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IN THE UNITED STATES DISTRICT COURT
THREE JUDGE COURT, WASHINGTON, D.C.

OPY

MCCONNELL, et al.,

Plaintiffs,

v.

Case No. 02-0582

FEDERAL ELECTION COMMITTEE,

CONSOLIDATED CASES

et al.,

Defendants

C O N F I D E N T I A L

Deposition of

PLAINTIFFS ASSOCIATED BUILDERS AND CONTRACTORS BY

EDWARD L. MONROE

INDIVIDUALLY AND AS 30(b)6

Washington, D. C.

Thursday, September 12, 2002

9:30 a.m.

Job No: 12-5006

Pages 1 - 142



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1 CONFIDENTIAL - EDWARD L. MONROE

2 Q What better way is there to tell Mr. Ross
3 that we expect Mr. Ross to tell the truth than to
4 vote against him?

5 A Call him on the telephone, write the
6 person or visit them personally.

7 Q So is it your expectation -- is it your
8 genuine expectation that people would call Mr. Ross,
9 and how many of the people that you thought might be
10 reached by the ad did you think would call Mr. Ross?

11 MR. KIRBY: Compound question.

12 MR. SCHWARZ: Fair point.

13 BY MR. SCHWARZ:

14 Q Do you have any idea whether anybody
15 called Mr. Ross?

16 A I don't have any documentation or
17 recollection.

18 Q And were you ever told that anybody had
19 called Mr. Ross?

20 A I don't have any recollection of that.

21 Q Did you make any effort to check whether
22 anybody had ever called or written to Mr. Ross?

23 A We communicate with our chapters and our
24 members in Arkansas while this is running. And so
25 my assumption would be that, yes, we were

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2 A It is more likely that the sound effect
3 was there to add comedic value as opposed to
4 negative angry tones, more comedic.

5 Q You didn't -- you wouldn't mind this ad
6 having negative flavor to it, would you?

7 A This ad? Perhaps.

8 Q I mean, it is pretty negative to describe
9 someone as figuring everybody should be able to lie;
10 isn't that a fairly negative thing to say about
11 someone?

12 A Yes.

13 Q And that was intended to make the viewers
14 think less of Mr. Ross who was running for office in
15 Arkansas 04; isn't that correct?

16 A Perhaps.

17 Q Now, the next one I want to show you is
18 about Melissa Hart. Now, Melissa Hart, I think we
19 have said earlier, she was not an incumbent; she was
20 a state legislator, correct?

21 A I believe so.

22 Q Was your desire to praise Melissa Hart or
23 criticize Melissa Hart?

24 A I don't recall the script.

25 Q Are penalties for child molesters who

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2 attempt to lure children over the internet a matter
3 of a particular interest for contractors and
4 builders?

5 A Sure.

6 Q But they are not something which is
7 specially of interest to contractors and builders,
8 are they?

9 A It is of interest to our members.

10 Q That is not my question. Most people in
11 America are interested in penalties for child
12 molesters who attempt to lure children over the
13 Internet, don't you suppose that to be true?

14 A Correct.

15 Q Most people in Pennsylvania where Ms. Hart
16 was running would be interested in penalties for
17 child molesters who attempt to lure children over
18 the Internet; don't you assume that?

19 A Correct.

20 Q Do your contractor and builders members
21 have any different or special interest in child
22 molestation as compared to the general public?

23 A No.

24 Q Do you remember that the ad about Melissa
25 Hart talks about she pushed for the strongest

1 CONFIDENTIAL - EDWARD L. MONROE

2 possible penalties for child molesters who attempt
3 to lure children over the Internet?

4 A I don't recall the script.

5 Q If you had seen that, would you have said
6 that doesn't have any reason to be in an ad that is
7 issued by the Association for Builders And
8 contractors?

9 MR. KIRBY: Hypothetical.

10 BY MR. SCHWARZ:

11 Q Go ahead and answer.

12 MR. KIRBY: If you can answer.

13 THE WITNESS: No.

14 BY MR. SCHWARZ:

15 Q Is the reason why you say no is because
16 you know as a person who has been involved in
17 American politics that if you can tell individuals,
18 voters, if you can tell voters that someone has
19 pushed for the strongest possible penalties for
20 child molesters who attempt to lure children over
21 the Internet, that would make a voter more likely to
22 vote for the person who had done that; isn't that
23 correct?

24 A Rephrase that.

25 Q I will try. You are experienced in

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2 people, actions they took in their capacity as a
3 legislator, they were actions they had already
4 taken, correct?

