely
16 reprimanded of anyone, right.

17 Q. And to be clear, no other instances of
18 corruption of which you are aware?

19 A. Correct.

20 Q. Now during the investigation of the
21 Keating Five, as it's sometimes referred to, there
22 were four other senators beside Senator Cranston
23 involved?

24 A. Correct.

25 Q. Do you recall who they were?

1 A. Oh, I will to my dying day. Alan
2 Cranston, Dennis DeConcini, Don Riegle, John Glenn,
3 John McCain.

4 Q. During the course of your investigations,
5 did you come to form a view as to whether or not
6 there was any merit about the concerns of senators
7 about the activities of Senators Glenn and McCain?

8 A. I did.

9 Q. And what was that view?

10 A. That they should have been severed from
11 the proceeding at the time that the preliminary
12 inquiry ended, before the public hearing started,
13 that there was not sufficient evidence to go forward
14 with them. An opinion by the way, which of course
15 has now become public, was the opinion of our
16 independent special counsel, Robert Bennett, now with
17 Skadden Arps, then of his own law firm.

18 Q. But they were not in fact severed from the
19 proceedings; is that correct?

20 A. That is correct, Mr. Barnett, in one of
21 the more difficult disappointing acts of political
22 partisanship that I have ever witnessed.

23 Q. In fact, it was outrageous that they were
24 included in the public hearing investigation?

25 A. Both Glenn and McCain, correct, both of

1 them together.

2 Q. I should clarify. I'm saying in your
3 opinion it was outrageous?

4 A. Yeah, and I assumed that you were
5 expressing my opinion, not your own. Right.

6 Q. But you also have an opinion as to why
7 they were kept in the scope of the investigation for
8 the public proceedings?

9 A. I do.

10 Q. Do you not?

11 A. I do have such a view.

12 Q. And that opinion would be that there
13 were --

14 MR. WITTEN: Why don't you ask him what
15 his opinion is. You really are reading almost every
16 question, Mr. Barnett.

17 MR. BARNETT: Let's go off the record.

18 (Discussion off the record.)

19 MR. BARNETT: Let's go back on the record.

20 Mr. Witten, I was just stating that based on the
21 Senator's views on this case and his cooperation with
22 the defendants, I view him as a hostile witness and
23 am therefore entitled to lead him. If you want to
24 object, please feel free to do so.

25 THE WITNESS: I really don't mind but I,

1 on the record I want to ask counsel a question,
2 because I don't practice much here in the District.
3 Because I have a position that's adverse to your
4 client, does that under your rules here make me a
5 hostile witness?

6 MR. BARNETT: We're not here to debate it,
7 but --

8 THE WITNESS: I just want it on the
9 record.

10 MR. BARNETT: I'm taking that position.

11 THE WITNESS: Fine. Mr. Barnett, I want
12 to tell you unequivocally that I don't care if you
13 lead me, and I will tell you unequivocally that I am
14 not a hostile witness. I am here to give my opinion
15 as I honestly believe it. Whether it hurts you or
16 helps you, I don't really care.

17 MR. BARNETT: And just so you understand,
18 I did not mean the term hostile in a personal sense.

19 THE WITNESS: I understand it. I've tried
20 more cases in my life than you have probably ever
21 seen, and I know what the word means. So let's go
22 on.

23 BY MR. BARNETT:

24 Q. Do you have an opinion as to the causes as
25 to why Senator Glenn and Senator McCain were left in

1 the Keating Five proceedings?

2 A. I do.

3 Q. What is your opinion as to the cause?

4 A. My opinion is, and it's based on a lot of
5 fact and a lot of digging after the fact, that the
6 Democrats were very concerned that if we were to
7 discharge the two of them, then there would only be
8 three Democrats remaining charged by the committee.
9 And the press had already made a case which was
10 absurd, the entire savings and loan debacle occurred
11 because of the actions of these five United States
12 Senators. And thus, if Glenn and McCain were
13 discharged, then there would be Riegle, DiConcini and
14 Cranston sitting there, three Democrats, and the
15 party would take a terrific hit, so I am told on good
16 authority that the decision was made that they would
17 not do that.

18 The man who was the most aggrieved by it,
19 who I have talked about at great lengths over the
20 last few years, a dear friend of mine, is John Glenn.
21 His own party did it to him.

22 Q. I want to be clear on this. It is your
23 opinion that both the Republicans and the Democrats
24 were willing to maintain allegations of impropriety
25 against Senators Glenn and McCain, notwithstanding

1 the lack of evidence of any real impropriety?

2 A. No, that's incorrect. That is quite
3 incorrect.

4 Q. Then how would you characterize it?

5 A. I probably didn't state it clearly enough,
6 so let me restate it. The Republicans would have
7 been delighted, because there would be no Republican
8 left facing the Ethics Committee. The Democrats were
9 absolutely petrified by the possibility that you'd
10 have three Democrats in the dock facing whatever they
11 were going to face from what they did. The
12 Republicans were resolute that John McCain and John
13 Glenn ought to be discharged, but it was a three to
14 three vote in the committee, which Jesse Helms later
15 released, or I probably wouldn't be talking about it.
16 He released the whole transcript without authority,
17 but I'm glad he did it.

18 And the net result was that we could not
19 move the case, so we were forced to go to a public
20 hearing or drop the matter against everybody, which
21 we couldn't.

22 Q. The Democrats then were unwilling to drop
23 the allegations against Senator McCain,
24 notwithstanding the lack of any evidence of
25 corruption or wrongdoing or impropriety?

1 A. That's correct, but they also refused to
2 drop it as it related to Senator Glenn.

3 Q. I understand that.

4 A. Because it was a package. It was Glenn
5 and McCain who were recommended that they should be
6 severed, by Bob Bennett's report, which most of us
7 agree with. They wouldn't agree with it.

8 Q. So the Senate went through a public
9 hearing process discussing potential corruption of
10 Senators Glenn and McCain, even though there was no
11 actual corruption?

12 A. Correct.

13 Q. Or any real evidence of corruption?

14 A. Correct.

15 Q. Let me turn for a moment to the Brennan
16 Center. Are you aware of that organization?

17 A. Vaguely.

18 Q. Well, aware enough that they asked you to
19 serve on the board of directors?

20 A. Correct.

21 Q. Who asked you to serve?

22 A. I don't recall. It was one of Justice
23 Souter's former law clerks, as I recall.

24 Q. Have you had any other communications with
25 representatives of the Brennan Center?

1 A. I think I'm on their mailing list, and I
2 believe I get various information from them, but
3 other than that, no.

4 Q. No telephone communications?

5 A. Not that I recall.

6 Q. No in-person communications?

7 A. Unless you give me the name of somebody,
8 then I might recognize it, but I don't recall any
9 communications with them at all.

10 Q. Do you know who Josh Rosenkrantz is?

11 A. I know the name but I don't, if I know
12 him, he's someone I have met on a very brief basis.

13 Q. You may have met him?

14 A. I may have met him. If he was a Souther
15 clerk, I probably did meet him; if he wasn't, I
16 probably didn't.

17 Q. I will limit my questions here to people
18 who are, while they were at the Brennan Center.

19 A. Okay.

20 Q. So for example, with Josh Rosenkrantz, if
21 it was prior to affiliation with the Brennan Center,
22 I'm not so concerned about that.

23 A. Right, okay. I don't recall. The answer
24 is no, but it's conceivable.

25 Q. How about Fred Schwartz?

1 A. No.

2 Q. Craig Holman?

3 A. No, the name means nothing to me.

4 Q. Kenneth Goldstein?

5 A. Not that I recall.

6 Q. Evan Tracy?

7 A. No.

8 Q. And you're not aware of any other
9 communications with anyone who was affiliated with
10 the Brennan Center?

11 A. I do recall receiving invitations to
12 attend events. I believe I received invitations the
13 last several years to do an event for them with a
14 panel on some subject, but I've never done that and I
15 don't recall conversations with any of the people you
16 mentioned. Had they called me to ask me to do
17 something, that's possible but I sure don't remember.

18 Q. So you never attended any of their events?

19 A. I did not.

20 Q. So you would not have discussed campaign
21 finance reform with anyone from the Brennan Center?

22 A. That's correct.

23 Q. Have you heard of something called the
24 Buying Time reports?

25 A. No, I haven't. Buying Time?

1 Q. Buying Time.

2 A. I have not.

3 Q. There were two reports issued by the
4 Brennan Center, Buying Time in 1998, and Buying Time
5 in 2000.

6 A. No.

7 Q. And you've never heard of such reports?

8 A. I have not.

9 Q. Presumably never seen such a report?

10 A. Probably if they did it, they mailed it to
11 me. They mailed me everything else. There's a lot
12 of things mailed to me that I don't read.

13 Q. So it's fair to say you would not have
14 been involved in the development or preparation of
15 the Buying Time reports?

16 A. Absolutely not. If it would help you any,
17 Mr. Barnett, I will tell you that my entire
18 involvement in this case involved John McCain asking
19 me if I would be an opinion witness, on my experience
20 of 20-some odd years in politics, and I said yes.
21 And that is the only contact with anybody that I can
22 recall on this matter.

23 Q. And you view yourself as an opinion
24 witness, not a fact witness?

25 A. Well, there are some facts I know, but I

1 Q. Have you expressed publicly opinions about
2 how much time federal office holders have to spend
3 raising money?

4 A. I have.

5 Q. What's that opinion?

6 A. I think that members of the Senate, I
7 cannot speak for the House, spend an inordinate
8 amount of their time raising money because -- the
9 problem is not how much money they raise, the problem
10 is how much television costs. It's the cost of
11 television which has sent this whole system totally
12 out of control.

13 And I watch my friends have fund raisers.
14 Every night there's a fund raiser, either at the
15 Ronald Reagan Center or down at the Willard or the
16 Hyatt or whatnot, and you know, you get invitations
17 and it would be PAC so much, individual so much, and
18 it was constant. It was just all the time. I mean,
19 you know, at the Republican policy lunch on Tuesdays,
20 and I'm sure at the Democratic lunch which I was
21 never invited to, the conversation would be well,
22 who's got a fund raiser tonight, and the leader would
23 say well, you know, let's go and support A, B, C or
24 D, and you know, let's get out there and show the
25 flag. And you know, we've got the Eagles coming to

1 town, we've got to go to dinner with them, or the 100
2 Club, and all this. It was a pretty constant
3 rat-a-tat-tat on everybody's head.

4 Fortunately, from a small state, I didn't
5 have the problems most of them had, but from a big
6 state, I felt badly for them. I mean, they had to
7 raise a large amount of money, particularly if they
8 were running against a well-heeled candidate,
9 somebody with great personal wealth.

10 Q. It's fair to say then that they were
11 raising as much hard money for their campaigns as
12 they possibly could?

13 A. Absolutely.

14 Q. And to your knowledge, they were doing
15 everything they could to raise as much hard money as
16 they could for their campaigns?

17 A. Of course.

18 Q. And you're not aware of anything else they
19 could have been doing to increase the amount of hard
20 money that they were raising for their campaigns?

21 A. Yeah, they could skip sleep, I suppose,
22 but other than that, no.

23 Q. Some of them probably did skip sleep.

24 A. I'm sure they did.

25 Q. Now when you were a senator, did you know

1 who was contributing to the RNC for example, as
2 opposed to your own campaign?

3 A. I did not.

4 Q. They didn't provide you with regular
5 reports of that information?

6 A. They probably did, but I didn't have any
7 interest in it. I was the most disinterested
8 candidate in money of anyone you've probably ever run
9 into. I just didn't worry much about it.

10 Q. Do you recall whether you received such
11 reports?

12 A. I never received them. If they came to
13 the office, the AA took them and probably read them.
14 I never say them.

