

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

4 Consolidated Case 02-0582

5

6 _____

7 McCONNELL, et al.,)

8 Plaintiffs,)

9 v.)

10 FEDERAL ELECTION COMMITTEE,)

11 et al.,)

12 Defendants.)

13 _____)

14

15

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

17 Deposition of MARY ROSE ADKINS

18 Thursday, October 10, 2002

19 Washington, D. C.

20 9:02 a.m.

21

22

23 Job No. 12-6293

24 Pages 34 through 78

25 Reported by: Mary Ann Payonk, RPR, RMR, CRR, RDR

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 Deposition of MARY ROSE ADKINS held at the

3 offices of:

4

5 COOPER & KIRK

6 1500 K Street, Northwest

7 Washington, D. C. 20005

8

9

10

11

12 Pursuant to agreement of counsel, before Mary Ann

13 Payonk, RPR, RMR, RDR, Certified Realtime Reporter and

14 Notary Public in and for the District of Columbia.

15

16

17

18

19

20

21

22

23

24

25

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 A P P E A R A N C E S

3

4 ON BEHALF OF THE INTERVENORS:

5 FREDERICK SCHWARZ, ESQUIRE

6 CRAVATH, SWAINE & MOORE

7 825 Eighth Avenue

8 New York, New York 10019

9 (212) 474-1444

10

11 LALEH ISPAHANI, ESQUIRE

12 BRENNAN CENTER FOR JUSTICE

13 161 Sixth Avenue

14 New York, New York

15

16 ON BEHALF OF THE U.S. DEPARTMENT OF JUSTICE:

17 RUPA BHATTACHARYYA, ESQUIRE

18 U. S. DEPARTMENT OF JUSTICE

19 P.O. Box 883

20 Washington, D. C. 20044

21 (202) 514-3358

22

23

24

25

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 A P P E A R A N C E S (Cont'd.)

3

4 ON BEHALF OF THE NRA AND THE WITNESS:

5 DEREK L. SHAFFER, ESQUIRE

6 COOPER & KIRK

7 1500 K Street, Northwest

8 Washington, D. C. 20005

9 (202) 220-9600

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 CONTENTS

3 WITNESSES

4 MARY ROSE ADKINS PAGE

5 By Mr. Schwarz 39, 67

6 By Mr. Shaffer 61

7

8

9 EXHIBITS

10 NO. DESCRIPTION PAGE

11 1 Transcript 39

12 2 Forms and notes 58

13 3 Handwritten notes 59

14

15

16

17

18

19

20

21

22

23

24

25

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 P R O C E E D I N G S

3 MARY ROSE ADKINS

4 having been duly sworn, testified as follows:

5 EXAMINATION BY COUNSEL FOR INTERVENORS

6 BY MR. SCHWARZ:

7 Q Ms. Adkins, you previously gave deposition

8 on September 12th in this case, didn't you?

9 A Yes.

10 Q And did you tell the truth at that

11 deposition?

12 A Yes.

13 Q Okay. I'd like to mark as Adkins

14 Exhibit 1 the transcript of your deposition of

15 September 12.

16 (Exhibit No. 1 was marked.)

17 BY MR. SCHWARZ:

18 Q Have you had an opportunity to review that

19 deposition?

20 A Just right now, so just very briefly,

21 haven't finished at all.

22 MR. SHAFFER: Mary Rose, do you want to

23 finish reviewing that?

24 MR. SCHWARZ: I'm happy to have you do

25 that. In fact, I'd like to have you do that.

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 THE WITNESS: Okay.

3 MR. SHAFFER: So we can --

4 (Discussion held off the record)

5 BY MR. SCHWARZ:

6 Q Ms. Adkins, have you now had a chance to
7 read your deposition?

8 A Yes, I have.

9 Q And other than the fact it misspells your
10 name by making it A-T instead of A-D-K-I-N-S, is there
11 anything else that you found to be inaccurate in what
12 you're quoted as saying?

13 A I don't believe so.

14 MR. SCHWARZ: So you guys can get her to
15 sign it later and so forth.

16 BY MR. SCHWARZ:

17 Q Okay. I want to ask you a couple of
18 general questions about the PAC, which lead to the
19 specific matters that you covered in your declaration.
20 When I say "your declaration," do you know what I'm
21 talking about?

22 A Yes, I am.

23 Q Okay. You're the -- the treasurer of NRA
24 Political Victory Fund?

25 A Yes, I am.

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 Q As you say in paragraph one of your
3 declaration?

4 A Yes.

5 Q And the PVF, Political Victory Fund, is --
6 could also be called the NRA PAC, capital P-A-C?

7 A Yes.

8 Q Speaking roughly or more precisely, if
9 you're able to, how much money did the NRA PAC or the
10 PVF raise in the year 2000?

