

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLUMBIA
3 - - - - - X
4 SENATOR MITCH McCONNELL, :
5 et al., :
6 Plaintiffs, :
7 v. : CIVIL ACTION
8 FEDERAL ELECTION COMMISSION, : NO. 02-CV-582
9 et al., : CKK, KLH, RJL
10 Defendants, : Consolidated
11 - and - : Action
12 SENATOR JOHN McCain, SENATOR :
13 RUSSELL FEINGOLD, REPRESENTATIVE :
14 CHRISTOPHER SHAYS, REPRESENTATIVE :
15 MARTIN MEEHAN, SENATOR OLYMPIA :
16 SNOWE, SENATOR JAMES JEFFORDS, :
17 Intervenors. :
18 - - - - - X

19 CONTAINS COUNSEL ONLY INFORMATION
20 Washington, D.C.
21 Wednesday, October 16, 2002
22 Deposition of CHRISTOPHER SHAYS, a witness
23 herein, called for examination by counsel for
24 Plaintiffs in the above-entitled matter, pursuant to
25 Notice, the witness being duly sworn by JAN A.

<p style="text-align: right;">Page 2</p> <p>1 WILLIAMS, a Notary Public in and for the District of 2 Columbia, taken at the offices of Rayburn House 3 Office Building, Room 2203, Washington, D.C., 20515, 4 at 4:10 p.m., Wednesday, October 16, 2002, and the 5 proceedings being taken down by Stenotype by JAN A. 6 WILLIAMS, RPR, and transcribed under her direction. 7 8 APPEARANCES: 9 10 On behalf of the Plaintiff Republican National 11 Committee: 12 BOBBY R. BURCHFIELD, ESQ. 13 NICOLE MOSS, ESQ. 14 Covington & Burling 15 1201 Pennsylvania Avenue, N.W. 16 Washington, D.C. 20004-2401 17 202-662-0800 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 CONTENTS 2 WITNESS EXAMINATION BY COUNSEL FOR 3 CHRISTOPHER SHAYS PLAINTIFF REPUBLICAN 4 NATIONAL COMMITTEE 5 By Mr. Burchfield 5 6 7 EXHIBITS 8 SHAYS CX EXHIBIT NO. PAGE NO. 9 1 - Declaration of Representative 10 Christopher Shays 5 11 2 - Seating chart 14 12 3 - Seating chart 19 13 4 - Comments on FEC's rulemaking 22 14 5 - Complaint for Declaratory and Injunctive 15 Relief 51 16 6 - Article on NAACP web site 64 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: (Continued) 2 3 On behalf of the Intervenor: 4 ROGER M. WITTEN, ESQ. 5 KRISAN PATTERSON, ESQ. 6 Wilmer, Cutler & Pickering 7 2445 M Street, N.W. 8 Washington, D.C. 20037-1420 9 202-663-6847 10 11 ALSO PRESENT: 12 SCOTT D. DANZIS, ESQ., Covington & Burling 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 PROCEEDINGS 2 Whereupon, 3 CHRISTOPHER SHAYS, 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 (Shays CX Exhibit No. 1 was 8 marked for identification.) 9 EXAMINATION BY COUNSEL FOR 10 PLAINTIFF REPUBLICAN NATIONAL COMMITTEE 11 BY MR. BURCHFIELD: 12 Q. Congressman, thank you for making time for 13 us today. 14 A. Sure. 15 Q. We've asked the reporter to mark as Shays 16 Cross-examination Exhibit 1 a copy of your 17 declaration recently submitted in this case. Feel 18 free to refer to either that one or the one that 19 you've annotated during the deposition to whatever 20 degree you would like. I may be referring to it 21 during the course of the deposition. 22 A. Let me just be clear. That is the same 23 numbers and everything? Yeah. Okay. 24 Q. Very good. Congressman, do you recall 25 attending the Republican National Committee gala on</p>

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1 May 14, 2002, this past spring?
 2 A. Is that -- was that the Republican House
 3 and Senate Presidential dinner?
 4 Q. No. I appreciate the clarification. The
 5 Republican National Committee has its own large
 6 fund-raising gala and then the House and Senate
 7 committees have a separate House and Senate dinner.
 8 A. You have to tell me where it was, the
 9 dates don't mean anything to me. So tell me where it
 10 was and I might be able to remember.
 11 Q. The short answer to that is I do not
 12 recall where it was. But do you recall attending any
 13 fund-raising galas, large events during --
 14 A. I have attended fund-raising events. I
 15 attended -- since my last election, I attended the
 16 event that we had shortly after the election at the
 17 armory near the baseball field, the old armory. And
 18 I raised 25,000 in hard money for the Republican
 19 House and Senate Presidential dinner.
 20 But I did not attend, I had others attend.
 21 But I didn't attend that. I have attended some other
 22 event, but I'm not sure whether it was that event and
 23 I'm not --
 24 Q. Let me just ask the reporter to mark Shays
 25 Cross-examination Exhibit 2, the seating chart from

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1 then we send out the results sometime in late winter,
 2 early spring. And we do that because, when we send
 3 out a questionnaire, I have community meetings and so
 4 I could tag it on to the questionnaire; and then,
 5 when I send out the results, I can notify people of
 6 community meetings.
 7 Q. It indicates on the first questionnaire
 8 attached to your declaration which is Shays
 9 Cross-examination Exhibit 1 that you received 13,500
 10 responses. How many copies of the questionnaire were
 11 distributed to obtain those 13,500 responses?
 12 A. We can get the exact amount. But it was
 13 well over 200,000. We send to every household
 14 address and maybe even commercial address in the
 15 district.
 16 Q. Are there any professional polling firms
 17 involved in putting together the questionnaire?
 18 A. We do not pay any professional pollster.
 19 We ask the opinions of pollsters. And the last two
 20 times we asked an individual whose name is -- who had
 21 seen my earlier questionnaires and as a professional
 22 said that we needed to, you know, write the questions
 23 differently. So we did get help from an individual.
 24 And, if you don't mind, we can get you the
 25 name of that individual. I think I have shared the

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1 the May 2002 RNC gala.
 2 A. Can you tell me where it was.
 3 Q. As I say, Congressman, I don't know the
 4 answer to that. In fact, maybe, if it would help
 5 you, I can ask one of my colleagues to call the RNC
 6 and see if they can find out where it was.
 7 (Discussion off the record.)
 8 BY MR. BURCHFIELD:
 9 Q. Why don't we take up another issue pending
 10 finding out the answer to that question and we'll
 11 come back to that.
 12 Congressman, attached to your declaration
 13 are a couple of questionnaires, constituent
 14 questionnaires.
 15 A. Uh-huh.
 16 Q. And I take it that part of your practice
 17 as a legislator in terms of staying in touch with
 18 your constituents is to periodically send out
 19 questionnaires?
 20 A. Correct.
 21 Q. How many of those questionnaires do you
 22 typically send out?
 23 A. We usually send them out once a term. And
 24 we send it usually in the middle of my term basically
 25 before sometime in the fall of that first year. And

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1 questionnaire, I don't know if it was the last one or
 2 the one before, with Frank Luntz who, you know,
 3 expressed opinions about the questionnaire. So we
 4 did seek advice, but we never paid anyone to do it,
 5 we did it ourselves.
 6 Q. And the tabulation I take it is by your
 7 Congressional office staff, maybe interns?
 8 A. No. We have that tabulated professionally
 9 outside, we don't tabulate it.
 10 Q. I remember many years ago, when I was a
 11 Congressional intern, that was something that we did
 12 during the summer.
 13 A. We did it -- I'm sorry to jump in. We did
 14 it my very first year and regretted it and just
 15 farmed it out and paid the cost.
 16 Q. Congressman, do you hold this
 17 questionnaire and the responses to the questionnaire
 18 out as being a scientifically conducted survey?
 19 A. No, no, I don't hold it out to be a
 20 scientific survey. But I do hold it out as -- we
 21 think it is very well done. We've had tremendous
 22 compliments from professionals who have seen the
 23 questionnaire.
 24 But they point out to us that the
 25 questionnaire will really depend on who seeks to

3 (Pages 6 to 9)

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1 respond to it. But I will say this to you, it has a
2 tremendous impact on what I do. I consider the
3 questionnaire as being a very helpful guide.

4 Q. Have pollsters, perhaps Mr. Luntz or
5 others, indicated to you that, in terms of
6 statistical validity and ability to project to the
7 population as a whole, the self-selected response
8 rate of something on the order of six and a quarter
9 percent would probably not be fairly projectable to
10 the entire population?

11 A. They would tell me that statistically it
12 would not be what a professional pollster would
13 depend on, but they did express appreciation that so
14 many people did respond. In other words, they felt
15 that we got a good response. So, as Congressional
16 polls go, they thought it was a very good poll.

17 Q. Let's turn back, if we could now, to the
18 RNC gala. I am now informed that the 2002 RNC gala
19 was at the D.C. Convention Center. Does that ring a
20 bell?

21 A. I've been to that convention center, but I
22 don't think I've been in the last two years. I may
23 have. I know I was scheduled to go, but I don't
24 think I went. I do go -- I did go to -- as you were
25 asking the question, I did go recently to the one on

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1 Guiliani as the headliner or was that a different
2 one?