15 Q. You were certainly unaware of who was
16 contributing either hard or soft money to the RNC?

17 A. That's correct.

18 Q. And from your point of view at least, you
19 didn't care?

20 A. Correct, other than my general feelings
21 about, you know, we have already talked about. But
22 as far as who they were individually, no, I didn't
23 care.

24 Q. Did you participate in fund-raising events
25 sponsored by the RNC?

1 A. I don't know. I participated in a lot of
2 fund-raising events on behalf of my colleague here in
3 Washington, in their own home states, all over, but
4 whether any of that was RNC sponsored, I don't know.
5 I don't think so.

6 Q. Did you participate -- strike that. Let
7 me ask, do you have a definition for the term "soft
8 money"?

9 A. Well, sure. I mean, it's the classic
10 definition, it's money which is not controlled by the
11 federal limits which in many cases doesn't have to be
12 reported and in many cases has no limit how it should
13 be contributed.

14 Q. Did you participate in the raising of soft
15 money by the RNC?

16 A. I do not believe I did. That's one of the
17 reasons I did not go to the -- I never went, although
18 I took a lot of criticism for it from a lot of my
19 friends, I never went to the big dinner they have
20 every year here in town that raises all that money.
21 I just didn't go to it, I didn't feel comfortable.

22 Q. Did the RNC ever lobby you to take a
23 position on a particular issue or piece of
24 legislation?

25 A. Oh sure.

1 Q. In what way?

2 A. Oh, their legislative people, who were
3 good people representing a point of view, would ask
4 to see me or a staff member, or I'd meet somebody at
5 some event and then talk about some piece of
6 legislation. More often than not it would be a
7 nomination, as opposed to legislation, because the
8 nominations at that time, the whole process was
9 getting pretty dicey in the sense that you just
10 couldn't be sure you wouldn't get a lot of politics
11 involved and get good people shot down. So yeah,
12 they were talking and I would listen, like I listened
13 to anyone who was a plausible person who had a point
14 of view.

15 Q. And as a general matter, when you were
16 trying to educate yourself about a particular issue,
17 there were a number of sources that you would look to
18 for confirmation?

19 A. Sure.

20 Q. Can you identify those?

21 A. Oh, absolutely. I mean, if we were
22 involved in an issue that there was a particular
23 company or group of companies, a trade association or
24 a lobbyist that had a lot of information on one side
25 of that issue, I'd always be delighted to hear their

1 points. I don't think there's anything wrong with
2 the word lobbyist. A lot of people don't understand
3 that, but it's a perfectly good word as long as
4 people play it straight.

5 Q. Did your staff have instructions to try to
6 collect information on issues that were important to
7 your agenda?

8 A. Absolutely.

9 Q. Did they have instructions to collect
10 information on more than one side of the issue?

11 A. Absolutely.

12 Q. Did they try to collect information on all
13 sides of the issue?

14 A. I hope so.

15 Q. That was your instructions?

16 A. My instructions were, let's get all the
17 information we can get on any particular issue, and
18 then you'll brief me on it and I will decide one way
19 or the other.

20 Q. Is that typical of the practice of --
21 strike that. Was that typical of the practice of
22 other senators while you were on the Hill?

23 A. I don't think so.

24 Q. In what way?

25 A. There were a large number of people there

1 who had their minds made up ideologically on whatever
2 issue it was long before it ever came to a study.
3 They knew how they were going to vote, and that's
4 fine. I'm not being critical, but they had a
5 particular philosophy that they would generally to
6 most things, be it taxes or spending, or whatever.

7 I mean for instance, there were a number
8 of senators who will remain nameless who invariably
9 would vote against any bill that had anything to do
10 with foreign aid. No matter what it was, they were
11 against it. There was another group of senators who
12 would vote against any bill that would raise taxes,
13 no matter how laudatory the purpose. Raise taxes to
14 save dying children, they wouldn't vote for it. So,
15 there were a lot of people who voted doctrinaire,
16 depending on the issue.

17 There were a number of senators, however,
18 that tried to look carefully at both sides, but I'm
19 not sure who was in the majority, but it was kind of
20 interesting.

21 Q. You and your staff tried to look at both
22 sides?

23 A. We did, and we had that reputation, both
24 from my colleagues and from the other interest
25 groups.

1 Q. And you didn't sit back and receive
2 information, you or your staff would reach out and
3 try to affirmatively collect information where you
4 felt you needed it?

5 A. Yeah, including this law firm, by the way.
6 There are some extraordinary lobbyists, very bright
7 people representing clients that had issues before
8 us, the particular committees that I chaired, so we
9 would invite them up regularly because they knew the
10 subject.

11 Q. Glad they were helpful.

12 A. They were very helpful, very willingly
13 helpful.

14 Q. Sometimes you would disagree with them?

15 A. We did.

16 Q. And you would vote your conscience?

17 A. Absolutely.

18 Q. So turning back, you said when -- you said
19 representatives of the RNC would meet with you. Do
20 you remember who any of the representatives were?

21 A. I do not.

22 Q. Do you remember the types of things that
23 they would tell you in order to persuade you to
24 support a nomination or a particular issue?

25 A. Yeah, it usually came to an us and them

1 kind of argument, you can't let the Gipper down. I
2 mean, how can you possibly let these guys roll on
3 this. I mean, you may disagree with us but you know,
4 this is now beyond that, this is us and them. You
5 know, you've got to stick with us on this, and
6 sometimes they would and sometimes they wouldn't.

7 Q. Any other reasons that they would give
8 you?

9 A. Most of their reasons were party loyalty.
10 For a while we had a President in the White House, so
11 loyalty to that President.

12 Q. Nobody from the RNC ever told you you need
13 to take this position because it will help a
14 particular group that has contributed money to our
15 cause?

16 A. Never.

17 Q. Let's turn for a little bit to the
18 declaration. Are you doing okay?

19 A. I'm fine.

20 Q. I think that was marked as Exhibit 3.

21 THE WITNESS: I want to confer with
22 counsel on an irrelevant matter.

23 MR. BARNETT: You want to go off the
24 record?

25 THE WITNESS: Yeah, I just want to talk to

1 him about it.

2 (Discussion off the record.)

3 THE WITNESS: Okay, go ahead.

4 MR. BARNETT: And we're back on the

5 record.

6 THE WITNESS: Correct.

7 BY MR. BARNETT:

8 Q. If you'd look at what's been marked as
9 Rudman Exhibit 3, this is your declaration?

10 A. Uh-huh.

11 Q. I assume you reviewed it?

12 A. I did.

13 Q. And you believe everything in here is
14 accurate?

15 A. I believe so.

16 Q. If you look at paragraph 2, on the first
17 page?

18 A. Uh-huh.

19 Q. It says, you say in here, I know firsthand
20 and from working with colleagues just how beholden
21 elected officials and their parties can become to
22 those who contribute to their campaigns and to their
23 party's coffers.

24 A. Correct.

25 Q. What do you mean by beholden?

1 A. Beholden in the sense that, I know this is
2 as a matter of fact, that when people who are major
3 campaign contributors who -- or groups who are major
4 campaign contributors would want these senators to
5 take part in events that they were having here in
6 Washington, or to get a group to come and visit with
7 them about issues that they cared about, that they
8 felt an obligation certainly to give them
9 preferential access, I think I would call it.

10 And as a matter of fact, there were even
11 some fund-raising schemes in which if you did certain
12 things you were guaranteed access, it was advertised
13 that you get to sit with all these chairmen of all
14 these committees, so that's what I'm talking about.
15 I don't mean beholden in the sense of do what they
16 want you to do.

17 Q. So it's not that the officials feel they
18 have to vote a particular way on a particular piece
19 of legislation?

20 A. No. Mr. Barnett, I tried to make it clear
21 that I don't believe that for a minute, and that's
22 not what I say in the statement.

23 Q. Look at paragraph 4.

24 A. Right.

25 Q. You talk, if you look in the middle of the

1 paragraph, it talks about your Keating Five report,
2 and it talks about creating an aura of corruption
3 that called into question the legitimacy of actions
4 taken by certain elected and appointed officials.

5 A. Correct.

6 Q. Can you explain what you mean by aura of
7 corruption?

8 A. Certainly. What I was referring to by
9 that statement was, as I'm sure you know from
10 following it, and I'm sure you followed it, the big
11 complaint brought against them by everyone was that
12 they had called these regulators up to Washington,
13 had that now infamous meeting. Five people, really
14 four because Riegle kind of blew in and blew out, in
15 which they met in one of the Senate offices and
16 confronted these regulators, bank regulators, as to
17 why they were accusing Charlie Keating.

18 And of course playing into that was the
19 fact that Keating had contributed money, hard and
20 soft, to one or all of these candidates. And as you
21 watched that unfold and you watched how the press
22 treated it, and you watched the way the senators
23 themselves dealt with it, there was an aura of
24 corruption. Although I never believed for a moment
25 that any of them, and some of them I didn't like very

1 well in that group, but I didn't think any of them
2 were going to do Charlie Keating's bidding because he
3 gave them money. But I did believe that the
4 constituents thought so. I really believed that.

5 And I know my constituents thought so,
6 because I was on television every day for 21 days,
7 and I tried to get up to New Hampshire for the
8 weekends. I live a very normal life when I'm up
9 there. Well, you can imagine what happens when
10 you're on television on all day. You go down to the
11 local coffee shop with all the people you knew
12 growing up, and they don't want to talk about your
13 golf game, they want to talk about what they saw you
14 doing on television. And that's all they could talk
15 about, how corrupt could these guys be. These guys
16 were for sale. These guys were bought and paid for.

17 You don't have to hear that more than 100
18 times to stop and think that maybe that's the way
19 people feel. That's what I meant.

20 Q. In this case you felt, just to be clear,
21 that that perception was incorrect?

22 A. Yes, I did, and do today.

23 Q. That there was in fact no corruption
24 there?

25 A. I do not think that Don Riegle or John

1 McCain or John Glenn, or Dennis DiConcini was a
2 corrupt person, far from it. But they were certainly
3 viewed that way by most of my constituents.

4 Q. And that was because of the juxtaposition
5 of the actions they took versus the contributions of
6 hard and soft money that they received?

7 A. The amount of money. There was a
8 substantial amount. Unfortunately, nobody separated
9 it. Some of them were looking at regular, like
10 Cranston got like \$800,000 in one of the gifts, but
11 nobody separated it. People will read and just lump
12 it together, millions of dollars given to these
13 people, hard and soft. And people just lost respect
14 for the process.

15 Now, I have to add this. What they were
16 doing was absolutely correct. They should have
17 called those regulators up there, they should have
18 pressed them on the issues. They should have made
19 sure that they were going after these people
20 correctly, because I don't have to tell you as a
21 practicing lawyer that government sometimes is very
22 abusive, and people need protection from either
23 Congress or lawyers or whatever. The fact is that if
24 you didn't have all this money involved, this issue
25 never would have been raised, never would have been

1 raised in my opinion. That's my opinion.

2 Q. It's fair to say, isn't it, when a federal
3 office holder takes virtually any action, there will
4 be parties that will favor the action and parties
5 that will oppose the action?

6 A. Correct.

7 Q. And if the office holder receives benefits
8 or contributions from a wide range of people or
9 groups, that some people who contributed may fall
10 into the benefit category?

11 A. That's true.

12 Q. And that's part of what creates the
13 perception or the aura of corruption that you talk
14 about?

15 A. Not just a simple contribution of \$1,000
16 or \$500, or \$2,000, but when a group associated with
17 a cause or an interest is in the hundreds of
18 thousands of dollars, I think people somehow think
19 that there is a line that's been crossed, whether
20 they're right or wrong. I can tell you factually,
21 this is not an opinion, that's the way the people in
22 New Hampshire felt during the Keating Five, and I
23 became very deeply concerned that the profession I
24 was in was now being viewed as a corrupt profession.
25 And I didn't like that because the best people I'd

1 ever met, I met in the United States Senate and yet,
2 we were viewed that way. We were viewed somehow as
3 being corrupt, and it had to do with the amount of
4 money that was awash in the political system. So
5 that's my view.