11 A About 13 million.

12 Q One-three?

13 A Yes.

14 Q And how much did it raise in the year
15 1999?

16 A About 4.5 million.

17 Q And in the year 1999, I assume it did not
18 spend all the 4.5 it had raised. Is that correct?

19 A I believe so. I don't recall but I
20 believe so.

21 Q Because in a rough sense, one can look at
22 cycles, or election cycles. Like 1999-2000 would be
23 an election cycle, correct?

24 A Yes.

25 Q Does the NRA PVF incur its own fundraising

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 costs?

3 A Yes.

4 Q And incur other administrative costs?

5 A Yes.

6 Q And just to make crystal clear, I was

7 asking you -- when I say "incur its own," that is the

8 PVA pays for its own fundraising costs, is that

9 correct?

10 A That's correct.

11 Q And again speaking roughly or as precisely

12 as you can in the year 2000, how large were -- were --

13 was the PVF's fundraising costs?

14 A I don't recall off the top of my head.

15 Q Do you have any ballpark number?

16 A The fundraising, maybe 5 million, and

17 that's just a guess.

18 Q Okay. And other administrative costs more

19 than -- would be something more than that, obviously.

20 A Yes.

21 MR. SHAFFER: Just to clarify, those are

22 the fundraising costs of the PVF?

23 MR. SCHWARZ: Of the PVF.

24 BY MR. SCHWARZ:

25 Q That's how you understood the question,

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 also?

3 A Yes.

4 Q And are you aware that under the law, the

5 NRA could cover the fundraising and other

6 administrative costs of the NRA PVF?

7 A Yes, I am.

8 Q Now, in your declaration and also in your

9 prior deposition you talked about some statistics

10 which you had obtained concerning individuals who gave

11 either \$199 or \$199.99 or exactly \$200 to the PVF,

12 correct?

13 A Yes, I did.

14 Q Okay. Now -- and you've provided

15 printouts that show those numbers both at the day of

16 your first deposition and as part of your declaration,

17 correct?

18 A Yes. I don't know if the printouts were

19 part of my declaration, though.

20 Q Oh. They're at least referred to.

21 A Okay.

22 Q I think that's a fairer way to put it.

23 A Okay.

24 Q Their Bates numbers are referred to.

25 A Okay.

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 MR. SCHWARZ: Would that be fine with you?

3 MR. SHAFFER: Fine.

4 BY MR. SCHWARZ:

5 Q Now, at your deposition, you testified --

6 well, let me just ask you a question without having to

7 quote back to you in the deposition.

8 Is it still your testimony that you agree

9 that one cannot tell from looking at those statistics

10 the reason why a particular donor to the PVF gave \$199

11 or \$2,000 -- or \$200?

12 MR. SHAFFER: I do object to that

13 characterization of Mary Rose's prior testimony.

14 MR. SCHWARZ: Okay, then I'll read

15 something to you.

16 BY MR. SCHWARZ:

17 Q And if you want to look at the

18 transcripts, I'm going to start on page 18 of your

19 prior testimony and I'm going to read to you starting

20 on line 24 of page 18 and the -- and then stop from

21 time to time to ask you questions about what you

22 previously testified to.

23 Question, quotes, "Now --" and if you

24 wanted to get the exact from there, you could look at

25 the transcript.

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 Quotes, question, "Now, you have -- you
3 have then given us two pages of statistics showing
4 people who gave in one set of statistics -- and this
5 is for the year 2000 -- it shows people who gave 199
6 through \$199, through 199.99, and the other page shows
7 people who gave -- doesn't show the names of the
8 people, it shows their towns, who gave exactly
9 2,000 -- 200 to the PVF in the year 2000."

10 And after that introduction, I asked you
11 this question, continuing now, quoting, quotes: "Now,
12 with respect to those statistics, one isn't able to
13 tell why the person gave exactly \$199 or 199.99 or
14 \$200. You can't tell that from the statistics, can
15 you?"

16 Answer, "No," close quotes.

17 Did you give that testimony?

18 A I did give that testimony.

19 Q And was that testimony truthful?

20 A That testimony was truthful.

21 Q Okay. Now, I then go ahead and I'll start
22 on line 19 of page 19. And if you think it's unfair
23 for me to start with line 19, I'll start above, but I
24 don't think it's necessary to.

25 MR. SHAFFER: Ask the question and then

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 I'll --

3 MR. SCHWARZ: Okay.

4 BY MR. SCHWARZ:

5 Q Quoting from my question starting at line

6 19 of page 19, quotes, "Even if a person chose to give

7 199 or 200 because they didn't want the government to

8 know, comma, to get information, comma, as you

9 testified earlier, comma, there are all sorts of

10 reasons why the people may not want the government to

11 have the information, correct"?

12 Answer, "Right," close quotes.

13 Did you give that testimony?

14 A I did.

15 Q And was that truthful?

16 A Yes.

17 Q Okay. Now, earlier we talked about the

18 fact that there were all sorts of reasons why someone

19 might choose not to want the government to have

20 certain information, and I asked you this question.