3 A. I think that was a different one.

4 Q. Sticking with the one at which J. C. Watts
5 was honored, was it a sit-down dinner?

6 A. Correct.

7 Q. Do you recall anyone you sat with at that
8 dinner?

9 A. I sat down with -- I do recall. I sat
10 down with a member who I would have to look at my
11 membership list to remember who it was. I sat down
12 with one member who couldn't find his own seat and
13 joined us. It was a --

14 Q. I think that should go without comment.

15 A. Thank you. I appreciate that.

16 MR. WITTEN: Anybody want to seal that
17 portion of the transcript.

18 BY MR. BURCHFIELD:

19 Q. This was a Democrat, right, Congressman,
20 who found the wrong fund-raiser too.

21 A. There were two families there. They were
22 as I recall thrilled that they were sitting next to a
23 member of Congress. And I felt very good that they
24 felt that way. They had Indian background. They
25 both had married Indian wives, who had found their

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1 Connecticut Avenue at the Hilton which was honoring
2 J. C. Watts.

3 Q. And when was that?

4 A. That was, gosh, just a few weeks ago, J. C.
5 Watts and Dick Arme.

6 Q. Was that a fund-raiser?

7 A. Absolutely.

8 Q. Were you asked to raise money for that
9 event?

10 A. You know, that one I was not asked to
11 raise money for. And let me say that the one that I
12 was asked to raise money and which they gave me a
13 list of soft money at the Presidential dinner in
14 which we then responded by raising hard money, I
15 would have gone had I been in Washington. I wasn't
16 in Washington. But I would gladly have gone.

17 Q. With regard to the one recently at the
18 Hilton honoring J. C. Watts, was that a fund-raiser
19 for both hard and soft money to your knowledge?

20 A. I would think it had to have been. I will
21 say that the focus was on hard money. It was a real
22 effort, I think they raised like 6 million. And I
23 think most of it was hard money, but not all of it.
24 But it was I think an effort to raise hard money.

25 Q. Was that the fund-raiser with Mayor

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1 wives going to India. And one of them had a precious
2 child who probably was five years old who was there.

3 So it was I think either two families that
4 were related, either the two brothers were related,
5 the two men were related as brothers, and then their
6 two wives and their daughter. And someone else
7 during the course of the dinner sat down. But -- and
8 I don't frankly remember their names.

9 I don't think I saw a list of who I was
10 sitting with. And I will just tell you, I was kind
11 of pleased because at this dinner I was more in the
12 middle of the event. Usually, when I go, I'm kind of
13 stuck out in the outer reaches. So I felt kind of
14 pleased that I had a decent seat this time. I
15 remember that event, it was a lovely event.

16 MR. BURCHFIELD: Let me ask the reporter
17 to mark as Shays Cross-examination Exhibit 2 the
18 seating chart from the May 2002 RNC gala which
19 indicates that you were assigned a seat. That
20 doesn't necessarily mean obviously that you attended,
21 but I just want to ask you a couple questions about
22 this.

23 THE WITNESS: You know, I would be able to
24 answer the question if you give me the date, I could
25 call my staff and they could tell me if I was at the

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1 event, if that would be helpful.
 2 BY MR. BURCHFIELD:
 3 Q. If that would -- it's up to you.
 4 A. Would you mind if I did that.
 5 Q. No, I'm fine with that.
 6 A. The date again was May?
 7 Q. May 14, 2002.
 8 A. Of this year?
 9 Q. Of this year.
 10 A. I will just ask them.
 11 MR. WITTEN: We'll go off the record.
 12 (Discussion off the record.)
 13 (Shays CX Exhibit No. 2 was
 14 marked for identification.)
 15 BY MR. BURCHFIELD:
 16 Q. Congressman, we put in front of you the
 17 seating chart which indicates, if you look, the names
 18 are alphabetized thankfully. So on page 39 you will
 19 see your name assigned to table 314.
 20 I'm sorry, I meant to give you a copy of
 21 this.
 22 MR. WITTEN: Thank you.
 23 THE WITNESS: Let me use his so I can mark
 24 it up.
 25 On page 39. Okay. C. Shays. That's

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1 interesting.
 2 MR. WITTEN: He's pointing you to table
 3 ten.
 4 BY MR. BURCHFIELD:
 5 Q. It's table 314, seat ten. And you will
 6 see the schematic for the seating arrangements on the
 7 front page of this. And you were in the lower
 8 left-hand quadrant in the second -- middle of the
 9 second row, if you were there. And let me just -- we
 10 have the advantage, Congressman, of being able to
 11 ascertain what other people were assigned to your
 12 table. And let me just ask you about these names and
 13 see if any of them ring a bell.
 14 A. Sure.
 15 Q. Perhaps maybe, if your staff calls back,
 16 they can confirm that you were here. But, on the
 17 first page, one of 96, the first page of names.
 18 Maureen Agron was assigned to table 314.
 19 A. Okay.
 20 Q. Does that ring any bell?
 21 A. No.
 22 Q. The next page, Jane Anderson?
 23 A. Okay.
 24 Q. No bell?
 25 A. No, it doesn't ring a bell.

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1 Q. Page 16, Jay and John Froshaug?
 2 A. That doesn't ring a bell.
 3 Q. Page 20, Barbara Hayes and Jim Hayes who I
 4 take it are not spouses?
 5 A. Okay.
 6 Q. It doesn't ring a bell?
 7 A. No.
 8 Q. Page 22, John Hysom, H-y-s-o-m?
 9 A. Is this the place you have to go up the
 10 escalator to go to the second floor in the convention
 11 center?
 12 Q. I believe that's right.
 13 A. I'm not sure I was there. I'm going to
 14 have you speak to my staff when she gets back
 15 directly without me even talking to her.
 16 Q. All right. And the last person that we
 17 found assigned to that table was on page 30, Lloyd
 18 Moore. Still no recollection?
 19 A. No. You know, I'm sorry about that. But
 20 none of these names ring a bell.
 21 Q. It is quite possible, Congressman, that
 22 you did not attend. I take it that -- I take it that
 23 the --
 24 A. Don't go into that assumption just because
 25 I don't know, because at these events it's noisy,

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1 someone can tell me, you know -- I can tell you the
 2 conversation I had with -- you know, there were two
 3 businessmen in the event that I went to and an older
 4 gentleman at the event that I went to at the armory.
 5 And so I remember that event.
 6 So I think I would remember the people.
 7 But I can't tell you who the names of those
 8 individuals were. I did get cards from the two men,
 9 but I don't know what I did with them. I sometimes
 10 take cards and, if I don't mark where I get them and
 11 I leave them stacked up, I end up throwing away the
 12 card because I don't write notes on it. When I write
 13 notes on it, I do fine. So at any rate.
 14 MR. WITTEN: You've answered the question.
 15 That's what you should try to do.
 16 BY MR. BURCHFIELD:
 17 Q. You have, you've fully and fairly answered
 18 that question. Let me ask you, and this exercise may
 19 prove no more fruitful, but at least it's not taking
 20 a lot of time. This is the seating chart for the RNC
 21 gala in May of 2001 which I'm informed was at the
 22 D.C. Armory. Let me show you a seating chart for
 23 that. Let's mark that as Shays Cross-examination
 24 Exhibit 3.
 25 MR. WITTEN: Let the record reflect that

5 (Pages 14 to 17)

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1 the Congressman is talking to his office and relaying
2 information he's getting from his office.

3 BY MR. BURCHFIELD:

4 Q. We need to go back on the record at this
5 point and just let the Congressman state what he has
6 found from checking with his scheduler in his office.
7 And let's start, Congressman, with the May 2002 RNC
8 gala on May 14, 2002. You've checked with your
9 office and what do you now believe to be the case?

10 A. It is my strong sense that I was scheduled
11 to go to it. I would have been happy to go to the
12 event, but I was also being recognized by the Sikhs.
13 I was being recognized, I think Congressman Honda was
14 being recognized, and McDermott was being recognized.

15 We had put in legislation pointing out
16 that the Sikhs should not be discriminated against
17 and they're basically a wonderful part of our
18 American society. And so I went to the event a
19 little late. I ate and then I was -- I spoke. I
20 felt I should stay to hear the others speak.

21 By the time I got out of there, it just
22 was pointless to go to the event. And I'm very
23 comfortable in saying I did not go to the event on
24 the 14th. And I felt badly about it because I knew
25 that they reserved a space for me and there were

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1 BY MR. BURCHFIELD.

2 Q. Once you've had a chance to look at that,
3 Congressman, could you just tell me if you recognize
4 the names of any of the people there and could you
5 confirm one way or another whether those were the
6 people that actually sat at your table.

7 A. Sadly I can't. I don't recall. Usually
8 the people they assign to me were not from my
9 district. And I don't recall sitting with anyone who
10 was from the district. I just -- I just remember a
11 couple and I remember two brothers who were there.

12 Q. Okay. Congressman, has there ever been an
13 instance that you can recall as you sit here today in
14 which someone you have sat with at one of these
15 fund-raising events, and I know Congressmen are asked
16 to go to a lot of fund-raising events, a fund-raising
17 event for the Republican National Committee has
18 subsequently come to your office or called your
19 office and sought to meet with you on a legislative
20 issue?

21 A. I don't recall. But, if they had, I would
22 have gladly met with them.

23 Q. And I take it, on some testimony that you
24 gave the last time and on the tone of that answer,
25 that you like many Congressmen pretty much have an

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1 people expecting me.

2 Q. Did your scheduler also check your
3 schedule on May 22, '01, for the 2001 RNC gala?

4 A. I didn't ask her to, but I might remember
5 that one. What is that one again?

6 Q. That was at the D.C. Armory.

7 A. I went to an event at the D.C. Armory. If
8 that was the event that the President spoke at and
9 the Vice President spoke at, they left early before
10 the dinner was over. I went and there was an older
11 couple and there were two younger gentlemen there who
12 were in business together.