6 Q. So what is the threshold where this
7 suddenly starts to happen?

8 A. Oh, if I knew that I would be Solomon. I
9 don't know, but certainly I have always felt that
10 \$1,000 was probably okay, it has now been changed 24
11 years later, whatever it is, 25 years later, and it's
12 probably all right and people understand that. And
13 maybe the PAC contributions are okay, but when you
14 start having individuals and corporations
15 contributing hundreds of thousands of dollars, I
16 think that crosses the threshold.

17 And it's all over. The whole presidential
18 financial scheme, which Mitch McConnell brilliantly
19 points out, has been totally corrupted by the same
20 thing. You have all kinds of regulations so, that's
21 not the reason Mitch cites it, but it has the same
22 purpose.

23 Q. But your opinion is that this aura of
24 corruption is created notwithstanding the fact that
25 you are unaware of any actual corruption that exists?

1 A. Absolutely. But it seems to me, Mr.
2 Barnett, that what Senator McCain has said from the
3 very beginning, that I think some of the language may
4 be going too far, but essentially they're talking
5 about a perception by the American people that this
6 kind of special interest money corrupts the process.
7 If that's the perception, then government cannot make
8 the hard decisions it has to make because people will
9 not have confidence in their government. That is the
10 point that I'm making.

11 MR. WITTEN: Mr. Barnett, I didn't want to
12 object before the witness answered for fear that I
13 would be coaching the witness, but he did testify to
14 one case of actual corruption in this deposition, and
15 I didn't want the question, which didn't allude to
16 that, to go on without comment.

17 MR. BARNETT: Fair enough.

18 BY MR. BARNETT:

19 Q. Can we return to paragraph 5?

20 A. Uh-huh.

21 Q. You state in here in the second sentence
22 after the colon, they believe that large
23 contributions to a party or in some cases to both
24 major parties, will enable them to gain privileged
25 access to and special influence over elected and

1 appointed government officials. Do you see that?

2 A. Oh, I sure do.

3 Q. You talked about privileged access?

4 A. Uh-huh.

5 Q. By that you meant an opportunity to
6 communicate with the officials?

7 A. Uh-huh.

8 Q. Not necessarily to impose an obligation on
9 an official to do their bidding?

10 A. Correct.

11 Q. When you say special influence over the
12 elected and appointed officials, what do you mean by
13 that?

14 A. Oh that's easy, Mr. Barnett. I mean
15 access. Access is influence. If you are a heavy
16 contributor to a campaign from an organization or a
17 group of organizations, you have a point of view that
18 you want me to listen to, and that young lady over
19 there has an opposite point of view but she's not
20 contributed a dime, you get on my schedule to talk to
21 me about it, that access is influence because your
22 point of view has been heard. That's what I meant by
23 that.

24 Q. You don't mean to suggest that the
25 officials are making a decision on any basis other

1 than the merits in their own minds?

2 A. In their own minds, I'm sure that's what
3 they're doing.

4 Q. And in terms of your staff at least, your
5 staff was charged with investigating all issues and
6 all viewpoints, correct?

7 A. Correct.

8 Q. So you at least would have not suffered
9 special influence?

10 A. I think that's correct. I also think
11 that's true of a great number of United States
12 Senators and Congressmen.

13 Q. And true of any senator or congressman or
14 official who wanted to take the trouble to educate
15 themselves about both sides or all sides of an issue?

16 A. Absolutely.

17 Q. Let's look at paragraph 7 for right now.

18 A. Uh-huh.

19 Q. Again, you're referring to special access
20 again?

21 A. Correct.

22 Q. I just want to clarify. I think you
23 testified to this, but you're talking about access
24 here, not any actual quid pro quo corruption?

25 A. Absolutely, and I try to say that in this

1 statement as clearly as I can.

2 Q. And at the bottom of the page --

3 A. Page 3 or 4?

4 Q. Page 3, the carry-over to 4.

5 A. Right.

6 Q. Where you say, no one says we gave money
7 so you should do this to help us. No one says that?

8 A. Absolutely.

9 Q. And they didn't say that to you?

10 A. Absolutely not.

11 Q. What do they say? Do they present
12 arguments on the merits of the issue?

13 A. Yeah, they do but I'm going to add onto
14 that. I was in a meeting with another senator where
15 we both had an interest in a particular issue, and he
16 wanted me to come to a meeting in his office because
17 there were some people that were going to come in and
18 talk about the issue. I happened to be chairman of
19 the particular appropriations committee that it was
20 in front of.

21 And so, I walked out of his office, and I
22 know I was very offended at the end of it. As they
23 were walking out I overheard one of them, you know,
24 put his arm around the senator and say listen, so and
25 so, you know, we do a great job, you know we've

1 helped you in every election, we're going to keep
2 helping you, and you just keep doing a great job for
3 blank-blank, the state. I thought it was a little,
4 you know, a little tacky, and this crossed the line.

5 But I mean look, people understand these
6 things. I have been there, I have seen it, and I
7 know it, and nothing anyone says can change my mind
8 about it. I will stipulate 100 times that I don't
9 think people change their deeply held views because
10 they get contributions from people. If they do, good
11 luck to them, but I don't think they do.

12 Q. When did the meeting that you just
13 described occur?

14 A. When did it occur, early in my Senate
15 career.

16 Q. In the early 1980s?

17 A. I would say '83 or 4.

18 Q. And who attended the meeting?

19 A. I have no idea. I have no idea who those
20 people were; I have forgotten completely.

21 Q. And who was the senator involved?

22 A. I don't want to answer that unless I'm
23 directed by a judge to do so, and then I will be glad
24 to answer.

25 Q. Well, you've thrown that out there, you

1 testified about it.

2 A. The senator didn't say anything.

3 Q. You've opened the door about it.

4 A. Well, he didn't say a word. He just
5 looked. And I heard it. He said nothing, and
6 everybody left. And I recognize that when I told the
7 story you'd probably ask me the question you just
8 asked me, and I decided before I even stated it what
9 my answer would be. If you want a judge to compel me
10 to answer that question, Mr. Barnett, and the judge
11 orders me to, I will, but I will not answer it
12 otherwise.

13 I don't think it's relevant to anything
14 we're doing. I'm just trying to answer a question
15 for you. The senator in question, a perfectly fine
16 individual who did nothing wrong, whose constituents
17 I have no idea who they were, what they were looking
18 for. That was 20 years ago.

19 Q. Do you believe that the whole incident
20 that you described, the events that you described,
21 are irrelevant to the actions here?

22 MR. WITTEN: Objection. You're asking him
23 for a legal judgment that the Court might make. I
24 will leave it at that.

25 THE WITNESS: I don't think they are

1 relevant to what we're talking about, but that's my
2 opinion, and I am not a judge.

3 BY MR. BARNETT:

4 Q. And how am I supposed to get the other,
5 any other viewpoint or other side of the story?

6 MR. WITTEN: Well, the Senator has said
7 that if he were compelled to answer, he will answer,
8 so you might want to move to compel him to answer it.

9 THE WITNESS: If the judge thinks it's
10 relevant and says Senator Rudman, answer the
11 question, I will answer it. I always believe in
12 doing what a judge tells me to do.

13 BY MR. BARNETT:

14 Q. I just want to be clear that you
15 understand that we are not able to investigate, get
16 other perspectives, other sides to the story, and
17 notwithstanding that, you are refusing to answer the
18 question unless compelled by the Court.

19 A. I am.

20 Q. Let's go to paragraph 8. There is a
21 question pending. Let's go to paragraph 8.
22 Individuals on both sides of the table recognize that
23 larger donations effectively purchase greater
24 benefits for donors. Exactly what benefits are you
25 describing?

1 A. They get invited to -- they have more
2 access and they get invited to more events. They
3 become part of the inner circle if you will, in fact
4 that's what it's called, the Inner Circle. They
5 become part of the Inner Circle of the party and they
6 just become members of the club, auxiliary members of
7 the club. No question.

8 I mean look, I could name off 100 of them
9 for you if I go back and look at my records, who were
10 you know, big bankers and big grain dealers, and big
11 this and big that. They were at everything we ever
12 did. I often wondered if we had 200 members of the
13 Senate. I mean, they came to everything, and they
14 came because they were heavy hitters, they were 100
15 Club members, Eagle Club members. I mean, these were
16 guys with a huge amount of money that threw it around
17 and they got a lot of benefit out of that money.
18 They got to rub shoulders with cabinet secretaries,
19 they got invited to events that were put on in
20 various parts of the government. I mean, you know
21 that, and I know that. That's all I meant.

22 Q. Are you describing any benefits here other
23 than access benefits?

24 A. Absolutely not. That's what I'm -- access
25 and being invited to have even more access.

1 Q. I just want it clear for the record. When
2 you're describing the purchase of greater benefits in
3 your opinion, it's access, not quid pro quo?

4 A. Correct.

5 Q. And let me just go back for one moment to
6 the instance from the early to mid-1980s. To your
7 knowledge, the other senator did not alter his or her
8 position or vote on any issue in response to the
9 comment that you overheard?

10 A. No. His position and their position was
11 the same from the beginning, and that's fine. They
12 had the same position. I did not necessarily have
13 the same position. I recall that. I forget what the
14 issue was, but the reason I was invited was because
15 they wanted to convince me that their position was
16 right, which is perfectly reasonable. I don't have a
17 problem with that. I just didn't like the way people
18 were talking to him, I'm not sure he liked it either,
19 but it was just to me an interesting vignette, that's
20 all. No, I don't think that he did anything because
21 they asked him to do it. He was already there and it
22 was the right thing to do from his point of view.

23 Q. When you were a senator you met with a
24 wide range of people for a wide range of purposes?

25 A. I did.

1 Q. How did you decide who to meet with?

2 A. My appointments secretary, Kathy Gowan for
3 most of that time up there, would come in every
4 afternoon, hopefully during a break between votes,
5 whatnot, before she left, which was usually around
6 7:00, and she would give me a typewritten list. Here
7 are people that have requested to see you, and here
8 are staff recommendations on some of these people
9 because the staff knew things about them that I
10 didn't. And what do you want to do?

11 This was not done necessarily for the next
12 few days, it was putting together the schedule for
13 the next three to four weeks. I would go down and I
14 would check either with a plus, which meant that I
15 would see them, or a circle, which meant that staff
16 would see them.

17 We did that virtually every night because
18 if we didn't, we would get so far behind the eight
19 ball. At that same meeting we would then go through
20 my invitations, and I would usually get somewhere
21 between 50 and 150 invitations a day to all sorts of
22 things, fund-raising events, social events, dinner
23 parties, embassy parties, athletic events. And we
24 tried to go through that together and I would try to
25 just, you know, if something looked very

1 interesting --

2 I remember one day, Katherine Hepburn.
3 Katherine Hepburn, I want to see her. And then
4 Lauren Bacall, I said I want to see her. I was a
5 great fan of these ladies. They were in here on that
6 big fight about colorization of movies where they
7 were going after Ted Turner because he was colorizing
8 movies and they were losing their art.

9 I mean, some of the people just jumped out
10 at you. I mean, these are people you wanted you see.
11 Others you knew you shouldn't see. So there was a
12 variety of reasons I decided.

13 Q. And let's take for example a request from
14 the New Hampshire Automobile Dealers Association.

15 A. Right.

16 Q. If they request a meeting with you, a
17 substantive meeting with you to discuss issues that
18 are important to them, is that the type of meeting
19 you might have accepted?

