

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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VICTORIA JACKSON GRAY, : No. 02-cv-754-KLH-CKK-RJL  
ADAMS et al., : No. 02-cv-781-KLH-CKK-RJL  
: No. 02-cv-874-KLH-CKK-RJL  
Plaintiffs, : No. 02-cv-875-KLH-CKK-RJL  
: No. 02-cv-881-KLH-CKK-RJL  
v. : No. 02-cv-877-KLH-CKK-RJL  
: No. 02-cv-582-KLH-CKK-RJL  
THE FEDERAL ELECTION : No. 02-cv-581-KLH-CKK-RJL  
COMMISSION et al., : No. 02-cv-633-KLH-CKK-RJL  
: No. 02-cv-751-KLH-CKK-RJL  
Defendants. : No. 02-cv-753-KLH-CKK-RJL  
-----X

Washington, D.C.

Monday, September 30, 2002

Deposition of

JOHN L. OLIVER, III

a Rule 30(b)6 witness on behalf of Bush for  
President, Inc., called for examination by counsel  
for the Plaintiffs, pursuant to notice and  
agreement of counsel, beginning at approximately  
4:45 p.m., at the law offices of Covington &  
Burling, 1201 Pennsylvania Avenue, NW., Washington,  
D.C., before Lauri M. Ploch of Beta Reporting &  
Videography Services, notary public in and for the  
District of Columbia, when were present on behalf

1 of the respective parties:

2 APPEARANCES:

3 On behalf of Plaintiffs:

4 JOHN C. BONIFAZ, ESQUIRE  
5 LISA J. DANETZ, ESQUIRE  
6 National Voting Rights Institute  
7 One Bromfield Street, Third Floor  
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10 On behalf of Defendant Intervenors:

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16 On behalf of RNC and State Parties of  
17 Ohio, Colorado and New Mexico:

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On behalf of The Attorney General of  
the United States:

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C O N T E N T S

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| Counsel for Defendant Intervenors | 4    |
| Counsel for Plaintiffs            | 32   |

\* Proceedings transcribed from page 127 to page 149 designated CONFIDENTIAL - ATTORNEYS' EYES ONLY and bound separately per request.

BFP DEPOSITION EXHIBITS:

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| No. 1 - Notice of Substitute Deposition | 33  |
| No. 2 - Adams Personal Information Form | 39  |
| No. 3 - Cook Personal Information Form  | 85  |
| No. 4 - January 4, 2000, Facsimile      | 108 |
| No. 5 - Updated List of Pioneers        | 126 |
| No. 6 - Invitation                      | 132 |
| No. 7 - Updated Confirmed Meetings      | 143 |

\* \* \* \* \*

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

1  
2 Whereupon,

3 JOHN L. OLIVER, III

4 was called as a witness and, having been  
5 first duly sworn, was examined and testified  
6 as follows:

7 EXAMINATION BY COUNSEL FOR DEFENDANT

8 INTERVENORS

9 BY MS. MEDINA:

10 Q Mr. Oliver, my name is Monica  
11 Medina. I'm a lawyer with Heller Ehrman,  
12 and I am one of the lawyers working for the  
13 defendant intervenors in the case.

14 Do you know who those are?

15 A No, but that's okay. Who do you  
16 represent?

17 Q I represent Senators McCain and  
18 Feingold, Snowe, Jeffords, Congressman  
19 Shays, the folks who were the main sponsors  
20 of the Act.

21 When I say the word BICRA, do you  
22 understand what that is?

1           A     No, I don't.

2           Q     That's the Bipartison Campaign  
3 Finance Reform Act that's the subject of  
4 this lawsuit.

5           A     Okay.

6           Q     Good. I'm glad we cleared that  
7 up. My purpose in talking with you today is  
8 about your role in the Bush for President  
9 campaign and Bush-Cheney 2000 campaigns.

10                     Have I got the names of the  
11 campaigns correct?

12           A     Bush for President, primary.  
13 Bush-Cheney, general, yes.

14           Q     Bush-Cheney. Okay, thank you. My  
15 questions have to do with the interactions  
16 between the Bush-Cheney and perhaps  
17 sometimes the Bush for President campaign  
18 and the RNC. So it may be that you are  
19 aware of those interactions -- it may not  
20 be -- given your job in the Bush for  
21 President and then Bush-Cheney campaign?

22                     MR. BERGER: May I just respond to

1 that before you go further?

2 MS. MEDINA: Yes, of course.

3 MR. BERGER: I'm not aware of a  
4 cross notice for this deposition having been  
5 served by the defendants intervenors, and  
6 the subject as you've described it is  
7 outside the scope of his 30(b)(6) notice.

8 MS. MEDINA: Well, I'm sorry if I  
9 didn't see the scope of the 30(b)(6) notice.  
10 If you could explain to me how it would be  
11 outside the scope.

12 MR. BERGER: I haven't heard your  
13 question yet, but there's nothing in this  
14 notice that deals with the relationship  
15 between the RNC and any of the Bush  
16 campaigns.

17 MS. MEDINA: Well, as you know,  
18 the notices of these depositions have been  
19 going out late and they haven't been easy to  
20 keep up with, so perhaps I've got the wrong  
21 scope.

22 MR. BERGER: Well, unfortunately

1 mine are all marked up with my notes. I  
2 know you don't want to be reading my work  
3 product.

4 MR. BONIFAZ: We are getting  
5 copies.

6 MR. BERGER: The short answer is  
7 that it's unfortunately not my problem nor  
8 the witness's problem if you haven't seen  
9 the deposition notice or if your subjects  
10 are outside the scope. I've produced this  
11 witness as to the limited negotiated scopes  
12 of testimony and what you've described is  
13 outside the scope.

14 MS. MEDINA: Well, why don't we  
15 see if some of the questions will be within  
16 the scope.

17 MR. BERGER: Sure, I will be happy  
18 to take it on a question-by-question basis.

19 MS. DANETZ: I just found an  
20 unmarked deposition notice. This is the  
21 Schedule A. It's two pages.

22 MS. MEDINA: That will help me.

1 So it only had to do with finances?

2 MS. DANETZ: Yes.

3 MS. MEDINA: Well, that will  
4 shorten my questions.

5 BY MS. MEDINA:

6 Q Can you tell me whether the  
7 Pioneers were given background information  
8 about then Governor Bush?

9 A I'm sorry, what do you mean by  
10 background?

11 Q Let me start again. Strike it.

12 Did the Bush-Cheney campaign meet  
13 with the Pioneers from time to time?

14 A What do you mean by Bush-Cheney  
15 campaign? In the general election?

16 Q Yes. In the general election, did  
17 officials from the Bush-Cheney campaign meet  
18 with the Pioneers as a group?

19 A I'm sorry, I'm trying to remember.

20 I don't remember a specific  
21 instance but there may have been one.

22 Q Were the Pioneers given any



1 question. Biographical information or  
2 information that might help solicit the  
3 donations, that might help interest other  
4 individuals in giving the donations.

5 A I'm sure we had a bio on then  
6 Governor Bush that we made available if  
7 people had questions about it and then  
8 wanted copies of it.

9 Q Were there any other pieces of  
10 information or brochures?

11 MR. BERGER: Outside the scope of  
12 the notice, but if you can answer, go ahead.

13 THE WITNESS: I'm sorry, I'm  
14 trying to understand what you mean by  
15 brochure.

16 BY MS. MEDINA:

17 Q Let me go back. The Pioneers were  
18 asked to donate money themselves, yes?

19 A Sure.

20 Q In addition to donating money of  
21 their own, they solicited donations from  
22 other individuals, yes?

1 MR. BERGER: Object to the form.  
2 It's leading. It's a third-party witness.

3 MS. MEDINA: You are right.

4 BY MS. MEDINA:

5 Q Were the Pioneers ever asked or  
6 did they ever solicit contributions from  
7 other individuals?

8 A Yes.

9 Q When they went about soliciting  
10 contributions from other individuals, what  
11 did the Bush champaign give them, the  
12 Pioneers, to assist them in soliciting  
13 information, or contributions, from other  
14 individuals?

15 A In terms of paper?

16 Q Sure. Paper or briefings in  
17 person, or telephone calls that might  
18 have --

19 A I'm sorry. We had a web site that  
20 had information on it for people to go to if  
21 they had questions. Then Governor had a lot  
22 of public appearances that was on national

1 television or state TV or newspaper  
2 articles. They were all publicly available  
3 for view.

4 Q What was on the web site, do you  
5 remember?

6 A I think there were -- to the best  
7 of my knowledge it was -- I think there were  
8 bios on the Governor and Mrs. Bush, and then  
9 all the press releases that we had sent out  
10 I think were on the web site. I also think  
11 that speeches that the Governor gave were  
12 also on the web site, but I can't be sure of  
13 that without reviewing it.

14 Q When the Bush campaign solicited  
15 donations from the Pioneers, did you use any  
16 printed brochures or other types of  
17 information?

18 A Well, what we had, if we were  
19 soliciting people to come to an event, there  
20 would have been an invitation for an event  
21 or a direct mail fund raising letter that  
22 would have been sent out.

1           Q     Who did the direct mail fund  
2 raising letters for the Bush campaign?

3           MR. BERGER:  Objection, outside  
4 the scope of the notice, but go ahead and  
5 answer it, if you can.

6           MS. MEDINA:  The witness raised  
7 it.

8           THE WITNESS:  When you say "do,"  
9 what do you mean?

10          BY MS. MEDINA:

11          Q     Which consultant or which vendor  
12 helped to produce the direct mail fund  
13 raising letters?

14          A     Olson and Delisi was the company.

15          Q     Did the Century Strategies assist  
16 at all in the direct mail?

17          A     I don't remember if they ever did  
18 a direct mail fund raising piece for us.  
19 They may have but I don't remember.

20          Q     Was Ralph Reed involved in any of  
21 the fund raising or direct mail pieces for  
22 the Pioneers?

1 MR. BERGER: At this point I'm  
2 going to object. This is outside the scope  
3 of the notice. Your colleague representing  
4 the defendants intervenors had the  
5 opportunity to examine Mr. Oliver  
6 individually at length this morning. I  
7 assume there's some level of coordination  
8 between you. If you had questions that you  
9 wanted to ask of him in his individual  
10 capacity, you should have had your  
11 colleagues ask those questions. So I would  
12 suggest we move on to another subject.

13 MS. MEDINA: Well, I guess I  
14 thought I was here to have the opportunity  
15 to depose a 30(b)(6) witness from the Bush  
16 campaign, Bush-Cheney campaign. I wasn't  
17 aware that in his individual capacity  
18 Mr. Oliver wouldn't be able to answer those  
19 questions, because I understood him to be  
20 here representing himself in his current  
21 capacity as deputy director or deputy  
22 chair -- I'm sorry if I've got the title

1 wrong -- of the RNC.

2 MR. BERGER: There's obviously  
3 some miscommunication, but it's not on our  
4 part. He is not here for all the purposes  
5 as a 30(b)(6) representative of either the  
6 primary campaign, Bush for President, Inc.,  
7 or the general campaign, Bush-Cheney 2000.