13 MR. BURCHFIELD: Let me ask the reporter
14 to mark as Shays Cross-examination Exhibit 3 this
15 chart.

16 You've got that in front of you,
17 Congressman, it's this one. This one is a little
18 easier to deal with because we've determined you were
19 assigned to sit at table 125 which is shown on page
20 5. And it lists the people who were also assigned to
21 that table.

22 THE WITNESS: This one I can mark.

23 MR. WITTEN: You can mark it.

24 (Shays CX Exhibit No. 3 was
25 marked for identification.)

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1 open-door policy to meet with people who want to talk
2 to you about important legislative issues?

3 A. That's correct.

4 Q. Okay. That's all I have about
5 fund-raising dinners. So we're going to turn to
6 something different now that everyone is sufficiently
7 hungry.

8 Congressman, and I'm asking you for your
9 understanding in these questions, am I correct that
10 the Bipartisan Campaign Reform Act of 2002 allows
11 state parties to continue raising and spending state
12 regulated money, soft money, for activities not
13 encompassed within the definition of federal election
14 activity?

15 A. You're correct subject to state law.

16 Q. Okay. And am I also correct that they can
17 use 100 percent state regulated money in elections
18 when no federal candidate appears on the ballot?

19 A. I believe that they can spend state money
20 subject to their state law for state candidates as
21 state law allows them, correct.

22 MR. BURCHFIELD: Okay. Let me ask the
23 reporter to mark as Shays Cross-examination Exhibit 4
24 the comments that Senator McCain, Senator Feingold,
25 and Congressman Shays and Congressman Meehan

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1 submitted on the Federal Election Commission's
2 proposed soft money rulemaking.
3 (Shays CX Exhibit No. 4 was
4 marked for identification.)
5 BY MR. BURCHFIELD:
6 Q. Congressman, for reasons I can't explain,
7 the date on the cover letter that is signed is April
8 10, but the date on the first page which is a cover
9 letter that is not signed is May 29. It may or may
10 not be that the first page is not related to the rest
11 of the document. But this was the way it was
12 obtained by us.
13 In any event, if you could take a minute
14 and look through these comments to satisfy yourself
15 that these were the comments submitted by you and the
16 cosponsors.
17 A. This whole document?
18 Q. Yes.
19 A. I don't think you want me to take the time
20 for me to read through the whole thing.
21 Q. No, I don't want you to read through it.
22 But if you could just look at it to whatever degree
23 you think appropriate. It is my belief that this is
24 your comments. I think this is the version we
25 received from the Federal Election Commission as part

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1 A. Uh-huh, uh-huh.
2 Q. And is that consistent with the way the
3 Bipartisan Campaign Reform Act will work once it
4 takes effect?
5 A. Let me just say, taken in the context of
6 the paragraph, it means nothing to me. So what is
7 the --
8 Q. Let me see if I could step back for a
9 moment and ask you a question or a couple of
10 questions that may make it more clear.
11 There are five states in this country that
12 have their state and local elections in odd numbered
13 years, Kentucky, Louisiana, Mississippi, New Jersey,
14 and Virginia. Not Virginia, and --
15 A. Virginia.
16 Q. And Virginia, that's right. In those
17 states is it your understanding that the state
18 parties can pay for all of the state and local
19 election activity during those odd numbered years
20 with state regulated; that is, soft money, and no
21 federal money, assuming there's no special federal
22 election on the ballot?
23 A. Let me answer it this way, it is my
24 understanding, as long as there's no federal
25 candidate, there is no issue of whether there is --

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1 of the public record. So that's what I think. If
2 you have any reason to doubt that, then --
3 A. Okay. That's what we're trying to -- if
4 that's the basis you want me to go through it, I'll
5 be happy to.
6 Q. If Mr. Witten believes to the contrary, I
7 think he can certainly say so.
8 MR. WITTEN: No.
9 BY MR. BURCHFIELD:
10 Q. Congressman, would you look with me at
11 page 8 of these comments. In the next to last
12 paragraph on that page, beginning with the phrase in
13 his May 8 memo.
14 A. Uh-huh.
15 Q. And then the second sentence of that
16 paragraph says, under that practice state and local
17 party spending on such activities must be allocated
18 at the beginning of a two-year election cycle except
19 in the case of state and local parties located in the
20 few states holding regularly scheduled state
21 elections in odd numbered years, in the latter case,
22 unless a special election for federal office is held
23 during that nonfederal election year, all generic
24 voter drive expenses may in that year be 100 percent
25 nonfederal. Do you see that?

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1 they're using state money for a federal candidate.
2 Q. Now, is it also your understanding that,
3 if the national party committees, take, for example,
4 the Republican National Committee, wants to
5 participate in state election activity in one of
6 those five states during an odd numbered year, it
7 will be required to use federally regulated money?
8 A. Let me work backwards and then we'll
9 figure that out.
10 Q. Okay.
11 A. It's my understanding that we have made it
12 clear that federal party officeholders are not
13 permitted to raise money for state candidates, that
14 their focus has to be on federal elections.
15 Q. Okay. Is it the case that --
16 MR. WITTEN: I'm sorry. Can I have that
17 answer read back, please.
18 THE REPORTER: "Answer: It's my
19 understanding that we have made it clear that federal
20 party officeholders are not permitted to raise money
21 for state candidates, that their focus has to be on
22 federal elections."
23 BY MR. BURCHFIELD:
24 Q. By that answer do you mean, Congressman,
25 that officials of the Republican National Committee

7 (Pages 22 to 25)

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1 are expected to focus their efforts on federal
2 election activities?
3 A. Correct.
4 Q. And is it your understanding that the
5 Bipartisan Campaign Reform Act of 2002 was intended
6 to discourage officials of the Republican National
7 Committee and other national parties from
8 participating in state and local election activity?
9 A. No. But to raise funds, that was my
10 understanding. In terms of not raising funds. If
11 you are a state -- if you are a state officeholder --
12 excuse me, party person who is also a -- considered a
13 federal officeholder, if it's related to your state
14 activity, you can raise funds for the state
15 candidate. But, if it's related to your federal
16 activities, you cannot.
17 Q. Let me give you?
18 MR. WITTEN: I'm sorry. When you said
19 federal office holder, I believe you meant national
20 party official.
21 THE WITNESS: Yeah, national party person
22 as opposed to -- if you are, for instance, a
23 political officeholder in a state, you can under that
24 capacity raise money for the state candidate. If you
25 are also considered a federal political officeholder,

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1 you are not prohibited from raising money for the
2 state candidate if you're doing it in conjunction
3 with your state responsibility.
4 BY MR. BURCHFIELD:
5 Q. Okay. Some national party officials can
6 wear two hats?
7 A. Right.
8 Q. Be both a state official at some point and
9 a national official at some point?
10 A. Correct.
11 Q. Let me give you the following hypothetical
12 example and ask you -- and just ask you your
13 understanding of what the BCRA would do in this
14 circumstance. Let's say in the 2005 Virginia
15 gubernatorial election the Republican National
16 Committee wants to provide funding for the
17 gubernatorial campaign of the Republican candidate.
18 There's no federal candidate on the ballot. Can the
19 national party committee use money raised pursuant to
20 state law to fund that gubernatorial candidate?
21 A. My understanding is no.
22 Q. Okay. The Virginia Republican party,
23 though, can use money raised under state law to fund
24 the gubernatorial candidate?
25 A. My understanding is yes.

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1 Q. The Virginia Republican party can use
2 state regulated money to fund get-out-the-vote
3 activities during that odd year election on which
4 there's no federal candidate on the ballot; is that
5 right?
6 A. That's my understanding.
7 Q. Now, if the national party works with the
8 Virginia party on that get-out-the-vote program, is
9 it your understanding that the funding for that
10 get-out-the-vote program must be paid for with
11 federally regulated money?
12 A. I don't know what you mean works with.
13 I'm sorry.
14 Q. Okay. If the national party's chairman
15 and field personnel for the southeast sit down with
16 the chairman of the Republican party of Virginia and
17 the Republican party of Virginia's field personnel
18 and talk about how they are going to raise money and
19 spend money in connection with the get-out-the-vote
20 campaign in the 2005 gubernatorial election, when
21 there's no federal candidate on the ballot, isn't the
22 consequence of the national party's involvement to
23 require that all those activities be funded with
24 federally regulated money in your opinion?
25 A. I'm sorry, I didn't understand the

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1 question.
2 Q. Would you like for me to repeat it or her
3 to read it back.
4 A. If you could read it back.
5 THE REPORTER: "Question: If the national
6 party's chairman and field personnel for the
7 southeast sit down with the chairman of the
8 Republican party of Virginia and the Republican party
9 of Virginia's field personnel and talk about how they
10 are going to raise money and spend money in
11 connection with the get-out-the-vote campaign in the
12 2005 gubernatorial election, when there's no federal
13 candidate on the ballot, isn't the consequence of the
14 national party's involvement to require that all
15 those activities be funded with federally regulated
16 money in your opinion?"
17 THE WITNESS: I'm a little confused by the
18 question. But I would say it this way, the purpose
19 of our law is to make sure that we don't abolish in
20 the process of enforcing a 1907 law banning no
21 corporate treasury money and the 1947 law banning no
22 union dues money and the 1974 law that places a limit
23 on what individuals can contribute, in the process of
24 reinforcing those laws, we don't want to have federal
25 officeholders and political parties circumventing

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1 that law by raising those funds for the state
2 parties.
3 And so we seek to get the federal
4 officeholders out of that business. Not
5 officeholders, the federal political people out of
6 that business. I don't know if you can -- so that's
7 the bottom line to that. We don't want, you know, to
8 abandon it on the federal level and just see the
9 federal people raise this money and just have it
10 spent on the state level with a wink and a nod.