20 A. I try to see every New Hampshire group, I
21 should have made that clear. Any group, not one
22 person or two people, sometimes that too, but any
23 group from New Hampshire, and there were 100 or so --
24 the Library Association, the School Boards
25 Association, the Automobile Association, this

1 association, that association, there were a lot of
2 them. Gun Owners of New Hampshire, the NRA, I saw
3 them all personally. That was not a staff function.
4 If they were from New Hampshire I saw them, more
5 often in the New Hampshire office during a recess.
6 My recesses were generally full of meetings with New
7 Hampshire constituents in New Hampshire because
8 frankly, it was too expensive for many of those folks
9 to come to Washington.

10 Q. Now when you were trying to evaluate the
11 merits of a particular piece of legislation, would
12 you identify groups that likely had information that
13 would be helpful to you in your analysis?

14 A. Staff would usually, yeah.

15 Q. And would you reach out and try and
16 contact those people?

17 A. Yes, I would.

18 Q. And so for example, if you were looking at
19 a particular tax bill and there was some group that
20 would have a disproportionate burden due to that tax,
21 you might be more likely to talk to that group?

22 A. Well, that's an actual specific case and
23 the answer is yes. On the Research and Development
24 Tax Credits, we have a lot of high tech companies in
25 New Hampshire that would be very adversely affected

1 if that were repealed and I want to find out just how
2 adversely, so we called all those folks in. Yeah,
3 that was normal for us to do.

4 Q. So if one of those folks picked up the
5 phone and asked for a meeting, you were likely to
6 take that meeting?

7 A. If I could, or if I couldn't, it was an
8 individual, certainly the top staffer on that issue
9 would see that person.

10 Q. And they would be more likely to get a
11 meeting sooner than just an average citizen?

12 A. I wouldn't say that. Of course New
13 Hampshire is a small state so it's pretty easy to see
14 average citizens, but we saw average citizens, and we
15 saw a lot of them. I mean, people would call -- I
16 mean, I would bet if we went through my appointment
17 calendar which is on CD-ROM, we could amplify that.
18 But if we looked at it over the 12 years I was there,
19 you would see every day a name of Mr. and Mrs. John
20 LeFabre from Thornton, New Hampshire, with their
21 daughter Jill and their son Bobby, for a picture with
22 the Senator. I must have done that ten times a day,
23 so I did see a lot of ordinary people. But New
24 Hampshire is a unique state, it's small.

25 Q. You still had a limited schedule, you had

1 to make judgments?

2 A. I sure did.

3 Q. And that's true of most senators?

4 A. Absolutely.

5 Q. And when they were making judgments, to
6 the best of your knowledge, about the people they
7 could see and/or could not see, did they -- strike
8 that.

9 Let's approach it this way. You testified
10 that you believe that large contributors have better
11 access, preferential access to, at least at the time,
12 your fellow senators?

13 A. I do.

14 Q. Is that the only criteria that senators
15 use, to your knowledge, to decide who to meet with
16 and not meet with?

17 A. Absolutely not. I never said that.

18 Q. Well, what would the other criteria that
19 you were aware that they used?

20 A. Well, it depends on where you were from.
21 If you were from the State of Michigan, anybody that
22 had anything to do with automobiles, you would see.
23 If you were from the State of Wisconsin, anybody that
24 had anything to do with cheese and dairy products,
25 you would see. If you were from New Hampshire and it

1 had anything to do with tourism and skiing and
2 mountain climbing and whatnot, you would want to see
3 those folks. The Sierra Club, Wilderness Society,
4 people of that sort. So, senators tend to see people
5 who have interests that are very closely linked to
6 their home state and their own constituents.

7 Q. Is there anything wrong with that?

8 A. Of course not. I mean, they ought to.
9 That's the reason. They raise a lot of money from
10 those interests, but does it surprise me that Carl
11 Levin gets a lot of money from the automobile
12 industry and a lot of money from the automobile
13 unions? Of course it doesn't surprise me. I mean,
14 he comes from an automobile state. What bothers me
15 is when somebody from a non-labor state suddenly
16 starts voting with organized labor right down the
17 line. Then I start to wonder, why is that happening.

18 Q. Is it your view that a senator from
19 Michigan would meet with an automobile representative
20 solely because of the potential for contributions?

21 A. Absolutely not. He would meet with them
22 -- that's my point -- because there's a community of
23 interest between that senator, his constituency and
24 the most important product of the state. So sure,
25 there are a lot of reasons to meet with people.

1 Q. And the fact that the senator from
2 Michigan meets with the auto representative to
3 discuss issues of importance to the state does not
4 create an aura of corruption in your view?

5 A. Of course not.

6 Q. You've talked about preferential access
7 having an impact on outcomes, in your declaration.

8 A. Uh-huh.

9 Q. You recall that?

10 A. I do.

11 Q. Can you give me an example of a piece of
12 legislation or some other action by the Senate while
13 you were there that was altered by the preferential
14 access that you attribute to soft money
15 contributions?

16 A. Probably not.

17 Q. I'd like you to sit and think about it.

18 A. Well, I'm going to sit a long time, Mr.
19 Barnett. I've been out of the United States Senate
20 now for ten years this December and you know, I'm
21 trying to think if there's anything that jumped out
22 at me at the time. The reason I probably can't
23 answer the question, as you know, is because I didn't
24 keep up at that time particularly with who was giving
25 soft money to whom and in what amounts. It's really

1 a tough question for me. I'm not sure if I sat all
2 day I would come up with an answer.

3 I really can't think of a specific answer
4 to your question where soft money was the cause of a
5 particular vote going a particular way. I just
6 can't.

7 Q. Did you try to think of one while you were
8 working with the defense counsel on your declaration?

9 A. I did not. I was not asked to.

10 Q. But as you sit here today, you cannot
11 think of one?

12 A. Repeat your question. Let me see if I
13 have the question right. If the stenographer would
14 like to read back the question, or you'd like to
15 repeat it.

16 Q. The question is whether you can identify a
17 specific instance where the actions, the outcome of a
18 Senate action -- strike that, let me try it again?

19 MR. WITTEN: Are you looking at a
20 particular sentence in this? That might help focus
21 your question.

22 MR. BARNETT: I'll restate the question.

23 BY MR. BARNETT:

24 Q. Can you identify a particular instance
25 where a Senate action was altered by the special

1 access or privileged access that you reference in
2 your declaration?

3 A. I don't think so.

4 Q. In paragraph 13 -- paragraph 11, you
5 reference here a New York Times article?

6 A. Uh-huh.

7 Q. You don't have any personal knowledge of
8 the events described in that article, do you?

9 A. Not at all.

10 Q. Your knowledge is drawn only from the
11 article itself?

12 A. Absolutely, as well as from the LA Times
13 article.

14 Q. Now the article, if I understand it
15 correctly, concerns an executive order of the
16 President that would accelerate the time it takes to
17 process applications for permits for energy related
18 projects?

19 A. Uh-huh.

20 Q. And your point is not that the
21 contributions of the American Gas Association caused
22 the issuance of this executive order, is it?

23 A. No, of course not.

24 Q. It's solely an appearance issue?

25 A. Absolutely.

1 Q. And in fact if you read the article, if
2 you look back on Attachment A?

3 A. I read it as recently as this morning.

4 Q. You will note that a representative of the
5 American Gas Association is quoted as saying that
6 they have presented similar requests and/or
7 suggestions to the Clinton administration?

8 MR. WITTEN: Where are you?

9 MR. BARNETT: I'm on page -- well, the
10 article isn't numbered. This is the first
11 attachment, Attachment A to the declaration. It's
12 the one, two, third page, one, two, three, fourth
13 paragraph.

14 MR. WITTEN: Thank you.

15 THE WITNESS: Okay.

16 BY MR. BARNETT:

17 Q. You see that?

18 A. Well, I heard you say that. I don't need
19 to look at it. I read it this morning and I recall
20 that, yeah.

21 Q. And you obviously don't know whether they
22 actually presented such request?

23 A. I do not.

24 Q. But to the best of your knowledge based on
25 the article, the Clinton administration did not take

1 any action that was consistent with those of
2 furthering the requests of the American Gas
3 Association?

4 A. I think that's correct.

5 Q. At least that's what the article says, and
6 you wouldn't be aware of whether or not the American
7 Gas Association also made contributions to the
8 Democratic Party?

9 A. I'm not aware of it, but I assume they
10 did.

11 (Rudman Exhibit 5 marked for
12 identification.)

13 BY MR. BARNETT:

14 Q. I show you what has been marked as Rudman
15 Exhibit 5. I know that you're not familiar with this
16 document and are not familiar with the particular
17 facts.

18 A. Yeah, it shows a \$10,000 contribution to
19 the Democratic National Committee.

20 Q. Right. And if you flip back, there were
21 even in the year 2000, on the last page, a little
22 over \$100,000 in contributions to the non-federal
23 account of the Democratic National Committee?

24 A. Okay.

25 Q. And notwithstanding those contributions,

1 the Clinton administration did not take action
2 favorable to the interests of the American Gas
3 Association in this instance. Is that -- I mean,
4 you're with me?

5 A. That's a fair conclusion.

6 Q. And again, the point of this being, the
7 mere fact that they made the contributions does not
8 guarantee any particular outcome.

9 A. That's consistent with what I've been
10 saying all afternoon.

11 Q. Looking at the article, if you look at the
12 second page of the article, at the bottom of the page
13 it says, quote, "I see this as yet another example of
14 the energy industry holding the pen for the
15 President," said Sharon Buccino, a senior lawyer at
16 the Natural Resources Defense Council.

17 A. Yeah, I see it.

18 Q. I don't know if you're familiar with the
19 Natural Resources Defense Council?

20 A. I am.

21 Q. I think it's a fair inference that they
22 opposed this executive order?

23 A. I think that that would be almost a
24 certainty.

25 Q. And would you agree with me that they

1 would have an interest in painting the executive
2 order as something that was improperly motivated, as
3 opposed to a recent decision on the merits?

4 A. I think that's fair.

5 Q. So they would have an interest in
6 suggesting an improper connection between
7 contributions and the executive order?

8 A. I would agree with that.

9 Q. Whether there was in fact any?

10 A. Correct.

11 Q. Also in paragraph 11 you reference an LA
12 Times article?

13 A. Uh-huh.

14 Q. Again, you have no personal knowledge of
15 the events that are described in that article?

16 A. I do not.

17 Q. Your only knowledge of those events is
18 drawn from the article itself?

19 A. That is correct.

20 Q. And this particular article addresses a
21 decision by the Bush administration to adopt
22 voluntary guidelines on ergonomics?

23 A. Correct.

24 Q. As opposed to mandatory guidelines?

25 A. Correct.

1 Q. And would it be fair to say that a
2 decision by this administration to adopt voluntary
3 guidelines is consistent with its general principles
4 of smaller government and less paternalistic
5 government?

6 A. Well, I'm not sure that I can agree with
7 that characterization. Given a couple of the things
8 that they've done in the agriculture field and a lot
9 of other things, I don't think that's a
10 characterization that I would necessarily agree with.

11 Q. There's a quote in paragraph 4?

12 A. Paragraph 4 on page 1?

13 Q. Yeah, it's not a quote. It's paragraph 4
14 on page 1 of the article.

15 A. Right.

16 Q. Indicating that labor groups oppose this
17 move.

18 A. Uh-huh.

19 Q. And I think it's not surprising that they
20 would oppose this particular decision, is it?

21 A. Oh, I'm not surprised that labor would
22 oppose it, not at all.

23 Q. They have an interest in the adoption of
24 mandatory ergonomic guidelines?

25 A. Absolutely.

1 Q. To reword that, guidelines is not the
2 right word. They have an interest in mandatory
3 regulation relating to ergonomics?