8 He is here for very limited  
9 purposes. Your questions are outside that  
10 scope. However, we could have avoided that  
11 problem had defendants intervenor asked him  
12 that question in his individual capacity.  
13 That deposition is closed, because your  
14 colleagues, representing the same clients,  
15 asked their questions and rested, so we are  
16 done with that.

17 The man has been here since 8:00  
18 this morning, so let's move on to subjects  
19 that are within the scope of the notice.

20 MS. MEDINA: I believe we are  
21 asking about how the Pioneers solicited  
22 funds from their donors. We started down

1 the road of direct mail, which was one way  
2 in which they solicited funds from their  
3 donors, and now I'm asking about vendors,  
4 direct mail vendors, who might have been  
5 involved in preparing the letters, the  
6 direct mail fund raising letters, that were  
7 used to solicit the Pioneers and other  
8 donors.

9 MR. BERGER: I don't see how it's  
10 within the scope of the notice. If you can  
11 tell me, I'm happy to reconsider.

12 MS. MEDINA: Well, can I look at  
13 the notice again? Thank you. It's about  
14 communications between Bush-Cheney and the  
15 Pioneers or between the Bush campaign and  
16 the Pioneers. This witness just testified  
17 that Bush-Cheney didn't communicate with the  
18 Pioneers because they couldn't.

19 MR. BERGER: Right. I agree with  
20 that part. He certainly said that. Your  
21 question was about Ralph Reed. I don't hear  
22 anything about communications between either

1 of the campaigns and the Pioneers when you  
2 ask a question about Ralph Reed.

3 MS. MEDINA: If Mr. Reed was the  
4 author of any of the communications between  
5 the campaign and the Pioneers.

6 MR. BERGER: I see, your question  
7 lacks foundation. You haven't established  
8 that Mr. Reed had anything to do with the  
9 campaign.

10 MS. MEDINA: That's what I'm  
11 trying to do, establish whether he might  
12 have, whether or not he did, and if he did,  
13 I'll ask the next question. I can't ask  
14 that question until I have the foundation,  
15 and that's why I'm asking the question.

16 MR. BERGER: Ask the question.

17 MS. MEDINA: Can we go back to see  
18 what the question is? I think the witness  
19 and I both can't remember it.

20 (The reporter read the record as  
21 requested.)

22 THE WITNESS: I don't think Ralph



1 Reed himself was involved -- his company was  
2 involved. Ralph Reed was involved because  
3 he was a Pioneer, but I don't think he  
4 produced letters that were used on a broad  
5 base for the Pioneer solicitations.

6 BY MS. MEDINA:

7 Q To your knowledge, was the  
8 Christian Coalition involved in assisting  
9 the Bush campaign in soliciting funds from  
10 the Pioneers?

11 A Not to my knowledge.

12 Q Was former First Lady Barbara Bush  
13 involved in any solicitations of the  
14 Pioneers?

15 MR. BERGER: As an agent of the  
16 campaign?

17 MS. MEDINA: As an agent of the  
18 campaign.

19 THE WITNESS: I think she may have  
20 signed a direct mail piece that went out to  
21 the entire list but it wasn't Pioneer  
22 specific.

1 BY MS. MEDINA:

2 Q It wasn't Pioneer specific. Was  
3 the current First Lady, Laura Bush, ever  
4 involved in fund raising to the Pioneers or  
5 for the Pioneers?

6 A The First Lady of Texas at the  
7 time also signed a piece of direct mail  
8 solicitation that went to the entire file  
9 but it was not Pioneer specific.

10 Q So the Pioneers received direct  
11 mail solicitations --

12 MR. BERGER: Let her finish the  
13 question.

14 BY MS. MEDINA:

15 Q No, go ahead. Did the Pioneers  
16 receive direct mail solicitations?

17 A I don't know. If they had given  
18 the maximum by law, they probably were taken  
19 off the list that we were soliciting.

20 Q Once they became Pioneers, did the  
21 Pioneers receive regular e-mails or direct  
22 mail letters updating them on the campaign,

1 Q Did these Pioneers who raised this  
2 money receive any other special benefits for  
3 being a Pioneer?

4 MR. BERGER: Object to the form.  
5 You may answer.

6 THE WITNESS: Can you say that  
7 again, please?

8 BY MS. MEDINA:

9 Q Did the Pioneers receive any other  
10 special benefits because they were Pioneers?

11 MR. BERGER: Mischaracterizes his  
12 testimony to the extent you are  
13 suggesting --

14 MS. MEDINA: Any benefits.

15 MR. BERGER: Thank you.

16 THE WITNESS: They had  
17 opportunities to have their picture taken at  
18 events when we were in various cities that  
19 they were involved in. As I testified,  
20 there were instances where we had a special  
21 event, at the convention.

22 BY MS. MEDINA:

1 about target or battleground states?

2 A Sure.

3 Q Did you give them information  
4 about the upcoming messages or events that  
5 the Governor, then Governor, would be  
6 attending?

7 A You mean like did we give them  
8 where the scheduled fund raisers were?

9 Q Yes, or speeches, or rallies.

10 A Sure.

11 Q Did you give them information that  
12 you didn't make available to the general  
13 public?

14 A I'm sure there's instances where  
15 we shared polling information that was not  
16 publicly available.

17 Q At that time?

18 A At that time.

19 Q Did you give them information  
20 about where you were concerned about then  
21 Governor Bush's ability to do well in the  
22 primaries?

1 MR. BERGER: Objection, lacks  
2 foundation, but you may answer.

3 THE WITNESS: I'm sorry, I don't  
4 understand what you mean by that, "do well."

5 BY MS. MEDINA:

6 Q Did you give them information  
7 about primaries where you thought Governor  
8 Bush might not win?

9 A That information was publicly  
10 available. There were national polls and  
11 news coverage that kind of laid that out for  
12 people.

13 Q I understand that they may have  
14 learned it from other places, but did you  
15 talk about it with them?

16 A Did we talk to them about how we  
17 were ahead in the campaign?

18 Q Yes.

19 A Yes.

20 Q Places where Governor Bush might  
21 be trailing at the time?

22 A I cannot say that we did not have

1 that conversation at some point in time, or  
2 we indicated where we were behind and when  
3 we were ahead.

4 Q Let me turn your attention -- may  
5 I see the list again? One second.

6 Can you tell me whether or not you  
7 personally had any discussions with one of  
8 the Pioneers named Charles Wyly?

9 A Charles? Discussions about what?

10 Q Did you talk with him?

11 A There were instances that I've  
12 talked to Charlie, Charlie Wyly, yes.

13 Q Did you talk with him during the  
14 campaign? You may have talked with him  
15 since then, but I'm really talking about  
16 during the campaign.

17 A I'm sure there were events that he  
18 was at that I was at that I may have said  
19 hello to him. I don't remember a  
20 substantive conversation with Charles Wyly.

21 Q Did he have regular contact with a  
22 campaign that you know of?

1 MR. BERGER: Objection, ambiguous,  
2 but you may answer.

3 BY MS. MEDINA:

4 Q Did he talk to the campaign on a  
5 monthly basis?

6 A He may have. I would be the  
7 person he would talk to, and I don't  
8 remember having a monthly conversation with  
9 him.

10 Q Would you be the only person that  
11 he might talk to?

12 A I don't know whom else -- I mean,  
13 I'm sure he had the ability to talk to other  
14 people, but I would be the likely person  
15 that he would have called.

16 Q Could he have talked to other  
17 people on your staff?

18 A Yes.

19 Q Why would you be the likely person  
20 that he would have had contact with?

21 A Because I was the national finance  
22 director and he was helping us to raise

1 resources.

2 Q Do you recall any specific time  
3 periods where you talked to him?

4 A I remember talking to him at the  
5 kickoff.

6 Q When was that?

7 A The 7th -- I'm trying to remember.  
8 The 7th of -- I think was at the 7th of  
9 March event. He may not have been. I  
10 remember talking to him early because we  
11 were geared up, ready to roll.

12 Q What kind of things did he want to  
13 talk about?

14 MR. BERGER: Objection. That's  
15 outside the scope. There are two subjects  
16 here under communications. One is  
17 contributions and the other is policy.

18 BY MS. MEDINA:

19 Q Did he want to talk about policy?

20 A Not with me. Not with me.

21 Q He didn't talk about policy with  
22 you?



1 A No.

2 Q Might he have talked about policy  
3 with anyone else within the campaign?

4 MR. BERGER: Objection, calls for  
5 speculation.

6 THE WITNESS: I don't know the  
7 answer.

8 BY MS. MEDINA:

9 Q Are you familiar with the group  
10 Republicans for Clean Air?

11 MR. BERGER: Objection. It's  
12 outside the scope of the notice, but you may  
13 answer.

14 THE WITNESS: I'm not -- I don't  
15 have a specific memory about that group.

16 BY MS. MEDINA:

17 Q How did you meet Mr. Wyly?

18 A I think I met him at an event in  
19 Dallas.

20 Q What do you know about his  
21 background?

22 A He was in support of Governor Bush

1 in his campaigns for Governor.

2 Q Did you know anything else about  
3 his background? Do you now know?

4 A Yeah, I do. I by now know --

5 Q You can't remember what you knew  
6 then?

7 A I don't know what I knew then. I  
8 knew he was a former supporter of the  
9 Governor, but I didn't know exactly what  
10 business specifically he was in.

11 Q Can you tell me what you know  
12 about his background?

13 A That he was a supporter of the  
14 Governor's, when the Governor ran for  
15 governor.

16 Q Do you know what business he was  
17 in?

18 A I think he was in the energy  
19 business, but I'm not positive about that.

20 Q So you definitely remember having  
21 contact with him in March of 1996?

22 A March or April, yeah, in that time

1 period.

2 Q What was that contact, do you  
3 remember?

4 A Just I think I called him and  
5 introduced myself.

6 MR. BERGER: You said '96.

7 MS. MEDINA: I mean 2000. I'm  
8 sorry.

9 THE WITNESS: Ninety-nine, it was  
10 in '99.

11 BY MS. MEDINA:

12 Q Oh, I see, March of '99.

13 A Uh-huh.

14 Q Then how often might you have  
15 talked to him after that?

16 A Infrequently, maybe a couple more  
17 times throughout the campaign, if I saw him  
18 at an event.

19 Q He was one of the earlier  
20 Pioneers?

21 A I don't remember whether he became  
22 a Pioneer. He was a long-time supporter of

1 the Governor's.

2 Q I think you said before you  
3 remembered talking with him early on?

4 A I did remember talking with him  
5 early on, but I don't know when he achieved  
6 Pioneer status, which is what you just asked  
7 me.

8 Q I see.

9 MR. BERGER: You are getting good  
10 at this.

11 MS. MEDINA: Who is, he or me?

12 MR. BERGER: He has got the  
13 objections down. He has been doing this all  
14 day. I'm going to leave now.

15 THE WITNESS: I'm going to fall  
16 asleep now.

17 MS. MEDINA: I think I'm done,  
18 actually. Because of the scope, I don't  
19 think I can ask any of my other questions,  
20 so I will conclude with that.

21 MR. BONIFAZ: Can we take a  
22 one-minute break and I can explain what is

1 happening here?