21 This is from page 14 starting at line 19.

22 A Page 14?

23 Q Starting at line 19. Well, let me go

24 back. I'd like to start on line 11 on page 14.

25 Quotes, "Now, someone who is worried --"

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 this is question.

3 Question, starting again, "Now, someone
4 who is worried about disclosure could have lots of
5 possible reasons for that worry, correct?"

6 Answer, "I don't know."

7 Question, "You don't know why a person
8 might be worried about disclosure unless they actually
9 talk to you, correct?"

10 Answer, "Yes."

11 Now, did you give the testimony up to that
12 point --

13 A I did.

14 Q -- that I quoted? And was that truthful?

15 A Yes.

16 Q And then I continue starting at line 19,
17 quotes, "Some -- some people just don't like to give
18 information to the government at all, isn't that
19 correct?"

20 "That is correct," close quotes.

21 Did you give that testimony?

22 A I did.

23 Q And was that truthful?

24 A Yes.

25 Q And then, continuing, question, quotes,

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 "And there are NRA members who are what I might call

3 Libertarians, correct?"

4 Answer, "I assume there would be," close

5 quotes.

6 Did you give that testimony?

7 A I did.

8 Q And was that truthful?

9 A Yes.

10 Q Okay. Now, at the -- at your prior

11 deposition, we were furnished with -- by you, kindly,

12 with one, two, three, four either handwritten or typed

13 notes from people who'd provided the notes to the

14 Political Victory Fund in response from a request for

15 employment information. Do you remember --

16 A Yes, I do.

17 Q -- we talked about those? I'm now going

18 to call your attention to each of the four, and we may

19 pause as we do each one.

20 A Uh-huh.

21 Q First one is 1729, your Bates stamps 1729

22 and 1730.

23 MR. SHAFFER: Do you have copies of those?

24 I don't know that we have the exhibits attached to our

25 copies of the prior deposition.

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 MR. SCHWARZ: Okay. We could just give

3 you a set of the prior --

4 MS. ISPAHANI: Just give them a set of the

5 material that they provided, yeah, and it should be on

6 top, 1729, and it should be there, 1768. I don't

7 think we need to mark them but I'm going to read to

8 her certain messages.

9 MR. SHAFFER: That's fine. Do you have a

10 second copy?

11 MS. ISPAHANI: I'm afraid not.

12 MR. SHAFFER: Okay, we'll share.

13 BY MR. SCHWARZ:

14 Q Okay. All I'm going to ask you about are

15 the handwritten or in one case the typed -- we've

16 already talked about the charts and now I'm going to

17 ask you about the four what I'll call responses or

18 notes you got from donors.

19 A Uh-huh.

20 Q The first response is on the back page of

21 1729, which has been Bates stamped as 1730. Okay?

22 And you -- you see that response?

23 A Yes, I do.

24 Q Which reads, quotes, and this is in

25 handwriting, "You have to ask but I don't,"

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 underlined, "have to tell."

3 New paragraph, "Tell the FEC I told the

4 FEC to go panned sand."

5 A "Pound."

6 Q Doesn't slip easily off my lips. I'm

7 going to start again.

8 The second paragraph reads, "Tell the FEC

9 I said to go pound sand," period, new paragraph, "for

10 freedom," and then there's a date.

11 So that person didn't say why they wanted

12 the FEC to, quotes, pound sand, did they?

13 A No, they didn't.

14 Q And, indeed, the flavor of that person's

15 statement is they just don't like giving the

16 government any information at all, isn't that right?

17 MR. SHAFFER: Objection.

18 A I can't --

19 BY MR. SCHWARZ:

20 Q Okay.

21 A I'm not sure how to answer that, no.

22 Q We'll just -- we'll just deal with what

23 they say.

24 The second note on page 1731 says

25 "occupation, retired," so when someone is, quotes,

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 retired, I guess there's no employment information to

3 provide, is there?

4 A No.

5 Q Okay.

6 A Just retired.

7 Q It's a legitimate answer to say retired?

8 A Right.

9 Q Right, okay.

10 Then at the note below, the person says,

11 quotes, "Please note, colon, I do not think the FEC,

12 all caps, should have the power to demand this info,

13 period, just another example of GOVT, period,

14 intruding into our lives," period, close quotes.

15 So that person doesn't say why they want

16 to refuse the information, does that person?

17 A No, they don't.

18 Q And, indeed, because they're retired, they

19 wouldn't have had to provide any information anyway?

20 A That's correct.

21 Q And you don't know how many people who

22 gave \$199 or \$200 were retired like this individual,

23 do you?

24 A No, I don't. A lot of people don't even

25 reply to our letters.

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 Q Right.