4 A. Absolutely.

5 Q. Again, they would have an interest in
6 attacking this position?

7 A. They would.

8 Q. And painting it in a bad light?

9 A. They would.

10 Q. And as having been improperly motivated as
11 opposed to a reasonable decision on the merits?

12 A. Yeah, I think that's right. I want to
13 make sure they say that.

14 Q. No, they don't. Well -- fair enough.
15 They say whatever they say?

16 A. Yes.

17 Q. Paragraph 13.

18 A. Are we going back to the basic document?

19 Q. Of your declaration.

20 A. Okay.

21 Q. You reference in here a poll, an ABC News
22 Washington Post poll?

23 A. Yes.

24 Q. Let's make it clear that you did not
25 conduct this poll?

1 A. No, I did not.

2 Q. It was not conducted under your
3 supervision?

4 A. Not at all.

5 Q. You did not review the methodology for the
6 poll?

7 A. Not at all.

8 Q. You don't consider yourself a pollster?

9 A. Certainly not.

10 Q. The only information you're aware of
11 related to this poll is from news reports?

12 A. Correct.

13 Q. In paragraph 17 of your declaration, you
14 reference a failed attempt to recruit a New Hampshire
15 businessman to run for Congress?

16 A. Uh-huh.

17 Q. Who was it?

18 A. You know, I knew you were going to ask me
19 that, and I've been trying to think of that. It was
20 back in 1984, and I cannot remember his name. He no
21 longer lives in New Hampshire. He made a lot of
22 money and left the state. Like I said, I'm sure you
23 were going to ask me his name and I'd be happy to
24 give it, but I can't remember his name.

25 Q. He was from?

1 A. Salem, New Hampshire. I believe he was in
2 the -- he was in the electronics business. And then
3 he sold his business to Teledyne, I think, and just
4 took off. And I only met him that one time, I'd
5 never met him, but he was a very attractive young guy
6 with a great family, and I do not remember his name.
7 I'd be happy to give you that one.

8 Q. And when did he leave New Hampshire?

9 A. Oh, probably two years later, three years
10 later. He knew he was about to make a ton of money,
11 but I don't think he particularly wanted to spend any
12 of it in a campaign. I think he thought he would
13 rather raise it. Wise man.

14 Q. And you're not aware of any records that
15 you would have that would identify this individual?

16 A. I would not. It was a meeting that I was
17 asked to do by I think the House Republican
18 congressional campaign committee asked me if I would,
19 because at the time we had a Democratic congressman.
20 So I was asked as the senior senator, and I tried but
21 I failed. And he, it was all about money. Well, it
22 wasn't just money but it was mainly money, some
23 privacy issues, but I don't remember his name.

24 Q. When you say it was money, what was it
25 about money?

1 A. Well, he didn't like the idea of having to
2 raise large amounts of money and he didn't like the
3 idea of having all the big corporations that gave
4 money to all the parties. He just didn't like all
5 this, because he was kind of a purist, he was
6 practical, but he just didn't like the system. And I
7 know a number of instances from my colleagues who try
8 to recruit people for the Senate and there are money
9 issues, and I can't tell you who they are, but I have
10 heard those conversations.

11 Q. We'll come back to that, but let's focus
12 on that businessman in New Hampshire in 1984, was
13 that when it was?

14 A. Correct, '84, that would be my best guess,
15 the election of '84.

16 Q. And you only know what he told you was the
17 reason he didn't want to run. You can't know his
18 actual subjective reasoning?

19 A. Oh, of course not. He could have totally
20 different reasons, but that's what he told me.

21 Q. And in fact he left the state within a
22 couple of years?

23 A. About two or three years.

24 Q. And you said he was aware at that point in
25 time that he would likely be making a significant sum

1 of money?

2 A. Right.

3 Q. And that could have had some impact on his
4 career choice?

5 A. Well, he felt that if he was going to run
6 for office he would like to be able to raise the
7 money. He wasn't sure that he was willing to do what
8 it took to raise the money, didn't want to take any
9 PAC money as I recall. It was just generally an
10 attitude that I don't like this whole system. He
11 wasn't articulate specifically, but he was a hard
12 working young bright physicist, as I recall, who just
13 decided this was not what he wanted to do.

14 Q. And you testified earlier about how much
15 time senators at least have to spend raising money,
16 hard money for their campaigns?

17 A. Uh-huh.

18 Q. And is it your understanding that House
19 members have to spend a lot of time raising hard
20 money as well?

21 A. It depends on where they're from, but the
22 answer would be generally yes.

23 Q. And was that part of what this businessman
24 was referencing when he said that he was put off by
25 the necessity to raise large amounts of money?

1 A. Correct.

2 Q. The time and effort that was involved?

3 A. The time, the effort, and where the money
4 might come from, that bothered him.

5 Q. And did he express to you, and maybe he
6 didn't, but did he express specifically what it was
7 about where the money might come from that bothered
8 him?

9 A. I don't recall.

10 Q. It says, everything that raising such
11 enormous sums would entail. We just talked about the
12 time and effort that it would entail. You reference
13 where the money would come from, whatever that may
14 mean, but what else would that entail?

15 MR. WITTEN: Object to the form of the
16 question.

17 BY MR. BARNETT:

18 Q. That he expressed to you?

19 A. I don't recall anything else. That's what
20 I recall.

21 Q. Let's turn to paragraph 19.

22 A. All right.

23 Q. You're talking here, the declaration says
24 that much of what state and local parties do helps to
25 elect federal candidates?

1 A. Correct.

2 Q. Is it your opinion that everything that
3 state and local parties do helps to elect federal
4 candidates?

5 A. No, not everything, of course not, because
6 they also have to be concerned about their own state
7 legislature.

8 Q. And what do state and local parties do
9 that do not help elect federal candidates?

10 A. Well, I'm not sure that anything they do
11 does not help directly or indirectly, because when
12 you have a strong state party organization, my own
13 experience tells me that if you have good candidates
14 for governor, good candidates for the legislature,
15 and they're running a solid voter registration drive,
16 getting people to the polls, that helps you if you're
17 running for the Senate or the Congress. So I think
18 everything they do does help. But obviously the
19 correct things they do help more, the correct things
20 they do for national candidates.

21 Q. So, I just want to understand your view
22 here. The state party puts out a sign that says
23 elect Jane Doe to county sheriff.

24 A. Right.

25 Q. That helps to elect a federal candidate?

1 A. Probably not.

2 Q. And in general, we'll say advertisements
3 related to promoting the election of state or local
4 candidates, certainly principally affects the
5 election of state or local candidates; would you
6 agree?

7 MR. WITTEN: I object to the form of the
8 question, but you can answer it.

9 THE WITNESS: I think that by in large,
10 you are correct in that that is principally aiding a
11 particular candidate or candidates that are being
12 pushed by that state committee. But, I know from my
13 own experience that if you get enough good candidates
14 on a local ticket to bring more voter interest, it
15 increases voter turnout. And the higher the turnout,
16 the better it is for me as a Republican running for
17 election to the United States Senate or United States
18 Congress. So I would say to you that in the main
19 you're correct, but there is some synergism that
20 happens here where it helps.

21 It can happen the other way as well. When
22 I ran for reelection and got 80 percent of the vote
23 or something, I brought a lot of people along. And
24 so all that money I spent, which was federally
25 regulated money, helped a lot of people running for

1 state office. So, people in the same party who are
2 on the same ticket in an election tend to have a
3 certain amount of pulling effect for each other. But
4 obviously if you're running for state senator, most
5 of the money spent is going to help you do that, but
6 if you've got a terrific voter turnout drive, it's
7 going to help me, so that's what I meant by that
8 answer.

9 Q. Now you go on to state that if state and
10 local parties can use soft money for activities that
11 affect federal elections, then the party will not be
12 solved at all.

13 A. Correct.

14 Q. Now there are certain activities that
15 state and local parties will continue to be able to
16 do under the BCRA.

17 A. I understand.

18 Q. Does that mean that the problem is not
19 going to be solved at all because BCRA doesn't go far
20 enough?

21 A. No, I think a lot has been solved, but I
22 would be very concerned if we had a huge loophole
23 here where tons of federal soft money, poured it into
24 the state money that normally would have been federal
25 soft money, and now you say well, I can't give it

1 here but I can give it there. And then if you look
2 at my answer to question, or paragraph 18, I talk
3 about the magic words like vote for or vote against,
4 I've seen it all, I've been there, done that, and I
5 mean, I just think if you put enough money into that
6 state party organization that's not regulated, then
7 you've washed -- you've thrown out the baby with the
8 bath water. That's my opinion.

9 Q. And the specific activity that you
10 reference with magic words, are you talking about
11 advertising?

12 A. Yeah, I'm talking advertising and I'm
13 talking other activities, even voter turnout
14 activities. They benefit -- in some states they're
15 so important, particularly to Republican candidates
16 where we're starting to eat into certain
17 constituencies that we haven't been in before. But
18 if that goes into state parties, those are going to
19 benefit everybody and if we can't do it with soft
20 money from the top and so we do it from the bottom, I
21 think we've subverted the law as I understand it. I
22 am not an expert on this statute. I've read it and I
23 think I understand it, but as I read it, if that were
24 to happen, I think we would probably have failed in
25 one of the most important parts of the statute, in my

1 opinion.

2 Q. And if the soft money for which you've
3 expressed concern is not contributed to the state
4 party but is contributed to a special interest group
5 who runs the very same advertisement that you were
6 just describing, will that circumvent the system?

7 A. Well, it will, but not as bad as it will
8 if it goes into the party, in my opinion. I've often
9 wondered, I know there are constitutional issues, but
10 I think some day that will have to be confronted too.

11 Q. And what would you do about that, would
12 you ban it all?

13 A. You bet I would. I would like to argue
14 that one in the Supreme Court of the United States.
15 I was, by the way, a target of a lot of that during
16 my first election, so I have a particular reason to
17 feel strongly about that kind of activity.

18 MR. BARNETT: Let's just go off the record
19 for a second. I want to take a break and sort of
20 regroup.

21 (Recess from 3:40 to 4:00 p.m.)

22 BY MR. BARNETT:

23 Q. Senator, I just want to make one point
24 clear, and I understand this may well not affect your
25 answer, but to clarify the record. With respect to

1 the one senator who do not want to name, I need
2 to make you aware, and we should have generally,
3 there is a protective order in this case that
4 entitles you to designate portions of the transcript
5 confidential, even to a level that only counsel see
6 it, not the actual parties. And you need to
7 understand that you can designate any portion of the
8 transcript that way, and I wanted to make sure I
9 mentioned that.

10 A. Okay.

11 Q. But also with respect to the name of the
12 individual senator, you are entitled to provide the
13 name under that degree of confidentiality protection.

14 A. All right, I appreciate that.

15 Q. With that information, does that change
16 your answer?

17 A. No, it doesn't, and I'll tell you why it
18 doesn't. I'll answer if I have to. This happened
19 over 20 years ago. This United States Senator, who
20 is getting on in years, as we all are, will have no
21 recollection whatsoever of this, and he is a guy that
22 I consider an acquaintance, not a dear friend, and I
23 don't want to put him in the position of having to
24 get involved in this litigation when he can tell you
25 absolutely nothing. I can't even remember who the

1 parties were and I would tell you if I could, I'd
2 tell you who the parties were, and I can't even
3 remember that.

4 So it's going to be a dry hole and I just
5 don't see the relevance. If you absolutely think
6 it's important to your case, go ask the judge, the
7 judge will look at it, he'll decide or she'll decide,
8 and if they say answer it, I will answer it, in which
9 case I would ask to have it under the protective
10 order.

11 Q. Just for the record, you have not asked
12 the senator whether he or she remembers?

13 A. Oh, I haven't talked to this senator now
14 for probably two-and-a-half years, and probably five
15 years before that. He's no longer in the Senate.

16 Q. I may have asked you this, sir. Do you
17 have any plans to supplement or change the
18 declaration that has been marked as Exhibit 3?

19 A. I do not.

20 Q. Were you involved in any efforts relating
21 to the efforts -- strike that. Were you involved in
22 helping with the efforts of past campaign finance
23 reform legislation during the past five years?