2 (Recess)

3 EXAMINATION BY COUNSEL FOR PLAINTIFFS

4 BY MR. BONIFAZ:

5 Q Sir, just to start things off, can  
6 you please state your full name for the  
7 record?

8 A John Leachman Oliver, III.

9 MR. BONIFAZ: For the purpose of  
10 this transcript, Mr. Oliver, my name is John  
11 Bonifaz. I'm the director of the National  
12 Voting Rights Institute based in Boston.  
13 Lisa Danetz is an attorney at the Institute,  
14 and together we are going to be asking you  
15 questions at this deposition.

16 We are co-counsel for the Adams  
17 plaintiffs, which is the case *Adams, et al.,*  
18 *v FEC, et al.,* which is the case challenging  
19 the increase in the hard money limits, one  
20 of the 11 consolidated cases challenging  
21 certain provisions of the Bipartison  
22 Campaign Reform Act.

1 (BFP Deposition Exhibit No. 1  
2 was marked for identification.)

3 BY MR. BONIFAZ:

4 Q You have in front of you what has  
5 been marked BFP Exhibit No. 1. This is an  
6 exhibit to highlight the terms of this  
7 deposition. This is a Notice of Substitute  
8 Deposition under Rules 30(b)(6) and 45 of  
9 the Federal Rules of Civil Procedure.

10 I would like to turn your  
11 attention to page three, Schedule A, which  
12 identifies the subject matters of this  
13 deposition.

14 First, are you aware of what  
15 a 30(b)(6) deposition is?

16 A Yes.

17 Q What is your understanding of what  
18 it is?

19 A I don't know the legal  
20 terminology, but that I am testifying on  
21 behalf of the campaign.

22 Q You are here to testify on both

1 the behalf of the Bush for President, Inc.  
2 campaign and Bush-Cheney 2000; is that  
3 correct?

4 A That's my understanding, that is  
5 correct.

6 Is that right?

7 MR. BERGER: That's correct.

8 BY MR. BONIFAZ:

9 Q You are here to testify on these  
10 subject matters under Schedule A with the  
11 understanding that Point No. 8 is in  
12 contention. Is that also your  
13 understanding?

14 MR. BERGER: I don't know if the  
15 witness has been briefed on all of the back  
16 and forth of the lawyers' bickering, for  
17 lack of a better word.

18 MR. BONIFAZ: I thought it was  
19 quite friendly.

20 MR. BERGER: It was, and  
21 consistent with my friendly communication  
22 with you, you took my suggestion and asked

1 him in his individual capacity a number of  
2 questions, all of which would fit within  
3 that category, so I see we are proceeding as  
4 predicted.

5 BY MR. BONIFAZ:

6 Q What I'm trying to establish is  
7 whether you, Mr. Oliver, are aware that you  
8 are here to testify on these subject matters  
9 listed on Schedule A of this deposition  
10 notice.

11 A You mean me as an individual or me  
12 as a 30(b)(6)?

13 Q 30(b)(6) deponent.

14 A Yes, I'm aware of this.

15 Q What have you done to prepare  
16 yourself to testify on these subject matters  
17 today?

18 A I have talked with my counsel  
19 about it in preparation for it.

20 Q Have you done any separate  
21 investigation, research, to refresh your  
22 recollection and be able to be prepared to



1 answer questions on these subject areas?

2 A I've reviewed the documents that  
3 my lawyers provided to you.

4 Q Have you done anything else?

5 MR. BERGER: Well, without getting  
6 into the content of his communications with  
7 lawyers, I'm happy to make the  
8 representation on the record that we are  
9 perfectly well aware of what 30(b)(6)  
10 requires. This is a campaign that has not  
11 been in active existence for nearly two  
12 years, but yes, we have reached out to  
13 people to the extent they can be found who  
14 worked with him and for him, and we have  
15 posed questions where they were not within  
16 his individual knowledge.

17 MR. BONIFAZ: So just to be clear  
18 here, when you say "we," that includes  
19 Mr. Oliver?

20 MR. BERGER: Well, either  
21 Mr. Oliver or people working with him. For  
22 example, in preparing him, if he had

1 move to strike everything that has been  
2 asked?

3 MS. DANETZ: Are you going to make  
4 that objection?

5 MR. BERGER: I don't think so, no.

6 MS. DANETZ: If you are going to  
7 make that objection, then I will let John  
8 continue.

9 For ease of reference I'm going to  
10 just hand everybody a stack of the documents  
11 that have been produced. That way I don't  
12 have to fish through as I mark an exhibit.  
13 I will also let you know the Bates number.

14 Also, for purposes of the record,  
15 many of the documents that were produced  
16 were labeled confidential, counsel only, and  
17 should be so designated in the transcript.  
18 I will, of course, let you know as I mark  
19 each one.

20 MR. BERGER: We are going to hand  
21 you one. You can look at them now.

22 THE WITNESS: I didn't know what

1 THE WITNESS: Yes.

2 MR. BERGER: Seven through 299, if  
3 I remember her correctly.

4 MS. DANETZ: Yes.

5 MR. BERGER: Which is more of  
6 same.

7 THE WITNESS: Okay.

8 MS. DANETZ: I can represent  
9 that 491 is a similar looking form with  
10 different information.

11 MR. BERGER: Is there anything  
12 more after 491?

13 MS. DANETZ: No, not for this set  
14 of questions.

15 BY MS. DANETZ:

16 Q Can you tell me what the form that  
17 I have now marked as BFP Exhibit 2 is?

18 A This is a solicitor tracking form.

19 Q What does that mean?

20 A It's a solicitor tracking form  
21 that was given to an individual when they  
22 signed up to be an authorized agent of the

1 campaign.

2 Q It was given by Bush for  
3 President?

4 A This individual form, yes. I  
5 mean, yes, it was given by Bush or President  
6 or Governor George W. Bush Presidential  
7 Exploratory Committee.

8 Q It says George W. Bush  
9 Presidential Exploratory Committee at the  
10 top. Is that accurate?

11 A Yes, yes, it does.

12 Q Now, once the Exploratory  
13 Committee, for lack of a better phrase,  
14 segued into Bush for President, did Bush for  
15 President continue to use this same form?

16 A I think that this -- the form --  
17 there was a form that was used that was this  
18 form. I'm not sure if it was this one or a  
19 different variation of the form, but there  
20 was a form that was used for solicitor  
21 tracking numbers that would have contained  
22 this information.

1           Q     It would have been substantially  
2 similar information?

3           A     Yes.

4           Q     I don't want to mischaracterize  
5 your testimony, but I'm just trying to  
6 remember the answer you gave earlier where  
7 you said this was a form that people filled  
8 out when they signed up with the Pioneer  
9 program; is that correct?

10           A     No, it's not correct?

11           A     This is a form that was used when  
12 people signed up to be agents of the  
13 campaign and raise money on behalf of the  
14 campaign.

15           Q     So anybody who wanted to raise  
16 money on behalf of the campaign would fill  
17 out a form like this; is that true?

18           A     Yes. Not anybody. Yes, people  
19 that had called and said we want to raise  
20 money for the campaign, we used this form to  
21 sign them up to be agents of the campaign,  
22 that's correct.

1 Q So I just want to make sure I'm  
2 understanding. So did all agents of the  
3 campaign then fill out one of these forms?

4 A To the best of my knowledge,  
5 everybody that we signed up to be an agent  
6 filled out one of these forms, but I don't  
7 know the answer to whether every single  
8 person who raised money for the campaign  
9 filed one.

10 Q But that was the practice?

11 A Yes, that was the practice.

12 Q Could you read for me what this  
13 form says in the top right-hand corner?

14 MR. BERGER: In the spirit of  
15 moving this along, there's really no point  
16 in having the witness read you things we can  
17 all agree on. You are asking him about the  
18 solicitor tracking number?

19 MS. DANETZ: Yes.

20 MR. BERGER: What would you like  
21 to know about the solicitor tracking number.

22 BY MS. DANETZ:

1           Q     In your personal deposition -- and  
2           again, I'm not meaning to mischaracterize  
3           your testimony at all, so feel free to  
4           correct me if I do so mischaracterize it --  
5           but in your personal deposition you  
6           testified about tracking numbers that were  
7           assigned to people in the Pioneer program;  
8           is that true?

9           A     I testified that there were  
10          tracking numbers assigned to people who  
11          wanted to become authorized agents of the  
12          campaign and help the campaign. Some of  
13          those people went on to be Pioneers, yes.

14          Q     Is this an example of one of those  
15          tracking numbers?

16          A     This is an example of a tracking  
17          number that was assigned to an individual,  
18          yes.

19          Q     In the documents that I have  
20          identified for reference, which again are  
21          BFP 4, BFP 7 through 299, and BFP 491, are  
22          the numbers in the upper right-hand corner

1 of those documents also the tracking numbers  
2 that you have been referring to?

3 A They should be, but unless I look  
4 at each one of them, I don't know the  
5 answer. I think so.

6 MR. BERGER: In the spirit  
7 of 30(b)(6) -- and the witness can correct  
8 me if I've got this wrong -- what we  
9 produced to you were the tracking forms  
10 containing solicitor identification numbers  
11 that were assigned to people who went on to  
12 become Pioneers, so it is a subset of all of  
13 the solicitor tracking forms signed by  
14 authorized agents of the campaign, this  
15 subset relating to Pioneers.

16 MS. DANETZ: Okay, great.

17 THE WITNESS: That's right. He  
18 said it much more eloquently than I could.

19 MR. BERGER: If you want  
20 collective information, we are here to give  
21 you collective information.

22 MS. DANETZ: I have to say I am



1 happy to have collective information as long  
2 as you are representing it's from Bush for  
3 President or Bush-Cheney 2000.

4 MR. BERGER: We are going to do  
5 our level best to make sure you get that  
6 information, whether it's from him or from  
7 me.

8 (Discussion off the record)

9 BY MS. DANETZ:

10 Q Once somebody was an authorized  
11 agent of the campaign and had a number, did  
12 they indicate in some way that donations  
13 were the result of their fund raising  
14 efforts to the campaign?

15 A What do you mean by indicate?

16 Q In other words -- and I'll just,  
17 to move this along -- press reports have  
18 indicated that if somebody raised money and  
19 they wanted attribution to their tracking  
20 number that they would write the tracking  
21 number on the check that they had solicited.  
22 Is that accurate?

1           A     Oh, I'm sure there are occasions  
2 where individuals indicated on the response  
3 device cards.

4           Q     I'm sorry, the --

5           A     A card. The federal law requires  
6 you to -- I don't know if you have one of  
7 those or not. I don't know if there's one  
8 in existence.

9                     The Federal Election Law requires  
10 you to get the following information when  
11 someone gives more than \$200. Employer  
12 information. The wording -- and don't quote  
13 me on this -- but I think it's best  
14 estimates -- best efforts to get that  
15 information.

16          Q     What was that card called?

17          A     It's a response device.

18          Q     Response device?

19          A     Uh-huh. If you are coming to a  
20 state, you've got to mail in a card and tell  
21 them you are coming. It's called a response  
22 device.