3 Then the next handwritten note is on Bates
4 stamp 1732, simply says, "I refuse this information,
5 screw them." You see that?

6 A Yes.

7 Q Now, that person didn't say why they
8 refused the information, did they?

9 A No, it didn't.

10 Q And, indeed, doesn't that person also
11 suggest simply an antigovernment attitude?

12 MR. SHAFFER: Objection.

13 BY MR. SCHWARZ:

14 Q The final handwritten note is -- yes, the
15 final handwritten note is on a different form.

16 MR. SHAFFER: Fritz, I'd ask that you
17 recharacterize. These are all different forms.

18 MR. SCHWARZ: The first ones --

19 MR. SHAFFER: The format and the --

20 MR. SCHWARZ: The first three are all --
21 let's see if the witness and I can agree.

22 BY MR. SCHWARZ:

23 Q The first three are all written either on
24 the bottom of or on the back of a letter the Victory
25 Fund sent to the contributor asking for certain

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 information.

3 A That's correct.

4 Q It's sort of a form letter you send out if

5 you don't have the information?

6 A Yes, it is.

7 Q By the way, what do you do if the person

8 just doesn't answer?

9 A If they do not respond?

10 Q Yes.

11 A We have to leave it blank, the

12 information.

13 Q Okay. So, I mean, but when you file

14 your -- your reports with the FEC, do you indicate

15 there are X number of people who didn't respond, or

16 what?

17 A No.

18 Q Do you indicate anything to the FEC?

19 A No, some -- when they do this, we'll put

20 information requested --

21 Q That -- let me see that.

22 A -- that they don't reply. If we don't get

23 a response back, we don't put anything. There's

24 nothing to --

25 Q You put nothing in?

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 A Correct.

3 Q So there are -- when you file your
4 responses with the FEC, you list -- am I right you
5 list everybody who gave over \$200 who told you what
6 their name of their employer was, is -- is that right?

7 A Could you repeat the question?

8 Q It probably was a bad question.

9 The second paragraph of what I think is a
10 form letter asking for information from people who
11 have already given money says, quotes, "Federal law
12 requires political committees to report the full name,
13 mailing address, occupation and name of the employer
14 for each individual whose contributions aggregate in
15 excess of \$200 in a calendar year," period, close
16 quotes.

17 MR. SCHWARZ: I just want to go off the
18 record for a minute.

19 (Discussion held off the record)

20 BY MR. SCHWARZ:

21 Q Ms. Adkins, when a contributor to the NRA
22 Political Victory Fund, A, gave over \$200 and, B,
23 declined to give their employer information, what do
24 you -- what, if anything, do you report to the FEC?

25 A We report everybody who gives in excess of

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 200, their name and address. If we don't have their
3 employer and occupation, that line on the FEC report
4 is left blank.

5 Q Okay. So the FEC can deduce from that
6 that the information's been declined but you -- well,
7 fair enough. You just answered it. You leave the
8 line blank.

9 Do you have any way of knowing whether
10 it -- it has become known to contributors to the NRA
11 Political Victory Fund that if they decline the
12 information, the form will just be left -- the form
13 that goes to the FEC will just be left blank?

14 A Could you repeat your question.

15 (The reporter read from the record)

16 A I don't have a -- a way of knowing.

17 BY MR. SCHWARZ:

18 Q But you would agree that it could be
19 possible, correct?

20 A I'm not sure.

21 Q Okay. All right, now I'd like to call
22 your attention to PVF 1733, which is the fourth of the
23 notes you provide to -- provided to us at your prior
24 deposition, and this one is a note on a NRA
25 contribution request form. Is that a fair --

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 A That's correct.

3 Q -- way of describing this? Okay.

4 And the note -- the person gave \$39 to the
5 NRA. Well, the person checked a box, which gave the
6 option of giving 22, 31, 39, 55, 77 or other dollars
7 and checked the \$39 box, correct?

8 A Correct.

9 Q And the person's note says, quotes, "My
10 contributions to NRA PVF do not and will not exceed
11 \$200 this year, paren, calendar year, close paren."

12 Do you see that?

13 A Yes.

14 Q So that person doesn't say why their
15 contributions are not going to -- have not and will
16 not exceed \$200?

17 A No, this person doesn't.

18 Q Do they? Okay.

19 Then the final one of the notes that you
20 gave us at your prior deposition was at the bottom of
21 the form sent out after a contribution asking for
22 information, and opposite the heading "employer name,"
23 it reads, quotes, "If I'm required to fill in any
24 information, please remove me from your mailing list
25 in regards to any future contributions. If this

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 creates a problem, please refund my contribution,"

3 close quotes.

4 Do you see that?

5 A Yes.

6 Q Now, that doesn't say why the person is

7 taking the position that they are, does it?

8 A No, it doesn't.

9 Q Okay. Then today you gave us two more

10 pieces of paper, one dated September 26th, 2002, and

11 the handwritten note there says --

12 MR. SHAFFER: Do you want to mark these as

13 exhibits?