5 A Or had stated they were going to take.

6 Q And they were in no way people who you
7 regarded as undecided or on the fence on these
8 issues?

9 A In some cases, it could be that we thought
10 they were persuadable based on trying to educate the
11 public to have them accurately reflect the concerns
12 of their constituents.

13 Q With respect to Mr. Ross, did you think he
14 was persuadable, or did you think a person who you
15 referred to as thinking everybody should have a
16 chance to lie as being someone who should be
17 condemned full stop, period?

18 A Members of Congress represent
19 constituents, so from that perspective we believe
20 that with education of their constituents, of the
21 public, that we may be able to persuade them on our
22 legislation.

23 Q So you may be able to persuade Ms. Hart
24 who had already pushed for the strongest possible
25 penalties for child molesters that attempt to lure

1 CONFIDENTIAL - EDWARD L. MONROE

2 children over the Internet, which is not one of your
3 issues, correct?

4 A Compound sentence.

5 Q Was the pushing for strongest possible
6 penalties for child molesters who attempt to lure
7 children over the Internet one of the "your issues,"
8 your issues with respect to contractors and
9 builders?

10 A As previously answered, no, it is not a
11 particular concern to the general public of
12 contractors or general group of contractors.

13 Q Okay. Let's now mark as -- did I do the
14 Jordan thing on the telephone? I didn't.

15 Look at the last page, Jordan
16 revised, which had to start running sometime after
17 October 27, right?

18 A Correct.

19 Q Did you make any effort whatsoever to
20 determine if anybody had in fact called or
21 communicated to Ms. Jordan about the matters covered
22 in the ad?

23 A It is likely because of our procedures,
24 but I don't have any direct recollection of that.

25 Q And as to your procedures, that would only

DEPOSITION OF EDWARD L. MONROE
CONDUCTED ON FRIDAY, OCTOBER 11, 2002

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MCCONNELL, et al.,

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Case No. 02-0582

FEDERAL ELECTION COMMITTEE,

CONSOLIDATED CASES

et al.,

Defendants

Deposition of

PLAINTIFFS ASSOCIATED BUILDERS AND CONTRACTORS AND

ASSOCIATED BUILDERS AND CONTRACTORS PAC

by and through its corporate designee,

EDWARD L. MONROE


Washington, D. C.

Friday, October 11, 2002

9:10 a.m.

Job No: 12-6778

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1 CROSS-EXAMINATION, EDWARD L. MONROE

2 MR. SCHWARZ: What do lawyers do? This is
3 the page you rather look at, I think.

4 BY MR. SCHWARZ:

5 Q Since you have been at ABC -- let me do
6 this a little bit differently.

7 I will read to you a couple of
8 sentences from Paragraph 12 of your declaration.

9 And they read, "ABC once disclosed
10 the names of such contributors" -- I have to go back
11 to explain what "such" means.

12 So this is reading from Paragraph 12
13 of your affidavit.

14 MS. BHATTACHARYYA: If it would help you,
15 you can have my copy which is not scribbled on.

16 BY MR. SCHWARZ:

17 Q Now you can look at Paragraph 12 and I
18 don't have read it to you. Do you see it?

19 A Yes, I do.

20 Q There is a reference to ABC having once
21 disclosed the name of contributors, and a reference
22 to some of these companies suffered substantial
23 vandalism, and the reference they were of the view
24 that the vandalism was the result of labor union
25 efforts.

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CONDUCTED ON FRIDAY, OCTOBER 11, 2002

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1 CROSS-EXAMINATION, EDWARD L. MONROE

2 to solicit and was told no thank you.

3 MR. KIREY: Also, the last sentence, I
4 believe, talks about their current policy which
5 he probably has knowledge of.

6 THE WITNESS: Our current policy is we
7 don't publicly disclose donors, publicly thank
8 donors in our publications anymore.

9 BY MR. SCHWARZ:

10 Q But you do obviously because you have to
11 publicly disclose the people that donate to your
12 PAC, including listing who the employers are?

13 A Yes, and we also have donors who
14 specifically donate under the disclosed amount
15 which, I believe, is \$200, so their name is not
16 publicly disclosed.

17 Q Now, so you have a policy not to disclose
18 the names of certain contributors. That doesn't
19 stop them from contributing, does it?

20 MR. KIREY: You are talking about to the
21 PAC or the Association?

22 MR. SCHWARZ: To either one.

23 THE WITNESS: In some cases, yes. It
24 does -- it -- I guess the question is a
25 complicated one.