1 Q So I guess I don't understand.

2 How do tracking numbers relate to the  
3 response device card?

4 A There was a place on the response  
5 device where you could put in a tracking  
6 number.

7 Q So if an authorized agent -- I  
8 guess I'm curious. Why would something sent  
9 out from an authorized agent result in a  
10 response device card coming back to the  
11 campaign?

12 A Well, if you send out a letter --  
13 let's say someone sent out a letter, okay?  
14 On behalf of the campaign. Then they would  
15 include in that response device -- they  
16 would potentially include the response  
17 device and an envelope for it to be sent  
18 back by Bush for President.

19 Q When you say someone sent out a  
20 letter, you mean an agent of the campaign  
21 sent out a letter?

22 A Uh-huh.

1 Q To a bunch of people? To who?

2 A To whomever he or she were  
3 soliciting contributions from.

4 Q So an authorized agent of the  
5 campaign would sent out -- can I call it a  
6 solicitation?

7 A Sure.

8 Q So an authorized agent would send  
9 out a solicitation to people who they were  
10 trying to fund raise from, on behalf of Bush  
11 for President; is that accurate?

12 A Yes.

13 Q Then included in that letter would  
14 be this response device card that you were  
15 talking about?

16 A Sure.

17 Q In the letter from the agent to  
18 whoever was being solicited, would they  
19 indicate, you know, my tracking number is X?  
20 How did the person who was the target of the  
21 solicitation know a particular tracking  
22 number to write on the response device card?

1           A       I don't know how they would know.  
2           I mean, the response device card may --  
3           somebody may have filled it in before they  
4           sent in the little the space that said  
5           tracking number, or they could have  
6           encouraged people in the body of the letter  
7           to put a tracking number on it.

8           Q       Was it a common practice for the  
9           agents to write tracking numbers on the  
10          response device card?

11          A       I don't know. I don't know if it  
12          was a common practice. I'm sure it  
13          occurred.

14          Q       Well, by the definition of the  
15          word agent -- I'm not trying to trick you,  
16          I'm really trying to understand here -- if  
17          they were an agent of the campaign, they are  
18          doing it on behalf of the campaign?

19          A       Right.

20          Q       Is that true? You are here today  
21          to testify on behalf of the campaign; is  
22          that true?

1           A     That's correct.

2           Q     So what I'm trying to understand  
3     is, was it a regular practice of the  
4     campaign through the particular agents to  
5     write a particular tracking number on the  
6     response device card that would then be sent  
7     back in?

8           A     I think there are people that were  
9     authorized agents that did that, yes. I  
10    don't know if it was a regular practice of  
11    the campaign. It was probably more a  
12    practice of the agent, he or she themselves.

13          Q     Do you know, in your capacity as a  
14    representative of Bush for President, do you  
15    know of other ways that agents conveyed or  
16    told the people they were soliciting, this  
17    is the tracking number, and I would like you  
18    to write it either on your response device  
19    card or somewhere else to let the campaign  
20    know?

21          A     Sure. People put that in letters  
22    as well.

1           Q     I see. So if you know, what would  
2           be an example of something that someone  
3           would write in a letter?

4           A     You are asking me for speculation.  
5           You could put, please put my personal  
6           tracking number, you know, 1234, on your  
7           checks, as I'm trying to become a Pioneer.

8           Q     Now, when the campaign received  
9           checks and/or response device cards, and  
10          they had tracking numbers on it, what did  
11          they do with that information?

12          A     I think it was -- when the checks  
13          came in from individuals, they usually came  
14          in to -- they would come in to one of the  
15          staff, and they would be tracked. There  
16          would be a computer indication, an entry  
17          into a computer, that they had received a  
18          contribution on behalf -- they had received  
19          a contribution with that tracking number on  
20          it.

21          Q     I see, so was there a spreadsheet  
22          of some sort maintained?

1           A     We have produced for you -- the  
2           lawyers have produced for you our  
3           information about how much people's tracking  
4           numbers had by them.

5           Q     Right, and I appreciate that and  
6           I'm happy to have that document. I don't  
7           mean to be glib, but what I'm trying to  
8           determine is, if during the campaign there  
9           was a spreadsheet maintained that had a  
10          tracking number, perhaps other information,  
11          and also was used to track the contributions  
12          that came in for that particular tracking  
13          number.

14          A     Oh, I think there probably --  
15          yeah, I don't know if it's a spreadsheet,  
16          but I think people kept lists, sure.

17          Q     So I'm trying to understand, how  
18          was that information maintained? Who kept  
19          those lists?

20                   MR. BERGER: I can help with part  
21          of that, because there may be some  
22          confusion. The spreadsheet that we produced



1 to you was merged in a document which we  
2 created, which was the identity of the  
3 Pioneer with the historical spreadsheet  
4 maintained by the campaign.

5 That's where the column in the  
6 information that says contributions as of  
7 March 31st comes from. That was a  
8 contemporaneous document prepared by the  
9 campaign, and we merged them for you so that  
10 you would have that.

11 I think the remaining part of your  
12 question is, who was responsible within the  
13 campaign for maintaining that spreadsheet?

14 THE WITNESS: Is that right?

15 MS. DANETZ: Yes.

16 THE WITNESS: The spreadsheet was  
17 kept by -- the regional people kept them for  
18 individual people in the regions.

19 BY MS. DANETZ:

20 Q So again, I'm going to refer back  
21 to your individual testimony, and tell me  
22 and/or correct me if I'm mischaracterizing

1 it, but I believe you stated that there were  
2 four regional people who worked for the  
3 campaign; is that correct?

4 A That's correct.

5 Q I believe you identified them in  
6 your personal deposition; is that correct?

7 A That's correct.

8 MR. BERGER: Have their names  
9 changed in the last hour?

10 THE WITNESS: No.

11 BY MS. DANETZ:

12 Q They were, just for making it  
13 clear --

14 MR. BERGER: Beth Sturgeon?

15 THE WITNESS: Yes.

16 MR. BERGER: Travis Thomas?

17 THE WITNESS: Yes.

18 MR. BONIFAZ: Mary Kay Kelly, now  
19 Johnson?

20 THE WITNESS: Kelly, now Johnson.

21 MR. BERGER: Heather Larison?

22 THE WITNESS: Yes.

1 BY MS. DANETZ:

2 Q So those were the four regional  
3 people that would have maintained  
4 spreadsheets for agents from their  
5 particular region?

6 A Sure.

7 Q This might go back to my  
8 confusion, so feel free to jump in if  
9 necessary.

10 Was there a form of how the  
11 spreadsheet was maintained? In other words,  
12 did they all maintain the same information  
13 within their respective spreadsheets?

14 A I don't know what particulars they  
15 kept within their individual spreadsheets.  
16 A lot of people kept their own list, too. A  
17 lot of the individual people who wanted to  
18 be Pioneers kept a list, too.

19 Q I want to go to Exhibit 2 again.

20 A This one?

21 Q Yes.

22 A Okay.

1 Q There's a lot of information asked  
2 for in this document, and if you notice  
3 about halfway down, the form asks for the  
4 industry; is that correct?

5 A That's correct.

6 Q Could you tell me why the Bush  
7 Exploratory Committee and also the Bush for  
8 President, Inc. asked what industry the  
9 particular agent was affiliated with?

10 A For purposes of probably knowledge  
11 of what industry they were involved in.

12 Q Well, right, but I mean, I'm  
13 assuming that the campaign didn't ask for  
14 extraneous information, so I'm just  
15 wondering what particular interest the  
16 campaign had in the industry.

17 So for example, just by way of  
18 explanation, I can understand why it's of  
19 interest to the campaign that in this  
20 case -- and correct me if I'm wrong -- Peter  
21 Adams pledged to try to raise \$100,000 by  
22 September 1st, because the campaign was

1 engaged in fund raising and presumably  
2 wanted the money early.

3 Have I stated anything that seems  
4 untrue so far?

5 MR. BERGER: There's a lot in that  
6 question, so rather than arguing over the  
7 form, are you focused on the September 1st  
8 date, the employer/occupation information or  
9 the amount? Because you mentioned all three  
10 of those in your question.

11 BY MS. DANETZ:

12 Q I'll go through it step by step  
13 because I think it will be easier, with the  
14 ultimate goal being my trying to understand  
15 why a campaign wants to know the industry  
16 that an agent is involved in, okay?

17 I understand why you need to know  
18 the person's name, because you need to know  
19 who is raising money for you. I understand  
20 why you need to know the employer and the  
21 occupation, because I believe you said that  
22 that is required in the best efforts. Is

1 that true when you were talking about the  
2 response device card?

3 A The Federal Election Law requires,  
4 you know, if someone is going to donate any  
5 amount over \$200, you are required to make a  
6 best efforts to go and find their employer  
7 and occupation, that's correct.

8 Q So I understand why you would ask  
9 that because it seems like that's going  
10 toward those best efforts.

11 Since the campaign was fund  
12 raising, I can understand why you would want  
13 to know that they pledged to raise \$100,000.  
14 Again, correct me if I'm wrong in why you  
15 need to know this, but it seems to me that a  
16 campaign wants to be able to project how  
17 much money they have.

18 Is that kind of why you want to  
19 know how much this person is pledging to  
20 raise?

21 A You want to know how much money  
22 the person is pledging to raise so you can

1 try to figure out what kind of resource  
2 potential is out there.

3 Q I see. Does asking them to pledge  
4 a certain amount also encourage them to  
5 actually go out and raise that amount as  
6 opposed to a lesser amount? I'm asking. It  
7 could be that you don't know.

8 MR. BERGER: The premise of your  
9 question was I think you said asking them to  
10 pledge a certain amount. I don't think he  
11 ever said they asked them to pledge a  
12 certain amount. It says "I agree to pledge"  
13 but I don't think that he ever said the  
14 campaign asked them to pledge a certain  
15 amount.

16 BY MS. DANETZ:

17 Q I'm sorry, I'll rephrase that.

18 In filling out this form, the  
19 person, we will say, is requested by the  
20 form to indicate how much money they are  
21 pledging to raise, okay? I'm trying to get  
22 at what purpose does that serve.

1 MR. BERGER: I think you answered  
2 that, but if there's anything you have to  
3 add to your answer. Resource potential?

4 THE WITNESS: Trying to find out  
5 what the resource potential is.

6 BY MS. DANETZ:

7 Q Going to this September 1st date,  
8 does it help the campaign to know a date by  
9 which an agent is going to try to raise a  
10 certain amount?

11 A Sure.

12 Q How does it help?

13 A Gives you a sense of the kind of  
14 budget, you know, when they think they will  
15 accomplish what they are trying to  
16 accomplish.

17 Q Then again, the last line that's  
18 filled out is signature. Does the campaign  
19 seek that information through the form to  
20 verify that this person is in fact pledging  
21 this amount? What is the purpose of the  
22 signature?



1           A       I don't know what the purpose of  
2 the signature was. I don't know what the  
3 purpose of the signature was.

4           Q       Does the signature indicate that  
5 in this case Peter Adams is actually almost  
6 signing off, if you will, that he will  
7 pledge to raise \$100,000?