11 BY MR. BURCHFIELD:

12 Q. Let's take the raising out of it for a
13 moment and talk about the spending, because, as I
14 understand the statute, it prohibits the national
15 parties from raising, receiving, spending, directing
16 nonfederal money.

17 A. Uh-huh.

18 Q. All of that. And my question --

19 A. When you say nonfederal money, I would
20 just like you to define it.

21 Q. State regulated money, sometimes called
22 soft money.

23 A. Okay.

24 Q. If you're more comfortable using the term
25 soft money, I can use soft money.

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1 consultation and advising a state party even if the
2 state party is paying for all those activities during
3 an odd number election year with 100 percent soft
4 money?

5 A. What I'm saying to you is that the federal
6 party cannot be raising money for the local political
7 parties. It is not my understanding that they
8 cannot -- I could be corrected. But it's not my
9 sense that the political parties, the federal
10 political parties aren't allowed to describe how to
11 conduct get-out-the-vote or to advise or to do all
12 those things. I don't see that we've restricted them
13 in any way to do that.

14 Q. Can a national party person be detailed to
15 a state party and have his or her expenses paid by
16 the state party while helping the state party in an
17 odd year election with soft money?

18 A. Let me ask, are they federal --

19 Q. National party employee.

20 A. Employee. I frankly would think then that
21 they have become a state employee. If they're a
22 state employee, I don't think you have a problem.

23 Q. What if only their expenses and not their
24 salary are paid?

25 A. You know, I'm not prepared to answer that

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1 A. Okay.

2 Q. I think it's an imprecise term, but I will
3 use it if it helps you.

4 A. It does. Thank you for your willingness
5 to do that.

6 Q. My question is does the national party
7 involvement in providing assistance and advice to the
8 state party constitute in your understanding a
9 prohibited spending or direction of soft money?

10 A. You need to define assistance and advice
11 and then I can answer the question. What do you
12 define as assistance and advice?

13 Q. Providing detailed technical information
14 about get-out-the-vote activities, what works, what
15 doesn't work, helping them design phone scripts,
16 helping them design fliers to put on people's
17 windshields or doorknobs, helping them assemble voter
18 ID lists, helping them recruit volunteers to walk
19 door to door, helping them design broadcast and print
20 advertisements.

21 A. See, it's not my sense that we restrict
22 that. It may be yours, but it's not my sense that we
23 do that our legislation.

24 Q. So in your view all of the activities I've
25 just described the national party can do in

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1 technical question. I don't know.

2 Q. How do you distinguish the situation we
3 have just described, where the national party
4 involves itself in designing get-out-the-vote
5 programs, literature, phone banks, volunteer
6 activities to be paid for with 100 percent soft
7 money, from spending or directing soft money?

8 A. Well, we still allow the states to use
9 soft money for state elections. We want to make sure
10 that they don't use -- so we still allow that. And
11 we -- and that has to be a decision of the state's.
12 What we worked very hard to do was to eliminate the
13 corruption that we see in Washington.

14 And the corruption that we see in
15 Washington is the raising of corporate treasury money
16 and union dues money and large sums of money from
17 individuals. And these large sums very honestly, and
18 I say this under oath, corrupt the people raising the
19 money and ultimately put the parties in tremendous
20 addiction to these large sums at the expense of the
21 everyday American.

22 So we dealt with that on the federal
23 level. And it seemed very clear. But then we had to
24 address the issue, well, what happens if the federal
25 officeholders are just, you know, not raising it for

9 (Pages 30 to 33)

<p style="text-align: right;">Page 34</p> <p>1 the national parties but just raising it for all the 2 state parties to be spent there. We thought it was 3 basically the same thing, just funneled somewhere 4 else. And we didn't want the federal parties to be a 5 conduit to raise this money for state activities. 6 No bill can be written in a way that you 7 can't find an exception. But we took the worst 8 problems and really tried to deal with them. And I 9 think we did a pretty good job. But, you know, there 10 are some who would like the bill stronger, there are 11 some who like it weaker, and this is the compromise 12 we came up with. 13 Q. Let me give you the following example and 14 see if you think your bill would address this 15 situation. In a state like New Jersey or Virginia 16 which sometimes are important states, us Virginians 17 would like to think we're an important state, in the 18 federal election calculus, the Republican party of 19 Virginia spends large amounts of soft money, 20 corporate and union money, large individual 21 contributions to update its voter list in the odd 22 years. 23 And hypothetically let's say, in the 24 future odd years beginning next year, it receives 25 substantial technical assistance from the Republican</p>	<p style="text-align: right;">Page 36</p> <p>1 A. The federal government shouldn't be 2 involved in -- excuse me. The federal political 3 party officeholder should not be involved in raising 4 money for the states and that should be done by the 5 states. 6 But, in terms of providing technical 7 expertise, I think that our bill doesn't impact that. 8 We wanted to get the federal political party 9 officeholders and government officeholders out of the 10 business of raising corporate and union dues money. 11 Q. Okay. Now, continuing using the state of 12 Virginia as an example, the Republican party of 13 Virginia under the Bipartisan Campaign Reform Act as 14 I understand it can continue receiving million dollar 15 checks from corporations or unions -- 16 A. Who can? 17 Q. The Republican party of Virginia so long 18 as it uses that money in elections where there's no 19 federal officeholder on the ballot? 20 A. Yeah, that's my understanding. 21 Q. But it would be the case that -- and it's 22 the case -- let me start again. 23 And it would be the case that, so long as 24 the federal officeholders and candidates don't assist 25 them in raising that money, you don't believe the</p>
<p style="text-align: right;">Page 35</p> <p>1 National Committee in doing that. 2 A. Yeah. 3 Q. Do you have any problem with that? 4 A. Do I have any problem with it? I don't 5 have a problem with -- they are providing advice and 6 counsel on how to do anything related to campaigns. 7 I just don't want them to be raising the money and 8 supplying the money. 9 Q. What about spending the money or assisting 10 in the spending of the money? 11 A. In what way? 12 Q. In telling the Republican party of 13 Virginia, if you hire this vendor and pay him 14 \$50,000, he's going to do you an A plus job on 15 updating your voting list. 16 A. Are you suggesting someone that can do a 17 good job in raising money on something? I don't see 18 how our law impacts them. 19 Q. At what point, Congressman, would that 20 sort of activity cross the line and become either 21 spending or directing, would the national party 22 actually have to touch the money or write the check 23 in order for it to be spending it? 24 A. Touch what money? 25 Q. The soft money.</p>	<p style="text-align: right;">Page 37</p> <p>1 statute reaches it? 2 A. I think I heard you properly, but this is 3 a question I would like you just to repeat. 4 Q. Sure. 5 THE REPORTER: "Question: And it would be 6 the case that, so long as the federal officeholders 7 and candidates don't assist them in raising that 8 money, you don't believe the statute reaches it?" 9 THE WITNESS: That's my belief. 10 MR. WITTEN: Well, I'm going to interject 11 here. You can ask any question you want, but we've 12 had an extended quiz about the statute without 13 putting any particular provision in front of the 14 Congressman to read. 15 I think it would be fairer if you put the 16 particular provisions in front of the Congressman 17 because he may have in mind a certain title of the 18 statute when he answers a question because that seems 19 to be the title you're focusing on but not have in 20 mind another title of the statute because you don't 21 seem to be focusing on it at the moment in the way he 22 answers the questions. 23 BY MR. BURCHFIELD: I am in no sense 24 trying to mislead or create a misleading record here. 25 And, if you have something, Roger, that you think</p>

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1 should be added to the answer to qualify it, I'm fine
2 with that. But I mean so go ahead.

3 MR. WITTEN: I don't want to testify. But
4 it --

5 MR. BURCHFIELD: Oh, I think you do.

6 MR. WITTEN: It does seem to me that the
7 million dollars raised by a corporation can't
8 ultimately be used in connection with a federal
9 election.

10 THE WITNESS: I didn't say that it could
11 be.

12 MR. BURCHFIELD: Absolutely. I think the
13 record is clear that that was part of the predicate
14 for this line of questioning. And you understood it
15 that way.

16 THE WITNESS: Yeah.

17 MR. WITTEN: Good.

18 THE WITNESS: This is spent on the state
19 level by the state raised by the state with no
20 federal involvement.

21 MR. BURCHFIELD: Right.

22 MR. WITTEN: And not in connection with an
23 election in which a federal candidate --

24 THE WITNESS: Right. But in this case
25 we've already clarified that because this is in

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1 elections in which there's no federal candidate on
2 the ballot, the national party committees, the
3 Republican National Committee cannot raise any
4 corporate, union, or large individual money even
5 without the assistance of federal candidates and
6 officeholders, true?"

7 THE WITNESS: The question doesn't make
8 sense to me.

9 BY MR. BURCHFIELD:

10 Q. I'll rephrase it.

11 A. No, let me just say to you that whether
12 it's Virginia or whether it's New Jersey or whether
13 it's Connecticut, the federal officeholders and the
14 political party officeholders cannot raise corporate
15 money or union dues money. So it doesn't -- that
16 part doesn't really -- isn't a factor.

17 Now, just going beyond your question, I
18 just want to acknowledge that, in the five elections
19 where you don't have federal candidates, the issue is
20 a little easier to visualize than it is in the other
21 states where you have federal elections. And that's
22 why we attempted to deal with the Levin law.

23 Q. And we're going to turn to right now, but
24 this might be a good opportunity for you to take a
25 break.

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1 Virginia and there's no candidate running.