24 A. I was not. I was involved in other
25 efforts during my time in the Senate, but not during

1 the past five years.

2 Q. There was a campaign finance reform bill
3 in 1992, I think it was, that you voted against?

4 A. Probably.

5 Q. Do you recall?

6 A. I don't, I would have to go back and
7 check. I cast thousands of votes and some of those
8 bills have a wonderful name with terrible contents.

9 Q. Do you recall voting for any campaign
10 finance reform legislation?

11 A. I do; in fact it was with David Boren and
12 Nancy Kassebaum back in the '80s, yes, I do.

13 Q. Just so you know, I'm finished with the
14 majority of what I want to cover.

15 You have stated in your declaration and in
16 your testimony that there are members of the Congress
17 who give preferential access, in your opinion, to
18 contributors, to certain contributors; is that
19 accurate?

20 A. Well, I'd like to hear exactly the answer
21 you're talking about. I don't think I put it that
22 way. I think you're not putting it the way I put it.
23 I think what I said was that I'm aware of the fact
24 that in Congress, people who are major contributors,
25 and particularly major contributors, they are some

1 big players in the Republican Party and the Eagles
2 and all the other organizations, Team 100, the Inner
3 Circle, and they tend to get better access to
4 senators in a variety of ways through the campaign
5 for mutual leadership than other people. I think
6 that's what I said.

7 Q. Did they get better access to you while
8 you were in the Senate than others?

9 A. No, not particularly.

10 Q. Can you identify any members of Congress
11 that grant such better access to contributors or
12 donors?

13 A. I don't have any empirical evidence on
14 which to base an answer, so I would have to say no.
15 I would have to have empirical evidence to answer
16 that question. I have a sense of this from spending
17 12 years up there, but to say yes, Senator X did, I
18 would have to have empirical evidence. And that's a
19 very difficult question to answer, that he gave more
20 access to people who gave a lot of money than those
21 who didn't, I can't answer that.

22 Q. You don't have sufficient information or
23 data to identify a single member of Congress who gave
24 the preferential access you discussed in your
25 declaration?

1 A. I can say it collectively but I can't
2 point to any individual. I just know from what went
3 on up there that people did get a lot of access to a
4 lot of people, but to tell you that any particular
5 senator used a scale of justice to say if you gave
6 you're here and if you didn't you're here, no, I
7 can't do that.

8 Q. And what empirical information are you
9 basing your collective statement on?

10 A. From being to enough dinners and functions
11 and briefing sessions, and weekend retreats and
12 whatnot to see the same heavy hitting contributors
13 always showing up.

14 Q. You appeared at those dinners that you
15 just referenced?

16 A. Some of them, sure.

17 Q. And your testimony was that you were not
18 giving them preferential access.

19 A. No, I had no reason to.

20 Q. And you also testified, you're not aware
21 of what individual other senators were doing in other
22 contexts which you may not have witnessed.

23 A. That's true.

24 Q. And you did not have a sufficient
25 empirical basis to assess what each individual

1 senator was doing with respect to giving preferential
2 access?

3 A. That's correct, but collectively I can
4 tell you I would be at some sort of event and these
5 people would be coming out of the woodwork, and they
6 were heavy from the banks, the tobacco companies,
7 pharmaceutical companies and a whole bunch of special
8 interest groups, and they were there. They weren't
9 getting access to one of us, they were getting access
10 to everybody who was there, and that's what I'm
11 talking about. The price of admission to those
12 things was pretty stiff, I understand.

13 Q. It would vary by the event?

14 A. Well, it might vary by the event but to
15 some of these events you really didn't have admission
16 to the event, you had to be a member of the Eagles or
17 the Inner Circle, or the whatever. There was another
18 name they had for these people and you know, these
19 were people who gave \$100,000 a year or more, or
20 their companies did, and that's what I'm talking
21 about.

22 Q. But you went to other events where the
23 contribution necessary to come to the event was less
24 than that, I assume?

25 A. Lots of fund raisers, sure, hard money

1 events. In fact, \$1,000 would get you in and what,
2 \$5,000 for the PAC? I believe that's right, at least
3 it was then.

4 Q. Now under your understanding of the BCRA,
5 special interest groups retain the ability to use
6 unregulated soft money for a number of purposes; is
7 that correct?

8 A. That's correct.

9 Q. Let's take a specific example. The Sierra
10 Club could run an issue ad that names a federal
11 candidate and ask people to call their -- strike
12 that. The Sierra Club could run an issue ad that
13 names a federal office holder and ask people to call
14 that office holder on an issue of environmental
15 concern, and pay for that ad with soft money?

16 MR. WITTEN: Object to the form of the
17 question, but you can answer.

18 THE WITNESS: Well, I'm not an expert on
19 the law, but from my reading I guess that's so.

20 BY MR. BARNETT:

21 Q. And to the best of your knowledge, the
22 Sierra Club does not have an obligation to disclose
23 the sources, the funding sources for that
24 advertisement?

25 MR. WITTEN: Same objection.

1 THE WITNESS: That's correct.

2 BY MR. BARNETT:

3 Q. Nor does it have an obligation to report
4 those expenditures?

5 MR. WITTEN: Same objection.

6 THE WITNESS: That's correct.

7 BY MR. BARNETT:

8 Q. And the National Abortion Rights -- I'm
9 sorry, NARL could run a similar advertisement on a
10 different subject matter?

11 MR. WITTEN: Same objection.

12 BY MR. BARNETT:

13 Q. To the best of your knowledge?

14 A. To the best of my knowledge, that's
15 correct. As I said, I'm no expert on the law but
16 that's the way I read it.

17 Q. And the advertisements for the Concord
18 Coalition, of which you're co-chairman, it's your
19 understanding that you could run ads in the New York
20 Times or the Washington Post with funds that are from
21 contributors that are not disclosed?

22 A. That is correct.

23 Q. And without an obligation to disclose
24 those contributions, or to disclose those
25 expenditures to any public agency?

1 A. That is correct.

2 Q. And certainly at least outside the windows
3 near the elections, you can do that and name federal
4 office holders in the advertisements?

5 MR. WITTEN: You're asking him about how
6 he views the law?

7 BY MR. BARNETT:

8 Q. The Concord Coalition, your understanding
9 of what the Concord Coalition would be able to do?

10 A. You would have to -- I'm not sure I
11 understand the question.

12 Q. Strike that question; I think we've
13 covered it.

14 I want to turn now to examples that you
15 can cite, specific examples of actual corruption or
16 the appearance of corruption related to certain
17 activities. You talked a lot about the U.S. Senate
18 while you were there and I think your testimony is
19 clear. I'd like to focus first on national party
20 committees that conduct fund-raising activities for
21 state parties.

22 A. All right.

23 Q. Are you aware of any such activity that
24 has been connected to actual corruption?

25 A. I do not.

1 Q. And are you aware of any such activity
2 that created the appearance of corruption?

3 A. I am not that familiar. My answer really
4 is meaningless because I'm not particularly aware of
5 the activities of the national parties on behalf of
6 our state party in New Hampshire, so I really have
7 nothing to look at. I mean, I'm looking at an empty
8 database and I'm incapable of answering the question
9 because I just don't know of these things. I know
10 they go on but I don't know what exactly is going on.
11 You'd be surprised, Mr. Barnett, how little the RNC
12 tells United States Senators what they do in your
13 state. They have a rather cavalier attitude about
14 it.

15 Q. The next area I would like to talk about
16 is national parties conducting fund-raising
17 activities for state or local candidates.

18 A. Uh-huh.

19 Q. Are you aware of any instances of such
20 activity connected with corruption?

21 A. I'm not aware of those activities. I know
22 they go on, but I have never been privy to them and
23 never been to an event to my knowledge that they
24 sponsored.

25 Q. And that's true for fund-raising

1 activities for either hard money or soft money?

2 A. That is correct.

3 MR. BARNETT: Let's go ahead and mark
4 this.

5 (Rudman Exhibit 6 marked for
6 identification.)

7 BY MR. BARNETT:

8 Q. I show you what has been marked as Rudman
9 Exhibit 6. I will represent to you -- strike that.
10 Just assume that this is what it looks to be on its
11 face for our purposes, which is a letter from Jack
12 Oliver connected with the Republican National
13 Committee, seeking to raise funds on behalf of a
14 Republican gubernatorial candidate in the State of
15 New Jersey in 2001.

16 A. Uh-huh.

17 Q. And we will assume further for the moment
18 that there is no federal candidate on the ballot in
19 New Jersey in 2001.

20 A. Okay.

21 Q. Is it your view that a fund-raising letter
22 such as this from the RNC either creates corruption
23 or an appearance of corruption within the meaning of
24 your declaration?

25 A. Can you tell me the constituency that this

1 was mailed to?

2 Q. Let's assume it's mailed to citizens of
3 New Jersey.

4 A. No, I don't see a problem with that.

5 Q. You don't think it creates any actual or
6 appearance of corruption?

7 A. No, not particularly, no.

8 Q. A member of Congress supports a piece of
9 legislation that will create a federal construction
10 project in his or her district. Do you think that
11 creates an appearance of corruption or impropriety?

12 A. Absolutely not.

13 Q. It's perfectly appropriate?

14 A. Absolutely.

15 Q. And do you have an opinion as to whether
16 such activity may or may not help the member of
17 Congress be reelected?

18 A. It depends on where you're from. In some
19 places it helps and in other places it can hurt.

20 Q. In some places it could be beneficial to
21 the reelection?

22 A. Sure.

23 Q. And notwithstanding that, you do not
24 believe that creates an appearance of corruption or
25 any actual corruption?

1 A. I don't see any kind of corruption if I
2 support appropriations made by the Congress to build
3 a courthouse in Manchester, New Hampshire. I mean, I
4 don't -- I understand your question and you
5 understand my answer. I just don't understand where
6 the question comes from, but then I don't have to.

7 MR. BARNETT: I may have, depending on
8 what he comes up with, a couple follow-ups at the
9 end.

10 (Recess from 4:20 to 4:26 p.m.)

11 EXAMINATION BY COUNSEL FOR
12 NATIONAL RIFLE ASSOCIATION
13 BY MR. THOMPSON:

14 Q. Senator, for the record I'm David
15 Thompson, with Cooper & Kirk, and I represent the
16 National Rifle Association in this matter, and I have
17 obviously been present and will attempt to eliminate
18 any duplication in my questions.

19 I do have a few follow-up questions on the
20 Concord Coalition and in particular I wanted to know,
21 is that a nonprofit organization?

22 A. Yes, it is.

23 Q. And is it a corporation?

24 A. A nonprofit corporation.

25 Q. And is it a 501(c)(3) corporation?

1 A. I believe it is, yes.

2 Q. So that if someone makes a contribution,
3 it counts as a charitable donation?

4 A. Absolutely.

5 Q. Okay. And does the Concord Coalition
6 receive any funding from corporations?

7 A. Well, when we have our annual dinner,
8 corporations on occasion buy tables, or quite often
9 buy tables.

10 Q. Okay.

11 A. Generally corporations that have some
12 affinity with the person who is being honored, and
13 yes, the answer is yes.

14 I want to say something here. We had for
15 a while a separate corporation that might do some
16 advocacy work on the Hill, which of course we could
17 not do with the basic educational organization.
18 That's currently inactive.

19 Q. Okay. And does the fact that the Concord
20 Coalition receives some money from corporations in
21 any way change its mission or operation?

22 A. No, not at all.

23 Q. Do you think as a matter of public policy,
24 the Concord Coalition's ability to speak should be
25 impacted by the fact that it may get some of its

1 money from corporations?

2 A. Not at all.

3 Q. Now, what is the position that Mr. Bixby
4 has?

5 A. He's executive director.

6 MR. THOMPSON: Okay. And I would like at
7 this point to mark this as the next exhibit.

8 (Rudman Exhibit 7 marked for
9 identification.)