14 MR. SCHWARZ: If you want to, it's fine

15 with me.

16 MR. SHAFFER: I think it would be useful

17 to have them.

18 MR. SCHWARZ: Were the other ones marked

19 at the deposition? I think they weren't, so let's do

20 it.

21 MR. SHAFFER: I think that's the safe

22 thing to do all around.

23 MR. SCHWARZ: Okay, so let's go back to

24 the other notes. Can you clip those off and have them

25 marked as Exhibit 2?

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 MS. ISPAHANI: Okay. I've given my copy

3 away, so --

4 MR. SHAFFER: We can mark those and then

5 come back.

6 MR. SCHWARZ: Let's just take off the --

7 yeah, you'll get them back.

8 MR. SHAFFER: We'll Bates number these, by

9 the way.

10 MR. SCHWARZ: The new ones.

11 MR. SHAFFER: The new ones.

12 MR. SCHWARZ: If you could mark as Adkins

13 Exhibit 2 NRA PVF 01729 through 01734 --

14 MS. BHATTACHARYYA: Can we go off the

15 record?

16 (Discussion held off the record)

17 (Exhibit No. 2 was marked.)

18 MR. SCHWARZ: Okay, now I'm going to mark

19 as -- let's just make sure we agree. Adkins Exhibit 2

20 is the or are the forms and handwritten notes which I

21 covered with you in the last eight minutes or

22 something like that of your deposition.

23 THE WITNESS: Yes.

24 MR. SCHWARZ: Now, if we could mark as

25 Adkins Exhibit 3 -- here, I need to keep my copy.

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 MS. ISPAHANI: And I have another copy.

3 MR. SCHWARZ: No, it's these two, because
4 that's just not relevant to the discussion any longer.

5 This one, the two we got this morning.

6 MS. ISPAHANI: Uh-huh.

7 MR. SHAFFER: These are going to be
8 together Exhibit 3?

9 MR. SCHWARZ: Yeah.

10 MR. SHAFFER: The two pages?

11 MR. SCHWARZ: Yes.

12 (Exhibit No. 3 was marked.)

13 BY MR. SCHWARZ:

14 Q Are these your handwritten notes, or --

15 A No, they're not.

16 Q -- someone else's?

17 A Someone else's.

18 Q Well, I can read almost all of it. Can

19 you read -- but I may need your help --

20 A Okay.

21 Q -- if you can give it, with one word.

22 A All right.

23 Q The handwritten note on the bottom of this
24 document is, quotes, "PVF, dollar, 200," and then
25 there's an arrow pointing down after the word -- after

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 the number 200, "call, period, paranoid about GOVT,

3 period, was happy to know," and I can't --

4 A ILA.

5 Q ILA, ILA, "Happy to know ILA didn't

6 report," period, okay? Now, this person said they

7 were paranoid about the government, but you can't tell

8 from this why they're paranoid about the government,

9 can you?

10 A No, I can't.

11 Q Okay.

12 A I can only assume.

13 Q Then you come to the next page, which is

14 in response to a form like the ones we've seen before

15 asking for information about employment information,

16 and it says, quotes, "I am 73 years old and retired

17 from my main job; however, I do not want to expose my

18 current part-time employer to retaliation, period, so

19 could you please send me a penny so that my

20 contribution will be dollar 199 point 99?"

21 MR. SHAFFER: I think that's a comma after

22 "retaliation," but otherwise, the substance certainly

23 stands.

24 MR. SCHWARZ: Question mark.

25 BY MR. SCHWARZ:

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 Q Did -- was the penny returned to him?

3 A No.

4 Q Was he told why the penny wasn't returned
5 to him?

6 A No, I don't believe so.

7 MR. SHAFFER: May we please see Exhibits 2
8 and 3 as marked?

9 MR. SCHWARZ: I have no further questions
10 and turn the floor over to the United States
11 Department of Justice.

12 MS. BHATTACHARYYA: We have no questions.

13 MR. SHAFFER: I'd like to redirect for a
14 moment.

15

16 EXAMINATION BY COUNSEL FOR NRA AND THE WITNESS:

17 BY MR. SHAFFER:

18 Q Are you okay?

19 A Yeah.

20 Q Do you want water? A break? Anyone else?

21 MR. SCHWARZ: Yeah, Rupa wants to tell me
22 something. Okay.

23 BY MR. SHAFFER:

24 Q Earlier, Mr. Schwarz asked you about prior
25 deposition testimony that you'd given on September 12

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 and I believe he referred to you a prior question that
3 he'd asked you. I'll simply direct you as Mr. Schwarz
4 did to page 19 of the transcript and it's line, I
5 believe -- and again, Chris, let me know if you
6 object, but I'll begin on line 21 where Mr. Schwarz
7 asked, quote, "There are all sorts of reasons why the
8 people may not want the government to have
9 information, correct?" Question mark.