2 BY MR. BURCHFIELD:

3 Q. Right.

4 A. I will have to use the bathroom soon after
5 drinking this, but we can go on a little longer.

6 Q. Let me ask a couple more questions and
7 then we can take a quick break.

8 A. Sure.

9 Q. In contrast to the Republican party of
10 Virginia's ability to raise as much money as it wants
11 to from corporations and unions and wealthy
12 individuals for use in odd year elections in which
13 there's no federal candidate on the ballot, the
14 national party committees, the Republican National
15 Committee cannot raise any corporate, union, or large
16 individual money even without the assistance of
17 federal candidates and officeholders, true?

18 A. I was with you until the very end. I was
19 going to say yes right away. But would you repeat
20 the question, then.

21 MR. BURCHFIELD: Okay.

22 THE REPORTER: "Question: In contrast to
23 the Republican party of Virginia's ability to raise
24 as much money as it wants to from corporations and
25 unions and wealthy individuals for use in odd year

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1 (Recess.)

2 BY MR. BURCHFIELD:

3 Q. Congressman, when we broke you had
4 mentioned Levin money. I want to ask you some
5 questions about that.

6 A. Sure.

7 Q. Putting aside the five states that have
8 their state and local elections in odd numbered
9 years, it's the case, you know, through most of
10 America that state and federal candidates appear on
11 the ballot most of the time together?

12 A. Yes.

13 Q. And currently you know that state parties
14 allocate their spending on voter mobilization
15 activities between federally regulated hard dollars
16 and state regulated soft dollars?

17 A. Right.

18 Q. Based upon various allocation formulas
19 that the Federal Election Commission has issued?

20 A. Right, that's correct. It's one of the
21 tragedies in my judgment and the reason why we're
22 even here is that the Federal Election Commission in
23 my judgment opened a Pandora's box with soft money
24 that basically blew apart the 1907 banning corporate
25 treasury money and the 1947 law banning union dues

11 (Pages 38 to 41)

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1 money and the 1974 law that tried to limit what
2 individuals could contribute.

3 So, when we talk about the FEC allowing
4 soft money, I just want you to know I get real
5 nervous about it because I think that it was the
6 loophole that basically has eaten all three of those
7 laws.

8 Q. And I take it that you're concerned -- let
9 me start again.

10 Much of the commentary on the law, not all
11 of it, but much of it as I have read it --

12 A. On the campaign finance reform?

13 Q. Right. Has focused on the use by
14 political parties of soft money for so-called issue
15 advertising and less on these get-out-the-vote type
16 activities.

17 A. Our concern is focused in on two things.
18 That federal candidates, federal officeholders, the
19 political parties have raised unlimited sums from
20 corporations which is contrary to the 1907 law and
21 raised unlimited sums from union dues money which is
22 contrary to the 1947 law and raised large funds from
23 individuals contrary to the 1974 law.

24 All those laws were passed to make the
25 system honest. And we think that the FEC has

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1 A. Yes, thank you.

2 Q. I believe you previously testified that,
3 so long as the state parties raise soft money without
4 the participation of federal officeholders and
5 candidates or national party officials for use solely
6 in state and local election activity, that the
7 statute, the BCRA does not prohibit that?

8 A. Correct. In Virginia you're allowed to
9 raise soft money for state elections, in Connecticut
10 you're not allowed to. We let the state laws rule
11 for state elections as long as no federal
12 officeholders or political party people are involved
13 and they're not involved in either running for office
14 or raising the money.

15 Q. Now, in many states it would be the case,
16 wouldn't it, and it will be the case this next month
17 when I vote in Virginia, perhaps when you vote as
18 well, that there will be one federal candidate on the
19 ballot and numerous state and local candidates, ten
20 or 20 in some instances?

21 A. Yes.

22 Q. And under the BCRA the state political
23 parties must still pay for their get-out-the-vote
24 activities in such an election with either
25 100 percent federal money or a mix of federal money,

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1 basically nullified those laws by allowing the
2 parties and candidates to raise this money.

3 In addition we believe that the law that
4 tried to identify campaign ads that had as the magic
5 words vote for or vote against, that almost became
6 meaningless because candidates would -- and the
7 parties would raise these soft money advertisements
8 not saying vote for or vote against but running them
9 60 days to an election with the intention to say
10 terrible things about one candidate and great things
11 about another candidate and say they're running
12 campaign ads but they're not issue ads.

13 So we wanted to get at both the soft money
14 raised by the parties and the soft money in essence
15 spent in these advertisements. And we think we
16 accomplished it.

17 Q. You previously testified just a few
18 minutes ago that, so long as the state parties are
19 raising the money without federal officeholder
20 assistance and national party assistance for use
21 solely in state and local election activity, that's
22 not covered by this bill, right?

23 A. Okay. I'm sorry, my mind started to
24 wander.

25 Q. Can I just rephrase it.

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1 hard money, and Levin money?

2 A. Well, yeah, the Levin money is basically
3 the soft money up to \$10,000 per contributor. I did
4 not support the Levin amendment, I did not want to
5 see the Levin amendment there. But it was a
6 compromise.

7 It would have been my preference that any
8 time there was a federal candidate on the ticket,
9 that you could only use hard money. And it was my
10 preference that we not allow any soft money
11 whatsoever.

12 And so we didn't -- we don't prevent any
13 advertising, we just said it should have been with
14 hard money. That's what we started out in the House.
15 But Carl Levin and others felt it was necessary to
16 have the Levin money. And that was a compromise.
17 And that allows for some soft money and
18 get-out-the-vote but not in any broadcast whatsoever.

19 Q. Soft money as limited by the Levin
20 amendment?

21 A. Right.

22 Q. And is it also your understanding then, in
23 order to use this Levin money, the state party must
24 home grow; that is, raise itself all the money that
25 it is using in the particular get-out-the-vote

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1 program?

2 A. It's -- it was very clear to us when we

3 passed the law that no federal officeholder, no party

4 person could raise any soft money on the federal or

5 state level.

6 Q. Is it your understanding that, if the

7 Republican National Committee transferred any amount

8 of federal money, hard money, to a state for use in

9 get-out-the-vote activity, that the entire

10 get-out-the-vote program would need to be paid for

11 with 100 percent federal money, hard money?

12 A. I don't know that part of it.

13 Q. Let me ask a related but different

14 question. Is it your understanding that, if a state

15 party uses Levin money for get-out-the-vote

16 activities, that it must raise all the hard money and

17 all the Levin money to be used for that

18 get-out-the-vote activity itself without any

19 assistance or transfers from any other national or

20 state party?

21 A. I think that's the case. I'm not totally

22 certain, but I think that's the case.

23 Q. Now, is it your understanding that a state

24 political party ad naming a gubernatorial candidate

25 but not a federal candidate and urging people to vote

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1 see that happen, I probably would. I don't think our

2 law would prevent that.

3 But, if it was the only way to get at soft

4 money, I would probably be willing to have that

5 happen. See, my concern with soft money is not just

6 at what level it is today. It started out as a few

7 million, you know, 80 million, it doubled, it kept

8 doubling, it was a quarter of a billion, then a half

9 a billion.

10 My concern is that soft money, if we're

11 not careful, will become a billion, 2 billion, 10

12 billion, there's no limit, because there's no limit

13 to what a corporation potentially has and the impact

14 that the government has on what a corporation can

15 make. So I consider soft money a very deadly drug

16 that has done tremendous damage to the political

17 parties and candidates as well.

18 Q. So, even if the Republican party of

19 Maryland paid for an advertisement that said be sure

20 to go vote and vote for Erlich for governor, you

21 would have no problem if the statute required that to

22 be paid for with federal dollars?

23 A. Well, see, I happen to believe that the

24 states should be as concerned about the corrupting

25 nature of corporate treasury money and union dues

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1 would be considered federal election activity under

2 the statute?

3 A. A candidate running for governor?

4 Q. Yes.

5 A. Would be a federal election?

6 Q. No. If a state party ran the following ad

7 vote for Joe Smith for governor on November 5th, that

8 is considered federal election activity under the

9 statute if there are also federal candidates on the

10 ballot on November 5th?

11 A. Not if there are federal candidates on the

12 ballot. If they were part of that advertisement,

13 it's my understanding that -- that -- then you would

14 have the trigger. But not separately spending money

15 for the gubernatorial candidate.

16 Q. If it turned out to be the case that the

17 statute required such an advertisement to be paid for

18 with 100 percent federal money and the advertisement

19 again being vote for Joe Smith for governor on

20 November 5th, if that had to be paid for with hard

21 dollars, would that be problematical to you?

22 A. I don't know your definition of

23 problematical. But, if you said do I think that soft

24 money on the federal level is so pernicious and so

25 contrary to clean government, would I be willing to

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1 money as the federal government is. But, you know,

2 ultimately I don't think that we impacted them in

3 that way.

4 But I will tell you this, I believe very

5 strongly that just as corporate treasury money has

6 threatened our Democratic institution nationally, I

7 think it can do it on the state level as well. And

8 that's why I'm so grateful that my state of

9 Connecticut has banned soft money.

10 The state of Connecticut, the state I

11 represent, the very people I represent, just as they

12 wanted me to focus in on banning soft money, they did

13 it on the state level. And you know what's amazing.

14 A lot of my constituents said you banned it on the

15 state level, why aren't you doing it on the federal

16 level. And I take pride that my state did it. I

17 just wish we had done it sooner.

18 Q. If it were the case, Congressman, that the

19 state restrictions in Connecticut were such that

20 combined with the restrictions in the Bipartisan

21 Campaign Reform Act the national party committees

22 were effectively precluded from making contributions

23 to candidates in Connecticut, would that be

24 problematical in your view?