8           MR. BERGER: You mean is it  
9 contractual?

10          MS. DANETZ: No, I just --

11          MR. BERGER: Let's make this  
12 easier.

13          THE WITNESS: I have no earthly  
14 idea.

15          MS. DANETZ: I'll move on because  
16 it's really not that important.

17          THE WITNESS: I'm sorry.

18          BY MS. DANETZ:

19          Q       To go back to the line that says  
20 my industry is blank, I'm trying to  
21 understand, because I haven't worked in a  
22 political campaign and you are the

1 representative of a political campaign and  
2 individually have worked on political  
3 campaigns.

4 Of what use is it to the campaign  
5 to have the person's industry identified?

6 A We were trying to reach out to as  
7 many people in as many different facets of  
8 life as possible, so I think that's why we  
9 asked the question.

10 Q So did the campaign look to this  
11 information as an indication of how well it  
12 was doing outreach in particular industries?

13 A The campaign took this information  
14 and had it set up system so that we knew  
15 what Peter Adams was doing, and this  
16 individual, as solicitor tracking No. 7612.  
17 That was the purpose of the information.

18 Q I'm sorry, I don't want to  
19 mischaracterize again, so you put the  
20 industry information into some form of  
21 computerized filing? Could you just explain  
22 what you are talking about?

1           A     Peter Adams -- I didn't keep this  
2 list, as I said before, but I think Peter  
3 Adams would have been listed with his  
4 tracking number of 7612. This would have  
5 been filed at the campaign.

6           Q     Sorry, the form would have been  
7 filed or --

8           A     The form would have been filed.  
9 That's where these come from.

10           MR. BERGER: The question was how,  
11 if at all, did the Bush for President  
12 campaign use the industry information shown  
13 on forms like Exhibit 2?

14           MS. DANETZ: Yes, that's exactly  
15 what I'm trying to find out. Thank you.

16           MR. BERGER: Can you help her?

17           THE WITNESS: The purpose of  
18 figuring that out was to try to figure out  
19 where we had a lot of people helping us and  
20 where we didn't. We wanted to reach out to  
21 as many different groups as possible in  
22 different varieties, in different walks of

1 life. So I think that was the purpose of  
2 and the usefulness of that.

3 BY MS. DANETZ:

4 Q So was there somebody who or did  
5 the campaign keep track of, we have people  
6 from this industry, we have people from this  
7 industry? Was that something the campaign  
8 kept track of?

9 A We kept track of individuals in  
10 their functions as individuals. I'm sure  
11 there were people -- I'm sure that we  
12 noticed whether or not there were people  
13 involved in different industries in fund  
14 raising effort.

15 Q Was there an attempt to get people  
16 from particular industries involved in the  
17 campaign?

18 A We wanted to reach out as broad as  
19 humanly possible, to touch as many different  
20 segments of America as we could.

21 Q So can I take that, then, to  
22 mean -- and again, I know you will correct

1 me if I'm wrong -- that you sought to get  
2 people from every industry involved because  
3 that would be like the broadest brush?

4 A We tried to get people involved in  
5 a variety of -- in every geographic group  
6 possible. We were trying to get as many  
7 people involved in the campaign as humanly  
8 possible.

9 Q I'm still not getting the  
10 information I'm trying to get. I don't want  
11 to kind of belabor the point, but I'm trying  
12 to come up with a way to ask you that will  
13 be as succinct as my friend, Mr. Berger  
14 here, asked.

15 MR. BERGER: Part of the reason  
16 why maybe you are confused is because of the  
17 type of information that was redacted,  
18 because he has got in mind what the form  
19 looks like when it's not redacted, and you  
20 haven't seen it, because he is talking about  
21 all these different points of connection.

22 There's also personal geographic

1 information and other types of information  
2 that we have redacted to protect personal  
3 privacy. You are focussing on what is left  
4 here, and he is thinking about industry,  
5 geographic and other types of information.

6 BY MS. DANETZ:

7 Q Just to give you a sense of what  
8 I'm trying to figure out, I'm still trying  
9 to get a sense of -- with respect to  
10 industry in particular, let's forget about  
11 what is redacted because I have no idea what  
12 it is anyway -- to what use did the campaign  
13 put this information about industry?

14 A As I've said, we wanted to reach  
15 out to as broad a spectrum as possible, so I  
16 think that that would have been the use, but  
17 the specific purpose of this form was, as we  
18 have discussed, to get the name and give  
19 them a number.

20 Q Was there, say, a time within the  
21 campaign -- obviously focusing on the  
22 primaries since that's when you were raising

1 money -- or during the Exploratory Committee  
2 where there was a determination made that,  
3 you know, we have people in this industry,  
4 we have people in that industry, but it  
5 looks like we have a whole -- we don't have  
6 anybody from, say -- and I'm really just  
7 pulling this out of the air -- the  
8 telecommunications industry, or some other  
9 industry that maybe you felt like had not  
10 been involved in the campaign and you wanted  
11 to kind of do further outreach to that  
12 particular industry?

13 A I don't really remember a specific  
14 meeting where that was discussed, but we  
15 were looking for universally people. People  
16 who had gone to Harvard Business School with  
17 then Governor George W. Bush, people who  
18 were in the arts community, people who were  
19 in the investment management -- whatever  
20 that means -- industry.

21 We were trying to find as many  
22 different touch points as we possibly could.

1           Q     But the form doesn't ask about,  
2     say, are you involved in the arts or did you  
3     go to Harvard Business School with then  
4     Governor Bush. So I'm still trying to get  
5     to why this form inquired about the industry  
6     of the person.

7           A     I didn't draft the form so I can't  
8     answer the question.

9           Q     Right, but you are here in your  
10    capacity as a representative of the  
11    campaign, so although you have no personal  
12    knowledge, you have an obligation to provide  
13    this information to the extent it was  
14    available in an investigation?

15           MR. BERGER: He understands that.  
16    Based on your investigation and your own  
17    personal knowledge and the other sources of  
18    information that are available to you, do  
19    you have an understanding why the campaign  
20    sought industry information?

21           THE WITNESS: Yeah, to make sure  
22    that we were involving as many people in as



1           A     In preparing for my testimony I  
2 reviewed a memo from Tom Kuhn, who worked  
3 for the Electric Industry Association, I  
4 think is his official capacity.

5                     While you are commenting, I'm  
6 going to quick go to the bathroom.

7                     MS. DANETZ:    Sure.

8                                     (Recess)

9                     BY MS. DANETZ:

10            Q     I'm just going to go through a  
11 series of questions, and I think that they  
12 will require a yes or no, but obviously you  
13 have figured out the routine by now.  If  
14 they don't, you won't answer them that way.

15                     In the campaign's efforts to reach  
16 out to different communities of interest,  
17 did the campaign reach out to the banking  
18 industry?

19            A     I think there were individuals  
20 that helped us in the campaign that were  
21 part of the banking industry.

22            Q     Now, would you say that the

1 campaign reached out to people who went to  
2 Harvard Business School with then Governor  
3 Bush?

4 A No, there were people -- I mean,  
5 yes, we reached out in the sense of we  
6 encouraged them, but people came to us that  
7 went to Harvard Business School and said, we  
8 want to get together and do the Harvard  
9 Business School thing.

10 Q So is the same thing true with the  
11 banking industry?

12 A There were individuals that had  
13 helped the Governor in his campaign for  
14 Governor that were in the banking world that  
15 participated in the campaign.

16 Q Did the campaign reach out to the  
17 insurance industry?

18 A I think there were individuals in  
19 the campaign that were part of the insurance  
20 industry, yes.

21 Q Can you name any of them offhand?

22 A I can't, I'm sorry.

1                   That's not true. Hank Greenberg  
2                   is in the insurance industry. That would be  
3                   Hank Morris Greenberg.

4                   Q        I was going to ask about that.

5                                What about individuals in the  
6                   banking industry? I know you've already  
7                   answered my question about whether the  
8                   campaign reached out to the banking  
9                   industry, but were there people involved in  
10                  the campaign who were in the banking  
11                  industry?

12                  A        Yes.

13                  Q        Who were they?

14                  A        I don't know the specific, but I  
15                  can just -- I'm sure there is somebody that  
16                  was in the banking industry that was  
17                  involved in the campaign.

18                               MR. BERGER: Is your question  
19                  whether there were Pioneers who were in the  
20                  banking industry?

21                               BY MS. DANETZ:

22                  Q        Sure. Let's make it, were there

1 Pioneers who were --

2 A In the banking industry?

3 Q Yes.

4 A I think so.

5 Q Did the campaign reach out to the  
6 oil industry?

7 A There were people that had  
8 supported the Governor in the past who were  
9 in the oil industry who were involved in the  
10 campaign, yes.

11 Q So the campaign then reached out  
12 to people in the oil industry; is that true?

13 A There were people in the campaign  
14 who were in the oil industry who supported  
15 the Governor and had supported the Governor  
16 and wanted to help him become president.

17 MS. DANETZ: Can we just take a  
18 two-minute break?

19 THE WITNESS: Sure.

20 (Recess)

21 MR. BERGER: Just for your  
22 planning purposes, we have a tired witness

1 marked as Exhibit 2, with different  
2 information filled into the forms.

3 Who retained the hard copies of  
4 these forms?

5 A I think they were retained by the  
6 counsel's office. They were either retained  
7 by the counsel's office or by somebody on my  
8 team. I don't know.

9 Q By that do you mean the legal  
10 counsel?

11 A Yeah.

12 Q Who was the --

13 MR. GINSBERG: They were in my  
14 office.

15 MS. DANETZ: Do you just want to  
16 identify yourself for the record?

17 MR. BERGER: That's Ben Ginsberg.  
18 He was the outside general counsel for the  
19 campaign.

20 MS. DANETZ: Okay.

21 MR. BERGER: The document states  
22 that the white copy of the original was

1 probably in the individual's files, the  
2 yellow copy was in state finance chairman  
3 files, so that's an answer with respect to  
4 what is identified here as the pink copies,  
5 and I can tell you this was copied from the  
6 pink copies.

7 BY MS. DANETZ:

8 Q The yellow copy went to state  
9 finance chairman. How does that relate to  
10 the agents who had the tracking numbers?

11 A What do you mean?

12 Q Well, in other words, the agents  
13 who had tracking numbers, were they kind of  
14 in an organizational structure, reporting to  
15 a state finance chair? How was it  
16 determined what yellow copy went to who?

17 MR. BERGER: What was the  
18 relationship between the state finance chair  
19 and the national finance director and the  
20 national finance chair?

21 THE WITNESS: The state chairs  
22 were part of the team that was helping us in

1 the individual states.

2 BY MS. DANETZ:

3 Q So there was a state finance chair  
4 for each state in the United States?

5 A Yeah.

6 Q Did, say, all of the agents who  
7 were assigned tracking numbers who came from  
8 Pennsylvania, for example, were they all  
9 underneath organizationally the state  
10 finance chair or was that kind of a -- was  
11 that parallel in the organizational  
12 structure?

13 I'm trying to understand the  
14 relationship between the state finance  
15 chairs and the agents who had tracking  
16 numbers.

17 MR. BERGER: It's outside the  
18 scope of the notice, but we will do our best  
19 to help you on that, but there's no topic on  
20 the organizations of the finance operation,  
21 but let's see if we can get you an answer in  
22 terms of -- is your question did individual

1 agents who lived in state X have any direct  
2 report responsibilities to the state finance  
3 chair of the same state?