10 BY MR. THOMPSON:

11 Q. We have marked as Rudman Exhibit 7 a
12 document that is a press release dated September 12,
13 2002. And in the second paragraph Mr. Bixby states,
14 "Political campaigns are the ideal time to question
15 candidates. Well-informed voters can use these
16 exchanges to find out where candidates really stand
17 and to let the candidates know what they think." Do
18 you agree with that statement?

19 A. Absolutely.

20 Q. And why do you agree with it?

21 A. Well, I think the only way voters can make
22 informed choices is by having dialogue with
23 candidates or watching dialogue with candidates.

24 Q. And is the time period on the eve of an
25 election one of the best chances that constituents

1 have to force candidates to deal with tough issues?

2 A. I don't happen to think so. I know that
3 goes against popular wisdom, but I think by the time
4 they get there, in almost cases people's minds are
5 pretty made up. But that's my opinion and others may
6 disagree.

7 Q. Well, I guess what I'm asking is, is it
8 one of the best chances that constituents have, even
9 if they've made up their minds, to force the
10 candidates to deal with tough issues like long-term
11 entitlements, which they normally would not want to
12 have to answer the tough questions about, but on the
13 eve of the election, if there are debates going on,
14 they might actually have to answer the question?

15 MR. WITTEN: Object to the form of the
16 question.

17 THE WITNESS: My own experience has been
18 that when you get down to the very end of the
19 election, things are pretty well done and you just
20 kind of, you're campaigning, you're getting your
21 message out. But in terms of key issues and changes
22 of opinion on issues, committing on issues, I don't
23 agree with your assumption, for what it's worth.

24 BY MR. THOMPSON:

25 Q. Okay. Now, back in -- let me come at it

1 with a specific example in an effort to elucidate
2 things.

3 MR. THOMPSON: Let me have marked as
4 Rudman Exhibit 8 the following document.

5 (Rudman Exhibit 8 marked for
6 identification.)

7 THE WITNESS: Thank you. I have it and
8 I'm very familiar with it.

9 BY MR. THOMPSON:

10 Q. Okay. And for the record, will you
11 identify it?

12 A. Yeah. This is an ad the Concord Coalition
13 put out in the midst of the presidential campaign,
14 about five weeks before the election, October 1st,
15 2000, essentially asking five questions about Social
16 Security reform, which we though was barely avoided
17 and debated during the campaign.

18 Q. And so were you trying to get that issue
19 back on the campaign agenda?

20 A. We were. Yes, we were.

21 Q. Okay. And --

22 A. And by the way, this was done in
23 conjunction with our field organizations, which were
24 doing the same thing.

25 Q. And was the purpose in this ad in part to

1 educate?

2 A. Absolutely.

3 Q. Was it intended to influence the outcome
4 of the election in terms of whether Al Gore or George
5 W. Bush would win the election?

6 A. No, it wasn't, because there wasn't a
7 dime's worth of people willing to commit on this
8 issue.

9 Q. And now, I know the font is small and I
10 apologize.

11 A. I can read it.

12 Q. Okay. In the third sentence it says, the
13 two candidates acknowledge the need for Social
14 Security reform, but the only bottom-line change that
15 they talk about are benefit expansions. My question
16 is, is the two candidates there, is that clearly a
17 reference to George W. Bush and Al Gore?

18 A. Yes.

19 Q. And the letter, or the advertisement is
20 addressed to the American voter. Do you see that?

21 A. Correct.

22 Q. And was that because you wanted to surface
23 this issue in the context of an election?

24 A. We wanted to raise the issue at a time
25 when Americans were focused on a number of issues,

1 including this one.

2 Q. Do you think that there was any appearance
3 of corruption that arose out of the running of this
4 ad?

5 A. Definitely not.

6 Q. And why not?

7 A. Well, because it is totally nonpartisan,
8 it takes no position on behalf of any candidate. It
9 lays out a very important issue in a very
10 intellectual and educational way. So no, I don't see
11 any corruption on that.

12 Q. Did the Concord Coalition run any radio or
13 TV ads during the 2000 election?

14 A. I believe we generally have -- the only
15 ads -- no. The only advertising we have ever done,
16 and there could be some minor exceptions, have been the
17 New York Times full-page ads about three or four
18 times a year. That's about it.

19 Q. And can you state for the record what the
20 strategic thinking is behind marshaling your
21 resources in that way?

22 A. Yes. We get between 75 to 150 editorials
23 across the country when we run these ads.

24 Q. Okay. So a positive return?

25 A. We have a very high return on money spent.



1 Q. Good. And in your experience, do
2 newspaper editorials and ads like this reach a
3 different audience than television and radio?

4 A. Generally speaking, I think that's true.
5 I think the more educated, more thoughtful voters
6 tend to think like this. There are lots of Americans
7 who read a newspaper, I don't want to leave them out,
8 but yeah, we pick the audience we want to reach.

9 Q. If the Concord Coalition had a vastly
10 larger budget, would you like to be able to run
11 television commercials where you could try to explain
12 this type of information?

13 A. Possibly. It's right now out of the
14 question, but possibly.

15 Q. Do you recall the ads that Ross Perot ran
16 in 1992, like the infomercial?

17 A. Right.

18 Q. And did you think that was an effective
19 way to present that information?

20 A. Yeah, that was very effective.

21 Q. Okay. Do you believe that advertisements
22 run by nonprofit voluntary membership organizations
23 give rise to an appearance of corruption in the
24 political process?

25 MR. WITTEN: I object to the form of the

1 question; it doesn't say whether you include
2 incorporated organizations or not.

3 BY MR. THOMPSON:

4 Q. Well, do you believe, to restate the
5 question, do you believe that an advertisement run by
6 a nonprofit corporation with voluntary membership
7 that runs an ad, gives rise to an appearance of
8 corruption in the political process?

9 MR. WITTEN: Objection to the form of the
10 question.

11 THE WITNESS: No, I don't.

12 BY MR. THOMPSON:

13 Q. Do you believe -- did the NRA have a
14 substantial presence in New Hampshire when you were a
15 representative of that state?

16 A. Absolutely.

17 Q. And did you meet with representatives of
18 the NRA either in New Hampshire or here in
19 Washington, D.C.?

20 A. In both places. Generally it was New
21 Hampshire, and here. They tended to be together,
22 they belonged to the same organizations. Sure, I met
23 with them in New Hampshire and I met with them in
24 Washington.

25 Q. And why would you meet with them?

1 A. Because they had issues they wanted to
2 discuss with me and I thought they were entitled to
3 present those issues. Because almost invariably it
4 was a New Hampshire representative of the NRA as
5 opposed to a national representative, although I
6 might have met with them.

7 Q. Okay. And were you meeting with them in
8 part because they represented constituents?

9 A. Absolutely.

10 Q. Was that the most important reason you
11 were meeting with them?

12 A. Sure. They had information which was of
13 interest to many people in New Hampshire. They had a
14 point of view, I agreed with some of it, disagreed
15 with some of it, and we would usually have a
16 dialogue.

17 Q. Okay. And in your opinion, do you believe
18 that membership organizations like the NRA have the
19 access to decision makers based on their representing
20 voters, millions of voters, or based upon running
21 issue ads?

22 MR. WITTEN: Object to the form of the
23 question.

24 THE WITNESS: Well, it's speculation on my
25 part, but I can answer it. I think it has much more

1 to do with what they're talking about and what their
2 issues are. As an example, our senior citizens have
3 the best access and give the least money, so that is
4 an exception to the rule.

5 BY MR. THOMPSON:

6 Q. But is it a rule in politics that if an
7 organization speaks for a large number of voters,
8 that its voice will be heard by the representatives?

9 A. Unquestionably.

10 Q. At the time you were meeting with NRA
11 representatives, were they running any advertisements
12 that rebounded to your benefit?

13 A. No, they were not.

14 Q. I would like to go back to what was marked
15 as Rudman Exhibit 3, which was your declaration.

16 A. Okay.

17 Q. And I'd like to turn to page 7, sir,
18 paragraph 18.

19 A. Okay.

20 Q. Would you like a moment to review it?

21 A. No, I know what I said. I know exactly
22 what I said.

23 Q. Okay. Towards the end of the paragraph
24 there is a sentence that reads, "It is consumer fraud
25 in my view for the parties -- and both parties are

1 guilty of this -- to bombard citizens during the
2 campaign season with broadcast ads about the party's
3 candidates, all the while pretending that those ads
4 are solely about issues and are not related to the
5 candidates' campaigns." Do you make that same
6 criticism of outside issue advocacy groups like the
7 Sierra Club or the NRA?

8 A. I would think it depends. The answer
9 generally would be no, with this caveat. I have seen
10 some of the issue ads that I thought came dangerously
11 close to crossing the line that I don't think ought
12 to be crossed in terms of really being non-issue ads
13 in the middle of advocacy during a campaign.
14 Generally the Sierra Club, Appalachian Mountain Club,
15 NRA, NARL, Right to Life, no, I don't have the same
16 view.

17 Because, I mean they are saying what they
18 believe. They are not proposing that they are really
19 doing this to really favor this candidate or that,
20 unless they get dangerously close and I've seen that
21 happen, and I think that's dangerous, but generally,
22 no.

23 Q. Now, in paragraph 18 when you used the
24 words bombard citizens, does that suggest that you
25 think there are too many political ads and that

1 viewers tune them out because they see so many of
2 these in the last few weeks of an election?

3 A. Absolutely.

4 Q. Have constituents or fellow New
5 Hampshirites expressed that view to you?

6 A. Absolutely, particularly this year.

7 Q. The swan song, huh?

8 A. I will tell you, it was a hell of a year
9 for television stations.

10 Q. Do you think BCRA is going to help solve
11 that problem by reducing the content or the ads?

12 MR. WITTEN: Objection to the form of the
13 question.

14 THE WITNESS: I don't know. I haven't
15 really thought about that.

16 BY MR. THOMPSON:

17 Q. Do you think the issue ads that the
18 parties tend to run, the national parties, are too
19 negative in tone?

20 MR. WITTEN: Object to the form of the
21 question, in particular the phrase "issue ads" is
22 unclear and in dispute.

23 THE WITNESS: Well, I will go ahead and
24 answer and you can fight it out in court. You know,
25 that's a very hard question to answer. I just don't

1 know. Sometimes I feel yes, sometimes I feel no. I
2 mean, you would have to kind of give me a specific of
3 -- you know, if you showed me a specific video of
4 something, I might be able to say that, but the
5 biggest problem I have with the party ads is I think
6 they skate right close to the edge of filming the
7 issue, you know, being for a particular candidate,
8 their candidate, and I think that's what they're
9 really trying to get out. Whether it does it in a
10 constitutional way, I don't know, but that's what it
11 tries to get out.

12 BY MR. THOMPSON:

13 Q. Okay. When you were -- strike that. Do
14 you think that NRA members who -- as a matter of
15 public policy, does it make sense to require NRA
16 members to disclose their identity if they make
17 contributions to the NRA, in other words, to have the
18 NRA report to the FEC on the web site and post this
19 information?

20 MR. WITTEN: Object to the form of the
21 question, but the witness can answer.

22 THE WITNESS: Well, in the first place,
23 I'm not that familiar with this statute and so I
24 don't know whether the statute requires them to do
25 that, but that's not your question. I guess I would

1 have to say this. I don't have a problem with
2 disclosing the names of contributors to any
3 organization that's involved in the campaign process,
4 including the Concord Coalition, which is a single
5 issue, fiscal responsibility, organization. We don't
6 have to do it, but I would not have a problem if we
7 did.