25 A. I don't know what you mean by

13 (Pages 46 to 49)

<p style="text-align: right;">Page 50</p> <p>1 problematical, I'm sorry.</p> <p>2 Q. Would you be bothered by that?</p> <p>3 A. You know, what I'm bothered about is</p> <p>4 federal officeholders raising corporate money and</p> <p>5 union dues money. I want to make sure they don't do</p> <p>6 it on the federal level or on the state level. And I</p> <p>7 don't want us to be -- when we ban it on the federal</p> <p>8 level, I don't want us to be the conduit to start to</p> <p>9 raise this money on the state level.</p> <p>10 Q. My question is a little bit perhaps more</p> <p>11 nuanced than that. And that is after November 6 the</p> <p>12 national parties will have only hard money under the</p> <p>13 statute. And my hypothesis to you which I am told is</p> <p>14 true is that the Connecticut state laws are such that</p> <p>15 it is not at all clear that the national parties can</p> <p>16 use hard money to support Connecticut state and local</p> <p>17 candidates under the restrictions of this bill. I'm</p> <p>18 not asking for your opinion on whether that's true or</p> <p>19 not.</p> <p>20 A. Let me just say this to you. I am allowed</p> <p>21 to raise money for state candidates and the political</p> <p>22 parties up to the federal limits. We did not allow</p> <p>23 that for the political party officeholders. And</p> <p>24 that's, you know, already been acknowledged.</p> <p>25 Q. And that's something about the bill that</p>	<p style="text-align: right;">Page 52</p> <p>1 lawsuit?</p> <p>2 A. Correct.</p> <p>3 Q. Let me ask you to look please at page 12.</p> <p>4 And in paragraph 28 there the lawsuit says -- let me</p> <p>5 just step back for a minute.</p> <p>6 In this lawsuit I take it that you and</p> <p>7 Congressman Meehan are challenging a number of the</p> <p>8 provisions of the regulations the Federal Election</p> <p>9 Commission adopted to implement the Bipartisan</p> <p>10 Campaign Reform Act?</p> <p>11 A. Correct. We thought what the</p> <p>12 professionals had determined more accurately</p> <p>13 reflected the law. And that, when the three</p> <p>14 Republican commissioners and the one Democratic</p> <p>15 commissioner overruled what was recommended by the</p> <p>16 professionals, we think that they made a political</p> <p>17 decision that basically undermines very seriously the</p> <p>18 law we passed.</p> <p>19 Q. Okay.</p> <p>20 A. We also believed that in essence they were</p> <p>21 writing law rather than implementing law.</p> <p>22 Q. Well, one of the provisions that you</p> <p>23 attack in this complaint is the definition of solicit</p> <p>24 and direct. And in paragraph 28 the first sentence</p> <p>25 says a central goal of the BCRA is to prevent federal</p>
<p style="text-align: right;">Page 51</p> <p>1 you're not especially happy about, right?</p> <p>2 A. I would probably have not allowed the</p> <p>3 officeholders to raise that money either. But I</p> <p>4 understand that the logic that some members made is</p> <p>5 that members of Congress also live back in their</p> <p>6 states. But the federal political parties are</p> <p>7 focused on the political parties at the national</p> <p>8 level and you have state parties that raise state</p> <p>9 money. And that was the logic.</p> <p>10 MR. BURCHFIELD: Let me ask the reporter</p> <p>11 to mark as Shays Cross-examination Exhibit 5 a</p> <p>12 Complaint for Declaratory Injunctive Relief captioned</p> <p>13 Christopher Shays and Martin Meehan versus United</p> <p>14 States Federal Election Commission.</p> <p>15 (Shays CX Exhibit No. 5 was</p> <p>16 marked for identification.)</p> <p>17 BY MR. BURCHFIELD:</p> <p>18 Q. Congressman, do you have in front of you</p> <p>19 Shays Cross-examination Exhibit 5?</p> <p>20 A. Yes. Where I do I see five?</p> <p>21 Q. You're using the copy.</p> <p>22 A. Yes, right. I do have it.</p> <p>23 Q. You may write five on that one.</p> <p>24 A. Okay.</p> <p>25 Q. Did you authorize the filing of this</p>	<p style="text-align: right;">Page 53</p> <p>1 candidates and officeholders as well as national</p> <p>2 political parties from soliciting, receiving, or</p> <p>3 directing soft money.</p> <p>4 A. Correct.</p> <p>5 Q. Do you see that. And then in paragraph 29</p> <p>6 you wrote the commissioners adopted a regulation,</p> <p>7 Section 300.2(m) that narrowly defines solicit to</p> <p>8 mean only to ask.</p> <p>9 A. Right.</p> <p>10 Q. My question for you, Congressman Shays, is</p> <p>11 what do you interpret the term solicit to mean?</p> <p>12 A. Okay.</p> <p>13 MR. WITTEN: His interpretation is all</p> <p>14 you're asking for?</p> <p>15 Q. His interpretation.</p> <p>16 A. I'm just going to read this out loud. A</p> <p>17 central goal of the BCRA is to prevent federal</p> <p>18 candidates and officeholders as well as national</p> <p>19 political parties from soliciting, receiving, or</p> <p>20 directing soft money. And then it makes reference to</p> <p>21 see Sections 323(a) and so on. The final draft</p> <p>22 regulations recommended by the general counsel define</p> <p>23 the term solicit to mean to request, suggest, or</p> <p>24 recommend that a soft money contribution be made.</p> <p>25 This definition was based on long-standing commission</p>

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1 interpretation of that term in other sections of the
2 FECA.
3 And then on 29 it says instead the
4 commissioners adopted a regulation, Section 300.2(m)
5 that narrowly defines solicit to mean only to ask,
6 contrary to the general counsel's recommendation, to
7 the plain and commonly understood meaning of solicit,
8 and to the interpretation of this same term that the
9 commission has long used for other sections of the
10 FECA. The new definition was adopted for BCRA
11 purposes only and without changing the interpretation
12 of the term solicit that the commission has used for
13 other parts of FECA. Nor did the FEC explain why the
14 definition of solicit should be narrowed as used for
15 the Bipartisan Campaign Reform Act than for other
16 sections of the FECA. The commissioner who proposed
17 the new definition said that the regulation in effect
18 would allow a wink and a nod request for soft money
19 to be made by federal officeholders and candidates.
20 That basically is the answer I think to
21 your question.
22 Q. Okay. So, if I understand you, and feel
23 free to disagree, you would interpret solicit to mean
24 request, suggest, or recommend as set forth there in
25 paragraph 28?

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1 A. Correct. And there's a reason for it. If
2 it just means ask, a federal officeholder could say
3 I'm not allowed to ask you for this soft money
4 contribution, but I can suggest where you do it and I
5 can tell you where to do it. And by the way, we'll
6 be really grateful if you do do it, it would mean a
7 lot to us. But I can't ask you for it.
8 And for me they just basically potentially
9 put in a very large loophole. We don't want federal
10 officeholders, we don't want the political parties to
11 raise soft money, period.
12 Q. And you have a similar problem with their
13 interpretation of the term recommend or direct? I'm
14 sorry.
15 A. Well, if we are going to allow -- in other
16 words, what do you mean by similar?
17 Q. In paragraph 32 you say the BCRA also
18 provides that a federal candidate or officeholder or
19 a national political party may not direct soft money
20 funds. Despite Congress' explicit prohibition on
21 both soliciting and directing soft money, the FEC
22 defined direct to mean the same thing as solicit, to
23 ask.
24 A. The answer to your question is yes.
25 Q. And do you have personally a preferred

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1 definition of direct that is different than solicit?
2 A. I felt what the general counsel suggested
3 is what made logical sense.
4 (Discussion off the record.)
5 BY MR. BURCHFIELD:
6 Q. We'll get as far as we can in ten minutes.
7 It's conceivable we can finish. I'll do what I can.
8 A. Let's see what we can do. I can stay a
9 little longer. If I ran out of here at ten of, I
10 could make it.
11 Q. Okay. On page 15, and I don't need to go
12 in as much detail with some of these others,
13 Congressman, but on page 15, carrying over to 16,
14 your lawsuit challenges the FEC's definition of the
15 term agent?
16 A. Yeah. It may be that we're going to have
17 to take -- I just want to explain. If I go longer,
18 I'm not trying to stall you, I just want to make sure
19 I'm answering correctly. So I don't mind coming back
20 afterwards.
21 Okay. I'm sorry. Now, what is your
22 question?
23 Q. The question is you and your colleague,
24 Congressman Meehan, are also challenging the Federal
25 Election Commission's definition of agent as being

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1 too narrow; is that correct?
2 A. That's correct.
3 Q. I'm now over on page 17. Under the
4 definition of federal election activity, paragraph 45
5 there says Congress defined the activities by state
6 parties that influence federal elections and cannot
7 be financed with unregulated soft money in order to
8 end the widespread practice of soft money being
9 channeled through state parties to influence federal
10 elections. Do you see that?
11 A. Yes, I see it.
12 Q. And is that one of the important reasons,
13 Congressman Shays, for the restrictions placed on
14 state political parties; that is, to end the
15 widespread practice of soft money being channeled
16 through state parties to influence federal elections?
17 (Discussion off the record.)
18 THE WITNESS: And your question again is?
19 BY MR. BURCHFIELD:
20 Q. My question is is it your understanding
21 that the restrictions that the BCRA places on state
22 political parties were intended in some large
23 measure, quoting, to end the widespread practice of
24 soft money being channeled through state parties to
25 influence federal elections?