4 MS. DANETZ: Yes. Just to be  
5 clear, I'm asking this question because it  
6 seems to me it's listed on the document, so  
7 to the extent that it arises from the  
8 document, I do believe it's within the  
9 scope.

10 MR. BERGER: We will try to get  
11 you an answer. I just wanted to make sure I  
12 understood the question.

13 THE WITNESS: Repeat the question.

14 MR. GINSBERG: Did individual  
15 agents report to the state finance chair?

16 THE WITNESS: Report in what? I  
17 don't understand. We wanted to make sure  
18 the state chairmen knew who had signed up in  
19 their state to help. That was really the  
20 purpose of the whole thing.

21 MS. DANETZ: Thank you. That's  
22 good enough.



1 BY MS. DANETZ:

2 Q In terms of the pink copies -- and  
3 I'll direct this question to you with the  
4 understanding that then you might jump in  
5 because you might have the knowledge -- how  
6 were these documents filed?

7 By that I mean, were they filed  
8 alphabetically? Were they filed  
9 chronologically by tracking number? Were  
10 they filed by industry? I mean, I'm just  
11 curious.

12 A I don't know how you filed them.

13 MR. GINSBERG: I think they were  
14 filed geographically. They were state by  
15 state notebooks, I think alphabetically by  
16 state.

17 THE WITNESS: That would make  
18 sense.

19 BY MS. DANETZ:

20 Q How about the individual state  
21 finance chairs? Do you know how they filed  
22 their hard copies?

1           A       I don't know.

2           Q       Getting back to the tracking  
3 system, we may have gone over this. I'm  
4 getting tired, too.

5           A       That's okay.

6           Q       When, say, a check or a response  
7 device card came in and it had a tracking  
8 number, I believe you said that was input to  
9 a computer system somewhere; is that true?

10          A       When the check came in from a  
11 state it would have gone to the person that  
12 was responsible for that state, one of those  
13 regional people we talked about.

14          Q       Oh, right, thank you. Each of  
15 those regional people kept their own  
16 spreadsheets, I think you stated?

17          A       Yes.

18          Q       In your investigation for today  
19 and in producing the spreadsheet that you  
20 did that listed the contributions for the  
21 individual tracking numbers, did you consult  
22 these four different spreadsheets that would

1 have been maintained by the regional people?

2 MR. BERGER: There's a premise to  
3 your question which was not correct. There  
4 were four different regional spreadsheets.

5 What we did was, from the  
6 available records of the campaign, to the  
7 extent they are maintained by either  
8 Mr. Oliver here individually, by his  
9 records, to the extent the campaign's  
10 records are in the possession of his legal  
11 counsel, they were searched.

12 To the extent that we were able to  
13 find any other existing records of the  
14 campaign, that is the spreadsheets that we  
15 consulted.

16 MS. DANETZ: I'm not trying to  
17 suggest that there were spreadsheets out  
18 there that were ignored in producing what  
19 you did, but I thought I understood  
20 Mr. Oliver to say that the individual  
21 regional people, the four regional people,  
22 would have each maintained a spreadsheet.

1 I'm not suggesting that they still exist.

2 I'm just --

3 MR. BERGER: I'm not sure what he  
4 did say. I think your question was who  
5 input the data. He said he didn't  
6 individually, but he believes that the  
7 people who did were probably either the  
8 regional finance people or someone else.

9 BY MS. DANETZ:

10 Q So did each of the regional people  
11 maintain a spreadsheet?

12 A They may have. I don't know if  
13 they specifically had a spreadsheet that  
14 followed a form. I think they maintained  
15 records. All of them maintained records.

16 MS. DANETZ: I'm going to be  
17 referring to BFP 151.

18 THE WITNESS: I'm sorry?

19 MR. BERGER: They want to look at  
20 the spreadsheet that was produced.

21 MS. DANETZ: No, BFP 151.

22 THE WITNESS: Is that one of

1           A     I don't know. I haven't seen the  
2 document itself, but it looks that it could  
3 be.

4           Q     If you just want to look at what  
5 looks like it's on a Post-It note?

6           A     That does look like it's a Post-It  
7 note, yeah.

8           Q     Can you tell me who Kate is?

9           A     Kate Marinas was one of the staff  
10 members on the finance operation.

11          Q     That would be at the national  
12 level or at a regional level or --

13          A     She worked for a lot of people.  
14 She worked -- she was kind of a helper in  
15 this instance. The regional people worked  
16 at the national level. I mean, those four  
17 people worked for me at the national level.

18          Q     So you were all in the same  
19 office?

20          A     Yeah.

21          Q     Oh, okay. I'm sorry.

22          A     I should have told you that. I'm

1       sorry. Yeah, we were all in the same  
2       office.

3               Q       I see. Can you tell me who this  
4       note is from?

5               A       It looks like Clare.

6               Q       Who is Clare?

7               A       Clare, that -- I don't know for  
8       sure, but I would assume that that's Clare  
9       Pritchett, who worked on the campaign as  
10      well, in the finance division.

11              Q       What was her title?

12              A       I think she was a finance  
13      assistant, staff assistant.

14              Q       What does that mean she did? What  
15      were her responsibilities?

16                      MR. BERGER: Wrote Post-It notes.

17                      THE WITNESS: Answer the phone. I  
18      mean --

19                      MR. GINSBERG: She assisted  
20      regional finance directors?

21                      THE WITNESS: Yeah, I mean, she  
22      worked with the regional finance directors.

1 there is a spreadsheet, and that is where we  
2 found the information that we then used to  
3 produce the spreadsheet to you.

4 She indicated that, yes, in fact a  
5 spreadsheet was maintained with information  
6 that came in as Mr. Oliver has described it  
7 using tracking numbers. That's how they in  
8 fact compiled the information to know  
9 whether somebody got to the Pioneer level.

10 THE WITNESS: The filing would be  
11 then sent to the counsel for filing, you  
12 know, as we talked about. There's the first  
13 one. The third one we kept and gave to the  
14 counsel's office.

15 BY MS. DANETZ:

16 Q It may be that Mitch has to answer  
17 this question, but the spreadsheets that  
18 were used to create the spreadsheet that you  
19 gave to us, where is that kept?

20 MR. BERGER: We have it.

21 MS. DANETZ: Well, who gave it to  
22 you?

1 MR. BERGER: Well, let me see. We  
2 got that, I think, either from Mr. Oliver or  
3 from -- I always thought it was Kate  
4 Marinas, but obviously I mispronounced her  
5 name, Kate Marinas.

6 BY MS. DANETZ:

7 Q Did you produce that spreadsheet  
8 to --

9 A I don't know. I mean, I don't  
10 know what was produced from me and what was  
11 produced from other sources.

12 MR. BERGER: Let me make this  
13 completely unmysterious.

14 Certain records of the campaign  
15 are kept in paper form like the famous pink  
16 sheets. Other records were copied onto the  
17 CD. Duplicates of the CD, to the best of my  
18 understanding, were maintained both by  
19 Mr. Oliver and Kate Marinas.

20 From those CDs we looked for  
21 information that provided both spreadsheets  
22 and, for example, those were the documents



1 that were searched to see whether or not  
2 there were any policy communications as you  
3 requested.

4 MS. DANETZ: Do we know during the  
5 campaign who maintained these, the  
6 spreadsheets or the information that went on  
7 the CD that came to you?

8 MR. BERGER: Who individually?

9 MS. DANETZ: Yes, within the  
10 campaign.

11 MR. BERGER: I know it was a  
12 member of the finance operation.

13 THE WITNESS: I don't know the  
14 individual. I think it was maintained by  
15 multiple people.

16 BY MS. DANETZ:

17 Q Was there any information on those  
18 spreadsheets that were on the CDs that was  
19 not incorporated into the spreadsheet that  
20 you produced?

21 MR. BERGER: Yes.

22 MS. DANETZ: Beyond, say, redacted

1 information of address?

2 MR. BERGER: Yes.

3 MS. DANETZ: Was information was  
4 that?

5 MR. BERGER: Well, if I wanted you  
6 to know, I wouldn't have redacted it. It  
7 was information that we considered to be  
8 outside the scope of what we had negotiated.

9 MS. DANETZ: Well, let me get more  
10 specific, then. Did that information  
11 include the industry of the person?

12 MR. BERGER: I don't think so,  
13 because obviously we know you are interested  
14 in that. That's why we went to great  
15 efforts to leave in industry information  
16 here. I'll doublecheck that. I think it's  
17 hard to believe we would have done it given  
18 your obvious interest in it.

19 MS. DANETZ: Okay, but you will  
20 let me know?

21 MR. BERGER: Absolutely.

22 MS. DANETZ: Whether or not that

1 spreadsheet included the information about  
2 the industry that was of the particular  
3 person as indicated on the form?

4 MR. BERGER: Yeah, absolutely. I  
5 can tell you, because of the scope we  
6 negotiated here, that we have searched for  
7 and looked to see whether there were any  
8 reports, for example, that were prepared on  
9 a spreadsheet by industry that would say, X  
10 industry is credited with having contributed  
11 Y amount of money to the campaign.

12 We found no such report, which I  
13 think is part of what you are asking about  
14 in terms of the spreadsheet.

15 MS. DANETZ: Right. Also what I'm  
16 trying to understand with the spreadsheet  
17 is, I don't know if you are aware how  
18 spreadsheets work. I assume you are, but if  
19 that is a piece of information, that  
20 spreadsheet could be sorted by industry, and  
21 that's what I'm trying to determine.

22 MR. BERGER: Right. I think that

1 you could fairly ask this witness. I mean,  
2 if he is aware whether the campaign ever  
3 generated a report like that.

4 MS. DANETZ: Mr. Oliver?

5 MR. BONIFAZ: More than whether he  
6 is aware. I mean, this isn't about his  
7 personal knowledge.

8 MR. BERGER: I understand, but  
9 this is also, to cut right to the bottom  
10 line here, a deposition of a third party  
11 that is not actively in operation. He is  
12 doing the best he can with records and  
13 people all over the place to come up with  
14 information and answer your question. So  
15 the best knowledge of the organization is  
16 what you are entitled to, and that is the  
17 effort that we have put together. That  
18 doesn't mean it's perfect information.

19 MR. BONIFAZ: It's more than what  
20 he is aware of, that's all.

21 MR. BERGER: It's more than what  
22 he was aware of, but the guy is a national

1 finance director and he is the most likely  
2 person to know this.

3 THE WITNESS: What is the question  
4 you want to ask me about this?

5 BY MS. DANETZ:

6 Q To the best of your knowledge,  
7 based on your investigation, in your  
8 capacity as a representative of the  
9 campaign, did the campaign ever sort  
10 contributors, or I should say Pioneers and  
11 potential Pioneers, who had tracking numbers  
12 by industry?

13 A I'm thinking. I don't remember  
14 that we ever had a specific -- a spreadsheet  
15 which said Pioneer X is in Y. I don't  
16 remember a specific spreadsheet that had it  
17 listed by industry based upon that, but  
18 there clearly was -- you knew there were  
19 multiple people that were part of a certain  
20 industry, and it wouldn't be hard to take  
21 their tracking numbers on an informal basis  
22 and add them together if you had the

1 knowledge of who they were.