10 And you answered, "right."

11 And I believe you told Mr. Schwarz that
12 that deposition testimony was truthful and accurate,
13 is that correct?

14 A That's correct.

15 Q Could you please tell us what some of the
16 reasons are why people may not want to have the
17 information as you understand it?

18 MR. SCHWARZ: Objection, no foundation for
19 her having the basis.

20 BY MR. SHAFFER:

21 Q Well, let me ask you, Ms. Adkins, have
22 some of the people who have declined to give
23 information to the government to make the disclosures
24 required by the FEC, in fact, indicated what their
25 reasons are for not wanting to give their disclosure

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 information to the FEC?

3 MR. SCHWARZ: Objection. I covered that
4 fully in her prior deposition, but go ahead.

5 MR. SHAFFER: Well, I -- are you -- I'm
6 simply saying that you were asking Ms. Adkins about
7 portions of her prior deposition testimony and I am
8 now directing her to other portions of that testimony
9 that I think clarify her answers as they were given on
10 September 12th and have been given today.

11 BY MR. SHAFFER:

12 Q Have those people told you why they did
13 not -- have -- have they indicated to you why they
14 might not want to disclose information to the FEC?

15 A There's been some written correspondence
16 explaining paranoia of government and fear of
17 retaliation.

18 Q And can you describe that fear of
19 retaliation as they have expressed it to you?

20 MR. SCHWARZ: She referred to written
21 communications, not anything else, but --

22 BY MR. SHAFFER:

23 Q To the written communications that they
24 have sent to you?

25 A Fear of retaliation to their employer.

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 Q And are there any other reasons that they
3 have explained why they might be reluctant to disclose
4 information to the FEC that they have provided to you
5 in their written correspondence?

6 A Could you repeat that?

7 Q Are there any other reasons why people
8 have indicated they're fearful of providing disclosure
9 information to the FEC that they have provided to you
10 in their written correspondence?

11 A They don't feel the FEC should have that
12 information.

13 Q And I just want to direct you to one other
14 answer you'd given Mr. Schwarz on September 12 that he
15 asked you about today, and this is on page 14
16 beginning at line 15.

17 Mr. Schwarz had asked, question, quote,
18 "You don't know why a person might be worried about
19 disclosure unless they actually talked to you,
20 correct?" Question mark.

21 And you answered, "Yes" and indicated that
22 that was a truthful and accurate answer.

23 And I'll simply ask you, Ms. Adkins, have
24 members -- have donors to the NRA PVF actually spoken
25 to you?

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 A Yes, they have.

3 Q And what have they said about their fear

4 of disclosure for those donors who are, in fact,

5 fearful of disclosing information to the FEC?

6 A They don't -- they just fear information

7 to their employer, they don't want their information

8 out there for their employer to see who they've given

9 money to. I believe that's what I said, or something

10 to that effect.

11 Q And is that a truthful --

12 A Yes.

13 Q -- answer?

14 A Yes.

15 MR. SCHWARZ: Do you mean did she tell the

16 truth in the answer, not the people?

17 BY MR. SHAFFER:

18 Q Is that a truthful answer as to what those

19 people told you? Are you accurately reflecting the

20 donors conversations?

21 A To the best of my recollection, yes, I am.

22 It's truthful.

23 Q One other thing, Ms. Adkins. I believe

24 you said in answer to one of Mr. Schwarz's questions

25 that a lot of people do not reply to our letters. Are

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 you --

3 A That's correct.

4 Q Do you remember saying that? What letters

5 are those that -- that the people do not reply to?

6 A There are letters sent to donors who have

7 given to the PVF in excess of \$200 asking for their

8 occupation and employer information that it's required

9 for us to ask them.

10 Q So just to clarify, there has been prior

11 correspondence between the NRA and these particular

12 donors, and these donors have sent money to the NRA?

13 A To the NRA, Political Victory Fund.

14 Q And it's only at the point that the NRA

15 Political Victory Fund requests disclosure information

16 from them that they do not reply to the letters?

17 A Could you repeat that?

18 Q Sure.

19 When you say that all people do not reply

20 to the letters, the letters they are not responding to

21 are the letters sent by NRA Political Victory Fund

22 requesting the disclosure information?

23 A That's correct.

24 MR. SHAFFER: That's it for me.

25

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 EXAMINATION BY COUNSEL FOR INTERVENORS

3 BY MR. SCHWARZ:

4 Q The first question you were asked, you
5 referred to writings dealing with the subject matter
6 of your testimony. Certain writings were furnished to
7 you -- to us on September 12, right?