15 (Pages 54 to 57)

<p style="text-align: right;">Page 58</p> <p>1 A. When we passed our law, we wanted to be 2 certain that we banned soft money being raised by 3 federal candidates and the political parties. That's 4 the union dues money and the corporate treasury money 5 and the unlimited sums, enforce the 1907 law, the 6 1947 law, and the 1974 law. 7 We wanted to make sure that, in the 8 process of doing that, we just didn't move all that 9 soft money being raised by federal candidates or the 10 political parties to the states. And so Congress 11 acted with the knowledge that much of the soft money 12 raised by the national parties and by federal 13 officeholders and candidates was being sent to state 14 parties to be spent to influence federal elections 15 and that state parties were also spending soft money 16 they raised themselves for such activities. And we 17 wanted to make sure that didn't happen. 18 Q. Okay. So the restrictions on the national 19 party committees and the state party committees 20 worked together to accomplish the common purpose of 21 getting soft money out of federal elections? 22 A. Our interest is to get soft money, 23 corporate money, and union dues money out of federal 24 elections, that's correct. 25 Q. Paragraph 48 challenges the definition of</p>	<p style="text-align: right;">Page 60</p> <p>1 (Recess.) 2 MR. BURCHFIELD: Can you read the last 3 question and answer just so we have a sense of our 4 context when we broke. 5 THE REPORTER: "Question: On page 20 6 you're challenging the definition of generic campaign 7 activity, right? 8 "Answer: That's correct, in our law we 9 said a campaign activity that promotes a political 10 party and does not promote a candidate or a 11 nonfederal candidate. And we defined that as generic 12 campaign activity. That's what's in the law." 13 BY MR. BURCHFIELD: 14 Q. Congressman Shays, moving forward to page 15 21, in that section you and Congressman Meehan are 16 challenging the FEC's definition of voter 17 registration as being too narrow; is that right? 18 A. I think that's the case. 19 Q. Now, Congressman, I know you would not 20 have filed this lawsuit unless you hoped and expected 21 to prevail in setting aside the FEC's regulations; 22 would that be fair? 23 A. The answer is that I believe what the FEC 24 did was to circumvent the law and rewrite the law and 25 not implement the regulations. And I hope and pray</p>
<p style="text-align: right;">Page 59</p> <p>1 get-out-the-vote activity adopted by the FEC, is that 2 correct, that's part of your challenge? 3 A. Yeah, we were surprised that the FEC did 4 not -- we were disappointed, not surprised, that 5 would be disingenuous. We were disappointed, deeply 6 disappointed that the get-out-the-vote activity did 7 not also include encouraging because we felt they 8 both should be included. 9 Q. On page 19, as I read it, you and 10 Congressman Meehan were challenging the FEC's 11 definition of voter identification as being too 12 narrow? 13 A. Again we agreed with the general counsel's 14 position and not the position of the three Republican 15 commissioners and the one Democratic commissioner. 16 Q. Okay. On page 20 you're challenging the 17 definition of generic campaign activity, right? 18 A. That's correct, in our law we said a 19 campaign activity that promotes a political party and 20 does not promote a candidate or a nonfederal 21 candidate. And we defined that as generic campaign 22 activity. That's what's in the law. 23 You know what I'm going to have to do, I'm 24 going to go vote and I'll come back and finish up. 25 MR. BURCHFIELD: That's fine.</p>	<p style="text-align: right;">Page 61</p> <p>1 that the court will see it our way because, if they 2 don't, I think that the FEC has effectively rewritten 3 our law. I can't predict the outcome. 4 Q. Our case, the case that brings us here, 5 the constitutional challenge to the statute, will be 6 argued by the court and decided in the next few 7 months. 8 A. Right. 9 Q. It would not be prudent, would it, for 10 this court to assume that any narrowing of the 11 statute done by the FEC should be appropriate to 12 uphold the statute; in other words -- 13 A. I would have to say I would have to have 14 my attorney respond to that because I wouldn't be 15 able to respond. 16 MR. WITTEN: I'm going to object to it. 17 It's way beyond the scope and I think aside from that 18 not a proper question to ask the witness. 19 MR. BURCHFIELD: We don't need to debate 20 that here. 21 BY MR. BURCHFIELD: 22 Q. Okay. Congressman -- 23 A. That's the first time I asked my attorney 24 for advice and intervention in the whole thing. 25 MR. WITTEN: You're pitching a shutout.</p>

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1 MR. BURCHFIELD: That's true. And, if he
2 wasn't looking so forlorn and lonely over there, you
3 wouldn't have done it then, right.

4 BY MR. BURCHFIELD:

5 Q. Congressman, let me ask you to turn, if
6 you would, back to Shays Cross-examination Exhibit 4
7 which is the comments on the regulations. And I'm on
8 page 36 of those comments. There are two paragraphs
9 there that I want to ask you about. And the first
10 one begins with the word similarly. Are you with me?

11 A. Yes.

12 Q. Let me just read that into the record so
13 we're clear about what I'm asking you and you may
14 feel free to read whatever here you want to put it
15 into context, but let me just lead this. Similarly a
16 federal officeholder or candidate may make a specific
17 solicitation for funds without source or amount
18 limitations for a 501(c) tax exempt organization that
19 engages in federal election activities or activities
20 in connection with elections provided that, A, it is
21 not an organization whose principal purpose is to
22 engage in voter registration or get-out-the-vote
23 activity or any other type of federal election
24 activity; and B, the specific solicitation made by
25 the federal candidate is not for a federal election

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1 explain it to you, but rather than take the time to
2 do that, why don't we just move forward.

3 A. Sure.

4 MR. BURCHFIELD: Let me ask the reporter
5 to mark as Shays Cross-examination Exhibit 6 a
6 document from the NAACP National Voter Fund web site.
7 (Shays CX Exhibit No. 6 was
8 marked for identification.)

9 BY MR. BURCHFIELD:

10 Q. Congressman Shays, you have in front of
11 you Shays Cross-examination Exhibit No. 6?

12 A. And this is from the web site of the
13 NAACP?

14 Q. National voter fund, that is my
15 understanding.

16 A. Okay.

17 Q. And, Congressman, feel free to scan this
18 or read it, if you'd like.

19 A. You know what I'd like, I'd just like the
20 time to read it.

21 Q. Sure, that's fine.

22 A. Thank you.

23 Q. Congressman, were you generally aware of
24 the get-out-the-vote grass roots type activities that
25 the NAACP had engaged in during the 2000 election

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1 activity or activity in connection with an election.
2 Thus, a member of Congress could make a specific
3 solicitation for funds without source or amount
4 limitations for the NAACP College Fund or to support
5 the NRA's firearms training programs even though
6 those organizations also engage in certain federal
7 election activities, end quote.

8 Congressman, last time we were together,
9 we talked a little bit about the provisions of the
10 statute that allow federal officeholders to solicit
11 for 501(c) organizations. Does this paragraph state
12 your understanding of what one of those provisions
13 allows a federal officeholder to do?

14 A. Yes, it does. May I ask a question just
15 so I'm sure.

16 Q. Certainly.

17 A. Does this relate to my declaration
18 representation? Does this relate to it?

19 Q. In my judgment it does.

20 MR. WITTEN: In my judgment it doesn't,
21 but I'm trying not to interfere.

22 THE WITNESS: Okay. I'm happy to respond,
23 but I don't see the connection to my declaration.

24 BY MR. BURCHFIELD.

25 Q. We're just about finished. I could

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1 campaign?

2 A. The answer is the only thing I was really
3 aware of was that they ran a TV ad against the
4 governor of Texas, my candidate, George W. Bush, that
5 made it seem like he was racist. And I found the ads
6 extraordinarily objectionable. And we never knew who
7 ran those ads.

8 And part of my interest in the campaign
9 finance reform was to make sure, if an ad like this
10 ran 60 days to an election, that it couldn't happen
11 with corporate treasury money, union dues money, and
12 that, if these ads -- if the person who paid for this
13 ad ran it themselves, not under the headline of the
14 NAACP, that they would have to disclose. So, you
15 know, there was some motivation in the legislation to
16 get at that issue.

17 Q. These activities described here with the
18 exception on page 2, under the second bullet point on
19 page 2, talking about four radio spots and two
20 television ads, other than those activities, do you
21 recall upon reading this any other activities of the
22 NAACP that would be restricted by the Bipartisan
23 Campaign Reform Act of 2002?

24 A. Yeah, this is the National Voter Fund.
25 Let me just be very clear as to what you're talking

17 (Pages 62 to 65)

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1 about versus what I'm talking about. What I made
2 reference to was the NAACP College Fund. This is a
3 specific voter fund that in my judgment is very
4 political and is very much related to campaign
5 activity.

6 Q. Are you aware of any reason, Congressman,
7 why the NAACP would necessarily have to set up a
8 separate fund in order to engage in these sorts of
9 activities?

10 A. Well, if it became their primary focus, I
11 would think they would have to.

12 Q. Do you understand primary to be something
13 more than 50 percent?

14 A. I'm not sure at what level that would
15 trip. But you're asking my opinion as I look at
16 this.

17 Q. Correct.

18 A. And this is very much a campaign effort
19 well beyond just voter registration. It's a separate
20 part of the NAACP. And I suspect that this is money
21 that they raised separately, but I don't know.

22 Q. Hypothetically, if the NAACP raised money
23 for its general funds with the assistance of
24 federal -- well, let me start again.

25 The NAACP could raise money for its

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1 the very worst problems. But I felt that, whether it
2 was the NAACP or the NRA, that there is the potential
3 that that part of the law could be misused. And it's
4 one of the things that I felt that we, the four of
5 us, needed to monitor to make sure that this didn't
6 turn out to become a very serious abuse.