2 Q Did the campaign ever do that?

3 A I don't remember if the campaign  
4 ever did that specifically for every  
5 industry, no.

6 Q For any industry?

7 A I think the campaign did do that  
8 for the Harvard Business School piece,  
9 because there was a letter that specifically  
10 went out for the Harvard Business School  
11 group.

12 Q How about for the electric utility  
13 industry?

14 A I don't remember specifically a  
15 group that was put together, a spreadsheet  
16 that showed the electric utility industry.

17 Q Can you remember any other  
18 particular industry, besides the Harvard  
19 Business School group that you've already  
20 mentioned? Can you remember any other  
21 industry for which the campaign sorted  
22 information in the manner we have been

1 discussing?

2 A Yeah, I think there were some  
3 people in the airline industry as well that  
4 we did, that that was sorted from, because I  
5 think they sent a letter together, but I  
6 don't remember the specifics of it. That's  
7 my memory of the airline group.

8 Q Any other industries besides the  
9 airline industry?

10 A There may be but I don't remember  
11 specifics.

12 MS. DANETZ: At this point I'm  
13 going to turn the deposition over to  
14 Mr. Bonifaz, assuming you don't have an  
15 objection.

16 MR. BERGER: I'm going to keep my  
17 options open to object because I'm not sure  
18 we are most efficiently using the witness's  
19 time, but let's see where we are.

20 (Recess)

21 BY MR. BONIFAZ:

22 Q Mr. Oliver, you just stated that

1           there was some sorting done for the airline  
2           industry; is that correct?

3           A       No, there was individuals that  
4           were involved in the airline industry that I  
5           think that asked for what they have done,  
6           and we may have sorted it for them by  
7           individual, because the tracking numbers  
8           were individuals.

9           Q       Approximately do you remember when  
10          they asked?

11          A       I don't remember.

12          Q       Why would they have asked for that  
13          information?

14                   MR. BERGER:  Objection, calls for  
15          speculation.  You may answer.

16                   THE WITNESS:  I don't know.

17                   BY MR. BONIFAZ:

18          Q       How did you answer that request?  
19          What did you provide them?

20          A       I think we pulled their individual  
21          tracking numbers and gave it to them, but  
22          that would be my guesstimate of what



1 happened.

2 Q Who asked for this information in  
3 particular?

4 A I don't remember specifically who  
5 asked for it.

6 Q Any other industries for which the  
7 campaign sorted the tracking numbers and the  
8 industries together?

9 A I don't remember. There could  
10 have been but I don't remember.

11 MR. BONIFAZ: So I just want to  
12 get on the record here, this 30(b)(6)  
13 deponent is stating that he doesn't  
14 remember, there could be. This is not a  
15 sufficient answer in a 30(b)(6) deposition.

16 MR. BERGER: I'll tell you what.  
17 I've had enough of this. If you want to  
18 play games like this, we are going to shut  
19 this down now. When he said he doesn't  
20 know, he means he, the authorized  
21 representative of this campaign, doesn't  
22 know. We have made inquiry of those who are

1 likely to know.

2 When he says he doesn't know, he  
3 means we don't know.

4 MR. BONIFAZ: Just to understand  
5 what was stated, he didn't say we don't  
6 know. He said we don't remember.

7 MR. BERGER: Well, there has been  
8 something of a lack of formality in this  
9 deposition. We have never even defined what  
10 the questions mean when they are said to the  
11 witness. When I ask you a question, I mean  
12 you on behalf of the campaign, so if you  
13 want to be clear about that, we can be clear  
14 about all of that.

15 MR. BONIFAZ: I thought we set the  
16 foundation when we began with the Notice of  
17 Deposition that he was here to testify on  
18 behalf of the campaign, not in his personal  
19 capacity.

20 MR. BERGER: He has been prepared  
21 to testify to the best information that this  
22 institution has available. His answers are,

1 as I understand from the preparation  
2 process, what you would learn from any other  
3 representative. They are a product of  
4 speaking to a number of people affiliated  
5 with this campaign.

6 There is no other designee who can  
7 provide you more information than this man  
8 can do.

9 MR. BONIFAZ: So the campaign's  
10 testimony today is that it does not remember  
11 whether any other industry sorting took  
12 place other than the airline industry  
13 example?

14 MR. BERGER: Correct.

15 BY MR. BONIFAZ:

16 Q Just back on this question about  
17 reaching out to specific industries, you  
18 have testified that the campaign made a  
19 specific effort to reach out to Harvard  
20 Business School alumni?

21 MR. BERGER: I think that  
22 mischaracterizes his testimony.

1 BY MR. BONIFAZ:

2 Q I'm sorry. Can you recharacterize  
3 it correctly?

4 A We wanted to make sure that --  
5 there were a group of people who came to us  
6 that had gone to school with the Governor at  
7 Harvard that wanted to make sure they -- I  
8 sent a letter out on behalf to try to get as  
9 many people who had been at Harvard with  
10 him, to help the campaign.

11 Q Speaking on behalf of the campaign  
12 as a 30(b)(6) deponent, did the campaign  
13 make any specific efforts such as that for  
14 the banking industry?

15 A There may have been. There were  
16 individuals in the campaign who were in the  
17 banking industry that I'm sure reached out  
18 to individuals in the banking community, but  
19 that would be national, yes.

20 Q I understand that answer. I'm  
21 asking you whether the campaign, just as it  
22 had made a specific effort to reach out to

1 this Harvard Business School group, did it  
2 make any specific effort to reach out to the  
3 banking industry?

4 MR. BERGER: Mischaracterizes his  
5 testimony. If you understand the question,  
6 go ahead and answer the question.

7 MR. BONIFAZ: Please restate the  
8 question. I'm really not trying to  
9 mischaracterize testimony. I thought he  
10 just stated --

11 MR. GINSBERG: You said it wrong  
12 three times.

13 MR. BONIFAZ: Go ahead and tell me  
14 what it is I said wrong.

15 MR. GINSBERG: People came to the  
16 campaign, said they want to go out and  
17 contact their colleagues. That's what they  
18 did. That's not the campaign reaching out.  
19 You have mischaracterized it repeatedly now.

20 MR. BONIFAZ: I thought there was  
21 a Harvard Business School example in which  
22 there was a letter that was sent out.

1 MR. GINSBERG: I believe he  
2 testified that people from Harvard Business  
3 School came to the campaign, said they  
4 wanted to contact their colleagues from  
5 Harvard Business School and did so. You  
6 have repeatedly characterized that as a  
7 campaign action as opposed to volunteers  
8 coming to the campaign. I'm sure we can get  
9 this right at least once.

10 MR. BONIFAZ: Can we just go back  
11 to the record to when he spoke about the  
12 Harvard Business School situation? It would  
13 have been about 10 statements ago.

14 (The reporter read the record as  
15 requested.)

16 MR. BONIFAZ: That's what you  
17 stated.

18 MR. GINSBERG: There were a group  
19 of people who came to the campaign.

20 MR. BONIFAZ: I wanted to ask the  
21 question to the witness.

22 BY MR. BONIFAZ:

1 Q You said "I sent a letter."

2 A A letter was sent on behalf -- the  
3 individuals that came to us sent a letter  
4 out. It wasn't signed by me, it was signed  
5 by them.

6 MR. BONIFAZ: Obviously, then, it  
7 was misstated.

8 MR. BERGER: I move to strike  
9 that. Don't argue with the witness. Ask a  
10 question.

11 BY MR. BONIFAZ:

12 Q Did individuals associated with  
13 the insurance industry come to the campaign  
14 to reach out to the insurance industry?

15 A I don't know. I don't remember  
16 whether or not that they had a specific  
17 reach-out to the insurance industry. I'm  
18 sure that there were individuals who were  
19 associated with the campaign who came to the  
20 campaign and wanted to raise resources for  
21 the campaign and therefore went to the group  
22 of people that they knew and reached out to

1       them.

2               Q       Did individuals associated with  
3       the oil industry come to the campaign to  
4       reach out to members of the oil industry?

5               A       I'm sure there were individuals  
6       who happened to be involved in the oil  
7       industry that raised resources for the  
8       campaign and, in doing so, talked to the  
9       people that they knew.

10              Q       Were these tracking numbers  
11       helpful in understanding how those different  
12       kinds of efforts were going?

13              A       The tracking numbers were for the  
14       purpose of being able to tell individuals  
15       and tracking what individuals did themselves  
16       as individuals.

17              Q       Were they also helpful for that  
18       effort, to reach out to different  
19       industries?

20                      MR. BERGER:  Objection, ambiguous,  
21       but you may answer.

22                      THE WITNESS:  I don't know if they



1 were helpful. I mean, you have to ask the  
2 individuals who used the tracking numbers.

3 BY MR. BONIFAZ:

4 Q Before we get to that, let's turn  
5 to what is Exhibit BFP 300 to 301.

6 MR. BERGER: The witness has told  
7 me that he is tired, so we have got a  
8 problem here. You want testimony from him  
9 to the best of his ability, but he has been  
10 going since 8:00 this morning and he is  
11 tired, so --

12 MR. BONIFAZ: We will have to  
13 continue this.

14 MR. BERGER: Well, I'm not quite  
15 sure what you are after here. I think there  
16 may be other ways to get this rather than  
17 having a back and forth about who is the  
18 best person possible to provide you  
19 information that doesn't appear to exist.

20 MR. BONIFAZ: We are moving on to  
21 a different subject.

22 MR. BERGER: Maybe you should take

1 MR. BONIFAZ: I believe the two  
2 others are coming. BFP 302 and 303 will be  
3 marked together. We are going to go ahead  
4 and include that as one. That's part of  
5 Exhibit 4.

6 BY MR. BONIFAZ:

7 Q So just to go back, does this all  
8 taken together refer to the document that is  
9 referenced on the facsimile cover sheet?

10 A As discussed?

11 Q Yes.

12 A Yes, I'm going to read it. Is  
13 that all right?

14 Q Yes, go ahead. Please do.

15 A Okay.

16 Q I cut you off earlier. Can you  
17 please describe what this document is now  
18 marked as Exhibit 4?

19 A It is a fax cover sheet from  
20 January 4th of 2000; a memo from Tom Kuhn of  
21 May 22nd, and a memo from Tom Kuhn of  
22 May 26th.

1 Q Just for the record, is it  
2 May 27th you meant to say, not May 22nd?

3 A I said May 27th and May 26th.

4 Q Yes. The cover sheet is a  
5 facsimile to you; is that correct?

6 A That's correct.

7 Q Is that from Mr. Kuhn?

8 A It says at the bottom in the  
9 right-hand corner, "From the desk of Thomas  
10 R. Kuhn."

11 Q Do you remember receiving this  
12 facsimile and these three pages?

13 A Yes, I do.

14 Q The three pages as well? I'm  
15 sorry, I mean, four, including the cover  
16 sheet?

17 A Yes, I assume that I got all four  
18 pages, yes.

19 Q First, why was he sending you  
20 this, to your knowledge? Why was he sending  
21 you this document?

22 A If my memory is correct, it was

1           Before moving on to the rest of  
2           that paragraph, did you stress the  
3           importance of having the electric utilities  
4           industry -- did you stress the importance of  
5           having any industry incorporate a tracking  
6           number into fund raising efforts?