8 A Yes.

9 Q And additional writings were furnished to
10 us this morning, right?

11 A Yes.

12 Q There's nothing else that you have in
13 writing, is there?

14 A No.

15 Q Okay.

16 A Can I explain? We -- we all get
17 correspondence every day back, so this moment, I do
18 not have it.

19 Q Could I have those exhibits, please,
20 Exhibit 2 for a minute?

21 Do you keep files? Does the NRA Political
22 Victory Fund keep files on their donors?

23 A Could you explain "files"? I'm not sure
24 what you mean.

25 Q All right. What -- what -- what do you do

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 with correspondence that comes in from donors?

3 A There's a lot of different ways we treat

4 it. Some -- some is put in a file for their -- such

5 as that, that they don't respond. The others, we put

6 the information into our database.

7 Q Okay. But if -- if you -- because you

8 know you have to report certain information to the FEC

9 and that's a legal requirement -- correct?

10 A Yes.

11 Q -- when you get a response that means

12 you're unable to report certain information to the

13 FEC --

14 A Uh-huh.

15 Q -- and as you said, you'll then have a

16 blank or "information declined" in the report that you

17 give to the FEC opposite that person's name, correct?

18 A I don't --

19 MR. SHAFFER: Can you rephrase that?

20 MR. SCHWARZ: Sure. Let's take it in

21 small bites.

22 BY MR. SCHWARZ:

23 Q You have to make an annual report to the

24 FEC, right?

25 A No.

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 Q How often do you make a report?

3 A Monthly.

4 Q Monthly report to the FEC? Makes my point

5 better, actually.

6 You have to make a monthly report to the

7 FEC. Among things in that report are the names and

8 addresses and employer information of donors who gave

9 over \$200, correct?

10 A Correct.

11 Q And --

12 MR. SHAFFER: Gave over \$200 in the -- in

13 the --

14 BY MR. SCHWARZ:

15 Q In the year. Correct?

16 A Correct.

17 Q And in those instances where the donor has

18 declined to give you the information, in the report to

19 the FEC, I forget, did you say you just leave that

20 line blank or do you say "information declined"?

21 A I said that for those that we do not get

22 responses back, those are left blank. For those that

23 we get responses back, they give us that information.

24 That information is put. And for those -- for the

25 examples we mentioned today, we put information

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 requested.

3 Q Inferentially, it's requested and

4 inferentially, it had been declined?

5 A Correct.

6 Q And so given that that's a legal

7 requirement that you report that information from the

8 FEC, you keep the documents that come in to you that

9 decline the information, don't you?

10 A That's correct.

11 Q Okay. So -- and those go back a number of

12 years, correct?

13 A No, just I think the last year or two.

14 Q Last year or two?

15 A Uh-huh.

16 Q Okay.

17 A Can I just say we have to make a best

18 effort to get that information so I guess we're not

19 required to make it, but we have to make the best

20 effort to attempt --

21 Q I haven't used any words of criticism in

22 my questions to you.

23 A Okay, just kind of clarifying it.

24 Q And I think I have been quite fair to your

25 client in how I've treated you on this subject, but

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 that's self-serving and unnecessary.

3 MR. SHAFFER: I certainly agree to that.

4 THE WITNESS: Me, too.

5 BY MR. SCHWARZ:

6 Q I'm going to read some additional material

7 from your deposition starting on page 21, line 19.

8 Question, "Now, you testified that you

9 had, you, Mary Rose Adkins, had received some

10 telephone calls from people about the question of

11 disclosure to the Federal Election Commission,

12 correct?"

13 A Yes.

14 Q Answer, "Yes."

15 You gave that testimony?

16 A Yes, I did.

17 Q You repeated that testimony this morning

18 that you had received some telephone calls, correct?

19 A Yes, I did.

20 Q Okay. That was truthful then and you were

21 truthful this morning?

22 A Yes.

23 Q Okay. Then you went on to say -- I asked

24 you, quotes, "How many such calls have you received?"

25 Answer, "I've not received that many,

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 maybe three that I can recall," close quotes.

3 Were you asked that question and did you

4 give that answer?

5 A Yes, and yes.

6 Q And was that a truthful answer?

7 A Yes.

8 Q Okay. Then I asked you, quotes, "Okay.

9 And when did you have those? When did you have those

10 three calls?"

11 Answer, "That would have been back a few

12 years, five, six years ago," period, close quotes.

13 Did you give that testimony?

14 A Yes.

15 Q And was that truthful testimony?

16 A Yes.

17 Q And then I asked you, quotes, "So you got

18 three calls and they were five or six years ago?"

19 Answer, "Yes."

20 So that was truthful testimony?

21 A Uh-huh.

22 Q "Uh-huh" means yes?

23 A Yes. I'm sorry.

24 Q Question, "And none more recently than

25 five or six years ago?"

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 Answer, "Not for me, no," close quotes.

3 Was that truthful testimony?

4 A Yes.

5 Q So that is the extent of the oral
6 conversations you testified to before and that you're
7 testifying to today, is that correct?