8 Let me expand on that. If people were
9 simply members of that organization or this
10 organization and simply paid their dues, I would
11 think probably, or I would say no, I don't think
12 their names, they ought to be entitled to that. But
13 I think when it got beyond that, if there were large
14 contributions either by individuals or corporations,
15 whatever, then I think those ought to be disclosed,
16 including organizations like ours, which are not
17 partisan in any way, but an issue, as the NRA is
18 focused on an issue.

19 BY MR. THOMPSON:

20 Q. And by large contribution, are you talking
21 about on the magnitude of \$50,000?

22 A. I would say anything more than \$10,000 to
23 us or any organization ought to be reported.

24 Q. Okay.

25 A. But you see, you have to understand where

1 I'm coming from, and this may not even be in this
2 law. I believe the more transparency you have in
3 government, in organizations and corporations, the
4 better off we are for our citizens in New Hampshire.
5 I believe that deeply. I discussed an enterprise
6 this morning which proves it to me more than ever.

7 Q. Do you think the media's coverage of
8 politics has changed over the last ten years, do you
9 think it's gotten more superficial?

10 A. What was the last part?

11 Q. Do you think the media's coverage of
12 politics over the last ten years has changed, has it
13 become more superficial for example?

14 A. Yes, I definitely do. I think it's become
15 more superficial, it has become more vicious and it
16 has become more kind of gotcha. It has not dealt
17 with -- and you can't blame all of the media, but the
18 majority of the media in my opinion, has neglected to
19 cover the issues that really count. And it's only
20 since September 11th of last year that we've started
21 to get some of the reality back in news coverage and
22 they're talking about things other than whether Gary
23 Condit slept with some woman from California, which
24 was the news the week before that. And I'm not sure
25 it's going to stay good, I think it will slip again,

1 and I think there are reasons for it, but overall I
2 think they do a pretty lousy job, with some notable
3 exceptions.

4 Q. Such as?

5 A. Well, I think certainly the LA Times, the
6 Boston Globe, New York Times, Washington Post
7 sometimes, the three major networks sometimes,
8 certainly PBS, but beyond that, the cable channels
9 are pretty bad.

10 Q. And you are aware of the fact that CNN is
11 now owned by AOL/Time/Warner?

12 A. I am.

13 Q. And that ABC is owned by Disney?

14 A. I am.

15 Q. And that NBC is owned by GE?

16 A. I am aware of that.

17 Q. Do you think that the fact that you have
18 large for-profit conglomerates owning these news
19 outlets has in any way contributed to the phenomenon
20 you just described? Essentially what I'm asking is
21 do you think these parent companies are putting
22 pressure on ratings and profits at the expense of old
23 fashioned news dissemination?

24 MR. WITTEN: Object to the form of the
25 question, speculation.

1 THE WITNESS: Oh, I have been speculating
2 all my life. I would say that the answer is probably
3 yes, and the best example of that, CBS News, which
4 was the premier news organization worldwide until
5 budget cuts and it is now a shadow of its former
6 self, so certainly that's true.

7 BY MR. THOMPSON:

8 Q. I would like to take a step back and look
9 at BCRA as a whole, and get your reaction to it. Is
10 it your understanding that as a general matter,
11 incumbents have a significant advantage over
12 challengers in terms of raising hard money?

13 A. Certainly, unless it's rich challengers.

14 Q. Right, and we'll get to that. And is it
15 true that -- is it your understanding that the law,
16 BCRA increases the amount of hard money that can be
17 given from \$1,000 to \$2,000?

18 A. Correct, that's the first change since
19 1974, I believe.

20 Q. Okay. And will that magnify the advantage
21 in terms of absolute dollars that challengers have
22 over incumbents in terms of raising hard money?

23 A. Well, it may but I will tell you, I think
24 the advantage is less than it was, from some of the
25 very competitive races I've seen around the country

1 where people who were challengers did pretty well in
2 terms of raising money. But yeah, there's an
3 advantage and by increasing the amount, there's an
4 incremental change. I think the advantage is
5 probably less than it was ten years ago.

6 Q. And just looking at --

7 MR. WITTEN: Excuse me, counsel. I think
8 you inadvertently framed your question as an
9 advantage for challengers versus incumbents, and I
10 think you meant incumbents over challengers.

11 MR. THOMPSON: Right. And you answered --

12 THE WITNESS: I answered it incumbents.

13 MR. THOMPSON: I appreciate that.

14 BY MR. THOMPSON:

15 Q. And so that's one piece of what BCRA does.

16 A. Right.

17 Q. Now BCRA also drives up the soft money to
18 the political parties, right?

19 A. Correct.

20 Q. And in the past, have the national
21 political parties sometimes used some of that soft
22 money to help challengers that are having difficulty
23 raising hard money?

24 A. They have.

25 Q. And they won't be able to do that anymore

1 once this law goes into effect?

2 A. Well no, but they hopefully will be able
3 to do other things which we can talk about if you
4 want, or we don't have to talk about.

5 Q. Well, are there other things that you
6 think the national parties will be doing to help
7 challengers?

8 A. I do. I think that with the increase in
9 the amount to \$2,000, I think the national parties
10 will be able to be very effective in raising hard
11 money for challengers who are very qualified and good
12 challengers, who are very attractive. The one thing
13 I don't know, counsel, is did they raise the limit in
14 this law from 25, the total amount of money you can
15 give to a campaign? I don't know the answer to that.
16 Up to now it was \$25,000, that's all you could give
17 in hard money.

18 Q. I think there may have been an increase.

19 A. If there was, that will help also.

20 MR. WITTEN: There was a substantial
21 increase.

22 BY MR. THOMPSON:

23 Q. And the statute also -- well, strike that.
24 But in terms of the one situation you identified, or
25 one of the situations you've identified where a

1 well-funded wealthy individual is a challenger, are
2 you aware of the fact that BCRA has a provision in
3 there which increases the hard money limitations that
4 a non-wealthy candidate can use?

5 A. I am. I don't know if you recognize this,
6 but that also comes out of an attempt to do the same
7 thing that we attempted in 1980.

8 Q. But do you think when you look at this
9 picture in totality that it increases the amount of
10 hard money that candidates can raise, dries up soft
11 money to the parties that they can use to fund
12 challengers, and then any challenger that can
13 overcome the hard money disadvantage with his own
14 pocket gets a poison pill that dilutes as well? Do
15 you think that when you look at this as a whole that
16 the foreseeable effect is to protect incumbents?

17 MR. WITTEN: Object to the form of the
18 question.

19 THE WITNESS: I don't know, and I'm not
20 giving that as a cop-out to your question. I don't
21 know but I think we're going to get a pretty good
22 idea over the next couple of years. And that charge
23 has been made, it's a charge that concerns me, valid
24 criticism. I'm not sure whether it's true.

25 MR. THOMPSON: I think if we could just

1 take a two-minute break, I may be finished.

2 (Recess from 4:53 to 4:56 p.m.)

3 MR. THOMPSON: Senator, we don't have any
4 more questions, and we really appreciate your
5 patience and your candor today.

6 THE WITNESS: Thank you.

7 MR. BARNETT: I just have, Senator, a
8 couple of final questions.

9 EXAMINATION BY COUNSEL FOR
10 PLAINTIFF REPUBLICAN NATIONAL COMMITTEE

11 BY MR. BARNETT:

12 Q. If you look back at what I think was
13 marked as Exhibit 4, the letter from Jack Oliver, you
14 recall that letter?

15 A. Yes.

16 MR. THOMPSON: It's Rudman 6.

17 BY MR. BARNETT:

18 Q. Rudman 6. I misled you.

19 A. All right. Yes.

20 Q. I had also intended to ask you whether in
21 your view, do you recall the circumstances
22 surrounding this? This was an off-year New Jersey
23 gubernatorial race.

24 A. Right.

25 Q. Whether this type of fund-raising activity

1 by the FNC has an effect on any federal elections?

2 A. I don't think you asked me that.

3 Q. I didn't. I want to ask you that now.

4 I'm asking you now whether you think a fund-raising
5 letter like this one from Jack Oliver of the RNC
6 relating to an off-year gubernatorial election has an
7 effect on federal elections.

8 A. Oh, I think it does.

9 Q. And what is that effect?

10 A. I think had Schundler won that election,
11 which of course he didn't, if he were sitting in
12 Trenton right now in that statehouse, I think we
13 would have a much better chance of beating Torricelli
14 with the guy that we've got running against him than
15 we do. I think if you have a strong governor in
16 place, and I've seen it in New Hampshire, I'm talking
17 personally, I think it can help.

18 Q. I'd like you to turn and look at the
19 Rudman Exhibit that you marked about the Concord
20 Coalition?

21 A. Yes.

22 Q. Five Questions to Ask Candidates?

23 A. Yes, right here. I've got it.

24 Q. You do not think that this advertisement
25 had any impact on a federal election?

1 A. You know, I'm trying to give you a
2 thoughtful answer, Mr. Barnett. I'm not trying to go
3 anywhere in particular, but let me answer it this
4 way. There are people in the country that are very
5 very informed and there are several million of them,
6 no question. This could have an effect on an
7 election if someone transposed these questions into
8 questions for that congressman or senator, or one of
9 the presidential candidates, and came to a conclusion
10 about the candidate's position on these questions.
11 But my thought is these things tend to give them more
12 education, tend to be more remote in terms of having
13 an effect.

14 Q. But I mean for those educated voters out
15 there, virtually any public debate on an issue of
16 public policy could effect a federal election, could
17 it not?

18 A. I agree.

19 Q. And as well, it could effect a state or a
20 local election?

21 A. Absolutely.

22 Q. Are you aware, Senator, of what the
23 average contribution amount is to the Republican
24 National Committee?

25 A. I was at one time but I am no longer.

1 Q. Do you recall a ballpark figure?

2 A. It was small, it was lower than I thought
3 it would be.

4 Q. Do you know what percentage of
5 contributors give the maximum amount allowed under
6 current limits?

7 A. I did at one time, I don't know now.

8 Q. And I just want to make sure. I thought
9 of something you said earlier and I may have missed
10 it. You were talking about NARL and whether they had
11 desire to promote the election of one candidate over
12 another. Do you recall that?

13 A. My answer, I think, was to you, and I
14 connected NARL and NRA, and Sierra Club and the
15 Appalachian Mountain Club. I think if you read the
16 transcript you will find I mentioned five or six
17 special interest organizations in one sentence
18 relating to that outcome.

19 Q. Fair enough. And I'm just trying to
20 understand, do you have a view as to whether NARL had
21 a preference between George Bush and Al Gore for
22 President of the United States?

23 A. There's no question in my mind that they
24 had a preference.

25 Q. And what would that preference have been?

1 A. Their preference would have been for Al
2 Gore.

3 Q. Last thing, I just want to make clear on
4 the record, and I understand this may not change your
5 answer, that our general view of the testimony of
6 witnesses who decline to answer certain questions is
7 that that can be grounds for a motion to strike their
8 testimony. I want that clearly understood.

9 A. Fine.

10 Q. And that doesn't change your view on
11 naming the senator in question?

12 A. No. I assumed that, that is a fairly
13 standard practice, but it's not a problem. And you
14 know, I just think that if that is really important
15 to you, you ought to file a motion with the judge and
16 tell him the question, and he can determine whether
17 it's relevant. I will answer it, but only under
18 compulsion.

19 MR. BARNETT: That's all the questions I
20 have.

21 THE WITNESS: Thank you very much, Mr.
22 Barnett.

23 MR. BARNETT: And Mr. Witten, did you have
24 any questions?

25 MR. WITTEN: I do not. I would have

1 actually gone before you if I had, but I do not.

2 MR. BARNETT: I wanted to make sure.

3 Thank you, sir.

4 (Whereupon, at 5:02 p.m., the taking of
5 the instant deposition ceased.)

6

7

8

Signature of the Witness

9 SUBSCRIBED AND SWORN to before me this _____ day of

10 _____, 20____.

11

12

13

Notary Public

14 My Commission Expires: _____

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