7 Q. Have you heard that -- well, let me start
8 again.

9 It's been publicly reported, perhaps you
10 have read this, that Jane Fonda gave something on the
11 order of \$12 million out of her personal funds to a
12 number of pro-choice organizations for use in helping
13 to elect Democratic candidates. Have you heard such
14 reports?

15 A. No, that's nothing I've heard. It -- the
16 answer is it's nothing I've heard. But, if you're
17 asking me do I think Jane Fonda would like to help
18 Democratic candidates, I'm sure she would. You know,
19 we --

20 Q. No headline there, Congressman.

21 A. We're not -- we think we got --

22 MR. WITTEN: There's really actually no
23 pending question at this point.

24 THE WITNESS: Okay. Fine.

25 BY MR. BURCHFIELD:

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1 general funds with the assistance of federal
2 officeholders consistent with the BCRA; is that
3 right?

4 A. That's my sense of it, yes.

5 Q. Is there anything that would prevent the
6 NAACP that you're aware of from transferring some of
7 the funds that it had raised with the assistance of
8 federal officeholders to the National Voter Fund?

9 A. Well, I don't know what the National Voter
10 Fund is. And that's my challenge. Just as when the
11 NAACP -- excuse me, when the NRA questioned me in the
12 deposition, they had a separate fund that could raise
13 and spend money for, you know, federal elections
14 under the hard money requirements. So the same rules
15 that would apply to the NRA would apply to the NAACP.

16 Q. Do you know of anything as you sit here
17 today, Congressman Shays, that would prevent either
18 the NRA or the NAACP from raising corporate, union,
19 or large individual money with the assistance of
20 federal officeholders and then transferring that
21 money to a subentity that was primarily engaged in
22 federal election activity?

23 A. The answer to your question candidly is I
24 am not sure. But I will tell you that I, when this
25 issue was voted on, felt that we had taken care of

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1 Q. It's also been publicly reported that a
2 large portion of the National Voter Fund's, the NAACP
3 National Voter Fund's \$10 million came in the form of
4 a \$7 million anonymous contribution from a single
5 individual. Had you heard or read about that before?

6 A. Are you talking about in terms of the
7 advertisement that ran against the President last
8 year?

9 Q. No. In fact, my understanding,
10 Congressman, perhaps you have a different one, is
11 that that advertisement that refers I take it to the
12 James Byrd situation down in Texas, where several
13 people murdered and then dragged a black man from a
14 pickup truck, that that advertisement comprised a
15 very small portion of the amount of money the NAACP
16 affiliated organizations used during the 2000
17 election. But that the --

18 A. Let me be clear. As a corporation they
19 could not have used soft money for an advertisement
20 60 days to an election, that any advertisement that
21 they would have chosen under our law would have to be
22 with hard money with a separate political action
23 committee.

24 Q. And I understand and appreciate that.
25 And, in fact, there are a good number of entities

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1 lined up that are challenging that provision. We are
2 not. But --

3 A. You're aligned with them. And I hope that
4 you all don't succeed in overturning that part of the
5 law.

6 Q. Well, Congressman Shays, all I can say is
7 that you're on the same side of the V as the Federal
8 Election Commission. How does that make you feel?

9 A. Good point. Touche.

10 Q. The point I'm leading up to with respect
11 to this web site printout, Congressman, is that a
12 fairly small portion of what the NAACP National Voter
13 Fund did during the 2000 election was broadcast
14 advertising and a huge part of it was activities that
15 are not covered by the Bipartisan Campaign Reform Act
16 as we discussed before.

17 My question for you is do you have any
18 reason to think that the activities detailed here
19 which range from phone banks to 7 million fliers,
20 400,000 posters, direct mail, voter registration
21 activity, and so forth, do you have any reason to
22 believe that those activities which do not rely on
23 broadcast advertising will not substantially increase
24 as a result of the restrictions that are in the
25 Bipartisan Campaign Reform Act?

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1 A. Well, I could be wrong on this. But I
2 believe that some could take this document and
3 challenge whether a federal officeholder should be
4 allowed to raise money for the NAACP based on this
5 document.

6 Q. Putting aside the question of whether
7 federal officeholders are involved in raising the
8 money, do you have any reason to believe that these
9 organizations with or without the assistance of
10 federal officeholders --

11 (Discussion off the record.)

12 BY MR. BURCHFIELD:

13 Q. My question for you, Congressman, putting
14 to the side whether or not federal officeholders help
15 groups raise the money, do you have any doubt that
16 nonbroadcast activities of the sort described here,
17 direct mail, phone banks, distribution of leaflets,
18 door hangers, and so forth are going to increase by
19 interest groups once the BCRA becomes effective?

20 A. Well, first off I happen to think interest
21 groups will become more active and I don't think
22 that's a bad thing. So I can't put aside the whole
23 issue of raising of the soft money because they're
24 connected.

25 I believe that the United States of

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1 America and our Democratic institution allows and
2 encourages interest groups of all kinds to express
3 their will. And they may be interest groups we like
4 and they may be interest groups we don't like. And I
5 don't think in any way our bill inhibits interest
6 groups from expressing their will and participating
7 in the political process.

8 So some I know have said on the floor that
9 somehow this will impact -- let me put it
10 differently. I happen to believe that interest
11 groups are a part of the process and I want them to
12 flourish.

13 I just want to make sure, and this was
14 part of the motivation of our bill, that the
15 corporation interests and the large union dues
16 interests don't drown out the voice of individual
17 interests of Americans. So interest groups will
18 become more active probably, yes.

19 Q. Isn't there a danger that the interest
20 groups will drown out the voices of candidates and
21 political parties?

22 A. No, I don't think so. I think that the
23 political parties will become stronger because they
24 will reach out to more people. We increased the hard
25 money donations, we added more -- doubled the amount

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1 basically political parties can get.

2 So I think that we provided a nice balance
3 in our bill. If you're asking me during the course
4 of the next few years should we continually monitor
5 to see the impact of the legislation, absolutely.
6 But I think we drafted a pretty darned good bill.

7 Q. Let me ask you to look back at the
8 comments for just a moment, Shays Cross-examination
9 Exhibit 4, still on page 36. And, in the paragraph
10 beginning second, I'm reading beginning about halfway
11 through that paragraph, thus, the entire subsection
12 including the provision allowing federal candidates
13 and officeholders to make specific solicitations of
14 \$20,000 per year only from individuals for voter
15 registration activity 120 days before a federal
16 election and get-out-the-vote activity as well as
17 solicitations for an organization whose principal
18 purpose is to engage in these activities authorizes
19 solicitations only for 501(c) tax exempt
20 organizations. Does that accurately state your view?

21 A. I think so, as much as I understand it.

22 Q. The \$20,000 per year limit to a federal
23 official raising money for these entities would be
24 \$40,000 per cycle; is that right?

25 A. I'm not sure that's the case. I guess, if

19 (Pages 70 to 73)

<p style="text-align: right;">Page 74</p> <p>1 it's per year, yes, it would be.</p> <p>2 Q. And that would be \$80,000 for a donor and</p> <p>3 spouse?</p> <p>4 A. I would imagine that's the case. Let me</p> <p>5 just tell you, there are sections here referred to</p> <p>6 that I'm not all that comfortable with so I'm</p> <p>7 responding with some trepidation here. But so far it</p> <p>8 seems logical what you're saying, yes.</p> <p>9 Q. And the organizations described here are</p> <p>10 organizations like the National Voter Fund that we've</p> <p>11 just looked at that engage primarily in federal</p> <p>12 election activity?</p> <p>13 A. Right.</p> <p>14 Q. So you could, should you choose to do so,</p> <p>15 raise up to \$80,000 the next election cycle from a</p> <p>16 donor and his or her spouse for the National Voter</p> <p>17 Fund?</p> <p>18 A. Yeah, that appears to be the case.</p> <p>19 Q. It is also the case, isn't it, that the</p> <p>20 \$20,000 per year limit for organizations with the</p> <p>21 primary purpose of engaging in federal election</p> <p>22 activities is twice the \$10,000 limit for</p> <p>23 contributions to state political parties?</p> <p>24 MR. WITTEN: Are you asking him whether</p> <p>25 20,000 is twice as big as 10,000?</p>	<p style="text-align: right;">Page 76</p> <p>1 MR. WITTEN: We have no questions. Thank</p> <p>2 you.</p> <p>3 (Whereupon, at 6:45 p.m., the taking of</p> <p>4 the instant deposition ceased.)</p> <p>5</p> <p>6 _____</p> <p>7 Signature of the Witness</p> <p>8</p> <p>9 SUBSCRIBED AND SWORN to before me this _____ day</p> <p>10 of _____, 20__.</p> <p>11</p> <p>12 _____</p> <p>13 NOTARY PUBLIC</p> <p>14 My Commission expires: _____</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 75</p> <p>1 THE WITNESS: And your question is?</p> <p>2 BY MR. BURCHFIELD:</p> <p>3 Q. My question is is it your understanding of</p> <p>4 the statute that it allows a federal officeholder to</p> <p>5 raise twice as much money per year for one of these</p> <p>6 501(c) organizations whose principal purpose is to</p> <p>7 engage in federal election activities than for state</p> <p>8 political parties?</p> <p>9 A. The answer is the 20 is double what the</p> <p>10 ten is, that's correct.</p> <p>11 Q. And what's the reason for that?</p> <p>12 A. This is a part of the legislation that I</p> <p>13 didn't focus on primarily so I think you would need</p> <p>14 to ask someone else that in your depositions.</p> <p>15 MR. BURCHFIELD: Thank you. That's all I</p> <p>16 have. Thank you, Congressman.</p> <p>17 THE WITNESS: Thank you very much.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

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