7           A       I told -- if my memory is  
8           correct, 1178 is Tom's individual tracking  
9           number.

10          Q       So why would he say both Don Evans  
11          and Jack Oliver have expressed the  
12          importance of having our industry  
13          incorporate the 1178 tracking number in your  
14          fund raising efforts?

15          MR. BERGER:  Objection, calls for  
16          speculation, but you may answer.

17          THE WITNESS:  I don't know.

18          BY MR. BONIFAZ:

19          Q       He then goes on to say in this  
20          paragraph, "Listing your industry's code  
21          does not prevent you, any of your individual  
22          solicitors or your state, from receiving

1 credit for soliciting a contribution. It  
2 does ensure that our industry" --  
3 underlined -- "is credited and that your  
4 progress is listed among the other  
5 business/industry sectors." All of that is  
6 in bold and in caps.

7 MR. BERGER: There's no question.

8 BY MR. BONIFAZ:

9 Q Again, Mr. Oliver, why would  
10 Mr. Kuhn believe that listing of what he  
11 called industry's code would ensure that the  
12 industry is credited?

13 MR. BERGER: Objection, calls for  
14 speculation. You may answer.

15 THE WITNESS: I don't know.

16 BY MR. BONIFAZ:

17 Q Did the campaign, speaking on  
18 behalf of the campaign, ever give any reason  
19 for Mr. Kuhn to make that kind of statement?

20 MR. BERGER: Objection, calls for  
21 speculation. You may answer.

22 THE WITNESS: I don't know.

1 BY MR. BONIFAZ:

2 Q Did you ever discuss with Mr. Kuhn  
3 the contents of these memos?

4 A Yes, I did.

5 Q Did you ever discuss the accuracy  
6 of the contents of these memos?

7 A I called Mr. Kuhn to have him send  
8 me the memos because I had not seen them  
9 before they had gone out.

10 Q In your discussion of the contents  
11 of the memos, what was the discussion?

12 A I suggested to Tom that he had not  
13 followed proper procedure in sending the  
14 letter up to be approved by the campaign  
15 before it went out.

16 Q What was that proper procedure?

17 A We had a volunteer letter form  
18 that had to be filled out, if you wanted to  
19 send a letter out.

20 Q What had he done?

21 A If my memory is correct on this, I  
22 called him because he hadn't followed proper

1 procedure in that regard.

2 Q What had he done wrong? I don't  
3 know.

4 A He had sent a letter out without  
5 it getting approved by the campaign.

6 Q Did the letter itself have  
7 language that was not in accordance with  
8 proper procedure?

9 A You mean this memo?

10 Q Yes.

11 A This memo I would have corrected,  
12 corrected his -- some of the things he said  
13 in this memo.

14 Q What would you have corrected?

15 A That we said that I had stressed  
16 the importance of having his industry  
17 incorporate his personal tracking number  
18 into his fund raising efforts.

19 Q Did you ask him to do anything,  
20 given that he had sent this out, to make  
21 that correction known to the people who  
22 received it?

1           A       I don't remember if I asked him to  
2 do anything or not. I probably told him if  
3 he was going to send anything else out, he  
4 needed to send it to the campaign and follow  
5 the proper procedure before he did.

6           Q       Was there any effort that the  
7 campaign made to inform the recipients of  
8 this memo that the information in this memo,  
9 some of it at least, was not in accordance  
10 with the campaign's proper procedure, was  
11 incorrect?

12          A       I don't remember if we sent a  
13 letter to these individuals or not. I don't  
14 know.

15          Q       I assume, turning to page 302,  
16 which is the third page of this document, in  
17 the bold and underlined heading, "Now is the  
18 time for each of us to identify our industry  
19 colleagues in each of these major cities and  
20 ask them to serve as a vice chair or  
21 co-chair for their city's event," that too  
22 is not in accordance with proper procedure?



1           A     I'm sorry, what do you mean by  
2     that?

3           Q     You've testified that this  
4     statement in the second page -- first page,  
5     really, of this document, second page of the  
6     facsimile -- was incorrect about listing  
7     industry code and so forth. I'm asking you  
8     whether on the third page that statement in  
9     bold and underlined that I've just read into  
10    the record was also incorrect.

11          A     Incorrect as to what? It looks  
12    like Tom was encouraging people to identify  
13    people to be involved in the fund raising  
14    events.

15          Q     Specifically to identify our  
16    industry colleagues? Was that okay,  
17    according to the campaign?

18          A     No, this was not signed off on  
19    beforehand. I would have indicated to him  
20    that he needed to put -- needed to change  
21    the language -- I would have changed the  
22    language if I would have saw it before it

1 had gone out.

2 Q How would you have changed the  
3 language?

4 A I probably would have said now is  
5 the time for each of us to identify people  
6 in each of the major cities and ask them to  
7 serve as vice chair or co-chair for their  
8 city's event.

9 Q This memo, which is dated May 26,  
10 has as the recipient Association Executives  
11 for Bush; is that correct?

12 A That's what it says it is to.

13 Q Was there any effort that the Bush  
14 campaign made to correct the language to  
15 those recipients?

16 A Well, there are individuals in  
17 associations that were involved in the  
18 campaign, so occasionally we would have  
19 conference calls with people that were  
20 involved in associations.

21 Q Understood, but with respect to  
22 this particular memo and the incorrect

1 language that was used, was there any effort  
2 to correct that with the recipients of this  
3 memo?

4 A I don't remember.

5 Q Mr. Kuhn was given the authority  
6 to use George W. Bush Presidential  
7 Exploratory Committee letterhead; is that  
8 right?

9 MR. BERGER: Objection,  
10 misleading, but you may answer.

11 THE WITNESS: Mr. Kuhn had access  
12 to George W. Bush letterhead, yes. But this  
13 letter, we didn't see either of these  
14 letters before they went out.

15 BY MR. BONIFAZ:

16 Q Can you identify on page two who  
17 Robbie Aiken is?

18 A I think Robbie -- Robbie Aiken  
19 is -- how I know Robbie Aiken is, he is an  
20 advance guy, and he is a lobbyist for  
21 Pinnacle Golf Company.

22 Q Bud Albright?

1           A     Bud Albright works with, I  
2 think -- I could be wrong, but I think it's  
3 Reliant Energy.

4           Q     David Brown?

5           A     I don't know.

6           Q     Haley Fisackerly?

7           A     Yes, he was with Intergee, the  
8 company Intergee.

9           Q     What is that?

10          A     I think it's an energy company.

11          Q     Kerrill Scrivner?

12          A     Don't know.

13          Q     Patsy Thompson?

14          A     I don't know Patsy Thompson.

15          Q     Jeanne Wolak?

16          A     Don't know.

17          Q     John Maxon?

18          A     Don't know.

19          Q     Was there any other instances,  
20 Mr. Oliver, where you had communications  
21 with Pioneers who had sent out documents  
22 using Bush Exploratory Committee letterhead

1 or Bush campaign letterhead that needed  
2 correction?

3 A I'm sure in the course of the  
4 campaign there were letters that went out  
5 that we didn't see beforehand, but it was  
6 our practice to -- we set out to try to make  
7 our best effort to get them to send the  
8 letters in before they went out.

9 Q Did you personally review each of  
10 those letters that went out?

11 A I don't think so. I think that  
12 they were done by the regional people, and  
13 then -- I don't remember what the exact  
14 legal sign-off form is. I don't know if we  
15 provided a copy or not. I don't know if one  
16 exists anymore. But I think that there  
17 was -- the lawyers signed off on it and the  
18 regional people signed off on it. I may  
19 have seen it in some cases and in some cases  
20 not.

21 Q But speaking for the campaign, you  
22 can't right now remember any other specific

1 instance like the Kuhn situation where a  
2 document was sent out by a Pioneer on  
3 letterhead of the Bush campaign with this  
4 kind of incorrect language?

5 A I cannot remember, no.

6 Q Turning to page three of this  
7 exhibit, which is Bates stamped 302 at the  
8 bottom, this memo from Mr. Kuhn starts out,  
9 "Many thanks to those of you who were able  
10 to join us on the May 3 conference call."

11 Do you know what that conference  
12 call was about?

13 A It was probably a campaign update  
14 on what was happening on the campaign.

15 Q The next sentence, "I believe it  
16 was an excellent opportunity for us to  
17 discuss the Governor's campaign with our  
18 friends Jack Oliver and Don Evans, and I  
19 know they were very appreciative of the work  
20 this group is doing on behalf of the  
21 Governor Bush Presidential Exploratory  
22 Committee."

1           A     No, I think these -- I don't know  
2     if they were individuals in Tom's industry  
3     or whether they were in other industries  
4     that also had association people as well  
5     involved.

6           Q     I'm sorry, the last page, 303, the  
7     third paragraph starts out, "We have  
8     scheduled our next group conference call for  
9     Monday June 7th, at 5:00 p.m. Daylight  
10    Savings Time."

11                    Do you recall being on that phone  
12    call?

13           A     I don't know if I was on that  
14    phone call or not. We had an upcoming event  
15    in Washington, so I may have been on that  
16    call to encourage people to participate in  
17    the Washington event.

18           Q     Is it correct that that upcoming  
19    event was the June 22nd event that Mr. Kuhn  
20    references honoring Governor George W. Bush?

21           A     Yeah.

22           Q     Do you have anything more to say

1 as to what the purpose of that June 7th  
2 phone call would be?

3 A I don't know.

4 Q The next document is --

5 A Do you want this back?

6 Q You can just put it here and we  
7 will take it later. Thank you.

8 This is entitled Updated List of  
9 Pioneers and Potential Pioneers Prepared  
10 from Available Records. This entire  
11 document that is page numbers two through 11  
12 we are going to mark as BFP Exhibit No. 5.  
13 We only have a couple of questions on this  
14 document.

15 A Do you want me to review the  
16 entire document or do you have individual  
17 questions from this document?

18 Q I don't believe you need to review  
19 it, and perhaps after I ask the first  
20 question you will know whether you do.

21 Do you see marked on the  
22 right-hand column, there are amounts for



1 some of these individuals; is that right?

2 A Yes.

3 Q At the very top of that column it  
4 says, Total as of 3/15/00, meaning  
5 March 15th, 2000. Is that the date by  
6 which -- excuse me one second --

7 MR. BERGER: You didn't put a  
8 sticker on this, by the way.

9 (BFP Deposition Exhibit No. 5  
10 was marked for identification.)

11 MR. BERGER: While we are on the  
12 record, the document says "Confidential,  
13 Counsel Only," so therefore so should this  
14 portion of the transcript.\*

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1 work things out as we have worked things out  
2 until now, but I think we have had enough of  
3 this man's time today, so I'll say thank you  
4 for spending your time here today.

5 MR. BONIFAZ: Thank you.

6 (Whereupon, at 7:40 p.m., the  
7 deposition of JOHN L. OLIVER,  
8 III was adjourned.)

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