8 MR. SHAFFER: Object. I don't think she
9 said that's the extent of the conversations to which
10 she testified previously. If you mean conversations
11 that she personally had --

12 MR. SCHWARZ: With her, yes.

13 BY MR. SCHWARZ:

14 Q That's the extent of the conversations
15 that you personally had -- that's how you testified
16 before and that's what you would testify today,
17 correct?

18 A Yes.

19 Q Then you went on in your deposition and
20 you talked about staff calls, and that's covered in
21 the deposition, and you haven't mentioned it today and
22 I don't need to bother you. It's in the deposition.

23 Yeah, of the approximately \$13 million
24 that the PVF raised in 2000 and approximately
25 4 million that they raised in 1999, are you able to

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 testify in whatever terms best give an approximation,

3 either -- well, in terms of donors, first, are you

4 able to testify approximately how many donors gave

5 over \$200?

6 A To the best of my recollection for 2000,

7 there might have been 5 -- between 5- and 7,000 who

8 gave over 200.

9 Q Okay. And how many who gave under 200?

10 A Let's see, probably -- I think there were

11 around 200 --

12 Q 200 or under, to be precise.

13 A Correct. I think we had approximately

14 207,000 donors in 2000, so approximately 200,000.

15 Q Would the proportions as --

16 A To the best of my --

17 Q The precision isn't important, the order

18 of magnitude is important.

19 A Right.

20 Q To the -- what would be the reason why --

21 reason or reasons why in 2000, you raised a little

22 more than three times as much as you raised in -- in

23 the year -- you, the PVF, raised in the year of 1999?

24 A It was an election year. I believe we

25 also had a few more solicitations out there.

1 COUNSEL ONLY - CONFIDENTIAL - MARY ROSE ADKINS

2 Q Okay. And the -- the two go together?

3 You have more solicitations because it's an election
4 year?

5 A Not all the time.

6 Q You have more solicitations, A, because it
7 was election year and, B, because maybe you guys were
8 just getting more energized or something?

9 A There was a lot of energy out there from
10 our members in 2000.

11 Q Uh-huh. And there was a lot of energy
12 within the NRA, too?

13 A Yes.

14 MR. SCHWARZ: That could open the door to
15 a lot of questions, but I'm not going to go down that
16 route. I've got nothing more at the moment.

17 MS. BHATTACHARYYA: I don't.

18 MR. SHAFFER: We'll conclude.

19

20 (Signature having not been waived, the
21 Volume 2 confidential deposition of Mary Rose Adkins
22 was concluded at 10:00 a.m.)

23

24

25

2 ACKNOWLEDGEMENT OF DEPONENT

3 I, Mary Rose Adkins, do hereby acknowledge
4 that I have read and examined the foregoing testimony
5 and the same is a true, correct and complete
6 transcription of the testimony given by me, and any
7 corrections appear on the attached errata sheet signed
8 by me.

9

10 _____

11 (Date)

 (Signature)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

2 CERTIFICATE OF REPORTER

3

4 DISTRICT OF COLUMBIA:

5 I, Mary Ann Payonk, the officer before
6 whom the foregoing deposition was taken, do hereby
7 certify that the witness whose testimony appears in
8 the foregoing deposition was duly sworn by me, that
9 the testimony of said witness was taken by me to the
10 best of my ability and thereafter reduced to
11 typewriting under my direction, that I am neither
12 counsel for, related to nor employed by any of the
13 parties to the action in which this deposition was
14 taken, and further, that I am not a relative or
15 employee of any attorney or counsel employed by the
16 parties thereto, nor financially or otherwise
17 interested in the outcome of the action.

18

19

20 _____
MARY ANN PAYONK, Notary Public

21 DISTRICT OF COLUMBIA

22

23 My Commission expires: April 14, 2004

24

25

2 ERRATA SHEET

3 IN RE: McConnell v. FEC

4 AFFIANT: Mary Rose Adkins (Confidential)

5 RETURN BY:

| 6 | PAGE | LINE | CORRECTION AND REASON |
|----|--------|-------------|-----------------------|
| 7 | _____ | _____ | _____ |
| 8 | _____ | _____ | _____ |
| 9 | _____ | _____ | _____ |
| 10 | _____ | _____ | _____ |
| 11 | _____ | _____ | _____ |
| 12 | _____ | _____ | _____ |
| 13 | _____ | _____ | _____ |
| 14 | _____ | _____ | _____ |
| 15 | _____ | _____ | _____ |
| 16 | _____ | _____ | _____ |
| 17 | _____ | _____ | _____ |
| 18 | _____ | _____ | _____ |
| 19 | _____ | _____ | _____ |
| 20 | _____ | _____ | _____ |
| 21 | _____ | _____ | _____ |
| 22 | (DATE) | (SIGNATURE) | |
| 23 | | | |
| 24 | | | |
| 25 | | | |

